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Title 50 —Wildlife and Fisheries
Chapter VI —Fishery Conservation and Management, National Oceanic and Atmospheric Administration, Department of Commerce

Part 622 Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic

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PART 622—FISHERIES OF THE CARIBBEAN, GULF OF MEXICO, AND SOUTH ATLANTIC

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Subpart A—General Provisions

§ 622.1 Purpose and scope.

(a) The purpose of this part is to implement the FMPs prepared under the Magnuson-Stevens Act by the CFMC, GMFMC, and/or SAFMC listed in Table 1 of this section.

(b) This part governs conservation and management of species included in the FMPs in or from the Caribbean, Gulf, Mid-Atlantic, South Atlantic, or Atlantic EEZ, unless otherwise specified, as indicated in Table 1 of this section. For the FMPs noted in the following table, conservation and management extends to adjoining state waters for the purposes of data collection and monitoring.

(c) This part also governs the importation of spiny lobster into Puerto Rico or the U.S. Virgin Islands.

(d) This part also governs importation of spiny lobster into any place subject to the jurisdiction of the United States.

TABLE 1 TO § 622.1—FMPS IMPLEMENTED UNDER PART 622

FMP title	Responsible fishery management council(s)	Geographical area
FMP for Coastal Migratory Pelagic Resources	GMFMC/ SAFMC	Gulf[1 9], Mid-Atlantic[1 9], South Atlantic[1 9].
FMP for Coral, Coral Reefs, and Live/Hard Bottom Habitats of the South Atlantic Region	SAFMC	South Atlantic.[5]
FMP for Coral and Coral reefs of the Gulf of Mexico	GMFMC	Gulf.
FMP for the Dolphin and Wahoo Fishery of the Atlantic	SAFMC	Atlantic.
FMP for the Exclusive Economic Zone around Puerto Rico	CFMC	Caribbean.
FMP for the Exclusive Economic Zone around St. Croix	CFMC	Caribbean.
FMP for the Exclusive Economic Zone around St.	CFMC	Caribbean.

[1] Regulated area includes adjoining state waters for purposes of data collection and quota monitoring.

[2] Black sea bass and scup are not managed by the FMP or regulated by this part north of 35°15.19' N. lat., the latitude of Cape Hatteras Light, NC."

[3] Regulated area includes adjoining state waters for Gulf red snapper harvested or possessed by a person aboard a vessel for which a Gulf red snapper IFQ vessel account has been established or possessed by a dealer with a Gulf IFQ dealer endorsement.

[4] Regulated area includes adjoining state waters for Gulf groupers and tilefishes harvested or possessed by a person aboard a vessel for which an IFQ vessel account for Gulf groupers and tilefishes has been established or possessed by a dealer with a Gulf IFQ dealer endorsement.

[5] Octocorals are managed by the FMP or regulated by this part only in the EEZ off North Carolina, South Carolina, and Georgia.

[6] Nassau grouper in the South Atlantic EEZ and the Gulf EEZ are managed under the FMP.

[7] Hogfish are managed by the FMP in the Gulf EEZ except south of 25°09' N. lat. off the west coast of Florida. Hogfish in the remainder of the Gulf EEZ south of 25°09' N. lat. off the west coast of Florida are managed under the FMP for the Snapper-Grouper Fishery of the South Atlantic Region.

[8] Hogfish in the Gulf EEZ are managed under the FMP from the South Atlantic and Gulf of Mexico intercouncil boundary specified in § 600.105(c) and south of 25°09' N. lat. off the west coast of Florida. Hogfish in the remainder of the Gulf EEZ are managed under the FMP for the Reef Fish Resources of the Gulf of Mexico.

[9] Cobia is managed by the FMP in the Gulf EEZ and in the South Atlantic EEZ south of a line extending due east from the Florida/Georgia border.

[10] Certain provisions for the management of the private angling component of recreational red snapper in the Gulf EEZ have been delegated to the Gulf states, as specified in § 622.23.

FMP title	Responsible fishery management council(s)	Geographical area
Thomas and St. John		
FMP for the Golden Crab Fishery of the South Atlantic Region	SAFMC	South Atlantic.
FMP for Pelagic Sargassum Habitat of the South Atlantic Region	SAFMC	South Atlantic.
FMP for the Red Drum Fishery of the Gulf of Mexico	GMFMC	Gulf.[1]
FMP for the Reef Fish Resources of the Gulf of Mexico	GMFMC	Gulf.[1 3 4 7 10]
FMP for Regulating Offshore Marine Aquaculture in the Gulf	GMFMC	Gulf.
FMP for the Shrimp Fishery of the Gulf of Mexico	GMFMC	Gulf.[1]
FMP for the Shrimp Fishery of the South Atlantic Region	SAFMC	South Atlantic.
FMP for the Snapper-Grouper Fishery of the South Atlantic Region	SAFMC	South Atlantic.[1 2 6 8]
FMP for the Spiny Lobster Fishery of the Gulf of Mexico	GMFMC/	Gulf[1], South Atlantic.[1]

[1] Regulated area includes adjoining state waters for purposes of data collection and quota monitoring.

[2] Black sea bass and scup are not managed by the FMP or regulated by this part north of 35°15.19' N. lat., the latitude of Cape Hatteras Light, NC."

[3] Regulated area includes adjoining state waters for Gulf red snapper harvested or possessed by a person aboard a vessel for which a Gulf red snapper IFQ vessel account has been established or possessed by a dealer with a Gulf IFQ dealer endorsement.

[4] Regulated area includes adjoining state waters for Gulf groupers and tilefishes harvested or possessed by a person aboard a vessel for which an IFQ vessel account for Gulf groupers and tilefishes has been established or possessed by a dealer with a Gulf IFQ dealer endorsement.

[5] Octocorals are managed by the FMP or regulated by this part only in the EEZ off North Carolina, South Carolina, and Georgia.

[6] Nassau grouper in the South Atlantic EEZ and the Gulf EEZ are managed under the FMP.

[7] Hogfish are managed by the FMP in the Gulf EEZ except south of 25°09' N. lat. off the west coast of Florida. Hogfish in the remainder of the Gulf EEZ south of 25°09' N. lat. off the west coast of Florida are managed under the FMP for the Snapper-Grouper Fishery of the South Atlantic Region.

[8] Hogfish in the Gulf EEZ are managed under the FMP from the South Atlantic and Gulf of Mexico intercouncil boundary specified in § 600.105(c) and south of 25°09' N. lat. off the west coast of Florida. Hogfish in the remainder of the Gulf EEZ are managed under the FMP for the Reef Fish Resources of the Gulf of Mexico.

[9] Cobia is managed by the FMP in the Gulf EEZ and in the South Atlantic EEZ south of a line extending due east from the Florida/Georgia border.

[10] Certain provisions for the management of the private angling component of recreational red snapper in the Gulf EEZ have been delegated to the Gulf states, as specified in § 622.23.

FMP title	Responsible fishery management council(s)	Geographical area
and South Atlantic	SAFMC	

[1] Regulated area includes adjoining state waters for purposes of data collection and quota monitoring.

[2] Black sea bass and scup are not managed by the FMP or regulated by this part north of 35°15.19' N. lat., the latitude of Cape Hatteras Light, NC."

[3] Regulated area includes adjoining state waters for Gulf red snapper harvested or possessed by a person aboard a vessel for which a Gulf red snapper IFQ vessel account has been established or possessed by a dealer with a Gulf IFQ dealer endorsement.

[4] Regulated area includes adjoining state waters for Gulf groupers and tilefishes harvested or possessed by a person aboard a vessel for which an IFQ vessel account for Gulf groupers and tilefishes has been established or possessed by a dealer with a Gulf IFQ dealer endorsement.

[5] Octocorals are managed by the FMP or regulated by this part only in the EEZ off North Carolina, South Carolina, and Georgia.

[6] Nassau grouper in the South Atlantic EEZ and the Gulf EEZ are managed under the FMP.

[7] Hogfish are managed by the FMP in the Gulf EEZ except south of 25°09' N. lat. off the west coast of Florida. Hogfish in the remainder of the Gulf EEZ south of 25°09' N. lat. off the west coast of Florida are managed under the FMP for the Snapper-Grouper Fishery of the South Atlantic Region.

[8] Hogfish in the Gulf EEZ are managed under the FMP from the South Atlantic and Gulf of Mexico intercouncil boundary specified in § 600.105(c) and south of 25°09' N. lat. off the west coast of Florida. Hogfish in the remainder of the Gulf EEZ are managed under the FMP for the Reef Fish Resources of the Gulf of Mexico.

[9] Cobia is managed by the FMP in the Gulf EEZ and in the South Atlantic EEZ south of a line extending due east from the Florida/Georgia border.

[10] Certain provisions for the management of the private angling component of recreational red snapper in the Gulf EEZ have been delegated to the Gulf states, as specified in § 622.23.

[78 FR 22952, Apr. 17, 2013, as amended at 78 FR 78775, Dec. 27, 2013; 81 FR 1792, Jan. 13, 2016; 82 FR 34580, 34594 July 25, 2017; 82 FR 40075, Aug. 24, 2017; 84 FR 4736, Feb. 19, 2019; 85 FR 6823, Feb. 6, 2020; 85 FR 10339, Feb. 24, 2020; 87 FR 56214, Sept. 13, 2022]

§ 622.2 Definitions and acronyms.

In addition to the definitions in the Magnuson Act and in § 600.10 of this chapter, and the acronyms in § 600.15 of this chapter, the terms and acronyms used in this part have the following meanings:

Accountability measure means a management control implemented such that overfishing is prevented, where possible, and mitigated if it occurs.

Actual ex-vessel price means the total monetary sale amount a fisherman receives per pound of fish for IFQ landings from a registered IFQ dealer before any deductions are made for transferred (leased) allocation and goods and services (*e.g.* bait, ice, fuel, repairs, machinery replacement, etc.).

Allowable chemical means a substance, generally used to immobilize marine life so that it can be captured alive, that, when introduced into the water, does not take Gulf and South Atlantic prohibited coral and is allowed by Florida for the harvest of tropical fish (*e.g.,* quinaldine, quinaldine compounds, or similar substances).

Allowable octocoral means an erect, nonencrusting species of the subclass Octocorallia, except the seafans *Gorgonia flabellum* and *G. ventalina,* plus the attached substrate within 1 inch (2.54 cm) of an allowable octocoral. (NOTE: An erect, nonencrusting species of the subclass Octocorallia, except the seafans *Gorgonia flabellum* and *G. ventalina,* with attached substrate exceeding 1 inch (2.54 cm) is considered to be live rock and not allowable octocoral.)

Annual catch limit (ACL) means the level of catch that serves as the basis for invoking accountability measures.

Annual catch target (ACT) means an amount of annual catch of a stock or stock complex that is the management target of the fishery, and accounts for management uncertainty in controlling the actual catch at or below the ACL.

Aquaculture means all activities, including the operation of an aquaculture facility, involved in the propagation or rearing, or attempted propagation or rearing, of allowable aquaculture species in the Gulf EEZ.

Aquaculture facility means an installation or structure, including any aquaculture system(s) (including moorings), hatcheries, equipment, and associated infrastructure used to hold, propagate, or rear allowable aquaculture species in the Gulf EEZ under authority of a Gulf aquaculture permit.

Aquaculture system means any cage, net pen, enclosure, structure, or gear deployed in waters of the Gulf EEZ for holding and producing allowable aquaculture species.

Aquacultured live rock means live rock that is harvested under a Federal aquacultured live rock permit, as required under § 622.70(a)(2).

Aquatic animal health expert means a licensed doctor of veterinary medicine or a person who is certified by the American Fisheries Society, Fish Health Section, as a "Fish Pathologist" or "Fish Health Inspector."

Atlantic means the North Atlantic, Mid-Atlantic, and South Atlantic.

Authorized statistical reporting agent means:

(1) Any person so designated by the SRD; or

(2) Any person so designated by the head of any Federal or State agency that has entered into an agreement with the Assistant Administrator to collect fishery data.

Automatic reel means a reel that remains attached to a vessel when in use from which a line and attached hook(s) are deployed. The line is payed out from and retrieved on the reel electrically or hydraulically.

Bandit gear means a rod and reel that remain attached to a vessel when in use from which a line and attached hook(s) are deployed. The line is payed out from and retrieved on the reel manually, electrically, or hydraulically.

Bottom longline means a longline that is deployed, or in combination with gear aboard the vessel, *e.g.,* weights or anchors, is capable of being deployed to maintain contact with the ocean bottom.

BRD means bycatch reduction device.

Bully net means a circular frame attached at right angles to the end of a pole and supporting a conical bag of webbing. The webbing is usually held up by means of a cord which is released when the net is dropped over a lobster.

Buoy gear means fishing gear that fishes vertically in the water column that consists of a single drop line suspended from a float, from which no more than 10 hooks (except in the EEZ around Puerto Rico, St. Croix, and St. Thomas and St. John where the maximum is 25 hooks) can be connected between the buoy and terminal end, and the terminal end contains a weight that is no more than 10 lb (4.5 kg). The drop line can be rope (hemp, manila, cotton or other natural fibers; nylon, polypropylene, spectra or other synthetic material) or monofilament, but must not be cable or wire. The gear is free-floating and not connected to other gear or the vessel. The drop line must be no greater than 2 times the depth of the water being fished. All hooks must be attached to the drop line no more than 30 ft (9.1 m) from the weighted terminal end. These hooks may be attached directly to the drop line; attached as snoods (defined as an offshoot line that is directly spliced, tied or otherwise connected to the drop line), where each snood has a single terminal hook; or as gangions (defined as an offshoot line connected to the drop line with some type of detachable clip), where each gangion has a single terminal hook.

Carapace length means the measurement of the carapace (head, body, or front section) of a spiny lobster from the anteriormost edge (front) of the groove between the horns directly above the eyes, along the middorsal line (middle of the back), to the rear edge of the top part of the carapace, excluding any translucent membrane. (See Figure 1 in Appendix C of this part.)

Caribbean means the Caribbean Sea and Atlantic Ocean seaward of Puerto Rico, the U.S. Virgin Islands, and possessions of the United States in the Caribbean Sea.

CFMC means the Caribbean Fishery Management Council.

Charter vessel means a vessel less than 100 gross tons (90.8 mt) that is subject to the requirements of the USCG to carry six or fewer passengers for hire and that engages in charter fishing at any time during the calendar year. A charter vessel with a commercial permit, as required under this part, is considered to be operating as a charter vessel when it carries a passenger who pays a fee or when there are more than three persons aboard, including operator and crew, except for a charter vessel with a commercial vessel permit for Gulf reef fish or South Atlantic snapper-grouper. A charter vessel that has a charter vessel permit for Gulf reef fish and a commercial vessel permit for Gulf reef fish or a charter vessel permit for South Atlantic snapper-grouper and a commercial permit for South Atlantic snapper-grouper (either a South Atlantic snapper-grouper unlimited permit or a 225-lb (102.1-kg) trip limited permit for South Atlantic snapper-grouper) is considered to be operating as a charter vessel when it carries a passenger who pays a fee or when there are more than four persons aboard, including operator and crew. A charter vessel that has a charter vessel permit for Gulf reef fish, a commercial vessel permit for Gulf reef fish, and a valid Certificate of Inspection (COI) issued by the USCG to carry passengers for hire will not be considered to be operating as a charter vessel provided—

(1) It is not carrying a passenger who pays a fee; and

(2) When underway for more than 12 hours, that vessel meets, but does not exceed the minimum manning requirements outlined in its COI for vessels underway over 12 hours; or when underway for not more than 12 hours, that vessel meets the minimum manning requirements outlined in its COI for vessels underway for not more than 12-hours (if any), and does not exceed the minimum manning requirements outlined in its COI for vessels that are underway for more than 12 hours.

Circle hook means a fishing hook designed and manufactured so that the point is turned perpendicularly back to the shank to form a generally circular, or oval, shape.

Coastal migratory pelagic fish means a whole fish, or a part thereof, of one or more of the following species:

(1) Cobia, *Rachycentron canadum*.

(2) King mackerel, *Scomberomorus cavalla.*

(3) Spanish mackerel, *Scomberomorus maculatus.*

Commercial fishing means, for the purpose of subpart R of this part only, any fishing or fishing activities which result in the harvest of any marine or freshwater organisms, one or more of which (or parts thereof) is sold, traded, or bartered.

Coral area means marine habitat in the Gulf or South Atlantic EEZ where coral growth abounds, including patch reefs, outer bank reefs, deep water banks, and hard bottoms.

Cultured animals means animals which are propagated and/or reared by humans.

Dealer, in addition to the definition specified in § 600.10 of this chapter, means the person who first receives rock shrimp harvested from the EEZ or dolphin or wahoo harvested from the Atlantic EEZ upon transfer ashore.

Deep-water grouper (DWG) means, in the Gulf, yellowedge grouper, warsaw grouper, snowy grouper, and speckled hind. In addition, for the purposes of the IFQ program for Gulf groupers and tilefishes in § 622.22, scamp are also included as DWG as specified in § 622.22(a)(7).

Deep-water snapper-grouper (DWSG) means, in the South Atlantic, yellowedge grouper, misty grouper, warsaw grouper, snowy grouper, speckled hind, blueline tilefish, queen snapper, and silk snapper.

Dehooking device means a device intended to remove a hook embedded in a fish to release the fish with minimum damage.

Dolphin means a whole fish, or a part there of, of the species *Coryphaena equiselis* or *C. hippurus.*

Drift gillnet, for the purposes of this part, means a gillnet, other than a long gillnet or a run-around gillnet, that is unattached to the ocean bottom, regardless of whether attached to a vessel.

Fish trap means—

(1) In the Caribbean EEZ, a trap and its component parts, including the lines and buoys, regardless of the construction material, used for or capable of taking finfish. This does not include a spiny lobster trap as defined in subparts S, T, and U of this part.

(2) In the Gulf EEZ, a trap and its component parts (including the lines and buoys), regardless of the construction material, used for or capable of taking finfish, except a trap historically used in the directed fishery for crustaceans (that is, blue crab, stone crab, and spiny lobster).

(3) In the South Atlantic EEZ, a trap and its component parts (including the lines and buoys), regardless of the construction material, used for or capable of taking fish, except a sea bass pot, a golden crab trap, or a crustacean trap (that is, a type of trap historically used in the directed fishery for blue crab, stone crab, red crab, jonah crab, or spiny lobster and that contains at any time not more than 25 percent, by number, of fish other than blue crab, stone crab, red crab, jonah crab, and spiny lobster).

Florida Keys/East Florida hogfish means hogfish occurring in the Gulf EEZ from 25°09' N. lat. off the west coast of Florida and south to the jurisdictional boundary between the Gulf and South Atlantic Councils, as defined at 50 CFR 600.105(c), and continuing in the South Atlantic EEZ from the jurisdictional boundary between the Gulf and South Atlantic Councils to the state boundary between Florida and Georgia.

Fork length means the straight-line distance from the tip of the head (snout) to the rear center edge of the tail (caudal fin). (See Figure 2 in Appendix C of this part.)

Genetically engineered animal means an animal modified by rDNA techniques, including the entire lineage of animals that contain the modification. The term genetically engineered animal can refer to both animals with heritable rDNA constructs and animals with non-heritable rDNA constructs (*e.g.,* those modifications intended to be used as gene therapy).

Golden crab means the species *Chaceon fenneri,* or a part thereof.

Golden crab trap means any trap used or possessed in association with a directed fishery for golden crab in the South Atlantic EEZ, including any trap that contains a golden crab in or from the South Atlantic EEZ or any trap on board a vessel that possesses golden crab in or from the South Atlantic EEZ.

GMFMC means the Gulf of Mexico Fishery Management Council.

Gulf means the Gulf of Mexico. The line of demarcation between the Atlantic Ocean and the Gulf of Mexico is specified in § 600.105(c) of this chapter.

Gulf reef fish means one or more of the species, or a part thereof, listed in Table 3 in Appendix A of this part.

Gulf and South Atlantic prohibited coral means, in the Gulf and South Atlantic, one or more of the following, or a part thereof:

(1) Coral belonging to the Class Hydrozoa (fire corals and hydrocorals).

(2) Coral belonging to the Class Anthozoa, Subclass Hexacorallia, Orders Scleractinia (stony corals) and Antipatharia (black corals).

(3) A seafan, *Gorgonia flabellum* or *G. ventalina.*

(4) Coral in a coral reef, except for allowable octocoral.

(5) Coral in an HAPC, including allowable octocoral.

Handline means a line with attached hook(s) that is tended directly by hand.

HAPC means habitat area of particular concern.

Headboat means a vessel that holds a valid Certificate of Inspection (COI) issued by the USCG to carry more than six passengers for hire.

(1) A headboat with a commercial vessel permit, as required under this part, is considered to be operating as a headboat when it carries a passenger who pays a fee or—

(i) In the case of persons aboard fishing for or possessing South Atlantic snapper-grouper, when there are more persons aboard than the number of crew specified in the vessel's COI; or

(ii) In the case of persons aboard fishing for or possessing coastal migratory pelagic fish, when there are more than three persons aboard, including operator and crew.

(2) However a vessel that has a headboat permit for Gulf reef fish, a commercial vessel permit for Gulf reef fish, and a valid COI issued by the USCG to carry passengers for hire will not be considered to be operating as a headboat provided--

(i) It is not carrying a passenger who pays a fee; and

(ii) When underway for more than 12 hours, that vessel meets, but does not exceed the minimum manning requirements outlined in its COI for vessels underway over 12 hours; or when underway for not more than 12 hours, that vessel meets the minimum manning requirements

outlined in its COI for vessels underway for not more than 12-hours (if any), and does not exceed the minimum manning requirements outlined in its COI for vessels that are underway for more than 12 hours.

Headrope length means the distance, measured along the forwardmost webbing of a trawl net, between the points at which the upper lip (top edge) of the mouth of the net are attached to sleds, doors, or other devices that spread the net.

Hook-and-line gear means automatic reel, bandit gear, buoy gear, handline, longline, and rod and reel.

Hoop net means a frame, circular or otherwise, supporting a shallow bag of webbing and suspended by a line and bridles. The net is baited and lowered to the ocean bottom, to be raised rapidly at a later time to prevent the escape of lobster.

IFQ means individual fishing quota.

Import means—

(1) For the purpose of § 622.1(c) and subparts S, T, and U of this part only—To land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into, Puerto Rico or the U.S. Virgin Islands, whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States;

(2) For the purpose of § 622.1(d) and subpart R of this part only—To land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States;

(3) But does not include any activity described in paragraph (1) or (2) of this definition with respect to fish caught in the U.S. exclusive economic zone by a vessel of the United States.

Live rock means living marine organisms, or an assemblage thereof, attached to a hard substrate, including dead coral or rock (excluding individual mollusk shells).

Live well means a shaded container used for holding live lobsters aboard a vessel in which aerated seawater is continuously circulated from the sea. Circulation of seawater at a rate that replaces the water at least every 8 minutes meets the requirement for aeration.

Long gillnet means a gillnet that has a float line that is more than 1,000 yd (914 m) in length.

Longline means a line that is deployed horizontally to which gangions and hooks are attached. A longline may be a bottom longline, *i.e.,* designed for use on the bottom, or a pelagic longline, *i.e.,* designed for use off the bottom. The longline hauler may be manually, electrically, or hydraulically operated.

MAFMC means the Mid-Atlantic Fishery Management Council.

Mid-Atlantic means the Atlantic Ocean off the Atlantic coastal states from the boundary between the New England Fishery Management Council and the MAFMC, as specified in § 600.105(a) of this chapter, to the boundary between the MAFMC and the SAFMC, as specified in § 600.105(b) of this chapter.

Migratory group, for king mackerel, Spanish mackerel, and cobia, means a group of fish that may or may not be a separate genetic stock, but that is treated as a separate stock for management purposes. King mackerel, Spanish mackerel, and cobia are divided into migratory groups—the boundaries between these groups are specified in § 622.369.

MPA means marine protected area.

North Atlantic means the Atlantic Ocean off the Atlantic coastal states from the boundary between the United States and Canada to the boundary between the New England Fishery Management Council and the MAFMC, as specified in § 600.105(a) of this chapter.

Off Alabama means the waters in the Gulf west of a rhumb line at 87°31.1' W long., which is a line directly south from the Alabama/Florida boundary, to a rhumb line at 88°23.1' W long., which is a line directly south from the Mississippi/Alabama boundary.

Off Florida means the waters in the Gulf and South Atlantic from 30°42'45.6" N. lat., which is a line directly east from the seaward terminus of the Georgia/Florida boundary, to 87°31'06" W. long., which is a line directly south from the Alabama/Florida boundary.

Off Georgia means the waters in the South Atlantic from a line extending in a direction of 104° from true north from the seaward terminus of the South Carolina/Georgia boundary to 30°42'45.6" N. lat., which is a line directly east from the seaward terminus of the Georgia/Florida boundary.

Off Louisiana means the waters in the Gulf west of a rhumb line at 89°10.0' W long., which is a line extending directly south from South Pass Light, to a rhumb line beginning at 29°32.1' N lat., 93°47.7' W long. and extending to 26°11.4' N lat., 92°53.0' W long., which line is an extension of the boundary between Louisiana and Texas.

Off Mississippi means the waters in the Gulf west of a rhumb line at 88°23.1' W long., which is a line directly south from the Mississippi/Alabama boundary, to a rhumb line at 89°10.0' W long., which is a line extending directly south from South Pass Light.

Off Monroe County, Florida means the area from the Florida coast to the outer limit of the EEZ between a line extending directly east from the Dade/Monroe County, Florida boundary (25°20.4' N. latitude) and a line extending directly west from the Monroe/Collier County, Florida boundary (25°48.0' N. latitude).

Off North Carolina means the waters in the South Atlantic from 36°34'55" N. lat., which is a line directly east from the Virginia/North Carolina boundary, to a line extending in a direction of 135°34'55" from true north from the North Carolina/South Carolina boundary, as marked by the border station on Bird Island at 33°51'07.9" N. lat., 78°32'32.6" W. long.

Off South Carolina means the waters in the South Atlantic from a line extending in a direction of 135°34'55" from true north from the North Carolina/South Carolina boundary, as marked by the border station on Bird Island at 33°51'07.9" N. lat., 78°32'32.6" W. long., to a line extending in a direction of 104° from true north from the seaward terminus of the South Carolina/Georgia boundary.

Off Texas means the waters in the Gulf west of a rhumb line from 29°32.1' N. lat., 93°47.7' W. long. to 26°11.4' N. lat., 92°53' W. long., which line is an extension of the boundary between Louisiana and Texas.

Off the Gulf states, other than Florida means the area from the coast to the outer limit of the EEZ between the Texas/Mexico border to the Alabama/Florida boundary (87°31'06" W. long.).

Off the southern Atlantic states, other than Florida means the area from the coast to the outer limit of the EEZ between the Virginia/North Carolina boundary (36°34'55" N. lat.) to the Georgia/Florida boundary (30°42'45.6" N. lat.).

Official sunrise or *official sunset* means the time of sunrise or sunset as determined for the date and location in *The Nautical Almanac,* prepared by the U.S. Naval Observatory.

Pelagic longline means a longline that is suspended by floats in the water column and that is not fixed to or in contact with the ocean bottom.

Pelagic sargassum means the species *Sargassum natans* or *S. fluitans,* or a part thereof.

Penaeid shrimp means one or more of the following species, or a part thereof:

(1) Brown shrimp, *Farfantepenaeus aztecus.*

(2) Pink shrimp, *Farfantepenaeus duorarum.*

(3) White shrimp, *Litopenaeus setiferus.*

Penaeid shrimp trawler means any vessel that is equipped with one or more trawl nets whose on-board or landed catch of penaeid shrimp is more than 1 percent, by weight, of all fish comprising its on-board or landed catch.

Powerhead means any device with an explosive charge, usually attached to a speargun, spear, pole, or stick, that fires a projectile upon contact.

Processor means a person who processes fish or fish products, or parts thereof, for commercial use or consumption.

Purchase means the act or activity of buying, trading, or bartering, or attempting to buy, trade, or barter.

Recreational fishing means, for the purpose of subpart R of this part only, fishing or fishing activities which result in the harvest of fish, none of which (or parts thereof) is sold, traded, or bartered.

Red drum, also called redfish, means *Sciaenops ocellatus,* or a part thereof.

Red snapper means *Lutjanus campechanus,* or a part thereof, one of the Gulf reef fish species.

Regional Administrator (RA), for the purposes of this part, means the Administrator, Southeast Region, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701, or a designee.

Reporting week means the period of time beginning at 12:01 a.m., local time, on Sunday and ending at 11:59 p.m., local time, the following Saturday.

Rod and reel means a rod and reel unit that is not attached to a vessel, or, if attached, is readily removable, from which a line and attached hook(s) are deployed. The line is payed out from and retrieved on the reel manually, electrically, or hydraulically.

Run-around gillnet means a gillnet, other than a long gillnet, that, when used, encloses an area of water.

SAFMC means the South Atlantic Fishery Management Council.

Sale or *sell* means the act or activity of transferring property for money or credit, trading, or bartering, or attempting to so transfer, trade, or barter.

Science and Research Director (SRD), for the purposes of this part, means the Science and Research Director, Southeast Fisheries Science Center, NMFS (see Table 1 of § 600.502 of this chapter).

Sea bass pot means a trap has six rectangular sides and does not exceed 25 inches (63.5 cm) in height, width, or depth.

Shallow-water grouper (SWG) means, in the Gulf, gag, red grouper, black grouper, scamp, yellowfin grouper, and yellowmouth grouper. Other shallow-water grouper (Other SWG) means, in the Gulf, SWG excluding gag and red grouper (*i.e.,* black grouper, scamp, yellowfin grouper, and yellowmouth grouper). In addition, for the purposes of the IFQ program for Gulf groupers and tilefishes in § 622.22, speckled hind and warsaw grouper are also included as Other SWG as specified in § 622.22(a)(6).

Shrimp means one or more of the following species, or a part thereof:

(1) Brown shrimp, *Farfantepenaeus aztecus.*

(2) White shrimp, *Litopenaeus setiferus.*

(3) Pink shrimp, *Farfantepenaeus duorarum.*

(4) Royal red shrimp, *Hymenopenaeus robustus.*

(5) Rock shrimp, *Sicyonia brevirostris.*

Shrimp trawler means any vessel that is equipped with one or more trawl nets whose on-board or landed catch of shrimp is more than 1 percent, by weight, of all fish comprising its on-board or landed catch.

Significant risk means likely to adversely affect endangered or threatened species or their critical habitat; is likely to seriously injure or kill marine mammals; is likely to result in un-mitigated adverse effects on essential fish habitat; is likely to adversely affect wild fish stocks and cause them to become overfished or undergo overfishing; or otherwise may result in harm to public health or safety, as determined by the RA.

Smalltooth sawfish means the species *Pristis pectinata,* or a part thereof.

SMZ means special management zone.

South Atlantic means the Atlantic Ocean off the Atlantic coastal states from the boundary between the MAFMC and the SAFMC, as specified in § 600.105(b) of this chapter, to the line of demarcation between the Atlantic Ocean and the Gulf of Mexico, as specified in § 600.105(c) of this chapter.

South Atlantic shallow-water grouper (SASWG) means, in the South Atlantic, gag, black grouper, red grouper, scamp, red hind, rock hind, yellowmouth grouper, yellowfin grouper, graysby, and coney.

South Atlantic snapper-grouper means one or more of the species, or a part thereof, listed in Table 4 in Appendix A of this part.

Spiny lobster means the species *Panulirus argus,* or a part thereof.

Stab net means a gillnet, other than a long gillnet, or trammel net whose weight line sinks to the bottom and submerges the float line.

Tail length means the lengthwise measurement of the entire tail (segmented portion), not including any protruding muscle tissue, of a spiny lobster along the top middorsal line (middle of the back) to the rearmost extremity. The measurement is made with the tail in a flat, straight position with the tip of the tail closed.

Total length (TL), for the purposes of this part, means the straight-line distance from the tip of the snout to the tip of the tail (caudal fin), excluding any caudal filament, while the fish is lying on its side. The mouth of the fish may be closed and/or the tail may be squeezed together to give the greatest overall measurement. (See Figure 2 in appendix C of this part.)

Toxic chemical means any substance, other than an allowable chemical, that, when introduced into the water, can stun, immobilize, or take marine life.

Trammel net means two or more panels of netting, suspended vertically in the water by a common float line and a common weight line, with one panel having a larger mesh size than the other(s), to entrap fish in a pocket of netting.

Transgenic animal means an animal whose genome contains a nucleotide sequence that has been intentionally modified in vitro, and the progeny of such an animal.

Trip means a fishing trip, regardless of number of days duration, that begins with departure from a dock, berth, beach, seawall, or ramp and that terminates with return to a dock, berth, beach, seawall, or ramp.

Try net, also called test net, means a net pulled for brief periods by a shrimp trawler to test for shrimp concentrations or determine fishing conditions (*e.g.,* presence or absence of bottom debris, jellyfish, bycatch, sea grasses).

Wahoo means the species *Acanthocybium solandri,* or a part thereof, in the Atlantic.

Wild fish means fish that are not propagated or reared by humans.

Wild live rock means live rock other than aquacultured live rock.

Wreckfish means the species *Polyprion americanus,* or a part thereof, one of the South Atlantic snapper-grouper species.

[78 FR 22952, Apr. 17, 2013, as amended at 78 FR 78775, Dec. 27, 2013; 79 FR 19493, Apr. 9, 2014; 80 FR 4218, Jan. 27, 2015; 81 FR 1792, Jan. 13, 2016; 82 FR 34580, July 25, 2017; 85 FR 6823, Feb. 6, 2020; 87 FR 2357, Jan. 14, 2022; 87 FR 56215, Sept. 13, 2022; 88 FR 46695, July 20, 2023]

§ 622.3 Relation to other laws and regulations.

(a) The relation of this part to other laws is set forth in § 600.705 of this chapter and paragraphs (b) through (e) of this section.

(b) Except for regulations on allowable octocoral, Gulf and South Atlantic prohibited coral, and live rock, this part is intended to apply within the EEZ portions of applicable National Marine Sanctuaries and National Parks, unless the regulations governing such sanctuaries or parks prohibit their application. Regulations on allowable octocoral, Gulf and South Atlantic prohibited coral, and live rock do not apply within the EEZ portions of the following National Marine Sanctuaries and National Parks:

(1) Florida Keys National Marine Sanctuary (15 CFR part 922, subpart P).

(2) Gray's Reef National Marine Sanctuary (15 CFR part 922, subpart I).

(3) Monitor National Marine Sanctuary (15 CFR part 922, subpart F).

(4) Everglades National Park (36 CFR 7.45).

(5) Biscayne National Park (16 U.S.C. 410gg).

(6) Fort Jefferson National Monument (36 CFR 7.27).

(c) For allowable octocoral, if a state has a catch, landing, or gear regulation that is more restrictive than a catch, landing, or gear regulation in this part, a person landing in such state allowable octocoral taken from the South Atlantic EEZ must comply with the more restrictive state regulation.

(d) General provisions on facilitation of enforcement, penalties, and enforcement policy applicable to all domestic fisheries are set forth in §§ 600.730, 600.735, and 600.740 of this chapter, respectively.

(e) An activity that is otherwise prohibited by this part may be conducted if authorized as scientific research activity, exempted fishing, or exempted educational activity, as specified in § 600.745 of this chapter.

(f) Alabama, Florida, Louisiana, Mississippi, and Texas are delegated the authority to specify certain management measures related to the harvest and possession of red snapper by the private angling component in the Gulf EEZ. See § 622.23 for the Gulf recreational red snapper management measures that have been delegated.

[78 FR 22952, Apr. 17, 2013, as amended at 85 FR 6823, Feb. 6, 2020]

§ 622.4 Permits and fees—general.

This section contains general information about procedures related to permits. See also §§ 622.70 and 622.220 regarding certain permit procedures unique to coral permits in the Gulf of Mexico and the South Atlantic, respectively. See subpart F of this part for permit requirements related to aquaculture of species other than live rock. Permit requirements for specific fisheries, as applicable, are contained in the permit sections within subparts B through U of this part.

(a) ***Applications for permits.*** Application forms for all permits are available from the RA. Completed application forms and all required supporting documents must be submitted to the RA at least 30 days prior to the date on which the applicant desires to have the permit made effective. All vessel permits are mailed to owners, whether the applicant is an owner or an operator.

(1) ***Vessel permits.***

(i) The application for a commercial vessel permit, other than for wreckfish, or for a charter vessel/headboat permit must be submitted by the owner (in the case of a corporation, an officer or shareholder; in the case of a partnership, a general partner) or operator of the vessel. A commercial vessel permit that is issued based on the earned income qualification of an operator is valid only when that person is the operator of the vessel. The applicant for a commercial vessel permit for wreckfish must be a wreckfish shareholder.

(ii) An applicant must provide the following:

(A) A copy of the vessel's valid USCG certificate of documentation or, if not documented, a copy of its valid state registration certificate.

(B) Vessel name and official number.

(C) Name, address, telephone number, and other identifying information of the vessel owner and of the applicant, if other than the owner.

(D) Any other information concerning the vessel, gear characteristics, principal fisheries engaged in, or fishing areas, as specified on the application form.

(E) Any other information that may be necessary for the issuance or administration of the permit, as specified on the application form.

(F) If applying for a commercial vessel permit, documentation, as specified in the instructions accompanying each application form, showing that applicable eligibility requirements of this part have been met.

(G) If a sea bass pot will be used, the number, dimensions, and estimated cubic volume of the pots that will be used and the applicant's desired color code for use in identifying his or her vessel and buoys (white is not an acceptable color code).

(2) ***Operator permits.*** An applicant for an operator permit must provide the following:

(i) Name, address, telephone number, and other identifying information specified on the application.

(ii) Two recent (no more than 1-yr old), color, passport-size photographs.

(iii) Any other information that may be necessary for the issuance or administration of the permit, as specified on the application form.

(3) ***Dealer permits.***

(i) The application for a dealer permit must be submitted by the owner (in the case of a corporation, an officer or shareholder; in the case of a partnership, a general partner).

(ii) An applicant must provide the following:

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

(B) Name, address, telephone number, date the business was formed, and other identifying information of the business.

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

(D) Name, address, telephone number, other identifying information, and official capacity in the business of the applicant.

(E) Any other information that may be necessary for the issuance or administration of the permit, as specified on the application form.

(b) ***Change in application information.*** The owner or operator of a vessel with a permit, a person with a coral permit, a person with an operator permit, or a dealer with a permit must notify the RA within 30 days after any change in the application information specified in paragraph (a) of this section or in § 622.70(b), § 622.220(b), or § 622.400(b). The permit is void if any change in the information is not reported within 30 days.

(c) ***Fees.*** Unless specified otherwise, a fee is charged for each application for a permit, license, or endorsement submitted under this part, for each request for transfer or replacement of such permit, license, or endorsement, and for each sea bass pot identification tag required under § 622.177(a)(1). The amount of each fee is calculated in accordance with the procedures of the NOAA Finance Handbook, available from the RA, for determining the administrative costs of each special product or service. The fee may not exceed such costs and is specified with each application form. The appropriate fee must accompany each application, request for transfer or replacement, or request for sea bass pot identification tags.

(d) ***Initial issuance.***

(1) The RA will issue an initial permit at any time to an applicant if the application is complete and the specific requirements for the requested permit have been met. An application is complete when all requested forms, information, and documentation have been received.

(2) Upon receipt of an incomplete application, the RA will notify the applicant of the deficiency. If the applicant fails to correct the deficiency within 30 days of the date of the RA's letter of notification, the application will be considered abandoned.

(e) ***Duration.*** A permit remains valid for the period specified on it unless it is revoked, suspended, or modified pursuant to subpart D of 15 CFR part 904 or, in the case of a vessel or dealer permit, the vessel or dealership is sold.

(f) ***Transfer*** —

(1) ***Vessel permits, licenses, and endorsements and dealer permits.*** A vessel permit, license, or endorsement or a dealer permit or endorsement issued under this part is not transferable or assignable, except as provided in the permits sections within subparts B through U of this part, where applicable. A person who acquires a vessel or dealership who desires to conduct activities for which a permit, license, or endorsement is required must apply for a permit, license, or endorsement in accordance with the provisions of this section and other applicable sections of this part. If the acquired vessel or dealership is currently permitted, the application must be accompanied by the original permit, and a copy of a signed bill of sale or equivalent acquisition papers. In those cases where a permit, license, or endorsement is transferable, the seller must sign the back of the permit, license, or endorsement and have the signed transfer document notarized.

(2) ***Operator permits.*** An operator permit is not transferable.

(g) ***Renewal*** —

(1) ***Vessel permits, licenses, and endorsements, and dealer permits.*** Unless specified otherwise, a vessel or dealer permit holder who has been issued a permit, license, or endorsement under this part must renew such permit, license, or endorsement on an annual basis. The RA will notify a vessel or dealer permit holder whose permit, license, or endorsement is expiring approximately 2 months prior to the expiration date. A vessel or dealer permit holder who does not receive a notification is still required to submit an application form as specified below. The applicant must submit a completed renewal application form and all required supporting documents to the RA prior to the applicable deadline for renewal of the permit, license, or endorsement, and at least 30 calendar days prior to the date on which the applicant desires to have the permit made effective. Application forms and instructions for renewal are available online at *https://www.fisheries.noaa.gov/southeast/resources-fishing/permits-applications-and-forms-southeast* or from the RA (Southeast Permits Office) at 1-877-376-4877, Monday through Friday between 8 a.m. and 4:30 p.m., eastern time. If the RA receives an incomplete application, the RA will notify the applicant of the deficiency. If the applicant fails to correct the deficiency within 30 calendar days of the notification date by the RA, the application will be considered abandoned. A permit, license, or endorsement that is not renewed within the applicable deadline will not be reissued.

(2) ***Operator permits.*** An operator permit required by this part 622 is issued for a period not longer than 3 years. A permit not renewed immediately upon its expiration would expire at the end of the operator's birth month that is between 2 and 3 years after issuance. For renewal, a new application must be submitted in accordance with paragraph (a)(2) of this section.

(h) ***Display.*** A vessel permit, license, or endorsement issued under this part 622 must be carried on board the vessel. A dealer permit issued under this part 622, or a copy thereof, must be available on the dealer's premises. In addition, a copy of the dealer's permit must accompany each vehicle that is used to pick up from a fishing vessel fish harvested from the EEZ. A Gulf IFQ dealer endorsement must accompany each vehicle that is used to pick up Gulf IFQ red snapper and/or Gulf IFQ groupers and tilefishes. The operator of a vessel must present the vessel permit, license, or endorsement for inspection upon the request of an authorized officer. A dealer or a vehicle operator must present the permit or a copy for inspection upon the request of an authorized officer. An operator of a vessel in a fishery in which an operator permit is required must present his/her operator permit and one other form of personal identification that includes a picture (driver's license, passport, etc.) for inspection upon the request of an authorized officer.

(i) ***Sanctions and denials.***

(1) A permit, license, or endorsement issued pursuant to this part 622 may be revoked, suspended, or modified, and a permit, license, or endorsement 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.

(2) A person whose operator permit is suspended, revoked, or modified may not be aboard any fishing vessel subject to Federal fishing regulations in any capacity, if so sanctioned by NOAA, while the vessel is at sea or offloading. The vessel's owner and operator are responsible for compliance with this measure. A list of operators whose permits are revoked or suspended may be obtained from the RA.

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

(k) ***Replacement.*** A replacement permit, license, or endorsement may be issued. An application for a replacement permit, license, or endorsement is not considered a new application. An application for a replacement operator permit must include two new photographs, as specified in paragraph (a)(2)(ii) of this section.

[78 FR 22952, Apr. 17, 2013, as amended at 79 FR 19493, Apr. 9, 2014; 81 FR 1792, Jan. 13, 2016; 83 FR 64034, Dec. 13, 2018; 86 FR 72856, Dec. 23, 2021; 87 FR 56215, Sept. 13, 2022]

§ 622.5 Recordkeeping and reporting—general.

This section contains recordkeeping and reporting requirements that are broadly applicable, as specified, to most or all fisheries governed by this part. Additional recordkeeping and reporting requirements specific to each fishery are contained in the respective subparts B through U of this part.

(a) ***Collection of additional data and fish inspection.*** In addition to data required to be reported as specified in subparts B through U of this part, as applicable, additional data will be collected by authorized statistical reporting agents and by authorized officers. A person who fishes for or possesses species in or from the EEZ governed in this part is required to make the applicable fish or any part thereof available for inspection by the SRD or an authorized officer on request.

(b) ***Commercial vessel, charter vessel, and headboat inventory.*** The owner or operator of a commercial vessel, charter vessel, or headboat operating in a fishery governed in this part who is not selected to report by the SRD under the recordkeeping and reporting requirements in subparts B through U of this part, must provide the following information when interviewed by the SRD:

(1) Name and official number of vessel and permit number, if applicable.

(2) Length and tonnage.

(3) Current home port.

(4) Fishing areas.

(5) Ports where fish were offloaded during the last year.

(6) Type and quantity of gear.

(7) Number of full- and part-time fishermen or crew members.

(c) ***Dealers*** —

(1) ***Permitted Gulf and South Atlantic dealers.***

(i) A person issued a Gulf and South Atlantic dealer permit must submit a detailed electronic report of all fish first received for a commercial purpose within the time period specified in this paragraph via the dealer electronic trip ticket reporting system. These electronic reports must be submitted at weekly intervals via the dealer electronic trip ticket reporting system by 11:59 p.m., local time, the Tuesday following a reporting week. If no fish were received during a reporting week, an electronic report so stating must be submitted for that reporting week. In addition, during the open season, dealers must submit daily reports for Gulf migratory group king mackerel harvested by the run-around gillnet component in the Florida west coast southern subzone via the port agents, telephone, internet, or other similar means determined by NMFS. From the beginning of the open season until the commercial ACL (commercial quota) for the run-around gillnet sector for Gulf migratory group king mackerel is reached, dealers must submit a daily report if no king mackerel were received during the previous day. NMFS will provide written notice to dealers that first receive Gulf king mackerel harvested by the run-around gillnet component prior to the beginning of each fishing year if the reporting methods or deadline change from the previous year.

(ii) Dealers must retain either the paper forms or electronic reports for at least 1 year after the submittal date and must provide such records for inspection upon the request of an authorized officer or the SRD.

(iii) During catastrophic conditions only, the ACL monitoring program provides for use of paper-based components for basic required functions as a backup. 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.

(iv) Gulf and South Atlantic dealers are not authorized to first receive Gulf reef fish, Gulf red drum, South Atlantic golden crab, South Atlantic snapper-grouper, South Atlantic wreckfish, South Atlantic rock shrimp, coastal migratory pelagic fish, spiny lobster, or Atlantic dolphin or wahoo from a federally permitted vessel if the required reports have not been submitted and received by NMFS according to the reporting requirements under this section. Delinquent reports

automatically result in a Gulf and South Atlantic dealer becoming ineligible to first receive such fish, regardless of any notification to dealers by NMFS. Gulf and South Atlantic dealers who become ineligible to receive such fish due to delinquent reports are authorized to first receive such fish only after all required and delinquent reports have been submitted and received by NMFS according to the reporting requirements under this section.

(2) ***Non-permitted dealers.*** See § 622.51 for a person who purchases Gulf shrimp from a vessel, or person, that fishes for shrimp in the Gulf EEZ or in adjoining state waters, or that lands shrimp in an adjoining state.

[78 FR 22952, Apr. 17, 2013, as amended at 79 FR 19493, Apr. 9, 2014; 80 FR 78674, Dec. 17, 2015; 87 FR 56215, Sept. 13, 2022]

§ 622.6 Vessel identification.

This section does not apply to subpart R of this part, which has its own specific vessel identification requirements in § 622.402.

(a) ***Applicability*** —

(1) ***Official number.*** A vessel for which a permit has been issued under subparts B through U of this part, except for subpart R, and a vessel that fishes for or possesses pelagic sargassum in the South Atlantic EEZ, must display its official number—

(i) On the port and starboard sides of the deckhouse or hull and, for vessels over 25 ft (7.6 m) long, on an appropriate weather deck, so as to be clearly visible from an enforcement vessel or aircraft.

(ii) In block arabic numerals permanently affixed to or painted on the vessel in contrasting color to the background.

(iii) At least 18 inches (45.7 cm) in height for vessels over 65 ft (19.8 m) long; at least 10 inches (25.4 cm) in height for vessels over 25 ft (7.6 m) long; and at least 3 inches (7.6 cm) in height for vessels 25 ft (7.6 m) long or less.

(2) ***Official number and color code.*** The following vessels must display their official number as specified in paragraph (a)(1) of this section and, in addition, must display their assigned color code: A vessel for which a permit has been issued to fish with a sea bass pot, as required under § 622.170(a)(1); and, in the EEZ around Puerto Rico, St. Croix, or St. Thomas and St. John, a vessel fishing commercially with traps for reef fish, as defined in subparts S through U of this part, or a vessel fishing for spiny lobster, when color codes are required and have been assigned to the vessel by Puerto Rico or the U.S. Virgin Islands, as applicable. Color codes required for vessels fishing in the EEZ around Puerto Rico, St. Croix, or St. Thomas and St. John are assigned by Puerto Rico or the U.S. Virgin Islands, as applicable. Color codes required in all other fisheries are assigned by the RA. The color code must be displayed—

(i) On the port and starboard sides of the deckhouse or hull and, for vessels over 25 ft (7.6 m) long, on an appropriate weather deck, so as to be clearly visible from an enforcement vessel or aircraft.

(ii) In the form of a circle permanently affixed to or painted on the vessel.

(iii) At least 18 inches (45.7 cm) in diameter for vessels over 65 ft (19.8 m) long; at least 10 inches (25.4 cm) in diameter for vessels over 25 ft (7.6 m) long; and at least 3 inches (7.6 cm) in diameter for vessels 25 ft (7.6 m) long or less.

(b) ***Duties of operator.*** The operator of a vessel specified in paragraph (a) of this section must keep the official number and the color code, if applicable, clearly legible and in good repair and must ensure that no part of the fishing vessel, its rigging, fishing gear, or any other material on board obstructs the view of the official number or the color code, if applicable, from an enforcement vessel or aircraft.

[78 FR 22952, Apr. 17, 2013, amended at 87 FR 56215, Sept. 13, 2022]

§ 622.7 Fishing years.

The fishing year for species or species groups governed in this part is January 1 through December 31 except for the following:

(a) ***Allowable octocoral*** —October 1 through September 30.

(b) ***King and Spanish mackerel.*** The fishing year for the king and Spanish mackerel bag limits specified in § 622.382 is January 1 through December 31. The following fishing years apply only for the king and Spanish mackerel quotas specified in § 622.384:

(1) ***Gulf migratory group king mackerel*** —

(i) ***Southern zone*** —July 1 through June 30.

(ii) ***Northern zone*** —October 1 through September 30.

(iii) ***Western zone*** —July 1 through June 30.

(2) ***Gulf migratory group Spanish mackerel*** —April through March.

(3) ***South Atlantic migratory group king and Spanish mackerel*** —March through February.

(c) ***Wreckfish*** —April 16 through April 15.

(d) ***South Atlantic greater amberjack*** —March 1 through the end of February.

(e) ***South Atlantic black sea bass recreational sector*** —April 1 through March 31. (Note: The fishing year for the commercial sector for black sea bass is January 1 through December 31).

(f) ***South Atlantic yellowtail snapper*** —August 1 through July 31.

(g) ***Gulf of Mexico yellowtail snapper*** —August 1 through July 31.

(h) ***Gulf of Mexico greater amberjack recreational sector*** —August 1 through July 31. (Note: The fishing year for the commercial sector for greater amberjack is January 1 through December 31).

[78 FR 22952, Apr. 17, 2013, as amended at 79 FR 66322, Nov. 7, 2014; 80 FR 4218, Jan. 27, 2015; 81 FR 45248, July 13, 2016; 81 FR 10311, Feb. 10, 2017; 82 FR 17394, Apr. 11, 2017; 83 FR 13428, Mar. 29, 2018]

§ 622.8 Quotas—general.

(a) ***Applicability.*** Quotas apply for the fishing year for each species, species group, sector, or sector component unless accountability measures are implemented during the fishing year pursuant to the applicable annual catch limits (ACLs) and accountability measures (AMs) sections within subparts B through U of this part due to a quota overage occurring in the previous year, in which case a reduced quota will be specified through notification in the FEDERAL REGISTER. Annual quota increases are contingent on the total allowable catch for the applicable species not being exceeded in the previous fishing year. If the total allowable catch is exceeded in the previous fishing year, the RA will file a notification with the Office of the Federal Register to maintain the quota for the applicable species, species group, sector, or sector component from the previous fishing year for following fishing years unless NMFS determines based upon the best scientific information available that maintaining the quota from the previous year is unnecessary. Except for the quotas for Gulf and South Atlantic coral, the quotas include species harvested from state waters adjoining the EEZ.

(b) ***Quota closures.*** When a quota specified in this part is reached or is projected to be reached, the Assistant Administrator will file a notification to that effect with the Office of the Federal Register. On and after the effective date of such notification, for the remainder of the fishing year, the applicable closure restrictions for such a quota, as specified in this part apply. See the applicable ACLs, annual catch targets (ACTs), and AMs sections in subparts B through U of this part for closure provisions when an applicable ACL or ACT is reached or projected to be reached.

(c) ***Reopening.*** When a species, species group, sector, or sector component has been closed based on a projection of the applicable catch limit (ACL, ACT, or quota) specified in this part being reached and subsequent data indicate that the catch limit was not reached, the Assistant Administrator may file a notification with the Office of the Federal Register. Such notification may reopen the species, species group, sector, or sector component to provide an opportunity for the catch limit to be harvested.

[87 FR 56216, Sept. 13, 2022, as amended at 89 FR 40435, May 10, 2024]

§ 622.9 Prohibited gear and methods—general.

This section contains prohibitions on use of gear and methods that are of general applicability, as specified. Additional prohibitions on use of gear and methods applicable to specific species or species groups are contained in subparts B through U of this part.

(a) ***Explosives.*** An explosive (except an explosive in a powerhead) may not be used to fish in the Caribbean, Gulf, or South Atlantic EEZ. A vessel fishing in the EEZ for a species governed in this part, or a vessel for which a permit has been issued under this part, may not have on board any dynamite or similar explosive substance.

(b) ***Chemicals and plants.*** A toxic chemical may not be used or possessed in a coral area.

(c) ***Fish traps.*** A fish trap may not be used or possessed in the Gulf or South Atlantic EEZ. A fish trap deployed in the Gulf or South Atlantic EEZ may be disposed of in any appropriate manner by the Assistant Administrator or an authorized officer.

(d) ***Weak link.*** A bottom trawl that does not have a weak link in the tickler chain may not be used to fish in the Gulf EEZ. For the purposes of this paragraph, a weak link is defined as a length or section of the tickler chain that has a breaking strength less than the chain itself and is easily seen as such when visually inspected.

(e) ***Use of Gulf reef fish as bait prohibited.*** Gulf reef fish may not be used as bait in any fishery, except that, when purchased from a fish processor, the filleted carcasses and offal of Gulf reef fish may be used as bait in trap fisheries for blue crab, stone crab, deep-water crab, and spiny lobster.

[78 FR 22952, Apr. 17, 2013, amended at 87 FR 56216, Sept. 13, 2022]

§ 622.10 Landing fish intact—-general.

This section contains requirements for landing fish intact that are broadly applicable to finfish in the Gulf EEZ and Caribbean EEZ, as specified. See subparts B through U of this part, as applicable, for additional species-specific requirements for landing fish intact.

(a) Finfish in or from the Gulf EEZ or Caribbean EEZ, except as specified in paragraphs (b) and (c) of this section, must be maintained with head and fins intact.

(b) Atlantic highly migratory species, such as tunas, billfishes (marlins, spearfishes, and swordfish), and oceanic sharks are not subject to the requirements of paragraph (a) of this section. See 50 CFR part 635 for any requirements applicable to landing Atlantic highly migratory species intact.

(c) In the Gulf EEZ or Caribbean EEZ:

(1) Bait is exempt from the requirement to be maintained with head and fins intact.

(i) For the purpose of this paragraph (c)(1), "*bait*" means—

(A) Packaged, headless fish fillets that have the skin attached and are frozen or refrigerated;

(B) Headless fish fillets that have the skin attached and are held in brine; or

(C) Small pieces no larger than 3 in^3 (7.6 cm^3) or strips no larger than 3 inches by 9 inches (7.6 cm by 22.9 cm) that have the skin attached and are frozen, refrigerated, or held in brine.

(ii) Paragraph (c)(1)(i) of this section notwithstanding, a finfish or part thereof possessed in or landed from the Gulf EEZ or Caribbean EEZ that is subsequently sold or purchased as a finfish species, rather than as bait, is not bait.

(2) Legal-sized finfish possessed for consumption at sea on the harvesting vessel are exempt from the requirement to have head and fins intact, provided—

(i) Such finfish do not exceed any applicable bag limit;

(ii) Such finfish do not exceed 1.5 lb (680 g) of finfish parts per person aboard; and

(iii) The vessel is equipped to cook such finfish on board.

(d) The operator of a vessel that fishes in the EEZ is responsible for ensuring that fish on that vessel in the EEZ are maintained intact and, if taken from the EEZ, are maintained intact through offloading ashore, as specified in this section.

[78 FR 22952, Apr. 17, 2013, amended at 87 FR 56216, Sept. 13, 2022]

§ 622.11 Bag and possession limits—general applicability.

This section describes the general applicability provisions for bag and possession limits specified in subparts B through U of this part.

(a) ***Applicability.***

(1) The bag and possession limits apply for a species or species group in or from the EEZ. Unless specified otherwise, bag limits apply to a person on a daily basis, regardless of the number of trips in a day. Unless specified otherwise, a person is limited to a single bag limit for a trip lasting longer than one calendar day. Unless specified otherwise, possession limits apply to a person on a trip after the first 24 hours of that trip. The bag and possession limits apply to a person who fishes in the EEZ in any manner, except a person on a vessel in the EEZ that has on board the commercial vessel permit required under this part for the appropriate species or species group. The possession of a commercial vessel permit notwithstanding, the bag and possession limits apply when the vessel is operating as a charter vessel or headboat. A person who fishes in the EEZ may not combine a bag limit specified in subparts B through U of this part with a bag or possession limit applicable to state waters. A species or species group subject to a bag limit specified in subparts B through U of this part and taken in the EEZ by a person subject to the bag limits may not be transferred at sea, regardless of where such transfer takes place, and such fish may not be transferred in the EEZ. The operator of a vessel that fishes in the EEZ is responsible for ensuring that the bag and possession limits specified in subparts B through U of this part are not exceeded.

(2) [Reserved]

(b) [Reserved]

[87 FR 56216, Sept. 13, 2022]

§ 622.12 [Reserved]

§ 622.13 Prohibitions—general.

In addition to the general prohibitions in § 600.725 of this chapter, it is unlawful for any person to do any of the following:

(a) Engage in an activity for which a valid Federal permit, license, or endorsement is required under this part without such permit, license, or endorsement.

(b) Falsify information on an application for a permit, license, or endorsement or submitted in support of such application, as specified in this part.

(c) Fail to display a permit, license, or endorsement, or other required identification, as specified in this part.

(d) Falsify or fail to maintain, submit, or provide information or fail to comply with inspection requirements or restrictions, as specified in this part.

(e) Fail to make a fish, or parts thereof, available for inspection, as specified in this part.

(f) Falsify or fail to display and maintain vessel and gear identification, as specified in this part.

(g) Harvest or possess fish if the required charter vessel or headboat reports have not been submitted in accordance with this part.

(h) First receive fish from federally permitted vessels if the required reports have not been submitted in accordance with § 622.5(c).

(i) Fail to comply with any requirement or restriction regarding ITQ coupons, as specified in § 622.172.

(j) Possess wreckfish as specified in § 622.172, receive wreckfish except as specified in § 622.172, or offload a wreckfish except as specified in § 622.172.

(k) Transfer—

(1) A wreckfish, as specified in § 622.172;

(2) A limited-harvest species, as specified in this part;

(3) A species/species group subject to a bag limit, as specified in this part;

(4) South Atlantic snapper-grouper from a vessel with unauthorized gear on board, as specified in § 622.188; or

(5) A species subject to a commercial trip limit, as specified in this part.

(l) Use or possess prohibited gear or methods or possess fish in association with possession or use of prohibited gear, as specified in this part.

(m) Fish for, harvest, or possess a prohibited species, or a limited-harvest species in excess of its limitation, sell or purchase such species, fail to comply with release requirements, molest or strip eggs from a lobster, or possess a lobster, or part thereof, from which eggs, swimmerettes, or pleopids have been removed or stripped, as specified in this part.

(n) Fish in violation of the prohibitions, restrictions, and requirements applicable to seasonal and/or area closures, including but not limited to: Prohibition of all fishing, gear restrictions, restrictions on take or retention of fish, fish release requirements, and restrictions on use of an anchor or grapple, as specified in this part or as may be specified under this part.

(o) Harvest, possess, offload, sell, or purchase fish in excess of the seasonal harvest limitations, as specified in this part.

(p) Except as allowed for king and Spanish mackerel and Gulf of Mexico and South Atlantic spiny lobster, possess undersized fish, fail to release undersized fish, or sell or purchase undersized fish, as specified in this part.

(q) Fail to maintain a fish intact through offloading ashore, as specified in this part.

(r) Exceed a bag or possession limit, as specified in this part.

(s) Fail to comply with the limitations on traps and pots, including but not limited to: Tending requirements, constructions requirements, and area specific restrictions, as specified in this part.

(t) Fail to comply with the species-specific limitations, as specified in this part.

(u) Fail to comply with the restrictions that apply after closure of a fishery, sector, or component of a fishery, as specified in this part.

(v) Possess on board a vessel or land, purchase, or sell fish in excess of the commercial trip limits, as specified in this part.

(w) Fail to comply with the restrictions on sale/purchase, as specified in this part.

(x) Interfere with fishing or obstruct or damage fishing gear or the fishing vessel of another, as specified in this part.

(y) Fail to comply with the requirements for observer coverage as specified in this part.

(z) Assault, resist, oppose, impede, intimidate, or interfere with a NMFS-approved observer aboard a vessel.

(aa) Prohibit or bar by command, impediment, threat, coercion, or refusal of reasonable assistance, an observer from conducting his or her duties aboard a vessel.

(bb) Fish for or possess golden crab in or from a fishing zone or sub-zone of the South Atlantic EEZ other than the zone or sub-zone for which the vessel is permitted or authorized, as specified in § 622.241.

(cc) Falsify information submitted regarding an application for testing a BRD or regarding testing of a BRD, as specified in §§ 622.53 and 622.207.

(dd) Make a false statement, oral or written, to an authorized officer regarding the installation, use, operation, or maintenance of a vessel monitoring system (VMS) unit or communication service provider.

(ee) Operate or own a vessel that is required to have a permitted operator aboard when the vessel is at sea or offloading without such operator aboard, as specified in this part.

(ff) When a vessel that is subject to Federal fishing regulations is at sea or offloading, own or operate such vessel with a person aboard whose operator permit is revoked, suspended, or modified.

(gg) Fail to comply with any provision related to a vessel monitoring system (VMS) as specified in this part, including but not limited to, requirements for use, installation, activation, access to data, procedures related to interruption of VMS operation, and prohibitions on interference with the VMS.

(hh) Fail to comply with the protected species conservation measure as specified in this part.

(ii) Fail to comply with any provision related to the IFQ program for Gulf red snapper as specified in § 622.21, or the IFQ program for Gulf groupers and tilefishes as specified in § 622.22.

(jj) Falsify any information required to be submitted regarding the IFQ program for Gulf red snapper as specified in § 622.21, or the IFQ program for Gulf groupers and tilefishes as specified in § 622.22.

(kk) Fail to comply with the Caribbean, Gulf of Mexico, and South Atlantic spiny lobster import prohibitions, as specified in this part.

(ll) Possess a Gulf of Mexico or South Atlantic spiny lobster trap in the EEZ at a time not authorized, as specified in subpart R.

(mm) Harvest or attempt to harvest a Gulf of Mexico or South Atlantic spiny lobster by diving without having and using in the water a measuring device, as specified in subpart R.

(nn) Possess Gulf of Mexico or South Atlantic spiny lobsters aboard a vessel that uses or has on board a net or trawl in an amount exceeding the limits, as specified in subpart R.

(oo) Operate a vessel that fishes for or possesses Gulf of Mexico or South Atlantic spiny lobster in or from the EEZ with spiny lobster aboard in an amount exceeding the cumulative bag and possession limit, as specified in subpart R.

(pp) Fail to comply with any provision related to the Offshore Marine Aquaculture program in the Gulf of Mexico as specified in this part.

(qq) Falsify any information required to be submitted regarding the Offshore Marine Aquaculture program in the Gulf of Mexico as specified in this part.

(rr) Land allowable aquaculture species cultured in the Gulf at non-U.S. ports, unless first landed at a U.S. port.

(ss) Fail to comply with any other requirement or restriction specified in this part or violate any provision(s) in this part.

[78 FR 57535, Sept. 19, 2013, as amended at 78 FR 78781, Dec. 27, 2013; 79 FR 6099, Feb. 3, 2014; 79 FR 19494, Apr. 9, 2014; 81 FR 1792, Jan. 13, 2016; 85 FR 10339, Feb. 24, 2020]

§ 622.14 [Reserved]

§ 622.15 Notice regarding area closures to protect corals.

See §§ 622.74 and 622.224, respectively, regarding coral protective restrictions in the Gulf EEZ and South Atlantic EEZ that apply broadly to multiple fisheries and gear types.

§ 622.16 Notice regarding South Atlantic special management zones (SMZs).

See §§ 622.182(a) and 622.382(a)(1)(v), respectively, regarding fishing and gear restrictions in South Atlantic SMZs that apply to snapper-grouper and coastal migratory pelagic fisheries and broadly to gear types of multiple fisheries.

§ 622.17 Notice regarding seasonal/area closures to protect Gulf reef fish.

See § 622.34, paragraphs (a)(1) and (a)(3) through (6), regarding Gulf reef fish protective restrictions in the Gulf EEZ that apply broadly to multiple Gulf fisheries and gear types.

§ 622.19 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, NMFS must publish a document in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at NMFS and at the National Archives and Records Administration (NARA). Contact NMFS at: NMFS, Office of Sustainable Fisheries, 1315 East-West Highway, Silver Spring, MD; 301-427-8500; *www.fisheries.noaa.gov/about/office-sustainable-fisheries*. For information on the availability of this material at NARA, email: *fr.inspection@nara.gov,* or go to: *www.archives.gov/federal-register/cfr/ibr-locations.html*. The material may be obtained from the source(s) in paragraphs (b) and (c) of this section.

(b) Florida Administrative Code (F.A.C.): Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, FL 32399; telephone: 850-487-0554; *http://www.flrules.org.*

(1) [Reserved]

(2) F.A.C., Chapter 68B-24: Spiny lobster (crawfish) and slipper lobster, Rule 68B-24.002: Definitions, amended May 1, 2017, IBR approved for § 622.400(a).

(3) F.A.C., Chapter 68B-24: Spiny lobster (crawfish) and slipper lobster, Rule 68B-24.005: Seasons, amended November 1, 2018, IBR approved for § 622.403(b).

(4) F.A.C., Chapter 68B-24: Spiny lobster (crawfish) and slipper lobster, Rule 68B-24.006: Gear: Traps, Buoys, Identification Requirements, Prohibited Devices, amended May 1, 2017, IBR approved for § 622.402(a), § 622.404(f), and § 622.405(b).

(5) F.A.C., Chapter 68B-24: Spiny lobster (crawfish) and slipper lobster, Rule 68B-24.007: Other Prohibitions, amended May 1, 2017, IBR approved for § 622.404(e).

(6) F.A.C., Chapter 68B-38: Shrimping and trapping: Closed areas and seasons, Rule 68B-38.001: Citrus-Hernando Shrimping and Trapping Closed Areas and Seasons, in effect as of March 1, 2005, IBR approved for § 622.55(e).

(7) F.A.C., Chapter 68B-55: Trap retrieval and trap debris removal, Rule 68B-55.002: Retrieval of Trap Debris, in effect as of October 15, 2007, IBR approved for §§ 622.402(c) and 622.403(b).

(8) F.A.C., Chapter 68B-55: Trap retrieval and trap debris removal, Rule 68B-55.004: Retrieval of Derelict and Traps Located in Areas Permanently Closed to Trapping, in effect as of October 15, 2007, IBR approved for §§ 622.402(c) and 622.403(b).

(c) Florida Statute: Florida Fish and Wildlife Commission, 620 South Meridian Street, Tallahassee, FL 32399; telephone: 850-487-0554; *http://www.leg.state.fl.us/statutes/*.

(1) Florida Statutes, Chapter 379: Fish and Wildlife Conservation, Part VII: Nonrecreational Licenses, Section 379.367: Spiny lobster; regulation, 379.367, in effect as of July 1, 2008, IBR approved for § 622.402(a).

(2) [Reserved]

[78 FR 22952, Apr. 17, 2013, as amended at 84 FR 37152, July 31, 2019. Redesignated and amended at 87 FR 56216, Sept. 13, 2022; 88 FR 29847, May 9, 2023]

Subpart B—Reef Fish Resources of the Gulf of Mexico

§ 622.20 Permits and endorsements.

(a) ***Commercial vessels*** —

(1) ***Commercial vessel permits.*** For a person aboard a vessel to be eligible for exemption from the bag limits, to fish under a quota, as specified in § 622.39, or to sell Gulf reef fish or Florida Keys/East Florida hogfish in or from the Gulf EEZ, a commercial vessel permit for Gulf reef fish must have been issued to the vessel and must be on board. If Federal regulations for Gulf reef fish in subparts A or B of this part are more restrictive than state regulations, a person aboard a vessel for which a commercial vessel permit for Gulf reef fish has been issued must comply with such Federal regulations regardless of where the fish are harvested. See paragraph (a)(1)(i) of this section regarding a limited access system for commercial vessel permits for Gulf reef fish. See §§ 622.21(b)(1) and 622.22(b)(1), respectively, regarding an IFQ vessel account required to fish for, possess, or land Gulf red snapper or Gulf groupers and tilefishes, and paragraph (a)(2) of this section regarding an additional bottom longline endorsement required to fish for Gulf reef fish with bottom longline gear in a portion of the eastern Gulf.

(i) ***Limited access system for commercial vessel permits for Gulf reef fish.***

(A) No applications for additional commercial vessel permits for Gulf reef fish will be accepted. Existing vessel permits may be renewed, are subject to the restriction on transfer in paragraph (a)(1)(i)(B) of this section, and are subject to the requirement for timely renewal in paragraph (a)(1)(i)(C) of this section. An application for renewal or transfer of a commercial vessel permit for Gulf reef fish will not be considered complete until proof of purchase, installation, activation, and operational status of an approved VMS for the vessel receiving the permit has been verified by NMFS VMS personnel.

(B) An owner of a permitted vessel may transfer the commercial vessel permit for Gulf reef fish to another vessel owned by the same entity. A permit holder may also transfer the commercial vessel permit for Gulf reef fish to the owner of another vessel or to a new vessel owner when he or she transfers ownership of the permitted vessel.

(C) A commercial vessel permit for Gulf reef fish that is not renewed or that is revoked will not be reissued. A permit is considered to be not renewed when an application for renewal is not received by the RA within 1 year of the expiration date of the permit.

(ii) ***Option to consolidate commercial vessel permits for Gulf reef fish.*** A person who has been issued multiple commercial vessel permits for Gulf reef fish and wants to consolidate some or all of those permits, and the landings histories associated with those permits, into one permit must submit a completed permit consolidation application to the RA. The permits consolidated must be valid, non-expired permits and must be issued to the same entity. The application form and instructions are available online at *https://www.fisheries.noaa.gov/southeast/resources-fishing/permits-applications-and-forms-southeast*.

(2) ***Commercial vessel endorsements*** —

(i) ***Eastern Gulf reef fish bottom longline endorsement.*** For a person aboard a vessel, for which a valid commercial vessel permit for Gulf reef fish has been issued, to use a bottom longline for Gulf reef fish in the Gulf EEZ east of 85°30' W. long., a valid eastern Gulf reef fish bottom longline endorsement must have been issued to the vessel and must be on board. A permit or endorsement that has expired is not valid. This endorsement must be renewed annually and may only be renewed if the associated vessel has a valid commercial vessel permit for Gulf reef fish or if the endorsement and associated permit are being concurrently renewed. The RA will not reissue this endorsement if the endorsement is revoked or if the RA does not receive a complete application for renewal of the endorsement within 1 year after the endorsement's expiration date.

(A) ***Transferability.*** An owner of a vessel with a valid eastern Gulf reef fish bottom longline endorsement may transfer that endorsement to an owner of a vessel that has a valid commercial vessel permit for Gulf reef fish.

(B) ***Fees.*** A fee is charged for each renewal, transfer, or replacement of an eastern Gulf reef fish bottom longline endorsement. The amount of each fee is calculated in accordance with the procedures of the NOAA Finance Handbook, available from the RA, for determining the administrative costs of each special product or service. The fee may not exceed such costs and is specified with each application form. The appropriate fee must accompany each application for renewal, transfer, or replacement.

(ii) [Reserved]

(b) ***Charter vessel/headboat permits.*** For a person aboard a vessel that is operating as a charter vessel or headboat to fish for or possess Gulf reef fish, in or from the EEZ, a valid charter vessel/headboat permit for Gulf reef fish must have been issued to the vessel and must be on board. For a person aboard a vessel that is operating as a charter vessel or headboat to fish for or possess Florida Keys/East Florida hogfish in or from the Gulf EEZ, a valid charter vessel/headboat permit for Gulf reef fish must have been issued to the vessel and must be on board.

(1) ***Limited access system for charter vessel/headboat permits for Gulf reef fish.*** No applications for additional charter vessel/headboat permits for Gulf reef fish will be accepted. Existing permits may be renewed, are subject to the restrictions on transfer in paragraph (b)(1)(i) of this section, and are subject to the renewal requirements in paragraph (b)(1)(ii) of this section. An eligible charter vessel/headboat permit with a historical captain endorsement may be converted to a charter vessel/headboat permit without a historical captain endorsement, per the procedure in paragraph (b)(1)(v) of this section.

(i) ***Transfer of permits*** —

(A) ***Permits without a historical captain endorsement.*** A charter vessel/headboat permit for Gulf reef fish that does not have a historical captain endorsement is fully transferable, with or without sale of the permitted vessel.

(B) ***Permits with a historical captain endorsement.*** A charter vessel/headboat permit for Gulf reef fish that has a historical captain endorsement may only be transferred to a vessel operated by the historical captain and is not otherwise transferable.

(C) ***Procedure for permit transfer.*** To request that the RA transfer a charter vessel/headboat permit for Gulf reef fish, the owner of the vessel who is transferring the permit and the owner of the vessel that is to receive the transferred permit must complete the transfer information on the reverse side of the permit and return the permit and a completed application for transfer to the RA. See § 622.4(f) for additional transfer-related requirements applicable to all permits issued under this part.

(ii) ***Renewal.***

(A) Renewal of a charter vessel/headboat permit for Gulf reef 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—

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

(*2*) Charter vessel and headboat recordkeeping and reporting requirements specified in § 622.26(b);

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

(*4*) A data collection system that replaces one or more of the surveys in paragraph (b)(1)(ii)(A),(*1*),(*2*), or (*3*) of this section.

(B) A charter vessel/headboat permit for Gulf reef fish that is not renewed or that is revoked will not be reissued. A permit is considered to be not renewed when an application for renewal, as required, is not received by the RA within 1 year of the expiration date of the permit.

(iii) ***Requirement to display a vessel decal.*** Upon renewal or transfer of a charter vessel/headboat permit for Gulf reef fish, the RA will issue the owner of the permitted vessel a vessel decal for Gulf reef fish. The vessel decal must be displayed on the port side of the deckhouse or hull and must be maintained so that it is clearly visible.

(iv) ***Passenger capacity compliance requirement.*** A vessel operating as a charter vessel or headboat with a valid charter vessel/headboat permit for Gulf reef fish, which is carrying more passengers on board the vessel than is specified on the permit, is prohibited from harvesting or possessing the species identified on the permit.

(v) ***Procedure for conversion of permit with historical captain endorsement.*** A charter vessel/headboat permit with a historical captain endorsement may be converted to a charter vessel/headboat permit for Gulf reef fish without a historical captain endorsement. A charter vessel/headboat permit with a historical captain endorsement that is converted to a charter vessel/headboat permit without a historical captain endorsement will retain the same vessel permit maximum passenger capacity as the permit it replaces. To convert an eligible charter vessel/headboat permit with a historical captain endorsement, the permit holder must submit a permit application to the RA by July 30, 2025. If no application to convert an eligible charter vessel/headboat permit with a historical captain endorsement is submitted by July 30, 2025, the permit holder will retain a charter vessel/headboat permit with the historical captain endorsement that is subject to the restrictions described in paragraph (b)(1)(i)(B) of this section.

(2) A charter vessel or headboat may have both a charter vessel/headboat permit and a commercial vessel permit. However, when a vessel is operating as a charter vessel or headboat, a person aboard must adhere to the bag limits. See the definitions of “Charter vessel” and “Headboat” in § 622.2 for an explanation of when vessels are considered to be operating as a charter vessel or headboat, respectively.

(3) If Federal regulations for Gulf reef fish in subparts A or B of this part are more restrictive than state regulations, a person aboard a charter vessel or headboat for which a charter vessel/headboat permit for Gulf reef fish has been issued must comply with such Federal regulations regardless of where the fish are harvested.

(c) ***Dealer permits and conditions*** —

(1) ***Permits.*** For a dealer to first receive Gulf reef fish harvested in or from the EEZ, a Gulf and South Atlantic dealer permit must be issued to the dealer.

(2) ***State license and facility requirements.*** To obtain a dealer permit or endorsement, the applicant must have a valid state wholesaler's license in the state(s) where the dealer operates, if required by such state(s), and must have a physical facility at a fixed location in such state(s).

(d) ***Permit procedures.*** See § 622.4 for information regarding general permit procedures including, but not limited to application, fees, duration, transfer, renewal, display, sanctions and denials, and replacement.

[78 FR 22952, Apr. 17, 2013, as amended 78 FR 46293, July 31, 2013; 79 FR 19494, Apr. 9, 2014; 82 FR 34580, July 25, 2017; 85 FR 22045, Apr. 21, 2020; 85 FR 44017, July 21, 2020; 86 FR 72856, Dec. 23, 2021; 88 FR 42272, June 30, 2023]

§ 622.21 Individual fishing quota (IFQ) program for Gulf red snapper.

(a) ***General.*** This section establishes an IFQ program for the commercial red snapper component of the Gulf reef fish fishery. Shares determine the amount of Gulf red snapper IFQ allocation, in pounds gutted weight, a shareholder is initially authorized to possess, land, or sell in a given calendar year. As of January 1, 2012, IFQ shares and allocation can only be transferred to U.S. citizens and permanent resident aliens. See paragraph (b)(11) of this section regarding eligibility to participate in the Gulf red snapper IFQ program as of January 1, 2012. Shares and annual IFQ allocation are transferable. See paragraph (b)(1) of this section regarding a requirement for a vessel landing red snapper subject to this IFQ program to have a Gulf red snapper IFQ vessel account. See paragraph (b)(2) of this section regarding a requirement for a Gulf IFQ dealer endorsement. Details regarding eligibility, applicable landings history, account setup and transaction requirements, constraints on transferability, and other provisions of this IFQ system are provided in the following paragraphs of this section.

(1) ***Scope.*** The provisions of this section regarding the harvest and possession of Gulf IFQ red snapper apply to Gulf red snapper in or from the Gulf EEZ and, for a person aboard a vessel with a Gulf red snapper IFQ vessel account as required by paragraph (b)(1) of this section or for a person with a Gulf IFQ dealer endorsement as required by paragraph (b)(2) of this section, these provisions apply to Gulf red snapper regardless of where harvested or possessed.

(2) ***Duration.*** The IFQ program established by this section will remain in effect until it is modified or terminated; however, the program will be evaluated by the Gulf of Mexico Fishery Management Council every 5 years.

(3) ***Electronic system requirements.***

(i) The administrative functions associated with this IFQ program, *e.g.,* registration and account setup, landing transactions, and transfers, are designed to be accomplished online; therefore, a participant must have access to a computer and Internet access and must set up an appropriate IFQ account to participate The computer must have current, up-to-date browser software installed, which may be downloaded from the internet for free. Assistance with online functions is available from IFQ Customer Service by calling 1-866-425-7627 Monday through Friday between 8 a.m. and 4:30 p.m. eastern time.

(ii) The RA mailed initial shareholders and dealers with Gulf reef fish dealer permits information and instructions pertinent to setting up an IFQ account. Other eligible persons who desire to become IFQ participants by purchasing IFQ shares or allocation or by obtaining a Gulf red snapper IFQ dealer endorsement must first contact IFQ Customer Service at 1-866-425-7627 to obtain information necessary to set up the required IFQ account. As of January 1, 2012, all U.S. citizens and permanent resident aliens are eligible to establish an IFQ account. As of January 1, 2012, all current IFQ participants must complete and submit the application for an IFQ Account to certify their citizenship status and ensure their account information (*e.g.,* mailing address, corporate shareholdings, etc.) is up to date. See § 622.21(b)(11) regarding requirements for the application for an IFQ Account. Each IFQ participant must monitor his/her online account and all associated messages and comply with all IFQ online reporting requirements.

(iii) During catastrophic conditions only, the IFQ program provides for use of paper-based components for basic required functions as a backup. 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. NMFS will provide each IFQ dealer the necessary paper forms and instructions for submission of the forms to the RA. The paper forms will also be available from the RA. The program functions available to participants or geographic areas deemed affected by catastrophic conditions will be limited under the paper-based system. There will be no mechanism for transfers of IFQ shares or allocation under the paper-based system in effect during catastrophic conditions. Assistance in complying with the requirements of the paper-based system will be available via IFQ Customer Service 1-866-425-7627 Monday through Friday between 8 a.m. and 4:30 p.m. eastern time.

(4) ***IFQ allocation.*** IFQ allocation is the amount of Gulf red snapper, in pounds gutted weight, an IFQ shareholder or allocation holder is authorized to possess, land, or sell during a given fishing year. IFQ allocation is derived at the beginning of each year by multiplying a shareholder's IFQ share times the annual commercial quota for Gulf red snapper. If the quota is increased after the beginning of the fishing year, then IFQ allocation is derived by multiplying a shareholder's IFQ share at the time of the quota increase by the amount the annual commercial quota for red snapper is increased. If a reduction in the commercial quota specified in § 622.39(a)(1)(i) is expected to occur after January 1, the beginning of the fishing year, but before June 1 in that same fishing year, NMFS will withhold distribution of IFQ allocation on January 1 in the amount equal to that reduction. If a final rule to implement the commercial quota reduction is not published in the FEDERAL REGISTER and effective by June 1, NMFS will distribute withheld IFQ allocation of red snapper commercial quota to current shareholders based on shareholdings on the date the withheld IFQ allocation is distributed.

(5) ***Closing an IFQ account.*** IFQ account holders may close an IFQ account by completing and submitting a Close IFQ Account Request Form to NMFS. This form must be signed by an account holder named on the IFQ account. If the request to close an IFQ account is being made because the sole account holder is deceased, the person requesting the closure must sign the Close IFQ Account Request Form, indicating the relationship to the deceased, provide a death certificate, and provide any additional information NMFS determines is necessary to complete the request. IFQ shareholder accounts may not be closed until all shares and allocation have been transferred from the account to another IFQ account holder. Dealer accounts may not be closed until all cost recovery fees have been received by NMFS. NMFS' IFQ Customer Service staff may close an IFQ account if all shares and allocation have been transferred from the account, all cost recovery fees have been received by NMFS, and no landing transactions or IFQ transfers have been completed by the IFQ account holder in at least 1 year. If an account is closed by NMFS' IFQ Customer Service staff, it may be reopened at the request of the IFQ account holder by contacting IFQ Customer Service.

(6) ***Returning IFQ shares.*** Any shares contained in IFQ accounts that have never been activated since January 1, 2010, in the IFQ program are returned permanently to NMFS on July 12, 2018.

(b) ***IFQ operations and requirements*** —

(1) ***IFQ vessel accounts for Gulf red snapper.*** For a person aboard a vessel, for which a commercial vessel permit for Gulf reef fish has been issued, to fish for, possess, or land Gulf red snapper, regardless of where harvested or possessed, a Gulf IFQ vessel account for Gulf red snapper must have been established. As a condition of the IFQ vessel account, a person aboard such vessel must comply with the requirements of this section, § 622.21, when fishing for red snapper regardless of where the fish are harvested or possessed. An owner of a vessel with a commercial vessel permit for Gulf reef fish, who has established an IFQ account for Gulf red snapper as specified in paragraph (a)(3)(i) of this section, online via the NMFS IFQ website *https://secatchshares.fisheries.noaa.gov/*, may establish a vessel account through that IFQ account for that permitted vessel. If such owner does not have an online IFQ account, the owner must first contact IFQ Customer Service at 1-866-425-7627 to obtain information necessary to access the IFQ Web site and establish an online IFQ account. There is no fee to set-up an IFQ account or a vessel account. Only one vessel account may be established per vessel under each IFQ program. An owner with multiple vessels may establish multiple vessel accounts under each IFQ account. The purpose of the vessel account is to hold IFQ allocation that is required to land the applicable IFQ species. A vessel account, or its linked IFQ shareholder account, must hold sufficient IFQ allocation, at least equal to the pounds in gutted weight of the red snapper on board at the time of advance notice of landing. Allocation must be transferred to the vessel account, so that the vessel account holds sufficient IFQ allocation at the time of the landing transaction (except for any overage allowed as specified in paragraph (b)(3)(ii) of this section). The vessel account remains valid as long as the vessel permit remains valid; the vessel has not been sold or transferred; and the vessel owner is in compliance with all Gulf reef fish and IFQ reporting requirements, has paid all applicable IFQ fees, and is not subject to sanctions under 15 CFR part 904. The vessel account is not transferable to another vessel. The provisions of this paragraph do not apply to fishing for or possession of Gulf red snapper under the bag limit specified in § 622.38(b)3).

(2) ***Gulf IFQ dealer endorsements.*** In addition to the requirement for a Gulf and South Atlantic dealer permit as specified in § 622.20(c)(1), for a dealer to first receive red snapper subject to the IFQ program for Gulf red snapper, as specified in paragraph (a)(1) of this section, or for a person aboard a vessel with a Gulf IFQ vessel account to sell such red snapper directly to an entity other than a dealer, such persons must also have a Gulf IFQ dealer endorsement. A dealer with a Gulf and South Atlantic dealer permit can download a Gulf IFQ dealer endorsement from the NMFS IFQ Web site. If such persons do not have an IFQ account, they must first contact IFQ Customer Service at 1-866-425-7627 to obtain information necessary to access the IFQ Web site and establish an IFQ account. There is no fee for obtaining this endorsement. The endorsement remains valid as long as the Gulf and South Atlantic dealer permit remains valid and the dealer is in compliance with all Gulf reef fish and IFQ reporting requirements, has paid all IFQ fees required, and is not subject to any sanctions under 15 CFR part 904. The endorsement is not transferable.

(3) ***IFQ Landing and transaction requirements.***

(i) At the time of advance notice of landing, the IFQ vessel account, or its linked IFQ shareholder account, must contain allocation at least equal to the pounds in gutted weight of red snapper to be landed, except as provided in paragraph (b)(3)(ii) of this section. At the time of the landing transaction, the IFQ vessel account must contain allocation at least equal to the pounds in gutted weight of red snapper to be landed, except as provided in paragraph (b)(3)(ii) of this section. Such red snapper must be sold and can be received only by a dealer who has a valid Gulf IFQ dealer endorsement and an active IFQ dealer account (*i.e.*, not in delinquent status). All IFQ landings and their actual ex-vessel prices must be reported via the IFQ Web site.

(ii) A person on board a vessel with an IFQ vessel account landing the shareholder's only remaining allocation, can legally exceed, by up to 10 percent, the shareholder's allocation remaining on that last fishing trip of the fishing year, *i.e.,* a one-time per fishing year overage. Any such overage will be deducted from the shareholder's applicable allocation for the subsequent fishing year. From the time of the overage until January 1 of the subsequent fishing year, the IFQ shareholder must retain sufficient shares to account for the allocation that will be deducted the subsequent fishing year. Share transfers that would violate this requirement will be prohibited.

(iii) The dealer must complete a landing transaction report for each landing of Gulf red snapper via the IFQ Web site on the day of offload, except if the fish are being trailered for transport to a dealer as specified in paragraph (b)(5)(iv) of this section (in which case the landing transaction report may be completed prior to the day of offload), and within 96 hours from the time of landing reported on the most recent landing notification, in accordance with the reporting form(s) and instructions provided on the Web site. This report includes date, time, and location of transaction; weight and actual ex-vessel price of red snapper landed and sold (when calculating the weight of IFQ red snapper during a landing transaction, ice and water weight may not be deducted from the weight of the fish unless the actual weight of the ice and water can be determined); and information necessary to identify the fisherman, vessel, and dealer involved in the transaction. The fisherman must validate the dealer transaction report by entering his unique PIN when the transaction report is submitted. After the dealer submits the report and the information has been verified, the Web site will send a transaction approval code to the dealer and the allocation holder.

(iv) If there is a discrepancy regarding the landing transaction report after approval, the dealer or vessel account holder (or his or her authorized agent) must initiate a landing transaction correction form to correct the landing transaction. This form is available via the IFQ Web site. The dealer must then print out the form, both parties must sign it, and the form must be mailed to NMFS. The form must be received by NMFS no later than 15 days after the date of the initial landing transaction.

(4) ***IFQ cost recovery fees.*** As required by section 304(d)(2)(A)(i) of the Magnuson-Stevens Act, the RA will collect a fee to recover the actual costs directly related to the management and enforcement of the Gulf red snapper IFQ program. The fee cannot exceed 3 percent of the ex-vessel value of Gulf red snapper landed under the IFQ program as described in the Magnuson-Stevens Act. Such fees will be deposited in the Limited Access System Administration Fund (LASAF). Initially, the fee will be 3 percent of the actual ex-vessel price of Gulf red snapper landed per trip under the IFQ program, as documented in each landings transaction report. The RA will review the cost recovery fee annually to determine if adjustment is warranted. Factors considered in the review include the catch subject to the IFQ cost recovery, projected ex-vessel value of the catch, costs directly related to the management and enforcement of the IFQ program, the projected IFQ balance in the LASAF, and expected non-payment of fee liabilities. If the RA determines that a fee adjustment is warranted, the RA will publish a notification of the fee adjustment in the FEDERAL REGISTER.

(i) ***Payment responsibility.*** The IFQ allocation holder specified in the documented red snapper IFQ landing transaction report is responsible for payment of the applicable cost recovery fees.

(ii) ***Collection and submission responsibility.*** A dealer who receives Gulf red snapper subject to the IFQ program is responsible for collecting the applicable cost recovery fee for each IFQ landing from the IFQ allocation holder specified in the IFQ landing transaction report. Such dealer is

responsible for submitting all applicable cost recovery fees to NMFS on a quarterly basis. The fees are due and must be submitted, using *pay.gov* via the IFQ system at the end of each calendar-year quarter, but no later than 30 days after the end of each calendar-year quarter. Fees not received by the deadline are delinquent.

(iii) ***Fee payment procedure.*** For each IFQ dealer, the IFQ system will post, on individual message boards, an end-of-quarter statement of cost recovery fees that are due. The dealer is responsible for submitting the cost recovery fee payments using *pay.gov* via the IFQ system. Authorized payments methods are credit card, debit card, or automated clearing house (ACH). Payment by check will be authorized only if the RA has determined that the geographical area or an individual(s) is affected by catastrophic conditions.

(iv) ***Fee reconciliation process—delinquent fees.*** The following procedures apply to an IFQ dealer whose cost recovery fees are delinquent.

(A) On or about the 31st day after the end of each calendar-year quarter, the RA will send the dealer an electronic message via the IFQ Web site and official notice via mail indicating the applicable fees are delinquent, and the dealer's IFQ account has been suspended pending payment of the applicable fees.

(B) On or about the 91st day after the end of each calendar-year quarter, the RA will refer any delinquent IFQ dealer cost recovery fees to the appropriate authorities for collection of payment.

(5) ***Measures to enhance IFQ program enforceability*** —

(i) ***Advance notice of landing*** —

(A) ***General requirement.*** For the purpose of this paragraph, landing means to arrive at a dock, berth, beach, seawall, or ramp. The owner or operator of a vessel landing IFQ red snapper is responsible for ensuring that NMFS is contacted at least 3 hours, but no more than 24 hours, in advance of landing to report the time and location of landing, estimated red snapper landings in pounds gutted weight, vessel identification number (Coast Guard registration number or state registration number), and the name and address of the IFQ dealer(s) where the red snapper are to be received. The vessel must land within 1 hour after the time given in the landing notification except as provided in paragraph (b)(5)(i)(C) of this section. The vessel landing red snapper must have sufficient IFQ allocation in the IFQ vessel account, or its linked IFQ shareholder account, at least equal to the pounds in gutted weight of all red snapper on board (except for any overage up to the 10 percent allowed on the last fishing trip) at the time of the advance notice of landing.

(B) ***Submitting an advanced landing notification.*** Authorized methods for contacting NMFS and submitting the report include calling IFQ Customer Service at 1-866-425-7627, completing and submitting to NMFS a landing notification provided through the VMS unit, or providing the required information to NMFS through the web-based form available on the IFQ Web site.

(C) ***Landing prior to the notification time.*** The owner or operator of a vessel that has completed a landing notification and submitted it to NMFS may land prior to the notification time, only if an authorized officer is present at the landing site, is available to meet the vessel, and has authorized the owner or operator of the vessel to land early.

(D) ***Changes to a landing notification.*** The owner or operator of a vessel who has submitted a landing notification to NMFS may make changes to the notification by submitting a superseding notification. If the initial superseding notification makes changes to one or more of the following: the time of landing (if landing more than 1 hour after the time on the notification), the dealer(s), or the estimated weights of fish to be landed, the vessel does not need to wait an additional 3 hours to land. If the initial superseding notification makes changes to the landing location, the time of landing is earlier than previously specified, or more than one superseding notification is submitted on a trip, the vessel must wait an additional 3 hours to land, except as provided in paragraph (b)(5)(i)(C) of this section.

(ii) ***Time restriction on offloading.*** For the purpose of this paragraph, offloading means to remove IFQ red snapper from a vessel. IFQ red snapper may be offloaded only between 6 a.m. and 6 p.m., local time, unless an authorized officer is present at the offloading at 6 p.m., is available to remain at the site while offloading continues, and authorizes the owner or operator of the vessel to continue offloading after 6 p.m., local time.

(iii) ***Restrictions on transfer of IFQ red snapper.*** At-sea or dockside transfer of IFQ red snapper from one vessel to another vessel is prohibited.

(iv) ***Requirement for transaction approval code.*** If IFQ red snapper are offloaded to a vehicle for transport or are on a vessel that is trailered for transport, on-site capability to accurately weigh the fish and to connect electronically to the online IFQ system to complete the transaction and obtain the transaction approval code is required. After a landing transaction has been completed, a transaction approval code verifying a legal transaction of the amount of IFQ red snapper in possession and a copy of the dealer endorsement must accompany any IFQ red snapper from the landing location through possession by a dealer. This requirement also applies to IFQ red snapper possessed on a vessel that is trailered for transport. A dealer may only receive IFQ red snapper transported by a vehicle or a trailered vessel that has a corresponding transaction approval code.

(v) ***Approved landing locations.*** IFQ red snapper must be landed at an approved landing location. Landing locations must be approved by NMFS Office for Law Enforcement prior to a vessel landing IFQ red snapper at these sites. Proposed landing locations may be submitted online via the IFQ Web site, or by calling IFQ Customer Service at 1-866-425-7627, at any time; however, new landing locations will be approved only at the end of each calendar-year quarter. To have a landing location approved by the end of the calendar-year quarter, it must be submitted at least 45 days before the end of the calendar-year quarter. NMFS will evaluate the proposed sites based on, but not limited to, the following criteria:

(A) Landing locations must have a street address. If there is no street address on record for a particular landing location, global positioning system (GPS) coordinates for an identifiable geographic location must be provided.

(B) Landing locations must be publicly accessible by land and water, and must satisfy the following criteria:

(*1*) Vehicles must have access to the site via public roads;

(*2*) Vessels must have access to the site via navigable waters;

(*3*) No other condition may impede free and immediate access to the site by an authorized law enforcement officer. Examples of such conditions include, but are not limited to: A locked gate, fence, wall, or other barrier preventing 24-hour access to the site; a gated community entry point; a guard animal; a posted sign restricting access to the site; or any other physical deterrent.

(6) ***Transfer of IFQ shares and allocation.*** Until January 1, 2012, IFQ shares and allocations can be transferred only to a person who holds a valid commercial vessel permit for Gulf reef fish; thereafter, IFQ shares and allocations can be transferred only to a U.S. citizen or permanent resident alien. However, a valid commercial permit for Gulf reef fish, a Gulf red snapper IFQ vessel account, and Gulf red snapper IFQ allocation are required to possess (at and after the time of the advance notice of landing), land or sell Gulf red snapper subject to this IFQ program.

(i) ***Share transfers.*** Share transfers are permanent, *i.e.,* they remain in effect until subsequently transferred. Transfer of shares will result in the corresponding allocation being automatically transferred to the person receiving the transferred share beginning with the fishing year following the year the transfer occurred. However, within the fishing year the share transfer occurs, transfer of shares and associated allocation are independent—unless the associated allocation is transferred separately, it remains with the transferor for the duration of that fishing year. A share transfer transaction that remains in pending status, *i.e.,* has not been completed and verified with a transaction approval code, after 30 days from the date the shareholder initiated the transfer will be cancelled, and the pending shares will be re-credited to the shareholder who initiated the transfer.

(ii) ***Share transfer procedures.*** Share transfers must be accomplished online via the IFQ Web site. An IFQ shareholder must initiate a share transfer request by logging onto the IFQ Web site. Following the instructions provided on the IFQ Web site, the shareholder must enter pertinent information regarding the transfer request including, but not limited to, amount of shares to be transferred, which must be a minimum of 0.000001 percent; name of the eligible transferee; and the value of the transferred shares. An IFQ shareholder who is subject to a sanction under 15 CFR part 904 is prohibited from initiating a share transfer. An IFQ shareholder who is subject to a pending sanction under 15 CFR part 904 must disclose in writing to the prospective transferee the existence of any pending sanction at the time of the transfer. For the first 5 years this IFQ program is in effect, an eligible transferee is a person who has a valid commercial vessel permit for Gulf reef fish; is in compliance with all reporting requirements for the Gulf reef fish fishery and the red snapper IFQ program; is not subject to sanctions under 15 CFR part 904; and who would not be in violation of the share cap as specified in paragraph (b)(8) of this section. Thereafter, share transferee eligibility will only include U.S. citizens and permanent resident aliens who are otherwise in compliance with the provisions of this section. The online system will verify the transfer information entered. If the information is not accepted, the online system will send the shareholder an electronic message explaining the reason(s) why the transfer request cannot be completed. If the information is accepted, the online system will send the transferee an electronic message of the pending transfer. The transferee must approve the share transfer by electronic signature. If the transferee approves the share transfer, the online system will send a transaction approval code to both the transferor and transferee confirming the transaction. All share transfers must be completed and the transaction approval code received prior to December 31 at 6 p.m. eastern time each year.

(iii) ***Allocation transfers.*** An allocation transfer is valid only for the remainder of the fishing year in which it occurs; it does not carry over to the subsequent fishing year. Any allocation that is unused at the end of the fishing year is void. Allocation may be transferred to a vessel account from any IFQ account. Allocation held in a vessel account, however, may only be transferred back to the IFQ account through which the vessel account was established.

(iv) ***Allocation transfer procedures.*** Allocation transfers must be accomplished online via the IFQ Web site. An IFQ account holder must initiate an allocation transfer by logging onto the IFQ Web site, entering the required information, including but not limited to, name of an eligible transferee and amount of IFQ allocation to be transferred and price, and submitting the transfer electronically. An IFQ allocation holder who is subject to a sanction under 15 CFR part 904 is prohibited from initiating an allocation transfer. An IFQ allocation holder who is subject to a pending sanction under 15 CFR part 904 must disclose in writing to the prospective transferee the existence of any pending sanction at the time of the transfer. If the transfer is approved, the online system will provide a transaction approval code to the transferor and transferee confirming the transaction.

(7) ***Restricted transactions during the 20-hour online maintenance window.*** All electronic IFQ transactions must be completed by December 31 at 6 p.m. eastern time each year. Electronic IFQ functions will resume again on January 1 at 2 p.m. eastern time the following fishing year. The remaining 6 hours prior to the end of the fishing year, and the 14 hours at the beginning of the next fishing year, are necessary to provide NMFS time to reconcile IFQ accounts, adjust allocations for the upcoming year if the commercial quotas for Gulf red snapper have changed, and update shares and allocations for the upcoming fishing year. No electronic IFQ transactions will be available during these 20 hours. An advance notice of landing may still be submitted during the 20-hour maintenance window by using the vessel's VMS unit or calling IFQ Customer Service at 1-866-425-7627.

(8) ***IFQ share cap.*** No person, including a corporation or other entity, may individually or collectively hold IFQ shares in excess of 6.0203 percent of the total shares. For the purposes of considering the share cap, a corporation's total IFQ share is determined by adding the applicable IFQ shares held by the corporation and any other IFQ shares held by a corporation(s) owned by the original corporation prorated based on the level of ownership. An individual's total IFQ share is determined by adding the applicable IFQ shares held by the individual and the applicable IFQ shares equivalent to the corporate share the individual holds in a corporation. Initially, a corporation must provide the RA the identity of the shareholders of the corporation and their percent of shares in the corporation, and provide updated information to the RA within 30 days of when changes occur. This information must also be provided to the RA any time a commercial vessel permit for Gulf reef fish is renewed or transferred and at the time of renewal of the application for an IFQ Account.

(9) ***Redistribution of shares resulting from permanent revocation.*** If a shareholder's IFQ shares have been permanently revoked, the RA will redistribute the IFQ shares held by that shareholder proportionately among remaining shareholders (subject to cap restrictions) based upon the amount of shares each held just prior to the redistribution. During December of each year, the RA will determine the amount of revoked shares, if any, to be redistributed, and the shares will be distributed at the beginning of the subsequent fishing year.

(10) ***Annual recalculation and notification of IFQ shares and allocation.*** On or about January 1 each year, IFQ shareholders will be notified, via the IFQ Web site, of their IFQ share and allocation for the upcoming fishing year. These updated share values will reflect the results of applicable share transfers and any redistribution of shares (subject to cap restrictions) resulting from permanent

revocation of applicable shares. Updated allocation values will reflect any change in IFQ share, any change in the annual commercial quota for Gulf red snapper, and any debits required as a result of prior fishing year overages as specified in paragraph (b)(3)(ii) of this section. IFQ participants can monitor the status of their shares and allocation throughout the year via the IFQ Web site.

(11) ***Eligibility to participate in the Gulf red snapper IFQ program as of January 1, 2012.*** The provisions of paragraph (b)(11) of this section apply to all eligible participants for the Gulf red snapper IFQ program beginning January 1, 2012. In addition to eligible participants who already participate in the Gulf red snapper IFQ program, as of January 1, 2012, all U.S. citizens and permanent resident aliens who are in compliance with the provisions of this section are eligible and may participate in the Gulf red snapper IFQ program as shareholders and allocation holders. The requirements to meet the definition of a U.S. citizen are described in the Immigration and Nationality Act of 1952, as amended, and permanent resident aliens are those individuals who have been lawfully accorded the privilege of residing permanently in the U.S. in accordance with U.S. immigration laws. In order to harvest and possess Gulf IFQ red snapper, the requirements for a Gulf red snapper IFQ vessel account, as specified in paragraph (b)(1) of this section, or a Gulf IFQ dealer endorsement, as specified in paragraph (b)(2) of this section apply.

(i) ***Gulf red snapper IFQ program participation for current red snapper IFQ account holders.*** A current participant in the red snapper IFQ program must complete and submit the application for an IFQ Account that is available on the website *https://secatchshares.fisheries.noaa.gov,* to certify status as a U.S. citizen or permanent resident alien. The IFQ account holder must also complete and submit any other information on this form that may be necessary for the administration of the IFQ account. A person with an established IFQ account must update and confirm the account information every 2 years. IFQ accounts are updated through the submission of the application for an IFQ Account. Accounts must be updated prior to the account validity date (expiration date of the account) that is displayed on each account holder's IFQ account page. The RA will provide each participant who has established an online account, with an application approximately 2 months prior to the account validity date. A participant who is not provided an application at least 45 days prior to the account validity date must contact IFQ Customer Service at 1-866-425-7627 and request an application. Failure to submit a completed application prior to the account validity date will lead to the suspension of the participant's IFQ account until a completed application is submitted. After January 1, 2012, participants who certify that they are either not U.S. citizens or permanent resident aliens will be ineligible to receive shares or allocation through transfer.

(ii) ***Gulf red snapper IFQ program participation for entities that do not currently possess an IFQ account.*** The following procedures apply to U.S citizens or permanent resident aliens who are not otherwise described in either paragraphs (a) or (b)(11)(i) of this section.

(A) To establish an IFQ account, a person must first complete the application for an IFQ Account that is available on the website *https://secatchshares.fisheries.noaa.gov.* An applicant for an IFQ account under this paragraph must provide the following;

(*1*) Name; address; telephone number; date of birth; tax identification number; certification of status as either a U.S. citizen or permanent resident alien; and if a corporation, a list of all officers, directors, shareholders, and registered agents of the business; and other identifying information as specified on the application.

(*2*) Any other information that may be necessary for the establishment or administration of the IFQ account.

(B) Completed applications and all required supporting documentation must be submitted to the RA. There is no fee to access the Web site or establish an IFQ account. An applicant that submits an incomplete application will be contacted by the RA to correct any deficiencies. If an applicant fails to correct the deficiency within 30 days of being notified of the deficient application, the application will be considered abandoned.

(C) After an applicant submits a completed application for an IFQ account, the RA will mail the applicant general instructions regarding procedures related to the IFQ online system, including how to set up an online account and a user identification number—the personal identification number (PIN) will be provided in a subsequent letter.

(D) A participant who has established an IFQ account must notify the RA within 30 days after there is any change in the information submitted through the application for an IFQ Account. The IFQ account is void if any change in the application information is not reported within 30 days.

(E) A person who has established an IFQ account must update and confirm the account information every 2 years. IFQ accounts are updated through the submission of the application for an IFQ Account. Accounts must be updated prior to the account validity date (expiration date of the account) that is displayed on each account holder's IFQ account page. The RA will mail each participant who has established an online account an application approximately 2 months prior to the Account Validity Date. A participant who does not receive an application at least 45 days prior to the Account Validity Date must contact IFQ Customer Service at 1-866-425-7627 and request an application. Failure to submit a completed application prior to the account validity date will lead to the suspension of the IFQ account until a completed application is submitted.

(F) For information regarding transfer of IFQ shares and allocation, the IFQ share cap, and the annual recalculation and notification of IFQ shares and allocation, see paragraphs (b)(6), (b)(8), and (b)(10) of this section, respectively.

(G) Participation in the Gulf red snapper IFQ program beyond transferring IFQ shares and allocation is explained in paragraphs (a) through (b)(10) of this section.

[78 FR 22952, Apr. 17, 2013, as amended at 79 FR 19494, Apr. 9, 2014; 79 FR 57834, Sept. 26, 2014; 80 FR 24834, May 1, 2015; 83 FR 27299, June 12, 2018; 86 FR 11154, Feb. 24, 2021; 86 FR 72857, Dec. 23, 2021]

§ 622.22 Individual fishing quota (IFQ) program for Gulf groupers and tilefishes.

(a) ***General.*** This section establishes an IFQ program for the commercial sectors of the Gulf reef fish fishery for groupers (including DWG, red grouper, gag, and Other SWG) and tilefishes (including goldface tilefish, blueline tilefish, and tilefish). For the purposes of this IFQ program, DWG includes yellowedge grouper, warsaw grouper, snowy grouper, speckled hind, and scamp, but only as specified in paragraph (a)(7) of this section. For the purposes of this IFQ program, Other SWG includes black grouper, scamp, yellowfin grouper, yellowmouth grouper, warsaw grouper, and speckled hind, but only as specified in paragraph (a)(6) of this section. Under the IFQ program, the RA initially will assign eligible participants IFQ shares, in five share categories. These IFQ shares are equivalent to a percentage of the annual commercial quotas for DWG, red grouper, gag, Other SWG, and tilefishes, based on their applicable historical landings. Shares determine the amount of IFQ allocation for Gulf groupers and tilefishes, in pounds gutted weight, a shareholder is initially authorized to possess, land, or sell in a given calendar year. Shares and annual IFQ

allocation are transferable. See paragraph (b)(1) of this section regarding a requirement for a vessel landing groupers or tilefishes subject to this IFQ program to have an IFQ vessel account for Gulf groupers and tilefishes. See paragraph (b)(2) of this section regarding a requirement for a Gulf IFQ dealer endorsement. Details regarding eligibility, applicable landings history, account setup and transaction requirements, constraints on transferability, and other provisions of this IFQ system are provided in the following paragraphs of this section.

(1) ***Scope.*** The provisions of this section apply to Gulf groupers and tilefishes in or from the Gulf EEZ and, for a person aboard a vessel with an IFQ vessel account for Gulf groupers and tilefishes as required by paragraph (b)(1) of this section or for a person with a Gulf IFQ dealer endorsement as required by paragraph (b)(2) of this section, these provisions apply to Gulf groupers and tilefishes regardless of where harvested or possessed.

(2) ***Duration.*** The IFQ program established by this section will remain in effect until it is modified or terminated; however, the program will be evaluated by the Gulf of Mexico Fishery Management Council every 5 years.

(3) ***Electronic system requirements.***

(i) The administrative functions associated with this IFQ program, *e.g.,* registration and account setup, landing transactions, and transfers, are designed to be accomplished online; therefore, a participant must have access to a computer and Internet access and must set up an appropriate IFQ account to participate. The computer must have current, up-to-date browser software installed, which may be downloaded from the internet for free. Assistance with online functions is available from IFQ Customer Service by calling 1-866-425-7627 Monday through Friday between 8 a.m. and 4:30 p.m. eastern time.

(ii) The RA will mail initial shareholders and dealers with Gulf reef fish dealer permits information and instructions pertinent to setting up an IFQ account. Other eligible persons who desire to become IFQ participants by purchasing IFQ shares or allocation or by obtaining a Gulf IFQ dealer endorsement must first contact IFQ Customer Service at 1-866-425-7627 to obtain information necessary to set up the required IFQ account. All current IFQ participants must complete and submit the application for an IFQ Account to certify their citizenship status and ensure their account information (*e.g.,* mailing address, corporate shareholdings, etc.) is up to date. See paragraph (b)(11) of this section regarding requirements for the application for an IFQ Account. Each IFQ participant must monitor his/her online account and all associated messages and comply with all IFQ online reporting requirements.

(iii) During catastrophic conditions only, the IFQ program provides for use of paper-based components for basic required functions as a backup. 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. NMFS will provide each IFQ dealer the necessary paper forms and instructions for submission of the forms to the RA. The paper forms will also be available from the RA. The program functions available to participants or geographic areas deemed affected by catastrophic conditions will be limited under the paper-based system. There will be no mechanism for transfers of IFQ shares or allocation under the paper-based system in effect

during catastrophic conditions. Assistance in complying with the requirements of the paper-based system will be available via IFQ Customer Service 1-866-425-7627 Monday through Friday between 8 a.m. and 4:30 p.m. eastern time.

(4) ***IFQ allocation.*** IFQ allocation is the amount of Gulf groupers and tilefishes, in pounds gutted weight, an IFQ shareholder or allocation holder is authorized to possess, land, or sell during a given fishing year. IFQ allocation is derived at the beginning of each year by multiplying a shareholder's IFQ share times the annual commercial quota for Gulf groupers and tilefishes. If the quota is increased after the beginning of the fishing year, then IFQ allocation is derived by multiplying a shareholder's IFQ share at the time of the quota increase by the amount the annual commercial quota for groupers and tilefishes is increased. If a reduction in the applicable commercial quota specified in § 622.39(a)(1) is expected to occur after January 1, the beginning of the fishing year, but before June 1 in that same fishing year, NMFS will withhold distribution of IFQ allocation of the applicable groupers and tilefishes commercial quota on January 1 in the amount equal to that reduction. If a final rule to implement the commercial quota reduction is not published in the FEDERAL REGISTER and effective by June 1, NMFS will distribute withheld IFQ allocation of the applicable groupers and tilefishes commercial quota to current shareholders based on the date the withheld IFQ allocation is distributed.

(5) ***Red grouper and gag multi-use allocation*** —

(i) ***Red grouper multi-use allocation.***

(A) At the time the commercial quota for red grouper is distributed to IFQ shareholders, a percentage of each shareholder's initial red grouper allocation will be converted to red grouper multi-use allocation. Red grouper multi-use allocation, determined annually, will be based on the following formula:

Red Grouper multi-use allocation (in percent) = 100 * [Gag ACL − Gag commercial quota]/Red grouper commercial quota

(B) Red grouper multi-use allocation may be used to possess, land, or sell either red grouper or gag under certain conditions. Red grouper multi-use allocation may be used to possess, land, or sell red grouper only after an IFQ account holder's (shareholder or allocation holder's) red grouper allocation has been landed and sold, or transferred; and to possess, land, or sell gag, only after both gag and gag multi-use allocation have been landed and sold, or transferred. However, if gag is under a rebuilding plan, the percentage of red grouper multi-use allocation is equal to zero.

(ii) ***Gag multi-use allocation.***

(A) At the time the commercial quota for gag is distributed to IFQ shareholders, a percentage of each shareholder's initial gag allocation will be converted to gag multi-use allocation. Gag multi-use allocation, determined annually, will be based on the following formula:

Gag multi-use allocation (in percent) = 100 * [Red grouper ACL − Red grouper commercial quota]/Gag commercial quota

(B) Gag multi-use allocation may be used to possess, land, or sell either gag or red grouper under certain conditions. Gag multi-use allocation may be used to possess, land, or sell gag only after an IFQ account holder's (shareholder or allocation holder's) gag allocation has been landed and sold, or transferred; and to possess, land, or sell red grouper, only after both red grouper and red grouper multi-use allocation have been landed and sold, or

transferred. Multi-use allocation transfer procedures and restrictions are specified in paragraph (b)(6)(iv) of this section. However, if red grouper is under a rebuilding plan, the percentage of gag multi-use allocation is equal to zero.

(6) ***Warsaw grouper and speckled hind classification.*** Warsaw grouper and speckled hind are considered DWG species and under certain circumstances SWG species. For the purposes of the IFQ program for Gulf groupers and tilefishes, after all of an IFQ account holder's DWG allocation has been landed and sold, or transferred, or if an IFQ account holder has no DWG allocation, then Other SWG allocation may be used to land and sell warsaw grouper and speckled hind.

(7) ***Scamp classification.*** Scamp is considered a SWG species and under certain circumstances a DWG. For the purposes of the IFQ program for Gulf groupers and tilefishes, after all of an IFQ account holder's Other SWG allocation has been landed and sold, or transferred, or if an IFQ account holder has no SWG allocation, then DWG allocation may be used to land and sell scamp.

(8) ***Closing an IFQ account.*** IFQ account holders may close an IFQ account by completing and submitting a Close IFQ Account Request Form to NMFS. This form must be signed by an account holder named on the IFQ account. If the request to close an IFQ account is being made because the sole account holder is deceased, the person requesting the closure must sign the Close IFQ Account Request Form, indicating the relationship to the deceased, provide a death certificate, and provide any additional information NMFS determines is necessary to complete the request. IFQ shareholder accounts may not be closed until all shares and allocation have been transferred from the account to another IFQ account holder. Dealer accounts may not be closed until all cost recovery fees have been received by NMFS. NMFS' IFQ Customer Service staff may close an IFQ account if all shares and allocation have been transferred from the account, all cost recovery fees have been received by NMFS, and no landing transactions or IFQ transfers have been completed by the IFQ account holder in at least 1 year. If an account is closed by NMFS' IFQ Customer Service staff, it may be reopened at the request of the IFQ account holder by contacting IFQ Customer Service.

(9) ***Returning IFQ shares.*** Any shares contained in IFQ accounts that have never been activated since January 1, 2010, in the IFQ program are returned permanently to NMFS on July 12, 2018.

(b) ***IFQ operations and requirements*** —

(1) ***IFQ vessel accounts for Gulf groupers and tilefishes.*** For a person aboard a vessel, for which a commercial vessel permit for Gulf reef fish has been issued, to fish for, possess, or land Gulf groupers (including DWG and SWG, as specified in paragraph (a) of this section or tilefishes (including goldface tilefish, blueline tilefish, and tilefish), regardless of where harvested or possessed, a Gulf IFQ vessel account for the applicable species or species groups must have been established. As a condition of the IFQ vessel account, a person aboard such vessel must comply with the requirements of this section, § 622.22, when fishing for groupers or tilefishes regardless of where the fish are harvested or possessed. An owner of a vessel with a commercial vessel permit for Gulf reef fish, who has established an IFQ account for the applicable species, as specified in paragraph (a)(3)(i) of this section, online via the NMFS IFQ website *https://secatchshares.fisheries.noaa.gov,* may establish a vessel account through that IFQ account for that permitted vessel. If such owner does not have an online IFQ account, the owner must first contact IFQ Customer Service at 1-866-425-7627 to obtain information necessary to access the IFQ Web site and establish an online IFQ account. There is no fee to set-up an IFQ account or a vessel account. Only one vessel account may be established per vessel under each IFQ program. An owner with multiple vessels may establish multiple vessel accounts under each IFQ account. The purpose of the vessel account is to hold IFQ allocation that is required to land the applicable IFQ species. A

vessel account, or its linked IFQ shareholder account, must hold sufficient IFQ allocation in the appropriate share category, at least equal to the pounds in gutted weight of the groupers and tilefishes on board at the time of advance notice of landing. Allocation must be transferred to the vessel account, so that the vessel account holds sufficient IFQ allocation at the time of the landing transaction (except for any overage allowed as specified in paragraph (b)(3)(ii) for groupers and tilefishes). The vessel account remains valid as long as the vessel permit remains valid; the vessel has not been sold or transferred; and the vessel owner is in compliance with all Gulf reef fish and IFQ reporting requirements, has paid all applicable IFQ fees, and is not subject to sanctions under 15 CFR part 904. The vessel account is not transferable to another vessel. The provisions of this paragraph do not apply to fishing for or possession of Gulf groupers and tilefishes under the bag limit specified in § 622.38(b)(2) and (5) respectively.

(2) ***Gulf IFQ dealer endorsements.*** In addition to the requirement for a Gulf and South Atlantic dealer permit as specified in § 622.20(c)(1), for a dealer to first receive groupers and tilefishes subject to the IFQ program for groupers and tilefishes, as specified in paragraph (a)(1) of this section, or for a person aboard a vessel with a Gulf IFQ vessel account to sell such groupers and tilefishes directly to an entity other than a dealer, such persons must also have a Gulf IFQ dealer endorsement. A dealer with a Gulf and South Atlantic dealer permit can download a Gulf IFQ dealer endorsement from the NMFS IFQ Web site. If such persons do not have an IFQ account, they must first contact IFQ Customer Service at 1-866-425-7627 to obtain information necessary to access the IFQ Web site and establish an IFQ account. There is no fee for obtaining this endorsement. The endorsement remains valid as long as the Gulf and South Atlantic dealer permit remains valid and the dealer is in compliance with all Gulf reef fish and IFQ reporting requirements, has paid all IFQ fees required, and is not subject to any sanctions under 15 CFR part 904. The endorsement is not transferable.

(3) ***IFQ Landing and transaction requirements.***

(i) At the time of advance notice of landing, the IFQ vessel account, or its linked IFQ shareholder account, must contain allocation at least equal to the pounds in gutted weight of grouper or tilefish species to be landed, except as provided in paragraph (b)(3)(ii) of this section. At the time of the landing transaction, the IFQ vessel account must contain allocation at least equal to the pounds in gutted weight of grouper or tilefish species to be landed, except as provided in paragraph (b)(3)(ii) of this section. Such groupers and tilefishes must be sold and can be received only by a dealer who has a valid Gulf IFQ dealer endorsement and an active IFQ dealer account (*i.e.,* not in delinquent status). All IFQ landings and their actual ex-vessel prices must be reported via the IFQ Web site.

(ii) A person on board a vessel with an IFQ vessel account landing the shareholder's only remaining allocation from among any of the grouper or tilefish share categories, can legally exceed, by up to 10 percent, the shareholder's allocation remaining on that last fishing trip of the fishing year, *i.e.* a one-time per fishing year overage. Any such overage will be deducted from the shareholder's applicable allocation for the subsequent fishing year. From the time of the overage until January 1 of the subsequent fishing year, the IFQ shareholder must retain sufficient shares to account for the allocation that will be deducted the subsequent fishing year. Share transfers that would violate this requirement will be prohibited.

(iii) The dealer must complete a landing transaction report for each landing of Gulf groupers or tilefishes via the IFQ Web site on the day of offload, except if the fish are being trailered for transport to a dealer as specified in paragraph (b)(5)(iv) of this section (in which case the landing transaction report may be completed prior to the day of offload), and within 96 hours

from the time of landing reported on the most recent landing notification, in accordance with the reporting form(s) and instructions provided on the Web site. This report includes date, time, and location of transaction; weight and actual ex-vessel price of groupers and tilefishes landed and sold (when calculating the weight of IFQ groupers and tilefishes during a landing transaction, ice and water weight may not be deducted from the weight of the fish unless the actual weight of the ice and water can be determined); and information necessary to identify the fisherman, vessel, and dealer involved in the transaction. The fisherman must validate the dealer transaction report by entering the unique PIN for the vessel account when the transaction report is submitted. After the dealer submits the report and the information has been verified by NMFS, the online system will send a transaction approval code to the dealer and the allocation holder.

(iv) If there is a discrepancy regarding the landing transaction report after approval, the dealer or vessel account holder (or his or her authorized agent) must initiate a landing transaction correction form to correct the landing transaction. This form is available via the IFQ Web site. The dealer must then print out the form, both parties must sign it, and the form must be mailed to NMFS. The form must be received by NMFS no later than 15 days after the date of the initial landing transaction.

(4) ***IFQ cost recovery fees.*** As required by the Magnuson-Stevens Act, the RA will collect a fee to recover the actual costs directly related to the management and enforcement of the IFQ program for Gulf groupers and tilefishes. The fee cannot exceed 3 percent of the ex-vessel value of Gulf groupers and tilefishes landed under the IFQ program as described in the Magnuson-Stevens Act. Such fees will be deposited in the Limited Access System Administration Fund (LASAF). Initially, the fee will be 3 percent of the actual ex-vessel price of Gulf groupers and tilefishes landed per trip under the IFQ program, as documented in each landings transaction report. The RA will review the cost recovery fee annually to determine if adjustment is warranted. Factors considered in the review include the catch subject to the IFQ cost recovery, projected ex-vessel value of the catch, costs directly related to the management and enforcement of the IFQ program, the projected IFQ balance in the LASAF, and expected non-payment of fee liabilities. If the RA determines that a fee adjustment is warranted, the RA will publish a notification of the fee adjustment in the FEDERAL REGISTER.

(i) ***Payment responsibility.*** The IFQ account holder specified in the documented IFQ landing transaction report for Gulf groupers and tilefishes is responsible for payment of the applicable cost recovery fees.

(ii) ***Collection and submission responsibility.*** A dealer who receives Gulf groupers or tilefishes subject to the IFQ program is responsible for collecting the applicable cost recovery fee for each IFQ landing from the IFQ account holder specified in the IFQ landing transaction report. Such dealer is responsible for submitting all applicable cost recovery fees to NMFS on a quarterly basis. The fees are due and must be submitted, using *pay.gov* via the IFQ system, at the end of each calendar-year quarter, but no later than 30 days after the end of each calendar-year quarter. Fees not received by the deadline are delinquent.

(iii) ***Fee payment procedure.*** For each IFQ dealer, the IFQ system will post, in individual IFQ dealer accounts, an end-of-quarter statement of cost recovery fees that are due. The dealer is responsible for submitting the cost recovery fee payments using *pay.gov* via the IFQ system. Authorized payment methods are credit card, debit card, or automated clearing house (ACH). Payment by check will be authorized only if the RA has determined that the geographical area or an individual(s) is affected by catastrophic conditions.

(iv) ***Fee reconciliation process—delinquent fees.*** The following procedures apply to an IFQ dealer whose cost recovery fees are delinquent.

(A) On or about the 31st day after the end of each calendar-year quarter, the RA will send the dealer an electronic message via the IFQ Web site and official notice via mail indicating the applicable fees are delinquent, and the dealer's IFQ account has been suspended pending payment of the applicable fees.

(B) On or about the 91st day after the end of each calendar-year quarter, the RA will refer any delinquent IFQ dealer cost recovery fees to the appropriate authorities for collection of payment.

(5) ***Measures to enhance IFQ program enforceability*** —

(i) ***Advance notice of landing*** —

(A) ***General requirement.*** For the purpose of this paragraph, landing means to arrive at a dock, berth, beach, seawall, or ramp. The owner or operator of a vessel landing IFQ groupers or tilefishes is responsible for ensuring that NMFS is contacted at least 3 hours, but no more than 24 hours, in advance of landing to report the time and location of landing, estimated grouper and tilefish landings in pounds gutted weight for each share category (gag, red grouper, DWG, Other SWG, tilefishes), vessel identification number (Coast Guard registration number or state registration number), and the name and address of the IFQ dealer(s) where the groupers or tilefishes are to be received. The vessel must land within 1 hour after the time given in the landing notification except as provided in paragraph (b)(5)(i)(C) of this section. The vessel landing groupers or tilefishes must have sufficient IFQ allocation in the IFQ vessel account, or its linked IFQ shareholder account, and in the appropriate share category or categories, at least equal to the pounds in gutted weight of all groupers and tilefishes on board (except for any overage up to the 10 percent allowed on the last fishing trip) at the time of the advance notice of landing.

(B) ***Submitting an advanced landing notification.*** Authorized methods for contacting NMFS and submitting the report include calling IFQ Customer Service at 1-866-425-7627, completing and submitting to NMFS a landing notification provided through the VMS unit, or providing the required information to NMFS through the web-based form available on the IFQ Web site.

(C) ***Landing prior to the notification time.*** The owner or operator of a vessel that has completed a landing notification and submitted it to NMFS may land prior to the notification time, only if an authorized officer is present at the landing site, is available to meet the vessel, and has authorized the owner or operator of the vessel to land early.

(D) ***Changes to a landing notification.*** The owner or operator of a vessel who has submitted a landing notification to NMFS may make changes to the notification by submitting a superseding notification. If the initial superseding notification makes changes to one or more of the following: the time of landing (if landing more than 1 hour after the time on the notification), the dealer(s), or the estimated weights of fish to be landed, the vessel does not need to wait an additional 3 hours to land. If the initial superseding notification makes changes to the landing location, the time of landing is earlier than previously specified, or more than one superseding notification is submitted on a trip, the vessel must wait an additional 3 hours to land, except as provided in paragraph (b)(5)(i)(C) of this section.

(ii) ***Time restriction on offloading.*** For the purpose of this paragraph, offloading means to remove IFQ groupers and tilefishes from a vessel. IFQ groupers or tilefishes may be offloaded only between 6 a.m. and 6 p.m., local time, unless an authorized officer is present at the offloading at 6 p.m., is available to remain at the site while offloading continues, and authorizes the owner or operator of the vessel to continue offloading after 6 p.m.

(iii) ***Restrictions on transfer of IFQ groupers and tilefishes.*** At-sea or dockside transfer of IFQ groupers or tilefishes from one vessel to another vessel is prohibited.

(iv) ***Requirement for transaction approval code.*** If IFQ groupers or tilefishes are offloaded to a vehicle for transport or are on a vessel that is trailered for transport, on-site capability to accurately weigh the fish and to connect electronically to the online IFQ system to complete the transaction and obtain the transaction approval code is required. After a landing transaction has been completed, a transaction approval code verifying a legal transaction of the amount of IFQ groupers and tilefishes in possession and a copy of the dealer endorsement must accompany any IFQ groupers or tilefishes from the landing location through possession by a dealer. This requirement also applies to IFQ groupers and tilefishes possessed on a vessel that is trailered for transport. A dealer may only receive IFQ groupers and tilefishes transported by a vehicle or a trailered vessel that has a corresponding transaction approval code.

(v) ***Approved landing locations.*** IFQ groupers and tilefishes must be landed at an approved landing location. Landing locations must be approved by NMFS Office for Law Enforcement prior to a vessel landing IFQ groupers or tilefishes at these sites. Proposed landing locations may be submitted online via the IFQ Web site, or by calling IFQ Customer Service at 1-866-425-7627, at any time; however, new landing locations will be approved only at the end of each calendar-year quarter. To have your landing location approved by the end of the calendar-year quarter, it must be submitted at least 45 days before the end of the calendar-year quarter. NMFS will evaluate the proposed sites based on, but not limited to, the following criteria:

(A) Landing locations must have a street address. If there is no street address on record for a particular landing location, global positioning system (GPS) coordinates for an identifiable geographic location must be provided.

(B) Landing locations must be publicly accessible by land and water, and must satisfy the following criteria:

(*1*) Vehicles must have access to the site via public roads;

(*2*) Vessels must have access to the site via navigable water;

(*3*) No other condition may impede free and immediate access to the site by an authorized law enforcement officer. Examples of such conditions include, but are not limited to: A locked gate, fence, wall, or other barrier preventing 24-hour access to the site; a gated community entry point; a guard; animal; a posted sign restricting access to the site; or any other physical deterrent.

(6) ***Transfer of IFQ shares and allocation.*** Until January 1, 2015, IFQ shares and allocations can be transferred only to a person who holds a valid commercial vessel permit for Gulf reef fish; thereafter, IFQ shares and allocations can be transferred only to a U.S. citizen or permanent resident alien.

However, a valid commercial permit for Gulf reef fish, an IFQ vessel account for Gulf groupers and tilefishes, and IFQ allocation for Gulf groupers or tilefishes are required to possess (at and after the time of the advance notice of landing), land or sell Gulf groupers or tilefishes subject to this IFQ program.

(i) ***Share transfers.*** Share transfers are permanent, *i.e.,* they remain in effect until subsequently transferred. Transfer of shares will result in the corresponding allocation being automatically transferred to the person receiving the transferred share beginning with the fishing year following the year the transfer occurred. However, within the fishing year the share transfer occurs, transfer of shares and associated allocation are independent—unless the associated allocation is transferred separately, it remains with the transferor for the duration of that fishing year. A share transfer transaction that remains in pending status, *i.e.,* has not been completed and verified with a transaction approval code, after 30 days from the date the shareholder initiated the transfer will be cancelled, and the pending shares will be re-credited to the shareholder who initiated the transfer.

(ii) ***Share transfer procedures.*** Share transfers must be accomplished online via the IFQ Web site. An IFQ shareholder must initiate a share transfer request by logging onto the IFQ Web site. An IFQ shareholder who is subject to a sanction under 15 CFR part 904 is prohibited from initiating a share transfer. An IFQ shareholder who is subject to a pending sanction under 15 CFR part 904 must disclose in writing to the prospective transferee the existence of any pending sanction at the time of the transfer. Following the instructions provided on the Web site, the shareholder must enter pertinent information regarding the transfer request including, but not limited to: amount of shares to be transferred, which must be a minimum of 0.000001 percent; name of the eligible transferee; and the value of the transferred shares. For the first 5 years this IFQ program is in effect, an eligible transferee is a person who has a valid commercial vessel permit for Gulf reef fish; is in compliance with all reporting requirements for the Gulf reef fish fishery and the IFQ program for Gulf groupers and tilefishes; is not subject to sanctions under 15 CFR part 904; and who would not be in violation of the share or allocation caps as specified in paragraph (b)(8) of this section. Thereafter, share transferee eligibility will only include U.S. citizens and permanent resident aliens who are otherwise in compliance with the provisions of this section. The online system will verify the information entered. If the information is not accepted, the online system will send the shareholder an electronic message explaining the reason(s). If the information is accepted, the online system will send the transferee an electronic message of the pending transfer. The transferee must approve the share transfer by electronic signature. If the transferee approves the share transfer, the online system will send a transfer approval code to both the shareholder and transferee confirming the transaction. All share transfers must be completed and the transaction approval code received prior to December 31 at 6 p.m. eastern time each year.

(iii) ***Allocation transfers.*** An allocation transfer is valid only for the remainder of the fishing year in which it occurs; it does not carry over to the subsequent fishing year. Any allocation that is unused at the end of the fishing year is void. Allocation may be transferred to a vessel account from any IFQ account. Allocation held in a vessel account, however, may only be transferred back to the IFQ account through which the vessel account was established.

(iv) ***Allocation transfer procedures and restrictions*** —

(A) ***Allocation transfer procedures.*** Allocation transfers must be accomplished online via the IFQ Web site. An IFQ account holder must initiate an allocation transfer by logging onto the IFQ Web site, entering the required information, including but not limited to, the name of an eligible transferee and amount of IFQ allocation to be transferred and price, and submitting the transfer electronically. An IFQ allocation holder who is subject to a sanction under 15 CFR part 904 is prohibited from initiating an allocation transfer. An IFQ allocation holder who is subject to a pending sanction under 15 CFR part 904 must disclose in writing to the prospective transferee the existence of any pending sanction at the time of the transfer. If the transfer is approved, the Web site will provide a transfer approval code to the transferor and transferee confirming the transaction.

(B) ***Multi-use allocation transfer restrictions*** —

(*1*) ***Red grouper multi-use allocation.*** Red grouper multi-use allocation may only be transferred after all an IFQ account holder's red grouper allocation has been landed and sold, or transferred.

(*2*) ***Gag multi-use allocation.*** Gag multi-use allocation may only be transferred after all an IFQ account holder's gag allocation has been landed and sold, or transferred.

(7) ***Restricted transactions during the 20-hour online maintenance window.*** All electronic IFQ transactions must be completed by December 31 at 6 p.m. eastern time each year. Electronic IFQ functions will resume again on January 1 at 2 p.m. eastern time the following fishing year. The remaining 6 hours prior to the end of the fishing year, and the 14 hours at the beginning of the next fishing year, are necessary to provide NMFS time to reconcile IFQ accounts, adjust allocations for the upcoming year if the commercial quotas or catch allowances for Gulf groupers and tilefishes have changed, and update shares and allocations for the upcoming fishing year. No electronic IFQ transactions will be available during these 20 hours. An advance notice of landing may still be submitted during the 20-hour maintenance window by using the vessel's VMS unit or calling IFQ Customer Service at 1-866-425-7627.

(8) ***IFQ share and allocation caps.*** A corporation's total IFQ share (or allocation) is determined by adding the applicable IFQ shares (or allocation) held by the corporation and any other IFQ shares (or allocation) held by a corporation(s) owned by the original corporation prorated based on the level of ownership. An individual's total IFQ share is determined by adding the applicable IFQ shares held by the individual and the applicable IFQ shares equivalent to the corporate share the individual holds in a corporation. An individual's total IFQ allocation is determined by adding the individual's total allocation to the allocation derived from the IFQ shares equivalent to the corporate share the individual holds in a corporation.

(i) ***IFQ share cap for each share category.*** No person, including a corporation or other entity, may individually or collectively hold IFQ shares in any share category (gag, red grouper, DWG, Other SWG, or tilefishes) in excess of the maximum share initially issued for the applicable share category to any person at the beginning of the IFQ program, as of the date appeals are resolved and shares are adjusted accordingly. A corporation must provide to the RA the identity of the shareholders of the corporation and their percent of shares in the corporation for initial issuance of IFQ shares and allocation, and provide updated information to the RA within 30 days of when changes occur. This information must also be provided to the RA any time a commercial vessel permit for Gulf reef fish is renewed or transferred and at the time of renewal of the application for an IFQ Account.

(ii) ***Total allocation cap.*** No person, including a corporation or other entity, may individually or collectively hold, cumulatively during any fishing year, IFQ allocation in excess of the total allocation cap. The total allocation cap is the sum of the maximum allocations associated with the share caps for each individual share category and is calculated annually based on the applicable quotas or catch allowance associated with each share category.

(9) ***Redistribution of shares resulting from permanent revocation.*** If a shareholder's IFQ shares have been permanently revoked, the RA will redistribute the IFQ shares proportionately among remaining shareholders (subject to cap restrictions) based upon the amount of shares each held just prior to the redistribution. During December of each year, the RA will determine the amount of revoked shares, if any, to be redistributed, and the shares will be distributed at the beginning of the subsequent fishing year.

(10) ***Annual recalculation and notification of IFQ shares and allocation.*** On or about January 1 each year, IFQ shareholders will be notified, via the IFQ Web site, of their IFQ shares and allocations, for each of the five share categories, for the upcoming fishing year. These updated share values will reflect the results of applicable share transfers and any redistribution of shares (subject to cap restrictions) resulting from permanent revocation of IFQ shares. Allocation, for each share category, is calculated by multiplying IFQ share for that category times the annual commercial quota or commercial catch allowance for that share category. Updated allocation values will reflect any change in IFQ share for each share category, any change in the annual commercial quota or commercial catch allowance for the applicable categories; and any debits required as a result of prior fishing year overages as specified in paragraph (b)(3)(ii) of this section. IFQ participants can monitor the status of their shares and allocation throughout the year via the IFQ Web site.

(11) ***Gulf grouper and tilefish IFQ program participation for current grouper and tilefish IFQ account holders.***

(i) A current participant in the Gulf grouper and tilefish IFQ program must complete and submit the application for an IFQ Account that is available on the website *https://secatchshares.fisheries.noaa.gov,* to certify status as a U.S. citizen or permanent resident alien. The account holder must also complete and submit any other information on this form that may be necessary for the administration of the IFQ account.

(ii) A person with an established IFQ account must update and confirm the account information every 2 years. IFQ accounts are updated through the submission of the application for an IFQ Account. Accounts must be updated prior to the account validity date (expiration date of the account) that is displayed on each account holder's IFQ account page. The RA will provide each participant who has established an online account an application approximately 2 months prior to the account validity date. A participant who is not provided an application at least 45 days prior to the account validity date must contact IFQ Customer Service at 1-866-425-7627 and request an application. Failure to submit a completed application prior to the participant's account validity date will lead to the suspension of the participant's access to his IFQ account until a completed application is submitted. Participants who certify that they are either not a U.S. citizen or permanent resident alien will be ineligible to receive shares or allocation through transfer.

[78 FR 22952, Apr. 17, 2013, as amended at 79 FR 19494, Apr. 9, 2014; 79 FR 57835, Sept. 26, 2014; 80 FR 18553, Apr. 7, 2015; 80 FR 24834, May 1, 2015; 83 FR 27300, June 12, 2018; 86 FR 11154, Feb. 24, 2021; 86 FR 72857, Dec. 23, 2021]

§ 622.23 State management of the red snapper recreational sector private angling component in the Gulf EEZ.

(a) ***Delegation.*** Alabama, Florida, Louisiana, Mississippi, and Texas (Gulf states) are delegated the authority to manage certain aspects of recreational red snapper harvest by the private angling component in the Gulf EEZ (*i.e.,* delegation). All other management measures for recreational red snapper in the Gulf EEZ not specified in this section continue to apply during state management.

(1) ***Delegation of authority.*** As described in the FMP for the Reef Fish Resources of the Gulf of Mexico, each Gulf state must specify the red snapper private angling component fishing season start and end dates to maintain harvest levels within the state's ACL, as stated in paragraph (a)(1)(ii) of this section. Each state must also specify a recreational bag limit and a minimum size limit within the range of 14 to 18 inches (35.6 cm to 45.7 cm), total length. Each state may specify a maximum size limit. If NMFS determines that a state's red snapper private angling component regulations are inconsistent with the FMP and the state fails to correct the inconsistency after notice and an opportunity to do so, or a state does not specify the required management measures set forth above, *i.e.,* fishing season start and end dates, a recreational bag limit, and a minimum size limit, then NMFS will publish a notice in the FEDERAL REGISTER stating that the default management measures for the red snapper private angling component, as described in paragraph (a)(2) of this section, apply in the EEZ off that state.

(i) ***State management areas.*** For purposes of the delegation of the authority to establish certain management measures for the red snapper private angling component, five areas in the Gulf EEZ have been established; one off each of the five Gulf states: Alabama, Florida, Louisiana, Mississippi, and Texas. The boundaries off each state are described in § 622.2.

(ii) ***State private angling component ACLs.*** All ACLs specified below are in round weight and are consistent with monitoring under the respective state's reporting system. Equivalent ACLs, consistent with monitoring under the Federal reporting system, are provided, as applicable. If a state's delegation is suspended, as described in this paragraph (a)(1), the Federal equivalent ACL, or for the Texas regional management area the ACL in paragraph (a)(1)(ii)(E) of this section, applies in the EEZ off that state.

(A) ***Alabama regional management area*** —664,552 lb (301,436 kg); Federal equivalent—1,212,687 lb (550,066 kg).

(B) ***Florida regional management area*** —2,769,631 lb (1,256,283 kg); Federal equivalent—2,066,889 lb (937,525 kg).

(C) ***Louisiana regional management area*** —934,587 lb (423,922 kg); Federal equivalent—881,686 lb (399,926 kg).

(D) ***Mississippi regional management area*** —82,342 lb (37,350 kg); Federal equivalent—163,702 lb (74,254 kg).

(E) ***Texas regional management area*** —286,363 lb (129,892 kg).

(2) ***Default management measures.*** If a state's delegation is suspended, the Federal management measures for the private angling season, recreational bag limit, and minimum size limit as described in §§ 622.34(b) (seasonal closure), 622.37(a)(1) (size limit), 622.38(b)(3) (bag limit), and 622.41(q)(2)(i) (season length) apply in the EEZ off that state. All other management measures not specified in this section remain in effect.

(b) ***Post-season ACL adjustments for states with an active delegation.*** If a state's red snapper private angling component landings exceed the applicable state's component ACL specified in paragraph (a)(1)(ii) of this section, the AA will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year, reducing that state's private angling ACL by the amount of the ACL overage in the prior fishing year, unless the best scientific information available determines that a greater, lesser, or no overage adjustment is necessary.

(c) ***Area closures.*** As described in the FMP, for the red snapper private angling component, a state with an active delegation may request that NMFS establish an area closure in the EEZ off that state that prohibits the private angling component from harvesting or possessing red snapper. If NMFS determines that the request is within the scope of the analysis in the FMP, NMFS will publish a notice in the FEDERAL REGISTER to implement the requested closure for the fishing year.

[85 FR 6823, Feb. 6, 2020, as amended at 87 FR 74020, Dec. 2, 2022; 88 FR 37478, June 8, 2023; 89 FR 41899, May 14, 2024]

§ 622.24 [Reserved]

§ 622.25 Exemptions for Gulf groundfish trawling.

Gulf groundfish trawling means fishing in the Gulf EEZ by a vessel that uses a bottom trawl, the unsorted catch of which is ground up for animal feed or industrial products.

(a) Other provisions of this part notwithstanding, the owner or operator of a vessel trawling for Gulf groundfish is exempt from the following requirements and limitations for the vessel's unsorted catch of Gulf reef fish:

(1) The requirement for a valid commercial vessel permit for Gulf reef fish in order to sell Gulf reef fish.

(2) Minimum size limits for Gulf reef fish.

(3) Bag limits for Gulf reef fish.

(4) The prohibition on sale of Gulf reef fish after a quota or ACL closure.

(b) Other provisions of this part notwithstanding, a dealer in a Gulf state is exempt from the requirement for a Gulf and South Atlantic dealer permit to receive Gulf reef fish harvested from the Gulf EEZ by a vessel trawling for Gulf groundfish.

[79 FR 19494, Apr. 9, 2014]

§ 622.26 Recordkeeping and reporting.

(a) ***Commercial vessel owners and operators.***

(1) The owner or operator of a vessel for which a commercial permit for Gulf reef fish has been issued, as required under § 622.20(a)(1), or whose vessel fishes for or lands reef fish in or from state waters adjoining the Gulf EEZ, who is selected to report by the SRD must maintain a fishing record on a form available from the SRD. These completed fishing records must be submitted to the SRD postmarked no later than 7 days after the end of each fishing trip. If no fishing occurred during a calendar month, a report so stating must be submitted on one of the forms postmarked no later than 7 days after the end of that month. Information to be reported is indicated on the form and its accompanying instructions.

(2) ***Advance notice of landing*** —

(i) ***General requirement.*** For the purpose of this paragraph (a)(2), landing means to arrive at a dock, berth, beach, seawall, or ramp. The owner or operator of a vessel landing Gulf reef fish not managed under an IFQ program or Florida Keys/East Florida hogfish harvested in the Gulf is responsible for ensuring that NMFS is contacted at least 3 hours, but no more than 24 hours, in advance of landing to report the time, date, and location of landing, and the vessel identification number (*e.g.,* Coast Guard registration number or state registration number). The vessel must land at an approved landing location and within 1 hour after the time given in the landing notification, except as provided in paragraph (a)(2)(iii) of this section. A vessel landing Gulf reef fish managed under an IFQ program must also comply with the requirements in §§ 622.21 and 622.22, as applicable.

(ii) ***Submitting an advance landing notification.*** Authorized methods for contacting NMFS and submitting a completed landing notification include the VMS unit, or another contact method approved by NMFS.

(iii) ***Landing prior to the notification time.*** The owner or operator of a vessel that has completed a landing notification and submitted it to NMFS may land prior to the notification time, only if an authorized officer is present at the landing site, is available to meet the vessel, and has authorized the owner or operator of the vessel to land prior to the notification time.

(iv) ***Changes to a landing notification.*** The owner or operator of a vessel who has submitted a landing notification to NMFS may make changes to the notification by submitting a superseding notification. If the initial superseding notification makes changes to the time of landing that is later than the original time in the notification, the vessel does not need to wait an additional 3 hours to land. If the initial superseding notification makes changes to the landing location, the time of landing is earlier than previously specified, or more than one superseding notification is submitted on a trip, the vessel must wait an additional 3 hours to land, except as provided in paragraph (a)(2)(iii) of this section.

(v) ***Approved landing locations.*** Gulf reef fish not managed under an IFQ program, and Florida Keys/East Florida hogfish harvested in the Gulf, must be landed at an approved landing location. Landing locations must be approved by the NOAA Office of Law Enforcement prior to a vessel landing these species at these sites. Proposed landing locations may be submitted to NMFS; however, new landing locations will be approved only at the end of each calendar-year quarter. To have a landing location approved by the end of the calendar-year quarter, it must be submitted at least 45 days before the end of the calendar-year quarter. NMFS will evaluate the proposed sites based on, but not limited to, the criteria at §§ 622.21(b)(5)(v) and 622.22(b)(5)(v).

(b) ***Charter vessel/headboat owners and operators*** —

(1) ***General reporting requirement.*** The owner or operator of a charter vessel or headboat for which a charter vessel/headboat permit for Gulf reef fish has been issued, as required under § 622.20(b), and whose vessel is operating as a charter vessel or headboat, regardless of fishing location, must submit an electronic fishing report of all fish harvested and discarded, and any other information requested by the SRD for each trip within the time period specified in paragraph (b)(2) of this section. The electronic fishing report must be submitted to the SRD via NMFS approved hardware

and software, as posted on the NMFS Southeast Region website. If selected by the SRD, the owner or operator of a vessel for which a charter vessel/headboat permit for Gulf reef fish has been issued must report via the NMFS approved software for the Southeast Region Headboat Survey.

(2) ***Reporting deadlines.*** Completed electronic fishing reports required by paragraph (b)(1) of this section must be submitted to the SRD prior to removing any fish from the vessel. If no fish were retained by any person on the vessel during a trip, the completed electronic fishing report must be submitted to the SRD within 30 minutes of the completion of the trip, *e.g.,* arrival at the dock.

(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) 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, and other appropriate means, such as fishery bulletins or NOAA weather radio, and will authorize the affected participants' use of paper forms 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) of this section must be submitted and received by NMFS according to the reporting requirements under this section. A report not received within the applicable time specified in paragraph (b)(2) of this section is delinquent. A delinquent report automatically results in the owner and operator of a charter vessel or 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.

(5) ***Hardware and software requirements for vessel location tracking.*** An owner or operator of a vessel for which a charter vessel/headboat permit for Gulf reef fish has been issued must ensure that the vessel is equipped with NMFS-approved hardware and software with a minimum capability of archiving GPS locations as posted on the NMFS Southeast Region website. The vessel location tracking device can be either a cellular or satellite VMS unit, and must be permanently affixed to the vessel and have uninterrupted operation.

(i) ***Use of a NMFS-approved satellite VMS.*** An owner or operator of a vessel for which a charter vessel/headboat permit for Gulf reef fish has been issued, and who uses a NMFS-approved satellite VMS to comply with the reporting and recordkeeping requirements of this section, must adhere to the VMS requirements specified in § 622.28, except for the trip declaration requirements specified in § 622.28(e). For trip declaration requirements, see paragraph (b)(6) of this section.

(ii) ***Use of NMFS-approved cellular VMS.*** An owner or operator of a vessel for which a charter vessel/headboat permit for Gulf reef fish has been issued, and who uses NMFS-approved cellular VMS to comply with the reporting and recordkeeping requirements of this section must comply with the following—

(A) ***Cellular VMS unit operation and replacement.*** Ensure that such vessel has an operating cellular VMS unit approved by NMFS on board at all times whether or not the vessel is underway, unless exempted by NMFS under the power-down exemption specified in paragraph (b)(5)(ii)(D) of this section. An operating cellular VMS unit includes an operating mobile transmitting unit on the vessel and a functioning communication link between the unit and NMFS as provided by a NMFS-approved communication service provider. NMFS maintains a current list of approved cellular VMS units and communication providers, which is available at *https://www.fisheries.noaa.gov/southeast/about-us/sustainable-fisheries-division-gulf-mexico-branch.* If NMFS OLE removes a cellular VMS unit from the approved list, a vessel owner who purchased and installed such a unit prior to its removal from the approved list will still comply with the requirement to have an approved unit, unless otherwise notified by NMFS OLE. At the end of a cellular VMS unit's service life, it must be replaced with a currently approved unit.

(B) ***Hourly position reporting requirement.*** An owner or operator of a vessel using a NMFS-approved cellular VMS unit as specified in paragraph (b)(5)(ii)(A) of this section must ensure that the required cellular VMS unit archives the vessel's accurate position at least once per hour, 24 hours a day, every day of the year, unless exempted from this requirement under paragraphs (b)(5)(ii)(C) or (D) of this section.

(C) ***In-port exemption.*** While in port, an owner or operator of a vessel with a NMFS-approved cellular VMS unit configured with the 4-hour position reporting feature may utilize the 4-hour reporting feature rather than comply with the hourly position reporting requirement specified in paragraph (b)(5)(ii)(B) of this section. Once the vessel is no longer in port, the hourly position reporting requirement specified in paragraph (b)(5)(ii)(B) of this section applies. For the purposes of this section, "in port" means secured at a land-based facility, or moored or anchored after the return to a dock, berth, beach, seawall, or ramp.

(D) ***Power-down exemption.*** An owner or operator of a vessel subject to the requirement to have a cellular VMS unit operating at all times as specified in paragraph (b)(5)(ii)(A) of this section can be exempted from that requirement and may power down the required cellular VMS unit if—

(*1*) The vessel will be continuously out of the water or in port, as defined in paragraph (b)(5)(ii)(C) of this section, for more than 72 consecutive hours;

(*2*) The owner or operator of the vessel applies for and obtains a valid letter of exemption from NMFS. The letter of exemption must be maintained on board the vessel and remains valid for the period specified in the letter for all subsequent power-down requests conducted for the vessel consistent with the provisions of paragraphs (b)(5)(ii)(D)(*3*) and (*4*) of this section.

(*3*) Prior to each power down, the owner or operator of the vessel files a report using a NMFS-approved form that includes the name of the person filing the report, vessel name, U.S. Coast Guard vessel documentation number or state vessel registration number, charter vessel/headboat reef fish permit number, vessel port location during cellular VMS power down, estimated duration of the power-down exemption, and reason for power down; and

(*4*) Prior to powering down the cellular VMS unit, the owner or operator of the vessel receives a confirmation from NMFS that the information was successfully delivered.

(E) ***Installation and activation of a cellular VMS unit.*** Only a cellular VMS unit that has been approved by NMFS for the Gulf reef fish fishery may be used, and the cellular VMS unit must be installed by a qualified marine electrician. When installing and activating or when reinstalling and reactivating the NMFS-approved cellular VMS unit, the vessel owner or operator must—

(*1*) Follow procedures indicated on the VMS installation and activation form, which is available from NMFS; and

(*2*) Submit a completed and signed VMS installation and activation form to NMFS as specified on the form.

(F) ***Interference with the cellular VMS.*** No person may interfere with, tamper with, alter, damage, disable, or impede the operation of the cellular VMS, or attempt any of the same.

(G) ***Interruption of operation of the cellular VMS.*** If a vessel's GPS is not operating properly, the vessel owner or operator must immediately contact NMFS and follow NMFS' instructions. If notified by NMFS that a vessel's cellular VMS is not operating properly, the vessel owner or operator must follow NMFS' instructions. In either event, such instructions may include, but are not limited to, manually communicating to a location designated by NMFS the vessel's positions, or returning to port until the cellular VMS is operable.

(iii) ***Access to position data.*** As a condition of authorized fishing for or possession of Gulf reef fish subject to the reporting and recordkeeping requirements in this section, a vessel owner or operator subject to the hardware and software requirements in this section must allow NMFS, the U.S. Coast Guard, and their authorized officers and designees access to the vessel's position data obtained from the cellular VMS.

(6) ***Trip declaration requirements.*** For purposes of this paragraph (b)(6), a trip begins anytime the vessel departs from a dock, berth, beach, seawall, or ramp, and terminates with return to a dock, berth, beach, seawall, or ramp, regardless of the duration or purpose, including non-fishing activities. Prior to departure for each trip, the owner or operator of a vessel for which a charter vessel/headboat permit for Gulf reef fish has been issued must notify NMFS and report the type of trip, the U.S. Coast Guard vessel documentation number or state vessel registration number, and whether the vessel will be operating as a charter vessel or headboat, or is departing on another type of trip, such as a commercial trip. If the vessel will be operating as a charter vessel or headboat during the trip, the owner or operator must also report the expected trip completion date, time, and landing location.

(c) ***Dealers.***

(1) A dealer who first receives Gulf reef fish must maintain records and submit information as specified in § 622.5(c).

(2) The operator of a vehicle that is used to pick up from a fishing vessel Gulf reef fish must maintain a record containing the name of each fishing vessel from which reef fish on the vehicle have been received. The vehicle operator must provide such record for inspection upon the request of an authorized officer.

[78 FR 22952, Apr. 17, 2013, as amended at 79 FR 6099, Feb. 3, 2014; 79 FR 19494, Apr. 9, 2014; 83 FR 27300, June 12, 2018; 85 FR 44017, July 21, 2020]

§ 622.27 At-sea observer coverage.

(a) ***Required coverage.*** A vessel for which a Federal commercial vessel permit for Gulf reef fish or a charter vessel/headboat permit for Gulf reef fish has been issued must carry a NMFS-approved observer, if the vessel's trip is selected by the SRD for observer coverage. Vessel permit renewal is contingent upon compliance with this paragraph (a).

(b) ***Notification to the SRD.*** When observer coverage is required, an owner or operator must advise the SRD in writing not less than 5 days in advance of each trip of the following:

(1) Departure information (port, dock, date, and time).

(2) Expected landing information (port, dock, and date).

(c) ***Observer accommodations and access.*** An owner or operator of a vessel on which a NMFS-approved observer is embarked must:

(1) Provide accommodations and food that are equivalent to those provided to the crew.

(2) Allow the observer access to and use of the vessel's communications equipment and personnel upon request for the transmission and receipt of messages related to the observer's duties.

(3) Allow the observer access to and use of the vessel's navigation equipment and personnel upon request to determine the vessel's position.

(4) Allow the observer free and unobstructed access to the vessel's bridge, working decks, holding bins, weight scales, holds, and any other space used to hold, process, weigh, or store fish.

(5) Allow the observer to inspect and copy the vessel's log, communications logs, and any records associated with the catch and distribution of fish for that trip.

§ 622.28 Vessel monitoring systems (VMSs).

The VMS requirements of this section apply throughout the Gulf of Mexico and adjacent states.

(a) ***General VMS requirement.*** An owner or operator of a vessel that has been issued a commercial vessel permit for Gulf reef fish, including a charter vessel/headboat issued such a permit even when under charter, must ensure that such vessel has an operating VMS approved by NMFS for use in the Gulf reef fish fishery on board at all times whether or not the vessel is underway, unless exempted by NMFS under the power-down exemptions specified in paragraph (d) of this section and in the NOAA Enforcement Vessel Monitoring System Requirements for the Reef Fish Fishery of the Gulf of Mexico. This NOAA Enforcement Vessel Monitoring System Requirements document is available from NMFS Office for Law Enforcement (OLE), Southeast Region, 263 13th Avenue South, St. Petersburg, FL 33701; phone: 800-758-4833. An operating VMS includes an operating mobile transmitting unit on the vessel and a functioning communication link between the unit and NMFS as provided by a NMFS-approved communication service provider. NMFS OLE maintains a current list of approved VMS units and communication providers which is available from the VMS Support Center, NMFS OLE, 8484 Georgia Avenue, Suite 415, Silver Spring, MD 20910 or by calling toll free: 888-219-9228. If a VMS unit approved for the Gulf reef fish fishery is removed from the approved list by NMFS OLE, a vessel owner who purchased and installed such a VMS unit prior to its removal from the approved list will be considered to be in compliance with the requirement to have an approved unit, unless otherwise notified by NMFS OLE. At the end of a VMS unit's service life, it must be replaced with a currently approved unit for the fishery.

(b) ***Hourly reporting requirement.*** An owner or operator of a vessel subject to the requirements of paragraph (a) of this section must ensure that the required VMS unit transmits a signal indicating the vessel's accurate position at least once an hour, 24 hours a day every day unless exempted under paragraphs (c) or (d) of this section.

(c) ***In-port exemption.*** While in port, an owner or operator of a vessel with a type-approved VMS unit configured with the 4-hour reporting feature may utilize the 4-hour reporting feature rather than comply with the hourly reporting requirement specified in paragraph (b) of this section. Once the vessel is no longer in port, the hourly reporting requirement specified in paragraph (b) of this section applies. For the purposes of this section, "in port" means secured at a land-based facility, or moored or anchored after the return to a dock, berth, beach, seawall, or ramp.

(d) ***Power-down exemptions.*** An owner or operator of a vessel subject to the requirement to have a VMS operating at all times as specified in paragraph (a) of this section can be exempted from that requirement and may power down the required VMS unit as specified in the following provisions.

(1) The vessel will be continuously out of the water or in port, as defined in paragraph (c) of this section, for more than 72 consecutive hours.

(2) The owner or operator of the vessel requests and obtains authorization from NMFS OLE to power-down the VMS unit on the same vessel. VMS units must remain on and positioning until the vessel owner or operator receives such authorization. A request for a power-down exemption must be completed through a NMFS website. The request must provide the specified information, such as, the identity of person making the request, vessel owner, vessel identification, and the reason for an exemption. Authorization for the power-down is displayed on the website after submission of all required information and is transmitted by email to the requester and the vessel owner, if different from the requester. After receipt of the authorization, the VMS unit may be turned off for the approved time period.

(3) If a vessel with an approved VMS power-down exemption submits a trip declaration, as specified in paragraph (e) of this section, before the power-down exemption expires, the power-down exemption will be void, and the vessel is required to have a VMS operating at all times as specified in paragraph (a) of this section. Authorization for a new power-down exemption will be required before the vessel can subsequently power-down the VMS unit.

(4) An approved VMS power-down exemption is not transferrable and is granted only to the vessel owner, vessel, and the commercial reef fish permit number contained in the authorization.

(5) The maximum period for a single approved VMS power-down exemption is 1 year from the date that NMFS grants the VMS power-down exemption. A vessel owner or operator may request a subsequent VMS power-down exemption for the same vessel after the expiration of the preceding power-down exemption.

(e) ***Declaration of fishing trip and gear.*** Prior to departure for each trip, a vessel owner or operator must report to NMFS any fishery the vessel will participate in on that trip and the specific type(s) of fishing gear, using NMFS-defined gear codes, that will be on board the vessel. This information may be reported to NMFS using the toll-free number, 888-219-9228, or via an attached VMS terminal.

(f) ***Installation and activation of a VMS.*** Only a VMS that has been approved by NMFS for the Gulf reef fish fishery may be used, and the VMS must be installed by a qualified marine electrician.

(g) ***Interference with the VMS.*** No person may interfere with, tamper with, alter, damage, disable, or impede the operation of the VMS, or attempt any of the same.

(h) ***Interruption of operation of the VMS.*** When a vessel's VMS is not operating properly, the owner or operator must immediately contact NMFS Office for Law Enforcement, Southeast Region, 263 13th Avenue South, St. Petersburg, FL 33701, phone: 800-758-4833, and follow instructions from that office. If notified by NMFS that a vessel's VMS is not operating properly, the owner and operator must follow instructions from that office. In either event, such instructions may include, but are not limited to, manually communicating to a location designated by NMFS the vessel's positions or returning to port until the VMS is operable.

(i) ***Access to position data.*** As a condition of authorized fishing for or possession of fish in a fishery subject to VMS requirements in this section, a vessel owner or operator subject to the requirements for a VMS in this section must allow NMFS, the USCG, and their authorized officers and designees access to the vessel's position data obtained from the VMS.

[78 FR 22952, Apr. 17, 2013, as amended at 89 FR 76440, Sept. 18, 2024]

§ 622.29 Conservation measures for protected resources.

(a) ***Gulf reef fish commercial vessels and charter vessels/headboats*** —

(1) ***Sea turtle conservation measures.***

(i) The owner or operator of a vessel for which a commercial vessel permit for Gulf reef fish or a charter vessel/headboat permit for Gulf reef fish has been issued, as required under § 622.20(a)(1) and (b), respectively, must have the 2019 version of the NMFS document titled, "Careful Release Protocols for Sea Turtle Release with Minimal Injury" available for reference on board electronically or have a paper copy on board inside the wheelhouse, or within a waterproof case if there is no wheelhouse. In addition, the NMFS sea turtle handling and release guidelines placard must be posted inside the wheelhouse or an easily viewable area on the vessel if there is no wheelhouse.

(ii) Such owner or operator must also comply with the sea turtle interaction mitigation measures, including the release gear and handling requirements specified in appendix F of this part.

(iii) Those permitted vessels with a freeboard height of 4 ft (1.2 m) or less must have on board a net or hoist, tire or other support device, short-handled dehooker(s) for internal and external hooks, long-nose or needle-nose pliers, bolt cutters, monofilament line cutters, and at least two types of mouth openers or mouth gags. This equipment must meet the specifications described in appendix F to this part.

(iv) Those permitted vessels with a freeboard height of greater than 4 ft (1.2 m) must have on board a net or hoist, tire or other support device, long-handled line clipper or cutter, short-handled dehooker(s) for internal and external hooks, long-handled dehooker(s) for internal and external hooks, a long-handled device to pull an inverted "V" in the fishing line, long-nose or needle-nose pliers, bolt cutters, monofilament line cutters, and at least two types of mouth openers or mouth gags. This equipment must meet the specifications described in appendix F to this part.

(2) ***Smalltooth sawfish conservation measures.*** The owner or operator of a vessel for which a commercial vessel permit for Gulf reef fish or a charter vessel/headboat permit for Gulf reef fish has been issued, as required under §§ 622.20(a)(1) and 622.20(b), respectively, that incidentally catches a smalltooth sawfish must—

(i) Keep the sawfish in the water at all times;

(ii) If it can be done safely, untangle the line if it is wrapped around the saw;

(iii) Cut the line as close to the hook as possible; and

(iv) Not handle the animal or attempt to remove any hooks on the saw, except for with a long-handled dehooker.

(b) ***Incorporation by reference.*** The standards required in paragraph (a)(1) of this section are incorporated by reference into this section with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. All approved material is available for inspection at the National Marine Fisheries Service, Southeast Regional Office, 263 13th Ave. South, St. Petersburg, FL 33701, phone: 727-824-5301, website: *https://www.fisheries.noaa.gov/southeast/endangered-species-conservation/sea-turtle-and-smalltooth-sawfish-release-gear-protocols.html,* and is available from the sources listed in paragraphs (b)(1) and (2) of this section. It is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to *www.archives.gov/federal-register/cfr/ibr-locations.html*.

(1) U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Southeast Fisheries Science Center, 75 Virginia Beach Drive, Miami, FL 33149.

(i) Careful Release Protocols for Sea Turtle Release with Minimal Injury, NOAA Technical Memorandum NMFS-SEFSC-735, Stokes, L., and Bergmann, C. (Editors), 2019.

(ii) [Reserved]

(2) U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Southeast Regional Office, 263 13th Ave. South, St. Petersburg, FL 33701.

(i) Sea Turtle Handling/Release Guidelines: Quick Reference for Hook and Line Fisheries, English, Spanish, Vietnamese, Revised April 2019.

(ii) [Reserved]

[78 FR 22952, Apr. 17, 2013, as amended at 84 FR 22385, May 17, 2019; 84 FR 67238, Dec. 9, 2019]

§ 622.30 Required fishing gear.

For a person on a vessel to fish for Gulf reef fish in the Gulf EEZ, the following fishing gear must be on the vessel and such person must use the gear as specified in paragraphs (a) and (b) of this section.

(a) ***Non-stainless steel circle hooks.*** Non-stainless steel circle hooks are required when fishing with natural baits, except that other non-stainless steel hook types may be used when commercial fishing for yellowtail snapper with natural baits in an area south of a line extending due west from 25°09' N. lat. off the west coast of Monroe County, Florida, to the Gulf of Mexico and South Atlantic inter-council boundary, specified in § 600.105(c).

(b) ***Dehooking device.*** At least one dehooking device is required and must be used to remove hooks embedded in Gulf reef fish with minimum damage. The hook removal device must be constructed to allow the hook to be secured and the barb shielded without re-engaging during the removal process. The dehooking end must be blunt, and all edges rounded. The device must be of a size appropriate to secure the range of hook sizes and styles used in the Gulf reef fish fishery.

(c) ***Gear required by the DESCEND Act of 2020.*** For a person on a vessel to fish for Gulf reef fish in the Gulf EEZ, a descending device or a venting tool that is rigged and ready for use while fishing is occurring must be on the vessel. The requirements in this paragraph (c) are effective until January 14, 2026.

(1) ***Descending device.*** A descending device is an instrument capable of releasing a fish at the depth from which the fish was caught.

(i) The descending device must be a weighted hook, lip clamp, or container that will hold the fish while it is lowered to depth. The device must be capable of releasing the fish automatically, by actions of the operator of the device, or by allowing the fish to escape on its own when at depth.

(ii) The descending device must use a minimum of a 16-ounce (454-gram) weight and a minimum of a 60-ft (15.2-m) length of line.

(2) ***Venting tool.*** A venting tool is a device capable of penetrating the abdomen of a fish to release the excess gases accumulated in the body cavity when a fish is retrieved from depth. A venting tool must be a sharpened, hollow instrument that allows air to escape, such as a hypodermic syringe with the plunger removed. A 16-gauge needle, which has an outside diameter of 0.065 inches (1.65 mm), is the minimum diameter hollow tube that must be used. A larger diameter hollow needle is preferred to allow more air to escape from a fish rapidly. A device that is not hollow, such as a knife or an ice pick, is not a venting tool and will cause additional damage to a fish.

[78 FR 22952, Apr. 17, 2013, as amended at 78 FR 46822, Aug. 2, 2013; 81 FR 10311, Feb. 10, 2017; 87 FR 2357, Feb. 14, 2022]

§ 622.31 Buoy gear identification.

(a) ***Buoy gear.*** In the Gulf EEZ, if buoy gear is used or possessed, each buoy must display the official number of the vessel. See § 622.2 for the definition of buoy gear.

(b) [Reserved]

§ 622.32 Prohibited gear and methods.

Also see § 622.9 for additional prohibited gear and methods that apply more broadly to multiple fisheries or in some cases all fisheries.

(a) ***Poisons.*** A poison may not be used to take Gulf reef fish in the Gulf EEZ.

(b) [Reserved]

§ 622.33 Prohibited species.

(a) ***General.*** The harvest and possession restrictions of this section apply without regard to whether the species is harvested by a vessel operating under a commercial vessel permit. The operator of a vessel that fishes in the EEZ is responsible for the limit applicable to that vessel. (Note: Nassau grouper in the Gulf EEZ may not be harvested or possessed, as specified in § 622.181(b)(1).)

(b) ***Goliath grouper.*** Goliath grouper may not be harvested or possessed in or from the Gulf EEZ.

(c) [Reserved]

(d) ***Gulf reef fish exhibiting trap rash.*** Possession of Gulf reef fish in or from the Gulf EEZ that exhibit trap rash is prima facie evidence of illegal trap use and is prohibited. For the purpose of this paragraph, trap rash is defined as physical damage to fish that characteristically results from contact with wire fish traps. Such damage includes, but is not limited to, broken fin spines, fin rays, or teeth; visually obvious loss of scales; and cuts or abrasions on the body of the fish, particularly on the head, snout, or mouth.

[78 FR 22952, Apr. 17, 2013, as amended at 78 FR 78775, Dec. 27, 2013]

§ 622.34 Seasonal and area closures designed to protect Gulf reef fish.

(a) ***Closure provisions applicable to the Madison and Swanson sites, Steamboat Lumps, and the Edges.*** For the purpose of this paragraph (a), fish means finfish, mollusks, crustaceans, and all other forms of marine animal and plant life other than marine mammals and birds. The provisions of this paragraph (a) do not apply to Atlantic highly migratory species, such as tunas, billfishes, and oceanic sharks. See 50 CFR part 635 for any provisions applicable to fishing for or possession of Atlantic highly migratory species in these areas.

(1) ***Descriptions of Areas.***

(i) The Madison and Swanson sites are bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
A	29°17'	85°50'
B	29°17'	85°38'
C	29°06'	85°38'
D	29°06'	85°50'
A	29°17'	85°50'

(ii) Steamboat Lumps is bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
B	28°14'	84°37'
C	28°03'	84°37'
D	28°03'	84°48'

Point	North lat.	West long.
A	28°14'	84°48'

(iii) The Edges is bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
A	28°51'	85°16'
B	28°51'	85°04'
C	28°14'	84°42'
D	28°14'	84°54'
A	28°51'	85°16'

(2) Within the Madison and Swanson sites and Steamboat Lumps: Fishing is prohibited year-round; possession of Gulf reef fish is prohibited year-round except when such possession is on a vessel that has been issued a valid Federal commercial permit for Gulf reef fish, has an operating satellite-based VMS unit, and is in transit with fishing gear stowed as specified in paragraph (a)(4) of this section; and possession of any non-Gulf reef fish species is prohibited year-round, except for such possession on a vessel in transit with fishing gear stowed as specified in paragraph (a)(4) of this section.

(3) Within the Edges during January through April each year, all fishing is prohibited and the possession of any fish species is prohibited, except for such possession on a vessel in transit with fishing gear appropriately stowed as specified in paragraph (a)(4) of this section.

(4) For the purpose of paragraph (a) of this section, transit means non-stop progression through the area; fishing gear appropriately stowed means—

(i) A longline may be left on the drum if all gangions and hooks are disconnected and stowed below deck. Hooks cannot be baited. All buoys must be disconnected from the gear; however, buoys may remain on deck.

(ii) A trawl net may remain on deck, but trawl doors must be disconnected from the trawl gear and must be secured.

(iii) A gillnet must be left on the drum. Any additional gillnets not attached to the drum must be stowed below deck.

(iv) A rod and reel must be removed from the rod holder and stowed securely on or below deck. Terminal gear (*i.e.,* hook, leader, sinker, flasher, or bait) must be disconnected and stowed separately from the rod and reel. Sinkers must be disconnected from the down rigger and stowed separately.

(b) ***Seasonal closure of the recreational sector for red snapper.*** The recreational sector for red snapper in or from the Gulf EEZ is closed from January 1 through May 31, each year. During the closure, the bag and possession limit for red snapper in or from the Gulf EEZ is zero. See § 622.23(a)(1) regarding the fishing season for states with an active delegation of state management of the red snapper private angling component. A person subject to the private angling component bag limit under an active delegation of state management must be in compliance with the fishing license (permit) requirements of the state in which they intend to land the fish and may not possess red snapper in the Gulf EEZ when that state season is closed.

(c) ***Seasonal closure of the recreational sector for greater amberjack.*** The recreational sector for greater amberjack in or from the Gulf EEZ is closed from January 1 through August 31 and from November 1 through December 31 each year. During the closure, the bag and possession limit for greater amberjack in or from the Gulf EEZ is zero.

(d) ***Seasonal closure of the recreational sector for shallow-water grouper (SWG).*** The recreational sector for SWG in or from the Gulf EEZ is closed each year from February 1 through March 31 in the portion of the Gulf EEZ seaward of rhumb lines connecting the following points in order. During the closure, the bag and possession limits for SWG in or from the Gulf EEZ seaward of the following rhumb lines are zero.

TABLE 4 TO PARAGRAPH (d)

Point	North lat.	West long.
1	24°48.0'	82°48.0'
2	25°07.5'	82°34.0'
3	26°26.0'	82°59.0'
4	27°30.0'	83°21.5'
5	28°10.0'	83°45.0'
6	28°11.0'	84°00.0'
7	28°11.0'	84°07.0'
8	28°26.6'	84°24.8'
9	28°42.5'	84°24.8'
10	29°05.0'	84°47.0'
11	29°02.5'	85°09.0'
12	29°21.0'	85°30.0'
13	29°27.9'	85°51.7'
14	29°45.8'	85°51.0'
15	30°05.6'	86°18.5'
16	30°07.5'	86°56.5'
17	29°43.9'	87°33.8'
18	29°43.0'	88°18.5'
19	29°18.9'	88°50.7' at State and Federal Reef Fish Management Boundary, follow Reef Fish Management Boundary to point 20
20	28°58.98'	89°35.1' at State and Federal Reef Fish Management Boundary

Point	North lat.	West long.
21	29°02.0'	89°45.5'
22	28°32.7'	90°21.5'
23	28°24.8'	90°52.7'
24	28°42.3'	92°14.4'
25	28°34.2'	92°30.4'
26	28°27.6'	95°00.0'
27	28°20.0'	95°06.9'
28	28°02.2'	96°11.1'
29	27°46.5'	96°38.1'
30	27°15.0'	97°00.0'
31	26°45.5'	97°01.4'
32	At EEZ boundary	96°51.0'

(e) ***Seasonal closure of the recreational sector for gag.*** The recreational harvest of gag in or from the Gulf EEZ is closed from January 1 through August 31. During the closure, the bag and possession limits for gag in or from the Gulf EEZ are zero.

(f) ***Seasonal closures for gray triggerfish.*** The recreational sector for gray triggerfish in or from the Gulf EEZ is closed from January 1 through the end of February, and from June 1 through July 31, each year. During a recreational closure, the bag and possession limits for gray triggerfish in or from the Gulf EEZ are zero. The commercial sector for gray triggerfish in or from the Gulf EEZ is closed from June 1 through July 31, each year. During the period of both the commercial and recreational closure, all harvest or possession in or from the Gulf EEZ of gray triggerfish is prohibited and the sale and purchase of gray triggerfish taken from the Gulf EEZ is prohibited.

(g) ***Recreational sector for hogfish in the Gulf EEZ south of 25°09' N. lat. off the west coast of Florida.*** See § 622.183(b)(4) for the applicable seasonal closures.

(h) [Reserved]

[78 FR 22952, Apr. 17, 2013, as amended at 78 FR 27087, May 9, 2013; 78 FR 33261, June 4, 2013; 81 FR 24039, Apr. 25, 2016; 82 FR 34580, July 25, 2017; 82 FR 59525, Dec. 15, 2017; 82 FR 61487, Dec. 28, 2017; 83 FR 13428, Mar. 29, 2018; 85 FR 6823, Feb. 6, 2020; 85 FR 20613, Apr. 14, 2020; 86 FR 38417, July 20, 2021; 88 FR 27708, May 3, 2023; 88 FR 69553, Oct. 6, 2023; 89 FR 40436, May 10, 2024; 89 FR 59009, July 22, 2024]

§ 622.35 Gear restricted areas.

(a) ***Reef fish stressed area.*** The stressed area is that part of the Gulf EEZ shoreward of rhumb lines connecting, in order, the points listed in Table 2 in Appendix B of this part.

(1) A powerhead may not be used in the stressed area to take Gulf reef fish. Possession of a powerhead and a mutilated Gulf reef fish in the stressed area or after having fished in the stressed area constitutes *prima facie* evidence that such reef fish was taken with a powerhead in the stressed area.

(2) A roller trawl may not be used in the stressed area. Roller trawl means a trawl net equipped with a series of large, solid rollers separated by several smaller spacer rollers on a separate cable or line (sweep) connected to the footrope, which makes it possible to fish the gear over rough bottom, that is, in areas unsuitable for fishing conventional shrimp trawls. Rigid framed trawls adapted for shrimping over uneven bottom, in wide use along the west coast of Florida, and shrimp trawls with hollow plastic rollers for fishing on soft bottoms, are not considered roller trawls.

(b) ***Seasonal prohibitions applicable to bottom longline fishing for Gulf reef fish.***

(1) From June through August each year, bottom longlining for Gulf reef fish is prohibited in the portion of the Gulf EEZ east of 85°30' W. long. that is shoreward of rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
A	28°58.70'	85°30.00'
B	28°59.25'	85°26.70'
C	28°57.00'	85°13.80'
D	28°47.40'	85°3.90'
E	28°19.50'	84°43.00'
F	28°0.80'	84°20.00'
G	26°48.80'	83°40.00'
H	25°17.00'	83°19.00'
I	24°54.00'	83°21.00'
J	24°29.50'	83°12.30'
K	24°26.50'	83°00.00'

(2) Within the prohibited area and time period specified in paragraph (b)(1) of this section, a vessel with bottom longline gear on board may not possess Gulf reef fish unless the bottom longline gear is appropriately stowed, and a vessel that is using bottom longline gear to fish for species other than Gulf reef fish may not possess Gulf reef fish. For the purposes of paragraph (b) of this section, appropriately stowed means that a longline may be left on the drum if all gangions and hooks are disconnected and stowed below deck; hooks cannot be baited; and all buoys must be disconnected from the gear but may remain on deck.

(3) Within the Gulf EEZ east of 85°30' W long., a vessel for which a valid eastern Gulf reef fish bottom longline endorsement has been issued that is fishing bottom longline gear or has bottom longline gear on board cannot possess more than 750 hooks rigged for fishing at any given time. For the purpose of this paragraph, “hooks rigged for fishing” means hooks attached to a line or other device capable of attaching to the mainline of the longline.

(c) ***Reef fish longline and buoy gear restricted area.*** A person aboard a vessel that uses, on any trip, longline or buoy gear in the longline and buoy gear restricted area is limited on that trip to the bag limits for Gulf reef fish specified in § 622.38(b) and, for Gulf reef fish for which no bag limit is specified in § 622.38(b), the vessel is limited to 5 percent, by weight, of all fish on board or landed. The longline and buoy gear restricted area is that part of the Gulf EEZ shoreward of rhumb lines connecting, in order, the points listed in Table 1 in Appendix B of this part.

(d) ***Alabama SMZ.*** The Alabama SMZ consists of artificial reefs and surrounding areas. In the Alabama SMZ, fishing by a vessel that is operating as a charter vessel or headboat, a vessel that does not have a commercial permit for Gulf reef fish, as required under § 622.20(a)(1), or a vessel with such a permit fishing for Gulf reef fish is limited to hook-and-line gear with three or fewer hooks per line and spearfishing gear. A person aboard a vessel that uses on any trip gear other than hook-and-line gear with three or fewer hooks per line and spearfishing gear in the Alabama SMZ is limited on that trip to the bag limits for Gulf reef fish specified in § 622.38(b) and, for Gulf reef fish for which no bag limit is specified in § 622.38(b), the vessel is limited to 5 percent, by weight, of all fish on board or landed. The Alabama SMZ is bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
A	30°02.5'	88°07.7'
B	30°02.6'	87°59.3'
C	29°55.0'	87°55.5'
D	29°54.5'	88°07.5'
A	30°02.5'	88°07.7'

[78 FR 22952, Apr. 17, 2013, as amended at 82 FR 34580, July 25, 2017; 83 FR 5212, Feb. 6, 2018]

§ 622.36 Seasonal harvest limitations.

(a) ***Greater amberjack.*** During March, April, and May, each year, the possession of greater amberjack in or from the Gulf EEZ and in the Gulf on board a vessel for which a commercial permit for Gulf reef fish has been issued, as required under § 622.20(a)(1), without regard to where such greater amberjack were harvested, is limited to the bag and possession limits, as specified in § 622.38(b)(1) and (c), respectively, and such greater amberjack are subject to the prohibition on sale or purchase of greater amberjack possessed under the bag limit, as specified in § 622.40(a). Also note that if commercial quantities of Gulf reef fish, *i.e.,* Gulf reef fish in excess of applicable bag/possession limits, are on board the vessel, no bag limit of Gulf reef fish may be possessed, as specified in § 622.38(a)(2).

(b) [Reserved]

§ 622.37 Size limits.

All size limits in this section are minimum size limits unless specified otherwise. A fish not in compliance with its size limit, as specified in this section, in or from the Gulf EEZ, may not be possessed, sold, or purchased. A fish not in compliance with its size limit must be released immediately with a minimum of harm. The operator of a vessel that fishes in the EEZ is responsible for ensuring that fish on board are in compliance with the size limits specified in this section. See § 622.10 regarding requirements for landing fish intact.

(a) ***Snapper*** —

(1) ***Red snapper*** —16 inches (40.6 cm), TL, for a fish taken by a person subject to the bag limit specified in § 622.38(b)(3) and 13 inches (33.0 cm), TL, for a fish taken by a person not subject to the bag limit. See § 622.23(a)(1) regarding the minimum size limit for states with an active delegation of state management of the red snapper private angling component. A person subject to the private angling component bag limit under an active delegation of state management must be in compliance with the fishing license (permit) requirements of the state in which they intend to land the fish and may not possess red snapper in the Gulf EEZ that are smaller than may be possessed in that state. Additionally, fish taken by persons subject to the private angling component bag limit under state management may not be less than 14 inches (35.6 cm), TL, in the Gulf EEZ.

(2) ***Lane snapper*** —8 inches (20.3 cm), TL.

(3) ***Vermilion snapper*** —10 inches (25.4 cm), TL.

(4) ***Cubera, gray, and yellowtail snappers*** —12 inches (30.5 cm), TL.

(5) ***Mutton snapper*** —18 inches (45.7 cm), TL.

(b) ***Grouper*** —

(1) ***Gag*** —24 inches (61.0 cm), TL.

(2) ***Red grouper*** —

(i) For a person not subject to the bag limit specified in § 622.38 (b)(2)—18 inches (45.7 cm), TL.

(ii) For a person subject to the bag limit specified in § 622.38(b)(2)—20 inches (50.8 cm), TL.

(3) ***Scamp*** —16 inches (40.6 cm), TL.

(4) ***Yellowfin grouper*** —20 inches (50.8 cm), TL.

(5) ***Black grouper*** —

(i) For a person not subject to the bag limit specified in § 622.38(b)(2)—24 inches (61.0 cm), TL.

(ii) For a person subject to the bag limit specified in § 622.38(b)(2)—24 inches (61.0 cm), TL.

(c) ***Other Gulf reef fish species*** —

(1) ***Gray triggerfish.***

(i) For a person not subject to the bag limit specified in § 622.38(b)(5)—14 inches (35.6 cm), fork length.

(ii) For a person subject to the bag limit specified in § 622.38(b)(5)—15 inches (38.1 cm), fork length.

(2) ***Hogfish in the Gulf EEZ except south of 25°09' N. lat. off the west coast of Florida*** —14 inches (40.6 cm), fork length. See § 622.185(c)(3)(ii) for the hogfish size limit in the Gulf EEZ south of 25°09' N. lat. off the west coast of Florida.

(3) ***Banded rudderfish and lesser amberjack*** —14 inches (35.6 cm), fork length (minimum size); 22 inches (55.9 cm), fork length (maximum size).

(4) ***Greater amberjack*** —34 inches (86.4 cm), fork length, for a fish taken by a person subject to the bag limit specified in § 622.38(b)(1) and 36 inches (91.4 cm), fork length, for a fish taken by a person not subject to the bag limit.

(d) A person aboard a vessel that has a Federal commercial vessel permit for Gulf reef fish and commercial quantities of Gulf reef fish, *i.e.,* Gulf reef fish in excess of applicable bag/possession limits, may not possess any Gulf reef fish that do not comply with the applicable commercial minimum size limit.

[78 FR 22952, Apr. 17, 2013, as amended at 80 FR 75436, Dec. 2, 2015; 81 FR 24040, Apr. 25, 2016; 82 FR 34581, July 25, 2017; 82 FR 59526, Dec. 15, 2017; 83 FR 29044, June 22, 2018; 85 FR 6824, Feb. 6, 2020]

§ 622.38 Bag and possession limits.

(a) ***Additional applicability provisions for Gulf reef fish.***

(1) Section 622.11(a) provides the general applicability for bag and possession limits. However, § 622.11(a) notwithstanding, bag and possession limits also apply for Gulf reef fish in or from the EEZ to a person aboard a vessel that has on board a commercial permit for Gulf reef fish—

(i) When trawl gear or entangling net gear is on board. A vessel is considered to have trawl gear on board when trawl doors and a net are on board. Removal from the vessel of all trawl doors or all nets constitutes removal of trawl gear.

(ii) When a longline or buoy gear is on board and the vessel is fishing or has fished on a trip in the reef fish longline and buoy gear restricted area specified in § 622.35(c). A vessel is considered to have a longline on board when a power-operated longline hauler, a cable of diameter and length suitable for use in the longline fishery, and gangions are on board. Removal of any one of these three elements, in its entirety, constitutes removal of a longline.

(iii) For a species/species group when its quota has been reached and closure has been effected, provided that no commercial quantities of Gulf reef fish, *i.e.,* Gulf reef fish in excess of applicable bag/possession limits, are on board as specified in paragraph (a)(2) of this section.

(iv) When the vessel has on board or is tending any trap other than a stone crab trap or a spiny lobster trap.

(2) A person aboard a vessel that has a Federal commercial vessel permit for Gulf reef fish and commercial quantities of Gulf reef fish, *i.e.,* Gulf reef fish in excess of applicable bag/possession limits, may not possess Gulf reef fish caught under a bag limit.

(b) ***Bag limits*** —

(1) ***Greater amberjack*** —1. However, no greater amberjack may be retained by the captain or crew of a vessel operating as a charter vessel or headboat. The bag limit for such captain and crew is zero.

(2) ***Groupers, combined, excluding goliath grouper*** —4 per person per day, but not to exceed 1 speckled hind or 1 warsaw grouper per vessel per day, or 2 gag or 2 red grouper per person per day. However, no grouper may be retained by the captain or crew of a vessel operating as a charter vessel or headboat. The bag limit for such captain and crew is zero. (Note: Nassau grouper in the Gulf EEZ may not be harvested or possessed, as specified in § 622.181(b)(4).)

(3) ***Red snapper*** —2. However, no red snapper may be retained by the captain or crew of a vessel operating as a charter vessel or headboat. The bag limit for such captain and crew is zero. See § 622.23(a)(1) regarding the bag limit applicability for states with an active delegation of state management of the red snapper private angling component. A person subject to the private angling component bag limit under an active delegation of state management must be in compliance with the fishing license (permit) requirements of the state in which they intend to land the fish and may not possess more red snapper in the Gulf EEZ than may be possessed in that state.

(4) ***Snappers, combined, excluding red, lane, and vermilion snapper*** —10. In addition, within the 10-fish aggregate snapper bag limit, no more than 5 fish may be mutton snapper.

(5) Gulf reef fish, combined, excluding those specified in paragraphs (b)(1) through (4) and paragraphs (b)(6) and (7) of this section—20. In addition, within the 20-fish aggregate reef fish bag limit, no more than 1 fish may be gray triggerfish and no more than 10 fish may be vermilion snapper.

(6) ***Banded rudderfish and lesser amberjack, combined*** —5.

(7) ***Hogfish in the Gulf EEZ except south of 25°09' N. lat. off the west coast of Florida*** —5. See § 622.187(b)(3)(ii) for the hogfish bag and possession limits in the Gulf EEZ south of 25°09' N. lat. off the west coast of Florida.

(c) ***Possession limits for vessels with a valid Federal charter vessel/headboat permit for reef fish.*** A person, or a vessel in the case of speckled hind or Warsaw grouper, on a trip that spans more than 30 hours may possess, at any time during the trip, no more than two daily bag limits, provided such trip is on a vessel that is operating as a charter vessel or headboat, the vessel has two licensed operators aboard, each passenger is issued and has in possession a receipt issued on behalf of the vessel that verifies the date and time of departure and length of the trip, and the entire trip occurs on days when the harvest and possession of the applicable reef fish species are allowed.

[78 FR 22952, Apr. 17, 2013, as amended at 78 FR 27087, May 9, 2013; 78 FR 46822, Aug. 2, 2013; 78 FR 78775, Dec. 27, 2013; 80 FR 18553, Apr. 7, 2015; 82 FR 34581, July 25, 2017; 82 FR 59526, Dec. 15, 2017; 83 FR 29044, June 22, 2018; 85 FR 6824, Feb. 6, 2020; 86 FR 11155, Feb. 24, 2021]

§ 622.39 Quotas.

See § 622.8 for general provisions regarding quota applicability and closure and reopening procedures. This section, provides quotas and specific quota closure restrictions for Gulf reef fish.

(a) ***Gulf reef fish*** —

(1) ***Commercial quotas.*** The following quotas apply to persons who fish under commercial vessel permits for Gulf reef fish, as required under § 622.20(a)(1).

(i) Commercial quota for red snapper—8,318,100 lb (3,773,027 kg), round weight.

(ii) Deep-water groupers (DWG) have a combined quota, as specified in paragraphs (a)(1)(ii)(A) through (C) of this section. These quotas are specified in gutted weight, that is eviscerated, but otherwise whole.

(A) For fishing year 2014—1.110 million lb (0.503 million kg).

(B) For fishing year 2015—1.101 million lb (0.499 million kg).

(C) For fishing year 2016 and subsequent fishing years—1.024 million lb (0.464 million kg).

(iii) Shallow-water groupers (SWG) have separate quotas for gag and red grouper and a combined quota for other shallow-water grouper (Other SWG) species (including black grouper, scamp, yellowfin grouper, and yellowmouth grouper), as specified in paragraphs (a)(1)(iii)(A) through (C) of this section. These quotas are specified in gutted weight, that is, eviscerated but otherwise whole.

(A) ***Other SWG combined.***

(*1*) For fishing year 2014—523,000 lb (237,229 kg).

(2) For fishing year 2015 and subsequent fishing years—525,000 lb (238,136 kg).

(B) ***Gag.*** See table 1.

TABLE 1 TO PARAGRAPH (a)(1)(iii)(B)

Year	Commercial quota in lb (kg)
2024	147,000 (66,678)
2025	204,000 (92,533)
2026	255,000 (115,666)
2027	313,000 (141,974)
2028+	383,000 (173,726)

(C) ***Red grouper.*** 2.79 million lb (1.27 million kg).

(iv) Tilefishes (including goldface tilefish, blueline tilefish, and tilefish)—582,000 lb (263,991 kg), gutted weight, that is, eviscerated but otherwise whole.

(v) Greater amberjack—93,930 lb (42,606 kg), round weight.

(vi) Gray triggerfish—88,273 lb (40,040 kg), round weight.

(2) ***Recreational quotas.*** The following quotas apply to persons who fish for Gulf reef fish other than under commercial vessel permits for Gulf reef fish and the applicable commercial quotas specified in paragraph (a)(1) of this section.

(i) ***Recreational quota for red snapper*** —

(A) ***Total recreational.*** The total recreational quota is 7,991,900 lb (3,625,065 kg), round weight.

(B) ***Federal charter vessel/headboat component quota.*** The Federal charter vessel/headboat component quota applies to vessels that have been issued a valid Federal charter vessel/headboat permit for Gulf reef fish any time during the fishing year. A person aboard a vessel that has been issued a charter vessel/headboat permit for Gulf reef fish any time during the fishing year may not harvest or possess red snapper in or from the Gulf when the Federal charter vessel/headboat component is closed. When the Federal charter

vessel/headboat component is open, a person on board a vessel that has been issued a charter vessel/headboat permit for Gulf reef fish at any time during the fishing year may harvest or possess red snapper in or from the Gulf only when the vessel is operating as a charter vessel or headboat. The Federal charter vessel/headboat component quota is 3,380,574 lb (1,533,403 kg), round weight.

(C) ***Private angling component quota.*** The private angling component quota applies to vessels that fish under the bag limit and have not been issued a Federal charter vessel/headboat permit for Gulf reef fish any time during the fishing year. The private angling component quota is 4,611,326 lb (2,091,662 kg), round weight.

(ii) ***Recreational quota for greater amberjack.*** The recreational quota for greater amberjack is 335,320 lb (152,099 kg), round weight.

(b) ***Restrictions applicable after a commercial quota closure.***

(1) If the recreational fishery for the indicated species is open, the bag and possession limits specified in § 622.38(b) and (c) apply to all harvest or possession in or from the Gulf EEZ of the indicated species, and the sale or purchase of the indicated species taken from the Gulf EEZ is prohibited. In addition, the bag and possession limits for red snapper, when applicable, apply on board a vessel for which a commercial permit for Gulf reef fish has been issued, as required under § 622.20(a)(1), without regard to where such red snapper were harvested. The application of bag limits described in this paragraph (b)(1) notwithstanding, bag limits of Gulf reef fish may not be possessed on board a vessel with commercial quantities of Gulf reef fish, *i.e.,* Gulf reef fish in excess of applicable bag/possession limits, on board, as specified in § 622.38(a)(2). The prohibition on sale/purchase during a closure for Gulf reef fish does not apply to Gulf reef fish that were harvested, landed ashore, and sold prior to the effective date of the closure and were held in cold storage by a dealer or processor.

(2) If the recreational fishery for the indicated species is closed, all harvest or possession in or from the Gulf EEZ of the indicated species is prohibited.

(c) ***Restrictions applicable after a recreational quota closure or recreational component quota closure.*** The bag limit for the applicable species for the recreational sector or recreational sector component in or from the Gulf EEZ is zero. When the Federal charter vessel/headboat component is closed or the entire recreational sector is closed, this bag and possession limit applies in the Gulf on board a vessel for which a valid Federal charter vessel/headboat permit for Gulf reef fish has been issued, without regard to where such species were harvested, *i.e.,* in state or Federal waters.

[78 FR 22952, Apr. 17, 2013]

Editorial Note: For FEDERAL REGISTER citations affecting § 622.39, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.govinfo.gov*.

§ 622.40 Restrictions on sale/purchase.

The restrictions in this section are in addition to the restrictions on sale/purchase related to quota closures as specified in § 622.39(b) and (c).

(a) A Gulf reef fish harvested in the EEZ on board a vessel that does not have a valid commercial permit for Gulf reef fish, as required under § 622.20(a)(1), or a Gulf reef fish possessed under the bag limits specified in § 622.38(b), may not be sold or purchased.

(b) A Gulf reef fish harvested in or from the EEZ or adjoining state waters by a vessel that has a valid commercial vessel permit for Gulf reef fish may be sold or transferred only to a dealer who has a valid Gulf and South Atlantic dealer permit, as required under § 622.20(c)(1).

(c) A Gulf reef fish harvested in or from the EEZ may be first received by a dealer who has a valid Gulf and South Atlantic dealer permit, as required under § 622.20(c)(1), only from a vessel that has a valid commercial vessel permit for Gulf reef fish.

[78 FR 22952, Apr. 17, 2013, as amended at 79 FR 19494, Apr. 9, 2014]

§ 622.41 Annual catch limits (ACLs), annual catch targets (ACTs), and accountability measures (AMs).

(a) ***Greater amberjack*** —

(1) ***Commercial sector.***

(i) If commercial landings, as estimated by the SRD, reach or are projected to reach the annual catch target (ACT) specified in § 622.39(a)(1)(v)(commercial quota), the Assistant Administrator for Fisheries, NOAA, (AA) will file a notification with the Office of the Federal Register to close the commercial sector for the remainder of the fishing year.

(ii) In addition to the measures specified in paragraph (a)(1)(i) of this section, if commercial landings, as estimated by the SRD, exceed the commercial ACL, as specified in (a)(1)(iii) of this section, the AA will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year to reduce the commercial ACT (commercial quota) and the commercial ACL for that following year by the amount of any commercial ACL overage in the prior fishing year.

(iii) The commercial ACL for greater amberjack, in round weight, is 101,000 lb (45,813 kg).

(2) ***Recreational sector.***

(i) If recreational landings, as estimated by the SRD, reach or are projected to reach the ACT specified in § 622.39(a)(2)(ii) (recreational quota), the AA will file a notification with the Office of the Federal Register to close the recreational sector for the remainder of the fishing year.

(ii) In addition to the measures specified in paragraph (a)(2)(i) of this section, if recreational landings, as estimated by the SRD, exceed the recreational ACL, as specified in paragraph (a)(2)(iii) of this section, the AA will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year to reduce the recreational ACT (recreational quota) and the recreational ACL for that following year by the amount of any recreational overage in the prior fishing year.

(iii) The recreational ACL for greater amberjack, in round weight, is 404,000 lb (183,251 kg).

(b) ***Gray triggerfish*** —

(1) ***Commercial sector.*** If commercial landings, as estimated by the SRD, reach or are projected to reach the commercial ACT (commercial quota) specified in § 622.39(a)(1)(vi), the AA will file a notification with the Office of the Federal Register to close the commercial sector for the remainder of the fishing year. In addition, if despite such closure, commercial landings exceed the commercial ACL, the AA will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year to reduce the commercial ACL and ACT (commercial quota) for that following year by the amount the prior-year ACL was exceeded. The commercial ACL is 95,949 lb (43,522 kg), round weight.

(2) ***Recreational sector.***

(i) Without regard to overfished status, if gray triggerfish recreational landings, as estimated by the SRD, reach or are projected to reach the applicable ACT specified in paragraph (b)(2)(iii) of this section, the AA will file a notification with the Office of the Federal Register, to close the recreational sector for the remainder of the fishing year. On and after the effective date of such a notification, the bag and possession limit of gray triggerfish in or from the Gulf EEZ is zero. This bag and possession limit applies in the Gulf on board a vessel for which a valid Federal charter vessel/headboat permit for Gulf reef fish has been issued, without regard to where such species were harvested, *i.e.* in state or Federal waters.

(ii) In addition to the measures specified in paragraphs (b)(2)(i) of this section, if gray triggerfish recreational landings, as estimated by the SRD, exceed the applicable ACL specified in paragraph (b)(2)(iii) of this section, and gray triggerfish are overfished, based on the most recent Status of U.S. Fisheries Report to Congress, the AA will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year to reduce the ACL and the ACT for that following year by the amount of the ACL overage in the prior fishing year, unless the best scientific information available determines that a greater, lesser, or no overage adjustment is necessary.

(iii) The recreational ACL for gray triggerfish is 360,951 lb (163,725 kg), round weight. The recreational ACT for gray triggerfish is 274,323 lb (124,431 kg), round weight.

(c) ***Other shallow-water grouper (Other SWG) combined (including black grouper, scamp, yellowfin grouper, and yellowmouth grouper)*** —

(1) ***Commercial sector.*** The IFQ program for groupers and tilefishes in the Gulf of Mexico serves as the accountability measure for commercial Other SWG. The commercial ACT for Other SWG is equal to the applicable quota specified in § 622.39(a)(1)(iii)(A). The commercial ACL for Other SWG, in gutted weight, is 545,000 lb (247,208 kg) for 2014, and 547,000 lb (248,115 kg) for 2015 and subsequent fishing years.

(2) ***Recreational sector.*** If the sum of the commercial and recreational landings, as estimated by the SRD, exceeds the stock complex ACL specified in paragraph (c)(3) of this section, then during the following fishing year, if the sum of the commercial and recreational landings reaches or is projected to reach the applicable ACL specified in paragraph (c)(3) of this section, the AA will file a notification with the Office of the Federal Register to close the recreational sector for the remainder of that fishing year.

(3) The stock complex ACLs for Other SWG, in gutted weight, are 688,000 lb (312,072 kg) for 2012, 700,000 lb (317,515 kg) for 2013, 707,000 lb (320,690 kg) for 2014, and 710,000 lb (322,051 kg) for 2015 and subsequent years.

(d) *Gag* —

(1) ***Commercial sector.*** See table 1 for the commercial ACLs in gutted weight. The commercial ACT for gag is equal to the applicable commercial quota specified in § 622.39(a)(1)(iii)(B). The IFQ program for groupers and tilefishes in the Gulf of Mexico in § 622.22 serves as the accountability measure for the commercial harvest of gag.

TABLE 1 TO PARAGRAPH (d)(1)

Year	Commercial ACL in lb (kg)
2024	155,000 (70,307)
2025	215,000 (97,522)
2026	269,000 (122,016)
2027	330,000 (149,685)
2028+	404,000 (183,251)

(2) ***Recreational sector.***

(i) See table 2 for the recreational ACLs and ACTs in gutted weight.

TABLE 2 TO PARAGRAPH (d)(2)(i)

Year	Recreational ACL in lb (kg)	Recreational ACT in lb (kg)
2024	288,000 (130,635)	230,000 (104,326)
2025	399,000 (180,983)	319,000 (144,696)
2026	499,000 (226,343)	399,000 (180,983)
2027	613,000 (278,052)	490,000 (222,260)
2028+	751,000 (340,648)	600,000 (272,155)

(ii) If the NMFS SRD estimates that gag recreational landings have reached or are projected to reach the applicable recreational ACT specified in paragraph (d)(2)(i) of this section, the AA will file a notification with the Office of the Federal Register to close the recreational sector for the remainder of the fishing year. On and after the effective date of such a notification, the bag and possession limits for gag in or from the Gulf EEZ are zero. These bag and possession limits

apply in the Gulf on board a vessel for which a valid Federal charter vessel/headboat permit for Gulf reef fish has been issued without regard to where such species were harvested, *i.e.,* in state or Federal waters.

(iii) In addition to the measures specified in paragraph (d)(2)(ii) of this section, if the NMFS SRD estimates that gag recreational landings have exceeded the applicable ACL specified in paragraph (d)(2)(i) of this section and gag is overfished based on the most recent Status of U.S. Fisheries Report to Congress, the following measure will apply. The AA will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year, to reduce the recreational ACL and ACT for that following year by the amount of the ACL overage in the prior fishing year, unless the best scientific information available determines that a greater, lesser, or no overage adjustment is necessary.

(e) ***Red grouper*** —

(1) ***Commercial sector.*** The IFQ program for groupers and tilefishes in the Gulf of Mexico serves as the accountability measure for commercial red grouper. The commercial ACT for red grouper is equal to the applicable quota specified in § 622.39(a)(1)(iii)(C). The commercial ACL for red grouper in gutted weight is 2.94 million lb (1.33 million kg).

(2) ***Recreational sector.***

(i) Without regard to overfished status, if red grouper recreational landings, as estimated by the SRD, reach or are projected to reach the applicable ACL specified in paragraph (e)(2)(iv) of this section, the AA will file a notification with the Office of the Federal Register, to close the recreational sector for the remainder of the fishing year. On and after the effective date of such a notification, the bag and possession limit of red grouper in or from the Gulf EEZ is zero. This bag and possession limit applies in the Gulf on board a vessel for which a valid Federal charter vessel/headboat permit for Gulf reef fish has been issued, without regard to where such species were harvested, *i.e.* in state or Federal waters.

(ii) Without regard to overfished status, and in addition to the measures specified in paragraph (e)(2)(i) of this section, if red grouper recreational landings, as estimated by the SRD, exceed the applicable ACL specified in paragraph (e)(2)(iv) of this section, the AA will file a notification with the Office of the Federal Register to maintain the red grouper ACT, specified in paragraph (e)(2)(iv) of this section, for that following fishing year at the level of the prior year's ACT, unless the best scientific information available determines that maintaining the prior year's ACT is unnecessary. In addition, the notification will reduce the length of the recreational red grouper fishing season the following fishing year by the amount necessary to ensure red grouper recreational landings do not exceed the recreational ACT in the following fishing year.

(iii) If red grouper are overfished, based on the most recent Status of U.S. Fisheries Report to Congress, and red grouper recreational landings, as estimated by the SRD, exceed the applicable ACL specified in paragraph (e)(2)(iv) of this section, the following measures will apply. In addition to the measures specified in paragraphs (e)(2)(i) and (ii) of this section, the AA will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year to reduce the ACL for that following year by the amount of the ACL overage in the prior fishing year, and reduce the ACT, as determined in paragraph (e)(2)(ii) of this section, by the amount of the ACL overage in the prior fishing year, unless the best scientific information available determines that a greater, lesser, or no overage adjustment is necessary.

(iv) The recreational ACL for red grouper in gutted weight is 2.02 million lb (0.92 million kg). The recreational ACT for red grouper in gutted weight is 1.84 million lb (0.83 million kg).

(f) ***Deep-water grouper (DWG) combined (including yellowedge grouper, warsaw grouper, snowy grouper, and speckled hind)*** —

(1) ***Commercial sector.*** The IFQ program for groupers and tilefishes in the Gulf of Mexico serves as the accountability measure for commercial DWG. The commercial ACT for DWG is equal to the applicable quota specified in § 622.39(a)(1)(ii). The commercial ACL for DWG, in gutted weight, is 1.160 million lb (0.526 million kg) for 2014, 1.150 million lb (0.522 million kg) for 2015, and 1.070 million lb (0.485 million kg) for 2016 and subsequent fishing years.

(2) ***Recreational sector.*** If the sum of the commercial and recreational landings, as estimated by the SRD, exceeds the stock complex ACL specified in paragraph (f)(3) of this section, then during the following fishing year, if the sum of commercial and recreational landings reaches or is projected to reach the applicable ACL specified in paragraph (f)(3) of this section, the AA will file a notification with the Office of the Federal Register to close the recreational sector for the remainder of that fishing year.

(3) The stock complex ACLs for DWG, in gutted weight, are 1.216 million lb (0.552 million kg) for 2012, 1.207 million lb (0.547 million kg) for 2013, 1.198 million lb (0.543 million kg) for 2014, 1.189 million lb (0.539 million kg) for 2015, and 1.105 million lb (0.501 million kg) for 2016 and subsequent years.

(g) ***Tilefishes combined (including goldface tilefish, blueline tilefish, and tilefish)*** —

(1) ***Commercial sector.*** The IFQ program for groupers and tilefishes in the Gulf of Mexico serves as the accountability measure for commercial tilefishes. The commercial ACT for tilefishes is equal to the quota specified in § 622.39(a)(1)(iv). The commercial ACL for tilefishes, in gutted weight, is 606,000 lb (274,877 kg).

(2) ***Recreational sector.*** If the sum of the commercial and recreational landings, as estimated by the SRD, exceeds the stock complex ACL specified in paragraph (g)(3) of this section, then during the following fishing year, if the sum of commercial and recreational landings reaches or is projected to reach the applicable ACL specified in paragraph (g)(3) of this section, the AA will file a notification with the Office of the Federal Register to close the recreational sector for the remainder of that fishing year.

(3) The stock complex ACL for tilefishes is 608,000 lb (275,784 kg), gutted weight.

(h) ***Lesser amberjack, almaco jack, and banded rudderfish, combined.*** If the sum of the commercial and recreational landings, as estimated by the SRD, exceeds the stock complex ACL, then during the following fishing year, if the sum of commercial and recreational landings reaches or is projected to reach the stock complex ACL, the AA will file a notification with the Office of the Federal Register to close the commercial and recreational sectors for the remainder of that fishing year. The stock complex ACL for lesser amberjack, almaco jack, and banded rudderfish, is 312,000 lb (141,521 kg), round weight.

(i) ***Silk snapper, queen snapper, blackfin snapper, and wenchman, combined.*** If the sum of the commercial and recreational landings, as estimated by the SRD, exceeds the stock complex ACL, then during the following fishing year, if the sum of commercial and recreational landings reaches or is projected to reach the stock complex ACL, the AA will file a notification with the Office of the Federal Register to close the commercial and recreational sectors for the remainder of that fishing year. The stock complex ACL for silk snapper, queen snapper, blackfin snapper, and wenchman, is 166,000 lb (75,296 kg), round weight.

(j) ***Vermilion snapper.*** If the sum of the commercial and recreational landings, as estimated by the SRD, reaches or is projected to reach the stock ACL, the AA will file a notification with the Office of the Federal Register to close the commercial and recreational sectors for the remainder of the fishing year. The stock ACL for vermilion snapper is 5,452,500 lb (2,473,212 kg), round weight.

(k) ***Lane snapper.*** If the sum of the commercial and recreational landings, as estimated by the SRD, reaches or is projected to reach the stock ACL, as specified in this paragraph (k), the AA will file a notification with the Office of the Federal Register to close the commercial and recreational sectors for the remainder of the fishing year. The stock ACL for lane snapper is 1,088,873 lb (493,904 kg), round weight.

(l) ***Gray snapper.*** If the sum of the commercial and recreational landings, as estimated by the SRD, exceeds the stock ACL, then during the following fishing year, if the sum of commercial and recreational landings reaches or is projected to reach the stock ACL, the AA will file a notification with the Office of the Federal Register to close the commercial and recreational sectors for the remainder of that fishing year. The stock ACL for gray snapper is 5.728 million lb (2.598 million kg), round weight.

(m) ***Cubera snapper.*** If the sum of the commercial and recreational landings, as estimated by the SRD, exceeds the stock ACL, then during the following fishing year, if the sum of commercial and recreational landings reaches or is projected to reach the stock ACL, the AA will file a notification with the Office of the Federal Register to close the commercial and recreational sectors for the remainder of that fishing year. The stock ACL for cubera snapper is 5,065 lb (2,297 kg), round weight.

(n) ***Yellowtail snapper.*** If the sum of the commercial and recreational landings, as estimated by the SRD, exceeds the stock ACL, then during the following fishing year, if the sum of commercial and recreational landings reaches or is projected to reach the stock ACL, the AA will file a notification with the Office of the Federal Register to close the commercial and recreational sectors for the remainder of that fishing year. The stock ACL for yellowtail snapper is 901,125 lb (408,743 kg), round weight.

(o) ***Mutton snapper.*** If the sum of the commercial and recreational landings, as estimated by the SRD, exceeds the stock ACL, then during the following fishing year, if the sum of commercial and recreational landings reaches or is projected to reach the stock ACL, the AA will file a notification with the Office of the Federal Register to close the commercial and recreational sectors for the remainder of that fishing year. The stock ACL for mutton snapper, in round weight, is 134,424 lb (60,974 kg) for 2018, 139,392 lb (63,227 kg) for 2019, and 143,694 lb (65,179 kg) for 2020 and subsequent fishing years.

(p) ***Hogfish in the Gulf EEZ except south of 25°09' N lat. off the west coast of Florida.*** If the sum of the commercial and recreational landings, as estimated by the SRD, exceeds the stock ACL, then during the following fishing year, if the sum of commercial and recreational landings reaches or is projected to reach the stock ACL, the AA will file a notification with the Office of the Federal Register to close the commercial and recreational sectors for the remainder of that fishing year. The stock ACL for hogfish, in round weight, in the Gulf EEZ except south of 25°09' N lat. off the west coast of Florida, is 129,500 lb (58,740 kg), for the 2019 fishing year, 141,300 lb (64,093 kg), for the 2020 fishing year, and 150,400 lb (68,220 kg) for the 2021 fishing year and subsequent fishing years. See § 622.193(u)(2) for the ACLs, ACT, and AMs for hogfish in the Gulf EEZ south of 25°09' N lat. off the west coast of Florida.

(q) ***Red snapper*** —

(1) ***Commercial sector.*** The IFQ program for red snapper in the Gulf of Mexico serves as the accountability measure for commercial red snapper. The commercial ACL for red snapper is equal to the applicable commercial quota specified in § 622.39(a)(1)(i).

(2) ***Recreational sector.***

(i) The recreational ACL is equal to the total recreational quota specified in § 622.39(a)(2)(i)(A). The AA will determine the length of the red snapper recreational fishing season, or recreational fishing seasons for the Federal charter vessel/headboat and private angling components, based on when recreational landings are projected to reach the recreational ACT, or respective recreational component ACT specified in paragraph (q)(2)(iii) of this section, and announce the closure date(s) in the FEDERAL REGISTER. These seasons will serve as in-season accountability measures. On and after the effective date of the recreational closure or recreational component closure notifications, the bag and possession limit for red snapper or for the respective component is zero. When the recreational sector or Federal charter vessel/headboat component is closed, this bag and possession limit applies in the Gulf on board a vessel for which a valid Federal charter vessel/headboat permit for Gulf reef fish has been issued, without regard to where such species were harvested, *i.e.*, in state or Federal waters. See § 622.23(a)(1) regarding the fishing season for the private angling component for states with an active delegation.

(ii) In addition to the measures specified in paragraph (q)(2)(i) of this section, if red snapper recreational landings, as estimated by the SRD, exceed the total recreational quota specified in § 622.39(a)(2)(i)(A), and red snapper are overfished, based on the most recent Status of U.S. Fisheries Report to Congress, the AA will file a notification with the Office of the Federal Register to reduce the total recreational quota by the amount of the quota overage in the prior fishing year, and reduce the applicable recreational component quota(s) specified in § 622.39(a)(2)(i)(B) and (C) and the applicable recreational component ACT(s) specified in paragraph (q)(2)(iii) of this section (based on the buffer between the total recreational ACT and the total recreational quota specified in the FMP), unless NMFS determines based upon the best scientific information available that a greater, lesser, or no overage adjustment is necessary.

(iii) ***Recreational ACTs.***

(A) [Reserved]

(B) ***Federal charter vessel/headboat component ACT.*** The Federal charter vessel/headboat component ACT applies to vessels that have been issued a valid Federal charter vessel/headboat permit for Gulf reef fish any time during the fishing year. A person aboard a vessel that has been issued a charter vessel/headboat permit for Gulf reef fish any time during the fishing year may not harvest or possess red snapper in or from the Gulf when the Federal charter vessel/headboat component is closed. When the Federal charter vessel/headboat component is open, a person on board a vessel that has been issued a charter vessel/headboat permit for Gulf reef fish at any time during the fishing year may harvest or possess red snapper in or from the Gulf only when the vessel is operating as a charter vessel or headboat. The component ACT is 3,076,322 lb (1,395,396 kg), round weight.

[78 FR 22952, Apr. 17, 2013]

Editorial Note: For FEDERAL REGISTER citations affecting § 622.41, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.govinfo.gov*.

§ 622.42 Adjustment of management measures.

In accordance with the framework procedures of the FMP for the Reef Fish Resources of the Gulf of Mexico, the RA may establish or modify the items specified in paragraph (a) of this section for Gulf reef fish, or paragraph (b) of this section for sea turtles and other protected species.

(a) For a species or species group: Reporting and monitoring requirements, permitting requirements, bag and possession limits (including a bag limit of zero), size limits, vessel trip limits, closed seasons or areas and reopenings, annual catch limits (ACLs), annual catch targets (ACTs), quotas (including a quota of zero), accountability measures (AMs), MSY (or proxy), OY, management parameters such as overfished and overfishing definitions, gear restrictions (ranging from regulation to complete prohibition), gear markings and identification, vessel markings and identification, acceptable biological catch (ABC) and ABC control rules, rebuilding plans, and restrictions relative to conditions of harvested fish (maintaining fish in whole condition, use as bait).

(b) Possession, specifications, and use of required release gear and handling requirements for sea turtles and other protected species.

[78 FR 22952, Apr. 17, 2013, as amended at 84 FR 22386, May 17, 2019]

§ 622.43 Commercial trip limits.

Commercial trip limits are limits on the amount of the applicable species that may be possessed on board or landed, purchased, or sold from a vessel per day. A person who fishes in the EEZ may not combine a trip limit specified in this section with any trip or possession limit applicable to state waters. A species subject to a trip limit specified in this section taken in the EEZ may not be transferred at sea, regardless of where such transfer takes place, and such species may not be transferred in the EEZ. Commercial trip limits apply as follows:

(a) ***Greater amberjack.*** Until the commercial quota specified in § 622.39(a)(1)(v) is reached—7 fish. See § 622.39(b) for the limitations regarding greater amberjack after the quota is reached.

(b) ***Gray triggerfish*** —25 fish. The commercial trip limit applies until the commercial quota specified in § 622.39(a)(1)(vi) is reached, which is equal to the commercial ACT. See § 622.39(b) for the limitations regarding gray triggerfish after the commercial quota is reached.

(c) ***Hogfish in the Gulf EEZ south of 25°09' N. lat. off the west coast of Florida*** —see § 622.191(a)(12)(ii) for the commercial trip limit.

[78 FR 22952, Apr. 17, 2013, as amended at 78 FR 27087, May 9, 2013; 80 FR 75436, Dec. 2, 2015; 82 FR 34581, July 25, 2017; 82 FR 59526, Dec. 15, 2017; 85 FR 20614, Apr. 14, 2020; 88 FR 50065, Aug. 1, 2023; 88 FR 87638, Dec. 18, 2023; 89 FR 59009, July 22, 2024]

Subpart C—Shrimp Fishery of the Gulf of Mexico

§ 622.50 Permits, permit moratorium, and endorsements.

(a) ***Gulf shrimp permit.*** For a person aboard a vessel to fish for shrimp in the Gulf EEZ or possess shrimp in or from the Gulf EEZ, a commercial vessel permit for Gulf shrimp must have been issued to the vessel and must be on board. See paragraph (b) of this section regarding a moratorium on commercial vessel permits for Gulf shrimp and the associated provisions. See paragraph (c) of this section, regarding an additional endorsement requirement related to royal red shrimp.

(b) ***Moratorium on commercial vessel permits for Gulf shrimp.*** The provisions of this paragraph (b) are applicable through October 26, 2026.

(1) ***Moratorium permits are required.*** The only valid commercial vessel permits for Gulf shrimp are commercial vessel moratorium permits for Gulf shrimp. In accordance with the procedures specified in the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico (Gulf Shrimp FMP), all commercial vessel moratorium permits for Gulf shrimp have been issued. No additional permits will be issued.

(2) ***Permit transferability.*** Commercial vessel moratorium permits for Gulf shrimp are fully transferable, with or without the sale of the vessel. To request that the RA transfer a commercial vessel moratorium permit for Gulf shrimp, the owner of a vessel that is to receive the transferred permit must complete the transfer information on the reverse of the permit and return the permit and a completed application for transfer to the RA. Transfer documents must be notarized as specified in § 622.4(f)(1).

(3) ***Renewal.***

(i) Renewal of a commercial vessel moratorium permit for Gulf shrimp is contingent upon compliance with the recordkeeping and reporting requirements for Gulf shrimp specified in § 622.51(a).

(ii) Except as provided for in paragraph (b)(3)(iii) of this section, a commercial vessel moratorium permit for Gulf shrimp that is not renewed will be terminated and will not be reissued during the moratorium. A permit is considered to be not renewed when an application for renewal, as required, is not received by the RA within 1 year of the expiration date of the permit.

(iii) When NMFS has determined that the number of commercial vessel moratorium permits for Gulf shrimp has reached the threshold number of permits as described in the FMP, then a commercial vessel moratorium permit for Gulf shrimp that is not renewed will be converted to a Gulf shrimp reserve pool permit and held by NMFS for possible reissuance. Gulf shrimp reserve pool permits will not be issued until eligibility requirements are developed and implemented through subsequent rulemaking.

(c) ***Gulf royal red shrimp endorsement.*** For a person aboard a vessel to fish for royal red shrimp in the Gulf EEZ or possess royal red shrimp in or from the Gulf EEZ, a commercial vessel permit for Gulf shrimp with a Gulf royal red shrimp endorsement must be issued to the vessel and must be on board.

(d) ***Permit procedures.*** See § 622.4 for information regarding general permit procedures including, but not limited to, application, fees, duration, transfer, renewal, display, sanctions and denials, and replacement.

(e) ***Gulf shrimp transit provision.*** A vessel that does not have a valid Gulf shrimp moratorium permit, as described in paragraphs (a) and (b) of this section, may possess Gulf shrimp when in transit in the Gulf EEZ provided that the shrimp fishing gear is appropriately stowed. For the purposes of this paragraph, transit means non-stop progression through the Gulf EEZ. Fishing gear appropriately stowed means trawl doors and nets must be out of the water and the bag straps must be removed from the net.

[78 FR 22952, Apr. 17, 2013, as amended at 81 FR 47735, July 22, 2016; 82 FR 60567, Dec. 21, 2017]

§ 622.51 Recordkeeping and reporting.

(a) ***Commercial vessel owners and operators*** —

(1) ***General reporting requirement.*** The owner or operator of a vessel that fishes for shrimp in the Gulf EEZ or in adjoining state waters, or that lands shrimp in an adjoining state, must provide information for any fishing trip, as requested by the SRD, including, but not limited to, vessel identification, gear, effort, amount of shrimp caught by species, shrimp condition (heads on/heads off), fishing areas and depths, and person to whom sold.

(2) ***Electronic logbook reporting.*** The owner or operator of a vessel for which a Federal commercial vessel permit for Gulf shrimp has been issued and who is selected by the SRD must participate in the NMFS-sponsored electronic logbook reporting program as directed by the SRD. In addition, such owner or operator must provide information regarding the size and number of shrimp trawls deployed and the type of bycatch reduction device (BRD) and turtle excluder device used, as directed by the SRD. Compliance with the reporting requirements of this paragraph (a)(2) is required for permit renewal.

(3) ***Vessel and Gear Characterization Form.*** All owners or operators of vessels applying for or renewing a commercial vessel moratorium permit for Gulf shrimp must complete an annual Gulf Shrimp Vessel and Gear Characterization Form. The form will be provided by NMFS at the time of permit application and renewal. Compliance with this reporting requirement is required for permit issuance and renewal.

(4) ***Landings report.*** The owner or operator of a vessel for which a Federal commercial vessel permit for Gulf shrimp has been issued must annually report the permitted vessel's total annual landings of shrimp and value, by species, on a form provided by the SRD. Compliance with this reporting requirement is required for permit renewal.

(b) ***Gulf shrimp dealers.*** A person who purchases shrimp from a vessel, or person, that fishes for shrimp in the Gulf EEZ or in adjoining state waters, or that lands shrimp in an adjoining state, must provide the following information when requested by the SRD:

(1) Name and official number of the vessel from which shrimp were received or the name of the person from whom shrimp were received, if received from other than a vessel.

(2) Amount of shrimp received by species and size category for each receipt.

(3) Ex-vessel value, by species and size category, for each receipt.

§ 622.52 At-sea observer coverage.

(a) ***Required coverage.*** A vessel for which a Federal commercial vessel permit for Gulf shrimp has been issued must carry a NMFS-approved observer, if the vessel's trip is selected by the SRD for observer coverage. Vessel permit renewal is contingent upon compliance with this paragraph (a).

(b) ***Notification to the SRD.*** When observer coverage is required, an owner or operator must advise the SRD in writing not less than 5 days in advance of each trip of the following:

(1) Departure information (port, dock, date, and time).

(2) Expected landing information (port, dock, and date).

(c) ***Observer accommodations and access.*** An owner or operator of a vessel on which a NMFS-approved observer is embarked must:

(1) Provide accommodations and food that are equivalent to those provided to the crew.

(2) Allow the observer access to and use of the vessel's communications equipment and personnel upon request for the transmission and receipt of messages related to the observer's duties.

(3) Allow the observer access to and use of the vessel's navigation equipment and personnel upon request to determine the vessel's position.

(4) Allow the observer free and unobstructed access to the vessel's bridge, working decks, holding bins, weight scales, holds, and any other space used to hold, process, weigh, or store fish.

(5) Allow the observer to inspect and copy the vessel's log, communications logs, and any records associated with the catch and distribution of fish for that trip.

§ 622.53 Bycatch reduction device (BRD) requirements.

(a) ***BRD requirement for Gulf shrimp.*** On a shrimp trawler in the Gulf EEZ, each net that is rigged for fishing must have a BRD installed that is listed in paragraph (a)(3) of this section and is certified or provisionally certified for the area in which the shrimp trawler is located, unless exempted as specified in paragraphs (a)(1)(i) through (iv) of this section. A trawl net is rigged for fishing if it is in the water, or if it is shackled, tied, or otherwise connected to a sled, door, or other device that spreads the net, or to a tow rope, cable, pole, or extension, either on board or attached to a shrimp trawler.

(1) ***Exemptions from BRD requirement*** —

(i) ***Royal red shrimp exemption.*** A shrimp trawler is exempt from the requirement to have a certified or provisionally certified BRD installed in each net provided that at least 90 percent (by weight) of all shrimp on board or offloaded from such trawler are royal red shrimp.

(ii) ***Try net exemption.*** A shrimp trawler is exempt from the requirement to have a certified or provisionally certified BRD installed in a single try net with a headrope length of 16 ft (4.9 m) or less provided the single try net is either placed immediately in front of another net or is not connected to another net.

(iii) ***Roller trawl exemption.*** A shrimp trawler is exempt from the requirement to have a certified or provisionally certified BRD installed in up to two rigid-frame roller trawls that are 16 ft (4.9 m) or less in length used or possessed on board. A rigid-frame roller trawl is a trawl that has a mouth formed by a rigid frame and a grid of rigid vertical bars; has rollers on the lower horizontal part of the frame to allow the trawl to roll over the bottom and any obstruction while being towed; and has no doors, boards, or similar devices attached to keep the mouth of the trawl open.

(iv) ***BRD certification testing exemption.*** A shrimp trawler that is authorized by the RA to participate in the pre-certification testing phase or to test a BRD in the EEZ for possible certification, has such written authorization on board, and is conducting such test in accordance with the "Bycatch Reduction Device Testing Manual" is granted a limited exemption from the BRD

requirement specified in this section. The exemption from the BRD requirement is limited to those trawls that are being used in the certification trials. All other trawls rigged for fishing must be equipped with certified or provisionally certified BRDs.

(2) ***Procedures for certification and decertification of BRDs.*** The process for the certification of BRDs consists of two phases—an optional pre-certification phase and a required certification phase. The RA may also provisionally certify a BRD.

(i) ***Pre-certification.*** The pre-certification phase allows a person to test and evaluate a new BRD design for up to 60 days without being subject to the observer requirements and rigorous testing requirements specified for certification testing in the "Bycatch Reduction Device Testing Manual."

(A) A person who wants to conduct pre-certification phase testing must submit an application to the RA, as specified in the "Bycatch Reduction Device Testing Manual." The "Bycatch Reduction Device Testing Manual," which is available from the RA, upon request, contains the application forms.

(B) After reviewing the application, the RA will determine whether to issue a Gear Test Authorization (GTA) to conduct pre-certification trials upon the vessel specified in the application. If the RA authorizes pre-certification, the RA's GTA must be on board the vessel during any trip involving the BRD testing.

(ii) ***Certification.*** A person who proposes a BRD for certification for use in the Gulf EEZ must submit an application to test such BRD, conduct the testing, and submit the results of the test in accordance with the "Bycatch Reduction Device Testing Manual." The RA will issue a GTA to conduct certification trials upon the vessel specified in the application if the RA finds that: The operation plan submitted with the application meets the requirements of the "Bycatch Reduction Device Testing Manual"; the observer identified in the application is qualified; and the results of any pre-certification trials conducted have been reviewed and deemed to indicate a reasonable scientific basis for conducting certification testing. If an application for a GTA is denied, the RA will provide a letter of explanation to the applicant, together with relevant recommendations to address the deficiencies that resulted in the denial. To be certified for use in the fishery, the BRD candidate must successfully demonstrate a 30 percent reduction in total weight of finfish bycatch. In addition, the BRD candidate must satisfy the following conditions: There is at least a 50-percent probability the true reduction rate of the BRD candidate meets the bycatch reduction criterion and there is no more than a 10-percent probability the true reduction rate of the BRD candidate is more than 5 percentage points less than the bycatch reduction criterion. If a BRD meets both conditions, consistent with the "Bycatch Reduction Device Testing Manual," NMFS, through appropriate rulemaking procedures, will add the BRD to the list of certified BRDs in paragraph (a)(3) of this section; and provide the specifications for the newly certified BRD, including any special conditions deemed appropriate based on the certification testing results.

(iii) ***Provisional certification.*** Based on data provided consistent with the "Bycatch Reduction Device Testing Manual," the RA may provisionally certify a BRD if there is at least a 50-percent probability the true reduction rate of the BRD is no more than 5 percentage points less than the bycatch reduction criterion, *i.e.,* 25 percent reduction in total weight of finfish bycatch. Through appropriate rulemaking procedures, NMFS will add the BRD to the list of provisionally certified BRDs in paragraph (a)(3) of this section; and provide the specifications for the BRD, including

any special conditions deemed appropriate based on the certification testing results. A provisional certification is effective for 2 years from the date of publication of the notification in the FEDERAL REGISTER announcing the provisional certification.

(iv) ***Decertification.*** The RA will decertify a BRD if NMFS determines the BRD does not meet the requirements for certification or provisional certification. Before determining whether to decertify a BRD, the RA will notify the Gulf of Mexico Fishery Management Council in writing, and the public will be provided an opportunity to comment on the advisability of any proposed decertification. The RA will consider any comments from the Council and public, and if the RA elects to decertify the BRD, the RA will proceed with decertification via appropriate rulemaking.

(3) ***Certified and provisionally certified BRDs*** —

(i) ***Certified BRDS.*** The following BRDs are certified for use in the Gulf EEZ. Specifications of these certified BRDs are contained in Appendix D to this part.

(A) Fisheye—see Appendix D to part 622 for separate specifications in the Gulf and South Atlantic EEZ.

(B) Jones-Davis.

(C) Modified Jones-Davis.

(D) Cone Fish Deflector Composite Panel.

(E) Square Mesh Panel (SMP) Composite Panel.

(ii) [Reserved]

(b) [Reserved]

[78 FR 22952, Apr. 17, 2013, as amended at 85 FR 6818, Feb. 6, 2020]

§ 622.54 Prohibited gear and methods.

Also see § 622.9 for additional prohibited gear and methods that apply more broadly to multiple fisheries or in some cases all fisheries.

(a) ***Traps for royal red shrimp in the Gulf EEZ and transfer at sea.*** A trap may not be used to fish for royal red shrimp in the Gulf EEZ. Possession of a trap and royal red shrimp on board a vessel is prohibited. A trap used to fish for royal red shrimp in the Gulf EEZ may be disposed of in any appropriate manner by the Assistant Administrator or an authorized officer. In addition, royal red shrimp cannot be transferred in the Gulf EEZ, and royal red shrimp taken in the Gulf EEZ cannot be transferred at sea regardless of where the transfer takes place.

(b) [Reserved]

§ 622.55 Closed areas.

(a) ***Texas closure.***

(1) From 30 minutes after official sunset on May 15 to 30 minutes after official sunset on July 15, trawling, except trawling for royal red shrimp beyond the 100-fathom (183-m) depth contour, is prohibited in the Gulf EEZ off Texas.

(2) In accordance with the procedures and restrictions of the Gulf Shrimp FMP, the RA may adjust the closing and/or opening date of the Texas closure to provide an earlier, later, shorter, or longer closure, but the duration of the closure may not exceed 90 days or be less than 45 days. Notification of the adjustment of the closing or opening date will be published in the FEDERAL REGISTER.

(b) ***Southwest Florida seasonal trawl closure.*** From January 1 to 1 hour after official sunset on May 20, each year, trawling, including trawling for live bait, is prohibited in that part of the Gulf EEZ shoreward of rhumb lines connecting, in order, the following points:

TABLE 1 TO PARAGRAPH (B)

Point	North lat.	West long.
B[1]	26°16.0'	81°58.5'
C	26°00.0'	82°04.0'
D	25°09.0'	81°47.6'
E	24°54.5'	81°50.5'
M[1]	24°49.3'	81°46.4'

[1] *On the seaward limit of Florida's waters.*

(c) ***Tortugas shrimp sanctuary.***

(1) The Tortugas shrimp sanctuary is closed to trawling. The Tortugas shrimp sanctuary is that part of the EEZ off Florida shoreward of rhumb lines connecting, in order, the following points:

TABLE 1 TO PARAGRAPH (C)(1)

Point	North lat.	West long.
N[1]	25°52'54"	81°37'56"
F	24°50'42"	81°51'18"
G[2]	24°40'00"	82°26'39"
H[3]	24°34'44"	82°35'27"
P[4]	24°35'00"	82°08'00"

[1] *Coon Key Light.*

[2] *New Ground Shoals Light.*

[3] *Rebecca Shoals Light.*

[4] *Marquesas Keys.*

(2) The provisions of paragraph (c)(1) of this section notwithstanding—

(i) Effective from April 11 through September 30, each year, that part of the Tortugas shrimp sanctuary seaward of rhumb lines connecting the following points is open to trawling: From point T at 24°47.8' N. lat., 82°01.0' W. long. to point U at 24°43.83' N. lat., 82°01.0' W. long. (on the line denoting the seaward limit of Florida's waters); thence along the seaward limit of Florida's waters, as shown on the current edition of NOAA chart 11439, to point V at 24°42.55' N. lat., 82°15.0' W. long.; thence north to point W at 24°43.6' N. lat., 82°15.0' W. long.

(ii) Effective from April 11 through July 31, each year, that part of the Tortugas shrimp sanctuary seaward of rhumb lines connecting the following points is open to trawling: From point W to point V, both points as specified in paragraph (c)(2)(i) of this section, to point G, as specified in paragraph (c)(1) of this section.

(iii) Effective from May 26 through July 31, each year, that part of the Tortugas shrimp sanctuary seaward of rhumb lines connecting the following points is open to trawling: From point F, as specified in paragraph (c)(1) of this section, to point Q at 24°46.7' N lat., 81°52.2' W long. (on the line denoting the seaward limit of Florida's waters); thence along the seaward limit of Florida's waters, as shown on the current edition of NOAA chart 11439, to point U and north to point T, both points as specified in paragraph (c)(2)(i) of this section.

(d) ***Closures of the Gulf shrimp fishery to reduce red snapper bycatch.*** During a closure implemented in accordance with this paragraph (d), trawling is prohibited within the specified closed area(s).

(1) Procedure for determining need for and extent of closures. Each year, in accordance with the applicable framework procedure established by the Gulf Shrimp FMP, the RA will, if necessary, establish a seasonal area closure for the shrimp fishery in all or a portion of the areas of the Gulf EEZ specified in paragraphs (d)(2) through (4) of this section. The RA's determination of the need for such closure and its geographical scope and duration will be based on an annual assessment, by the Southeast Fisheries Science Center, of the shrimp effort and associated shrimp trawl bycatch mortality on red snapper in the 10-30 fathom area of statistical zones 10-21, compared to the 60-percent target reduction of shrimp trawl bycatch mortality on red snapper from the benchmark years of 2001-2003 established in the FMP (which corresponds in terms of annual shrimp effort to 33,124 days fished). The framework procedure provides for adjustment of this target reduction level, consistent with the red snapper stock rebuilding plan and the findings of subsequent stock assessments, via appropriate rulemaking. The assessment will use shrimp effort data for the most recent 12-month period available and will include a recommendation regarding the geographical scope and duration of the closure. The Southeast Fisheries Science Center's assessment will be provided to the RA on or about March 1 of each year. If the RA determines that a closure is necessary, the closure falls within the scope of the potential closures evaluated in the Gulf Shrimp FMP, and good cause exists to waive notice and comment, NMFS will implement the closure by publication of a final rule in the FEDERAL REGISTER. If such good cause waiver is not justified, NMFS will implement the closure via appropriate notice and comment rulemaking. NMFS intends that any closure implemented consistent with this paragraph (d)(l) will begin on the same date and time as the Texas closure, as described in paragraph (a) of this section, unless circumstances dictate otherwise.

(2) ***Eastern zone.*** The eastern zone is bounded by rhumb lines connecting, in order, the following points:

TABLE 1 TO PARAGRAPH (D)

Point	North lat.	West long.
A	29°14'	88°57'
B	29°24'	88°34'
C	29°34'	87°38'
D	30°04'	87°00'
E	30°04'	88°41'
F	29°36'	88°37'
G	29°21'	88°59'
A	29°14'	88°57'

(3) ***Louisiana zone.*** The Louisiana zone is bounded by rhumb lines connecting, in order, the following points:

TABLE 2 TO PARAGRAPH (D)

Point	North lat.	West long.
A	29°09.1'	93°41.4'
B	29°09.25'	92°36'
C	28°35'	90°44'
D	29°09'	89°48'
E	28°57'	89°34'
F	28°40'	90°09'
G	28°18'	90°33'
H	28°25'	91°37'
I	28°21.7'	93°28.4'

Point	North lat.	West long.
A	29°09.1'	93°41.4'

(4) ***Texas zone.*** The Texas zone is bounded by rhumb lines connecting, in order, the following points:

TABLE 3 TO PARAGRAPH (D)

Point	North lat.	West long.
A	29°09.1'	93°41.4'
B	28°44'	95°15'
C	28°11'	96°17'
D	27°44'	96°53'
E	27°02'	97°11'
F	26°00.5'	96°57.3'
G	26°00.5'	96°35.85'
H	26°24'	96°36'
I	26°49'	96°52'
J	27°12'	96°51'
K	27°39'	96°33'
L	27°55'	96°04'
M	28°21.7'	93°28.4'
A	29°09.1'	93°41.4'

(e) ***Shrimp/stone crab separation zones.*** Five zones are established in the Gulf EEZ and Florida's waters off Citrus and Hernando Counties for the separation of shrimp trawling and stone crab trapping. Although Zone II is entirely within Florida's waters, it is included in this paragraph (e) for the convenience of fishermen. Restrictions that apply to Zone II and those parts of the other zones that are in Florida's waters

are contained in Rule 68B-38.001, Florida Administrative Code, in effect as of March 1, 2005 (incorporated by reference, see § 622.19). Geographical coordinates of the points referred to in this paragraph (e) are as follows:

Table 1 to Paragraph (e)

Point	North lat.	West long.
A	28°59'30"	82°45'36"
B	28°59'30"	83°00'10"
C	28°26'01"	82°59'47"
D	28°26'01"	82°56'54"
E	28°41'39"	82°55'25"
F	28°41'39"	82°56'09"
G	28°48'56"	82°56'19"
H	28°53'51"	82°51'19"
I[1]	28°54'43"	82°44'52"
J[2]	28°51'09"	82°44'00"
K	28°50'59"	82°54'16"
L	28°41'39"	82°53'56"
M[3]	28°41'39"	82°38'46"
N	28°41'39"	82°53'12"
O	28°30'51"	82°55'11"
P	28°40'00"	82°53'08"
Q	28°40'00"	82°47'58"
R	28°35'14"	82°47'47"
S	28°30'51"	82°52'55"
T	28°27'46"	82°55'09"
U	28°30'51"	82°52'09"

[1] *Crystal River Entrance Light 1A.*

[2] *Long Pt. (southwest tip).*

[3] *Shoreline.*

(1) ***Zone I*** is enclosed by rhumb lines connecting, in order, points A, B, C, D, T, E, F, G, H, I, and J, plus the shoreline between points A and J. It is unlawful to trawl in that part of Zone I that is in the EEZ from October 5 through May 20, each year.

(2) ***Zone II*** is enclosed by rhumb lines connecting, in order, points J, I, H, K, L, and M, plus the shoreline between points J and M. Restrictions that apply to Zone II and those parts of the other zones that are in Florida's waters are contained in Rule 68B-38.001, Florida Administrative Code, in effect as of March 1, 2005 (incorporated by reference, see § 622.19).

(3) ***Zone III*** is enclosed by rhumb lines connecting, in order, points P, Q, R, U, S, and P. It is unlawful to trawl in that part of Zone III that is in the EEZ from October 5 through May 20, each year.

(4) ***Zone IV*** is enclosed by rhumb lines connecting, in order, points E, N, S, O, and E.

(i) It is unlawful to place a stone crab trap in that part of Zone IV that is in the EEZ from October 5 through December 1 and from April 2 through May 20, each year.

(ii) It is unlawful to trawl in that part of Zone IV that is in the EEZ from December 2 through April 1, each year.

(5) ***Zone V*** is enclosed by rhumb lines connecting, in order, points F, G, K, L, and F.

(i) It is unlawful to place a stone crab trap in that part of Zone V that is in the EEZ from October 5 through November 30 and from March 16 through May 20, each year.

(ii) It is unlawful to trawl in that part of Zone V that is in the EEZ from December 1 through March 15, each year.

[78 FR 22952, Apr. 17, 2013, as amended at 82 FR 60567, Dec. 21, 2017; 83 FR 29046, June 22, 2018; 85 FR 6818, Feb. 6, 2020; 87 FR 56237, Sept. 13, 2022]

§ 622.56 Size limits.

Shrimp not in compliance with the applicable size limit as specified in this section may not be possessed, sold, or purchased and must be released immediately with a minimum of harm. The operator of a vessel that fishes in the EEZ is responsible for ensuring that shrimp on board are in compliance with the size limit specified in this section.

(a) ***White shrimp.*** White shrimp harvested in the Gulf EEZ are subject to the minimum-size landing and possession limits of Louisiana when possessed within the jurisdiction of that State.

(b) [Reserved]

§ 622.57 [Reserved]

§ 622.58 Annual catch limits (ACLs), annual catch targets (ACTs), and accountability measures (AMs).

(a) ***Royal red shrimp in the Gulf*** —

(1) ***Commercial sector.*** If commercial landings, as estimated by the SRD, exceed the commercial ACL, then during the following fishing year, if commercial landings reach or are projected to reach the commercial ACL, the AA will file a notification with the Office of the Federal Register to close the commercial sector for the remainder of that fishing year. When the commercial sector is closed, royal red shrimp in or from the Gulf EEZ may not be retained, and the sale or purchase of royal red shrimp taken from the Gulf EEZ is prohibited. This prohibition on sale or purchase during a closure for royal red shrimp does not apply to royal red shrimp that were harvested, landed ashore, and sold prior to the date of the closure and were held in cold storage by a dealer or processor. The commercial ACL for royal red shrimp is 337,000 lb (152,861 kg), tail weight.

(2) [Reserved]

(b) [Reserved]

[78 FR 22952, Apr. 17, 2013, as amended at 80 FR 15692, Mar. 25, 2015]

§ 622.59 Prevention of gear conflicts.

(a) No person may knowingly place in the Gulf EEZ any article, including fishing gear, that interferes with fishing or obstructs or damages fishing gear or the fishing vessel of another; or knowingly use fishing gear in such a fashion that it obstructs or damages the fishing gear or fishing vessel of another.

(b) In accordance with the procedures and restrictions of the Gulf Shrimp FMP, the RA may modify or establish separation zones for shrimp trawling and the use of fixed gear to prevent gear conflicts. Necessary prohibitions or restrictions will be published in the FEDERAL REGISTER.

§ 622.60 Adjustment of management measures.

In accordance with the framework procedures of the Gulf Shrimp FMP, the RA may establish or modify the following:

(a) ***Gulf penaeid shrimp.*** For a species or species group: Reporting and monitoring requirements, permitting requirements, size limits, vessel trip limits, closed seasons or areas and reopenings, quotas (including a quota of zero), MSY (or proxy), OY, management parameters such as overfished and overfishing definitions, gear restrictions (ranging from regulation to complete prohibition), gear markings and identification, vessel markings and identification, acceptable biological catch (ABC) and ABC control rules, rebuilding plans, restrictions relative to conditions of harvested shrimp (maintaining shrimp in whole condition, use as bait), target effort and fishing mortality reduction levels, bycatch reduction criteria, BRD certification and decertification criteria, BRD testing protocol and certified BRD specifications, and target effort reduction for juvenile red snapper mortality.

(b) ***Gulf royal red shrimp.*** Reporting and monitoring requirements, permitting requirements, size limits, vessel trip limits, closed seasons or areas and reopenings, annual catch limits (ACLs), annual catch targets (ACTs), quotas (including a quota of zero), accountability measures (AMs), MSY (or proxy), OY, management parameters such as overfished and overfishing definitions, gear restrictions (ranging from regulation to complete prohibition), gear markings and identification, vessel markings and identification, ABC and ABC control rules, rebuilding plans, and restrictions relative to conditions of harvested shrimp (maintaining shrimp in whole condition, use as bait), and target effort reduction for juvenile red snapper mortality.

[78 FR 22952, Apr. 17, 2013, as amended at 80 FR 74712, Nov. 30, 2015; 85 FR 6819, Feb. 6, 2020]

Subpart D—Coral and Coral Reefs of the Gulf of Mexico

§ 622.70 Permits.

See § 622.4 for information regarding general permit procedures including, but not limited to fees, duration, transfer, renewal, display, sanctions and denials, and replacement.

(a) ***Required permits*** —

(1) ***Allowable chemical.*** For an individual to take or possess fish or other marine organisms with an allowable chemical in a coral area, other than fish or other marine organisms that are landed in Florida, a Federal allowable chemical permit must have been issued to the individual. Such permit must be available when the permitted activity is being conducted and when such fish or other marine organisms are possessed, through landing ashore.

(2) ***Aquacultured live rock.*** For a person to take or possess aquacultured live rock in the Gulf EEZ, a Federal aquacultured live rock permit must have been issued for the specific harvest site. Such permit, or a copy, must be on board a vessel depositing or possessing material on an aquacultured live rock site or harvesting or possessing live rock from an aquacultured live rock site.

(3) ***Prohibited coral.*** A Federal permit may be issued to take or possess Gulf prohibited coral only as scientific research activity, exempted fishing, or exempted educational activity. See § 600.745 of this chapter for the procedures and limitations for such activities and fishing.

(4) ***Florida permits.*** Appropriate Florida permits and endorsements are required for the following activities, without regard to whether they involve activities in the EEZ or Florida's waters:

(i) Landing in Florida fish or other marine organisms taken with an allowable chemical in a coral area.

(ii) Landing allowable octocoral in Florida.

(iii) Landing live rock in Florida.

(b) ***Application.***

(1) The applicant for a coral permit must be the individual who will be conducting the activity that requires the permit. In the case of a corporation or partnership that will be conducting live rock aquaculture activity, the applicant must be the principal shareholder or a general partner.

(2) An applicant must provide the following:

(i) Name, address, telephone number, and other identifying information of the applicant.

(ii) Name and address of any affiliated company, institution, or organization.

(iii) Information concerning vessels, harvesting gear/methods, or fishing areas, as specified on the application form.

(iv) Any other information that may be necessary for the issuance or administration of the permit.

(v) If applying for an aquacultured live rock permit, identification of each vessel that will be depositing material on or harvesting aquacultured live rock from the proposed aquacultured live rock site, specification of the port of landing of aquacultured live rock, and a site evaluation report prepared pursuant to generally accepted industry standards that—

(A) Provides accurate coordinates of the proposed harvesting site so that it can be located using LORAN or Global Positioning System equipment;

(B) Shows the site on a chart in sufficient detail to determine its size and allow for site inspection;

(C) Discusses possible hazards to safe navigation or hindrance to vessel traffic, traditional fishing operations, or other public access that may result from aquacultured live rock at the site;

(D) Describes the naturally occurring bottom habitat at the site; and

(E) Specifies the type and origin of material to be deposited on the site and how it will be distinguishable from the naturally occurring substrate.

§ 622.71 Recordkeeping and reporting.

(a) ***Individuals with aquacultured live rock permits.***

(1) A person with a Federal aquacultured live rock permit must report to the RA each deposition of material on a site. Such reports must be postmarked not later than 7 days after deposition and must contain the following information:

(i) Permit number of site and date of deposit.

(ii) Geological origin of material deposited.

(iii) Amount of material deposited.

(iv) Source of material deposited, that is, where obtained, if removed from another habitat, or from whom purchased.

(2) A person who takes aquacultured live rock must submit a report of harvest to the RA. Specific reporting requirements will be provided with the permit. This reporting requirement is waived for aquacultured live rock that is landed in Florida.

(b) [Reserved]

§ 622.72 Prohibited gear and methods.

Also see § 622.9 for additional prohibited gear and methods that apply more broadly to multiple fisheries or in some cases all fisheries.

(a) ***Power-assisted tools.*** A power-assisted tool may not be used in the Gulf EEZ to take prohibited coral or live rock.

(b) [Reserved]

§ 622.73 Prohibited species.

(a) ***General.*** The harvest and possession restrictions of this section apply without regard to whether the species is harvested by a vessel operating under a commercial vessel permit. The operator of a vessel that fishes in the EEZ is responsible for the limit applicable to that vessel.

(b) ***Prohibited coral.*** Gulf prohibited coral taken as incidental catch in the Gulf EEZ must be returned immediately to the sea in the general area of fishing. In fisheries where the entire catch is landed unsorted, such as the scallop and groundfish fisheries, unsorted prohibited coral may be landed ashore; however, no person may sell or purchase such prohibited coral.

(c) Wild live rock may not be harvested or possessed in or from the Gulf EEZ.

[78 FR 22952, Apr. 17, 2013, as amended at 82 FR 60567, Dec. 21, 2017]

§ 622.74 Area closures to protect Gulf corals.

For the purposes of this section, fishing gear is deployed if any part of the gear is in contact with the water.

(a) ***Florida Middle Grounds HAPC.*** Deployment of a bottom longline, bottom trawl, dredge, pot, or trap is prohibited year-round in the area bounded by rhumb lines connecting the following points in order:

TABLE 1 TO PARAGRAPH (a)

Point	North lat.	West long.
A	28°42.500'	84°24.800'
B	28°42.500'	84°16.300'
C	28°11.000'	84°00.000'
D	28°11.000'	84°07.000'
E	28°26.600'	84°24.800'
A	28°42.500'	84°24.800'

(b) ***Tortugas marine reserves HAPC.*** Fishing for any species and bottom anchoring by fishing vessels are prohibited year-round in the areas of the HAPC.

(1) ***EEZ portion of Tortugas North HAPC.*** The area is bounded by rhumb lines connecting the following points in order: From point A at 24°40.000' N lat., 83°06.000' W long. to point B at 24°46.000' N lat., 83°06.000' W long. to point C at 24°46.000' N lat., 83°00.000' W long.; then along the line denoting the seaward limit of Florida state waters, as shown on the current edition of NOAA chart 11434, to point A at 24°40.000' N lat., 83°06.000' W long.

(2) ***Tortugas South HAPC.*** The area is bounded by rhumb lines connecting the following points in order:

TABLE 2 TO PARAGRAPH (b)(2)

Point	North lat.	West long.
A	24°33.000'	83°09.000'
B	24°33.000'	83°05.000'
C	24°18.000'	83°05.000'
D	24°18.000'	83°09.000'

Point	North lat.	West long.
A	24°33.000'	83°09.000'

(c) ***Pulley Ridge South HAPC.*** Deployment of a bottom longline, bottom trawl, buoy gear, dredge, pot, or trap, and bottom anchoring by fishing vessels are prohibited year-round in the area of the HAPC bounded by rhumb lines connecting the following points in order:

TABLE 3 TO PARAGRAPH (c)

Point	North lat.	West long.
A	24°58.300'	83°38.550'
B	24°58.300'	83°37.000'
C	24°41.183'	83°37.000'
D	24°40.000'	83°41.367'
E	24°43.917'	83°47.250'
A	24°58.300'	83°38.550'

(d) ***Pulley Ridge South Portion A HAPC.*** Deployment of a bottom trawl, buoy gear, dredge, pot, or trap, and bottom anchoring by fishing vessels are prohibited year-round in the area of the HAPC bounded by rhumb lines connecting the following points in order:

TABLE 4 TO PARAGRAPH (d)

Point	North lat.	West long.
A	24°40.000'	83°41.366'
B	24°39.666'	83°42.648'
C	24°47.555'	83°55.240'
D	24°57.065'	83°48.405'
E	24°52.859'	83°41.841'
F	24°43.917'	83°47.250'

Point	North lat.	West long.
A	24°40.000'	83°41.366'

(e) ***West Florida Wall HAPC.*** Deployment of a bottom longline, bottom trawl, buoy gear, dredge, pot, or trap, and bottom anchoring by fishing vessels are prohibited year-round in the area of the HAPC bounded by rhumb lines connecting the following points in order:

TABLE 5 TO PARAGRAPH (e)

Point	North lat.	West long.
A	26°28.835'	84°47.955'
B	26°28.816'	84°46.754'
C	26°10.471'	84°42.076'
D	26°10.528'	84°44.577'
E	26°25.028'	84°47.986'
F	26°25.100'	84°47.980'
A	26°28.835'	84°47.955'

(f) ***Alabama Alps Reef HAPC.*** Deployment of a bottom longline, bottom trawl, buoy gear, dredge, pot, or trap, and bottom anchoring by fishing vessels are prohibited year-round in the area of the HAPC bounded by rhumb lines connecting the following points in order:

TABLE 6 TO PARAGRAPH (f)

Point	North lat.	West long.
A	29°16.160'	88°20.525'
B	29°15.427'	88°18.990'
C	29°13.380'	88°19.051'
D	29°14.140'	88°20.533'

Point	North lat.	West long.
A	29°16.160'	88°20.525'

(g) ***L & W Pinnacles and Scamp Reef HAPC.*** Deployment of a bottom longline, bottom trawl, buoy gear, dredge, pot, or trap, and bottom anchoring by fishing vessels are prohibited year-round in the area of the HAPC bounded by rhumb lines connecting the following points in order:

Table 7 to Paragraph (g)

Point	North lat.	West long.
A	29°18.595'	87°48.757'
B	29°18.484'	87°50.688'
C	29°19.754'	87°52.484'
D	29°20.401'	87°51.449'
E	29°20.095'	87°50.933'
F	29°20.832'	87°46.631'
G	29°21.473'	87°46.326'
H	29°21.314'	87°45.535'
I	29°22.518'	87°43.465'
J	29°21.144'	87°42.632'
K	29°19.269'	87°45.525'
A	29°18.595'	87°48.757'

(h) ***Mississippi Canyon 118 HAPC.*** Deployment of a bottom longline, bottom trawl, buoy gear, dredge, pot, or trap, and bottom anchoring by fishing vessels are prohibited year-round in the area of the HAPC bounded by rhumb lines connecting the following points in order:

Table 8 to Paragraph (h)

Point	North lat.	West long.
A	28°53.183'	88°30.789'
B	28°53.216'	88°27.819'
C	28°50.602'	88°27.782'
D	28°48.944'	88°27.759'

Point	North lat.	West long.
E	28°48.962'	88°30.727'
A	28°53.183'	88°30.789'

(i) ***Roughtongue Reef HAPC.*** Deployment of a bottom longline, bottom trawl, buoy gear, dredge, pot, or trap, and bottom anchoring by fishing vessels are prohibited year-round in the area of the HAPC bounded by rhumb lines connecting the following points in order:

TABLE 9 TO PARAGRAPH (i)

Point	North lat.	West long.
A	29°27.596'	87°37.527'
B	29°27.621'	87°31.552'
C	29°25.007'	87°31.539'
D	29°24.981'	87°37.510'
A	29°27.596'	87°37.527'

(j) ***Viosca Knoll 826 HAPC.*** Deployment of a bottom longline, bottom trawl, buoy gear, dredge, pot, or trap, and bottom anchoring by fishing vessels are prohibited year-round in the area of the HAPC bounded by rhumb lines connecting the following points in order:

TABLE 10 TO PARAGRAPH (j)

Point	North lat.	West long.
A	29°10.920'	88°03.509'
B	29°10.877'	87°59.460'
C	29°07.974'	87°59.448'
D	29°08.017'	88°03.532'

Point	North lat.	West long.
A	29°10.920'	88°03.509'

(k) ***Viosca Knoll 862/906 HAPC.*** Deployment of a bottom longline, bottom trawl, buoy gear, dredge, pot, or trap, and bottom anchoring by fishing vessels are prohibited year-round in the area of the HAPC. This prohibition does not apply to a fishing vessel issued a Gulf royal red shrimp endorsement, as specified in § 622.50(c), while the vessel is fishing for royal red shrimp. The HAPC is bounded by rhumb lines connecting the following points in order:

TABLE 11 TO PARAGRAPH (k)

Point	North lat.	West long.
A	29°07.640'	88°23.608'
B	29°07.603'	88°20.590'
C	29°03.749'	88°20.554'
D	29°03.734'	88°22.016'
E	29°02.367'	88°21.998'
F	29°02.281'	88°24.972'
G	29°07.568'	88°25.044'
H	29°07.592'	88°25.044'
I	29°07.676'	88°25.045'
A	29°07.640'	88°23.608'

(l) ***McGrail Bank HAPC.*** Deployment of a bottom longline, bottom trawl, buoy gear, dredge, pot, or trap, and bottom anchoring by fishing vessels are prohibited year-round in the HAPC, which is bounded by rhumb lines connecting the following points in order:

TABLE 12 TO PARAGRAPH (l)

Point	North lat.	West long.
A	27°59.100'	92°37.320'
B	27°59.100'	92°32.290'
C	27°55.925'	92°32.290'
D	27°55.925'	92°37.320'

Point	North lat.	West long.
A	27°59.100'	92°37.320'

(m) ***AT 047 HAPC.*** Deployment of a bottom longline, bottom trawl, buoy gear, dredge, pot, or trap and bottom anchoring by fishing vessels are prohibited year-round in the HAPC, which is bounded by rhumb lines connecting the following points in order:

TABLE 13 TO PARAGRAPH (m)

Point	North lat.	West long.
A	27°54.426'	89°49.404'
B	27°54.486'	89°46.464'
C	27°51.874'	89°46.397'
D	27°51.814'	89°49.336'
A	27°54.426'	89°49.404'

(n) ***AT 357 HAPC.*** Deployment of a bottom longline, bottom trawl, buoy gear, dredge, pot, or trap, and bottom anchoring by fishing vessels are prohibited year-round in the HAPC, which is bounded by rhumb lines connecting the following points in order:

TABLE 14 TO PARAGRAPH (n)

Point	North lat.	West long.
A	27°36.259'	89°43.068'
B	27°36.315'	89°40.136'
C	27°33.703'	89°40.073'
D	27°33.646'	89°43.004'

Point	North lat.	West long.
A	27°36.259'	89°43.068'

(o) ***Green Canyon 852 HAPC.*** Deployment of a bottom longline, bottom trawl, buoy gear, dredge, pot, or trap, and bottom anchoring by fishing vessels are prohibited year-round in the HAPC, which is bounded by rhumb lines connecting the following points in order:

TABLE 15 TO PARAGRAPH (o)

Point	North lat.	West long.
A	27°08.354'	91°08.929'
B	27°05.740'	91°08.963'
C	27°05.762'	91°10.610'
D	27°08.376'	91°10.567'
A	27°08.354'	91°08.929'

(p) ***West Flower Garden Bank HAPC.*** Deployment of a bottom longline, bottom trawl, buoy gear, dredge, pot, or trap, and bottom anchoring by fishing vessels are prohibited year-round in the HAPC, which is bounded by rhumb lines connecting the following points in order:

TABLE 16 TO PARAGRAPH (p)

Point	North lat.	West long.
A	27°55.380'	93°53.160'
B	27°55.380'	93°46.767'
C	27°49.050'	93°46.767'
D	27°49.050'	93°53.160'

Point	North lat.	West long.
A	27°55.380'	93°53.160'

(q) ***East Flower Garden Bank HAPC.*** Deployment of a bottom longline, bottom trawl, buoy gear, dredge, pot, or trap, and bottom anchoring by fishing vessels are prohibited year-round in the HAPC, which is bounded by rhumb lines connecting the following points in order:

TABLE 17 TO PARAGRAPH (q)

Point	North lat.	West long.
A	27°59.240'	93°38.970'
B	27°59.240'	93°34.058'
C	27°52.608'	93°34.058'
D	27°52.608'	93°38.970'
A	27°59.240'	93°38.970'

(r) ***Stetson Bank HAPC.*** Deployment of a bottom longline, bottom trawl, buoy gear, dredge, pot, or trap, and bottom anchoring by fishing vessels are prohibited year-round in the HAPC, which is bounded by rhumb lines connecting the following points in order:

TABLE 18 TO PARAGRAPH (r)

Point	North lat.	West long.
A	28°10.638'	94°18.608'
B	28°10.638'	94°17.105'
C	28°09.310'	94°17.105'
D	28°09.310'	94°18.608'

Point	North lat.	West long.
A	28°10.638'	94°18.608'

(s) ***Harte Bank HAPC.*** Deployment of a bottom longline, bottom trawl, buoy gear, dredge, pot, or trap, and bottom anchoring by fishing vessels are prohibited year-round in the HAPC, which is bounded by rhumb lines connecting the following points in order:

TABLE 19 TO PARAGRAPH (s)

Point	North lat.	West long.
A	26°40.826'	96°36.590'
B	26°40.789'	96°32.220'
C	26°37.992'	96°32.308'
D	26°38.043'	96°36.636'
A	26°40.826'	96°36.590'

(t) ***Southern Bank HAPC.*** Deployment of a bottom longline, bottom trawl, buoy gear, dredge, pot, or trap, and bottom anchoring by fishing vessels are prohibited year-round in the HAPC, which is bounded by rhumb lines connecting the following points in order:

TABLE 20 TO PARAGRAPH (t)

Point	North lat.	West long.
A	27°26.923'	96°31.902'
B	27°26.989'	96°30.881'
C	27°25.958'	96°31.134'
D	27°25.958'	96°31.892'
A	27°26.923'	96°31.902'

[85 FR 65746, Oct. 16, 2020]

§ 622.75 Harvest limitations.

(a) ***Aquacultured live rock.*** In the Gulf EEZ:

(1) Aquacultured live rock may be harvested only under a permit, as required under § 622.70(a)(2), and aquacultured live rock on a site may be harvested only by the person, or his or her employee, contractor, or agent, who has been issued the aquacultured live rock permit for the site. A person harvesting aquacultured live rock is exempt from the prohibition on taking prohibited coral for such prohibited coral as attaches to aquacultured live rock.

(2) The following restrictions apply to individual aquaculture activities:

(i) No aquaculture site may exceed 1 acre (0.4 ha) in size.

(ii) Material deposited on the aquaculture site—

(A) May not be placed over naturally occurring reef outcrops, limestone ledges, coral reefs, or vegetated areas.

(B) Must be free of contaminants.

(C) Must be nontoxic.

(D) Must be placed on the site by hand or lowered completely to the bottom under restraint, that is, not allowed to fall freely.

(E) Must be placed from a vessel that is anchored.

(F) Must be distinguishable, geologically or otherwise (for example, be indelibly marked or tagged), from the naturally occurring substrate.

(iii) A minimum setback of at least 50 ft (15.2 m) must be maintained from natural vegetated or hard bottom habitats.

(3) Mechanically dredging or drilling, or otherwise disturbing, aquacultured live rock is prohibited, and aquacultured live rock may be harvested only by hand.

(4) Not less than 24 hours prior to harvest of aquacultured live rock, the owner or operator of the harvesting vessel must provide the following information to the NMFS Office for Law Enforcement, Southeast Region, St. Petersburg, FL, by telephone (727-824-5344):

(i) Permit number of site to be harvested and date of harvest.

(ii) Name and official number of the vessel to be used in harvesting.

(iii) Date, port, and facility at which aquacultured live rock will be landed.

(b) [Reserved]

§ 622.76 Restrictions on sale/purchase.

(a) ***Gulf wild live rock.*** Wild live rock in or from the Gulf EEZ may not be sold or purchased. The prohibition on sale or purchase does not apply to wild live rock from the Gulf EEZ that was harvested and landed prior to January 1, 1997.

(b) [Reserved]

§ 622.77 Adjustment of management measures.

In accordance with the framework procedures of the FMP for Coral and Coral Reefs of the Gulf of Mexico, the RA may establish or modify the following:

(a) ***Gulf coral resources.*** For a species or species group: reporting and monitoring requirements, permitting requirements, bag and possession limits (including a bag limit of zero), size limits, vessel trip limits, closed seasons or areas and reopenings, annual catch limits (ACLs), annual catch targets (ACTs), quotas (including a quota of zero), accountability measures (AMs), MSY (or proxy), OY, TAC, management parameters such as overfished and overfishing definitions, gear restrictions (ranging from regulation to complete prohibition), gear markings and identification, vessel markings and identification, acceptable biological catch (ABC) and ABC control rules, rebuilding plans, sale and purchase restrictions, transfer at sea provisions, and restrictions relative to conditions of harvested corals.

(b) [Reserved]

Subpart E—Red Drum Fishery of the Gulf of Mexico

Source: 79 FR 19494, Apr. 9, 2014, unless otherwise noted.

§ 622.90 Permits.

(a) ***Dealer permits and conditions*** —

(1) ***Permits.*** For a dealer to first receive Gulf red drum harvested in or from the EEZ, a Gulf and South Atlantic dealer permit must be issued to the dealer.

(2) ***State license and facility requirements.*** To obtain a dealer permit, the applicant must have a valid state wholesaler's license in the state(s) where the dealer operates, if required by such state(s), and must have a physical facility at a fixed location in such state(s).

(b) ***Permit procedures.*** See § 622.4 for information regarding general permit procedures including, but not limited to application, fees, duration, transfer, renewal, display, sanctions and denials, and replacement.

§ 622.91 Recordkeeping and reporting.

(a) ***Dealers.*** A dealer who first receives Gulf red drum must maintain records and submit information as specified in § 622.5(c).

(b) [Reserved]

§ 622.92 Prohibited species.

(a) ***General.*** The harvest and possession restrictions of this section apply without regard to whether the species is harvested by a vessel operating under a commercial vessel permit. The operator of a vessel that fishes in the EEZ is responsible for the limit applicable to that vessel.

(b) ***Red drum.*** Red drum may not be harvested or possessed in or from the Gulf EEZ. Such fish caught in the Gulf EEZ must be released immediately with a minimum of harm.

§ 622.93 Adjustment of management measures.

In accordance with the framework procedures of the FMP for the Red Drum Fishery of the Gulf of Mexico, the RA may establish or modify the following items:

(a) Reporting and monitoring requirements, permitting requirements, bag and possession limits (including a bag limit of zero), size limits, vessel trip limits, closed seasons or areas and reopenings, annual catch limits (ACLs), annual catch targets (ACTs), quotas (including a quota of zero), accountability measures (AMs), MSY (or proxy), OY, TAC, management parameters such as overfished and overfishing definitions, gear restrictions (ranging from regulation to complete prohibition), gear markings and identification, vessel markings and identification, ABC and ABC control rules, rebuilding plans, sale and purchase restrictions, transfer at sea provisions, and restrictions relative to conditions of harvested fish (maintaining fish in whole condition, use as bait).

(b) [Reserved]

Subpart F—Offshore Marine Aquaculture in the Gulf of Mexico

Source: 81 FR 1792, Jan. 13, 2016, unless otherwise noted.

§ 622.100 General.

This subpart provides the regulatory structure for enabling environmentally sound and economically sustainable aquaculture in the Gulf EEZ. Offshore marine aquaculture activities are authorized by a Gulf aquaculture permit or Gulf aquaculture dealer permit issued under § 622.101 and are conducted in compliance with the provisions of this subpart. Aquaculture of live rock is addressed elsewhere in this part and is exempt from the provisions of this subpart.

(a) ***Electronic system requirements.***

(1) The administrative functions associated with this aquaculture program, *e.g.,* registration and account setup, landing transactions and most reporting requirements, are intended to be accomplished online via the Southeast Regional Office's Web site at *http://sero.nmfs.noaa.gov/sustainable_fisheries/gulf_fisheries/aquaculture/* therefore, a participant must have access to a computer and Internet access and must set up an appropriate online aquaculture account to participate. Assistance with online functions is available from the Permits Office, Monday through Friday between 8 a.m. and 4:30 p.m. eastern time; telephone: 1 (877) 376-4877. If some online reporting functions are not available at the time of initial implementation of this aquaculture program, this will be indicated on the Web site and participants may comply by submitting the required information via email using the appropriate forms that are available on the Web site. Once online functions are available, participants must comply by using the online system unless alternative methods are specified.

(2) The RA will mail each person who is issued a Gulf aquaculture permit or a Gulf aquaculture dealer permit information and instructions pertinent to using the online system and setting up an online aquaculture account. The RA also will mail each permittee a user identification number and will provide each permittee a personal identification number (PIN) in a subsequent letter. Each permittee must monitor his/her online account and all associated messages and comply with all online reporting requirements.

(3) During catastrophic conditions only, the RA may authorize use of paper-based components for basic required functions as a backup to what would normally be reported electronically. 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. NMFS will provide each aquaculture permittee the necessary paper forms, sequentially coded, and instructions for submission of the forms to the RA. The paper forms also will be available from the RA. The program functions available to participants or geographic areas deemed affected by catastrophic conditions may be limited under the paper-based system. Assistance in complying with the requirements of the paper-based system will be available via the Permits Office, Monday through Friday between 8 a.m. and 4:30 p.m., eastern time; telephone: 1 (877) 376-4877.

(b) [Reserved]

§ 622.101 Permits.

(a) ***Gulf aquaculture permit.*** For a person to deploy or operate an aquaculture facility in the Gulf EEZ or sell or attempt to sell, at the first point of sale, an allowable aquaculture species cultured in the Gulf EEZ, a Gulf aquaculture permit must have been issued to that person for that aquaculture facility, and the permit must be prominently displayed and available for inspection at the aquaculture facility. The permit number should also be included on the buoys or other floating devices used to mark the restricted access zone of the operation as specified in § 622.104(c).

(1) ***Eligibility requirement for a Gulf aquaculture permit.*** Eligibility for a Gulf aquaculture permit is limited to U.S. citizens as defined in the Immigration and Nationality Act of 1952, as amended, and permanent resident aliens lawfully accorded the privilege of residing permanently in the U.S. in accordance with U.S. immigration laws.

(2) ***Application for a Gulf aquaculture permit.*** Application forms are available from the RA. A completed application form and all required supporting documents must be submitted by the applicant (in the case of a corporation, an officer; in the case of a partnership, a general partner) to the RA at least 180 days prior to the date the applicant desires the permit to be effective. An applicant must provide all information indicated on the application form including:

(i) Applicant's name, address, and telephone number.

(ii) Business name, address, telephone number, date the business was formed, and, if the applicant is a corporation, corporate structure and shareholder information.

(iii) Information sufficient to document eligibility as a U.S. citizen or permanent resident alien.

(iv) Description of the exact location (*i.e.,* global positioning system (GPS) coordinates) and dimensions of the proposed aquaculture facility and proposed site, including a map of the site to scale.

(v) A baseline environmental survey of the proposed aquaculture site. The assessment must be conducted, and the data, analyses, and results must be summarized and presented, consistent with the guidelines specified by NMFS. NMFS' guidelines will include methods and procedures for conducting diver and video surveys, measuring hydrographic conditions, collecting and analyzing benthic sediments and infauna, and measuring water quality characteristics. The guidelines will be available on the Web site and from the RA upon request.

(vi) A list of allowable aquaculture species to be cultured; estimated start up production level by species; and the estimated maximum total annual poundage of each species to be harvested from the aquaculture facility.

(vii) Name and address or specific location of each hatchery that would provide juvenile animals for grow-out at the proposed aquaculture facility located within the Gulf EEZ and a copy of all relevant, valid state or Federal aquaculture permits issued to the hatchery.

(viii) A description of the aquaculture system(s) to be used, including the number, size and dimensions of the aquaculture system(s), a description of the mooring system(s) used to secure the aquaculture system(s), and documentation of the aquaculture system's ability to withstand physical stress, such as hurricanes, wave energy, etc., including a copy of any available engineering analysis.

(ix) A description of the equipment and methods to be used for feeding, transporting, maintaining, and removing cultured species from aquaculture systems.

(x) A copy of the valid USCG certificate of documentation or, if not documented, a copy of the valid state registration certificate for each vessel involved in the aquaculture operation; and documentation or identification numbers for any aircraft or vehicles involved.

(xi) Documentation certifying that:

(A) the applicant agrees to immediately remove cultured animals remaining in approved aquaculture systems from the Gulf EEZ as ordered by the RA if it is discovered that the animals are genetically engineered or transgenic;

(B) the applicant agrees to immediately remove cultured animals remaining in approved aquaculture systems from the Gulf EEZ as ordered by the RA if fish are discovered to be infected with a World Organization of Animal Health (OIE) reportable pathogen that represents a new detection in the Gulf or a new detection for that cultured species in the U.S. is found at the facility, or additional pathogens that are subsequently identified as reportable pathogens in the National Aquatic Animal Health Plan (NAAHP), or any other pathogen determined by NMFS and APHIS to pose a significant threat to the health of wild aquatic organisms; and,

(C) the applicant agrees to immediately remove all components of the aquaculture system and cultured animals remaining in approved aquaculture systems from the Gulf EEZ as ordered by the RA if there are any other violations of the permit conditions or regulations other than those listed in paragraphs (a)(2)(xi)(A) and (B) of this section which causes the RA to order such removal.

(xii) Documentation certifying the applicant has obtained an assurance bond sufficient to cover the costs of removal of all components of the aquaculture facility, including cultured animals remaining in approved aquaculture systems, from the Gulf EEZ. The assurance bond would not be required to cover the costs of removing an oil and gas platform. The RA will provide applicants a form and associated guidance for complying with the assurance bond requirement. The applicant must also provide documentation certifying the applicant has established a standby trust fund into which any payments made towards the assurance bond can be deposited. The trustee of the standby trust may not be the same entity as the permittee. The assurance bond is payable at the discretion of the RA to a designee as specified in the bond or to a standby trust. When the RA directs the payment into a standby trust, all amounts paid by the assurance bond provider must be deposited directly into the standby trust fund for distribution by the trustee in accordance with the RA's instructions. A permittee will be deemed to be without the required financial assurance in the event of bankruptcy of the trustee or

issuing institution, or a suspension or revocation of the authority of the trustee institution to act as trustee or of the institution issuing the assurance bond. The permittee must establish other financial assurance within 60 days after such an event.

(xiii) Certification by the applicant that all broodstock, or progeny of such wild broodstock, used to provide juveniles to the aquaculture facility will be or were originally harvested from U.S. waters of the Gulf, and will be or were from the same population or subpopulation (based on the best scientific information available) where the facility is located, and that each individual broodstock was marked or tagged at the hatchery to allow for identification of those individuals used in spawning.

(xiv) Certification by the applicant that no genetically engineered or transgenic animals are used or possessed for culture purposes at the aquaculture facility.

(xv) Copy of a contractual arrangement with an identified aquatic animal health expert to provide services to the aquaculture facility has been obtained. A copy of the license or certification also must be provided to NMFS.

(xvi) A copy of an emergency disaster plan, developed for and to be used by the operator of the aquaculture facility, that includes, procedures for preparing or if necessary removing aquaculture systems, aquaculture equipment, and cultured animals in the event of a disaster (*e.g.,* hurricane, tsunami, harmful algal bloom, chemical or oil spill, etc.);

(xvii) Any other information concerning the aquaculture facility or its operations or equipment, as specified on the application form.

(xviii) Any other information that may be necessary for the issuance or administration of the Gulf aquaculture permit, as specified on the application form.

(b) ***Gulf aquaculture dealer permit.*** For a dealer to receive fish cultured by an aquaculture facility in the Gulf EEZ, that dealer must first obtain a Gulf aquaculture dealer permit. However, an owner or operator of an aquaculture facility with a Gulf aquaculture permit may purchase juvenile fish for grow-out from a hatchery located in the Gulf EEZ without obtaining a dealer permit. To obtain a dealer permit, the applicant must have a valid state wholesaler's license in the state(s) where the dealer operates, if required by such state(s), and must have a physical facility at a fixed location in such state(s).

(1) ***Application for a Gulf aquaculture dealer permit.*** Application forms are available from the RA. The application must be submitted by the owner (in the case of a corporation, an officer; in the case of a partnership, a general partner). Completed application forms and all required supporting documents must be submitted to the RA at least 30 days prior to the date on which the applicant desires to have the permit made effective. An applicant must provide the following:

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

(ii) Name, address, telephone number, date the business was formed, and other identifying information of the business.

(iii) The address of each physical facility at a fixed location where the business receives fish from an aquaculture facility in the Gulf EEZ.

(iv) Name, address, telephone number, other identifying information, and official capacity in the business of the applicant.

(v) Any other information that may be necessary for the issuance or administration of the permit, as specified on the application form.

(2) [Reserved]

(c) ***Permit requirements for other aquaculture-related activities.*** For a person to do any of the following, such person must have in his/her possession and make available upon request by NMFS or an authorized officer, a copy of a valid Gulf aquaculture permit with an original (not copied) signature of the permit owner or owner's agent:

(1) Possess or transport fish in or from the Gulf EEZ to be cultured at an aquaculture facility (*e.g.,* brood stock, fingerlings) or possess or transport fish from an aquaculture facility for landing ashore and sale.

(2) Operate, in support of aquaculture related activities, any vessel, vehicle, or aircraft authorized for use in operations related to an aquaculture facility, *i.e.,* those registered for aquaculture operation use.

(3) Harvest and retain on board a vessel live wild broodstock for use in an aquaculture facility regardless of where the broodstock is harvested or possessed.

(d) ***Permit-related procedures*** —

(1) ***Fees.*** A fee is charged for each application for a permit submitted under this section and for each request for renewal, transfer or replacement of such permit. The amount of each fee is calculated in accordance with the procedures of the NOAA Finance Handbook, available from the RA, for determining the administrative costs of each special product or service. The fee may not exceed such costs and is specified with each application form. The appropriate fee must accompany each application or request for renewal, transfer or replacement.

(2) ***Review and notifications regarding a Gulf aquaculture permit.***

(i) The RA will review each application and make a preliminary determination whether the application is complete. An application is complete when all requested forms, information, and documentation have been received. If the RA determines that an application is complete, notification of receipt of the application will be published in the FEDERAL REGISTER with a brief description of the proposal and specifying the intent of NMFS to issue a Gulf aquaculture permit. The public will be given up to 45 days to comment, and comments will be requested during public testimony at a Council meeting. The RA will consult with other Federal agencies, as appropriate, and the Council concerning the permit application during the period in which public comments have been requested. The RA will notify the applicant in advance of any Council meeting at which the application will be considered, and offer the applicant the opportunity to appear in support of the application. The RA may consider revisions to the application made by the applicant in response to public comment before approving or denying it.

(ii) As soon as practicable after the opportunity for public comment ends, the RA will notify the applicant and the Council in writing of the decision to grant or deny the Gulf aquaculture permit. If the RA grants the permit, the RA will publish a notification of the permit approval in the FEDERAL REGISTER. If the RA denies the permit, the RA will advise the applicant, in writing, of the reasons for the denial and publish a notification in the FEDERAL REGISTER announcing the denial and the basis for it. Grounds for denial of a Gulf aquaculture permit include the following:

(A) The applicant has failed to disclose material information or has made false statements with respect to any material fact, in connection with the Gulf aquaculture permit application;

(B) Based on the best scientific information available, issuance of the permit would pose significant risk to wild fish stocks, marine mammals, threatened or endangered species, essential fish habitat, public health, or safety; or,

(C) Activities proposed to be conducted under the Gulf aquaculture permit are inconsistent with aquaculture regulations in this section, the management objectives of the FMP, or the Magnuson-Stevens Act or other applicable law.

(D) Use of the proposed site is denied based on the criteria set forth in § 622.103(a)(4).

(3) ***Initial issuance.***

(i) Upon receipt of an incomplete application, the RA will notify the applicant of the deficiency. If the applicant fails to correct the deficiency within 60 days of the date of the RA's letter of notification or request an extension of time by contacting the NMFS Southeast Regional Office before the end of the 60-day timeframe, the application will be considered abandoned.

(ii) Prior to issuance of a Gulf aquaculture permit, a copy of currently valid Federal permits (*e.g.,* ACOE Section 10 permit, and Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) permit) applicable to the proposed aquaculture site, facilities, or operations, must be submitted to NMFS.

(iii) The RA will issue an initial permit to an applicant after the review and notification procedures set forth in paragraph (d)(2)(i) of this section are complete and the decision to grant the permit is made under paragraph (d)(2)(ii) of this section. The initial permit will be issued 30 days after the RA notifies the applicant of the decision to grant the permit, unless NMFS receives a written request from the applicant before the end of the 30 day period to defer issuance of the permit. If the applicant requests a deferral, NMFS will include this information in the notification of permit approval published in the FEDERAL REGISTER as specified in paragraph (d)(2)(ii) of this section and will publish a FEDERAL REGISTER notice upon permit issuance. Permit issuance will be deferred for two years from the date of the RA notification unless the applicant sends a written request to NMFS to issue the permit at an earlier date. This written request must be received by NMFS at least 30 days prior to the date the applicant desires the permit to be effective.

(4) ***Duration.*** A Gulf aquaculture permit will initially be issued for a 10-year period and may be renewed in 5-year increments thereafter. An aquaculture dealer permit is an annual permit and must be renewed annually. A permit remains valid for the period specified on it unless it is revoked, suspended, or modified pursuant to subpart D of 15 CFR part 904 or the aquaculture facility is sold and the permit has not been transferred or the dealership is sold. Once the aquaculture permit is no longer valid, all components of the aquaculture facility, including cultured animals remaining in approved aquaculture systems, must be removed immediately from the Gulf EEZ.

(5) ***Transfer.***

(i) A Gulf aquaculture permit is transferable to an eligible person, *i.e.,* a U.S. citizen or permanent resident alien if the geographic location of the aquaculture site remains unchanged. An eligible person who acquires an aquaculture facility that is currently permitted and who desires to

conduct activities for which a permit is required may request that the RA transfer the permit to him/her. At least 30 days prior to the desired effective date of the transfer, such a person must complete and submit to the RA or via the Web site a permit transfer request form that is available from the RA. The permit transfer request form must be accompanied by the original Gulf aquaculture permit, a copy of a signed bill of sale or equivalent acquisition papers, and a written agreement between the transferor and transferee specifying who is assuming the responsibilities and liabilities associated with the Gulf aquaculture permit and the aquaculture facility, including all the terms and conditions associated with the original issuance of the Gulf aquaculture permit. All applicable permit requirements and conditions must be satisfied prior to a permit transfer, including any necessary updates, *e.g.,* updates regarding required certifications, legal responsibility for assurance bond, other required permits, etc. The seller must sign the back of the Gulf aquaculture permit, and have the signed transfer document notarized. Final transfer of a Gulf aquaculture permit will occur only after the RA provides official notice to both parties that the transferee is eligible to receive the permit and that the transfer is otherwise valid.

(ii) An aquaculture dealer permit is not transferable.

(6) ***Renewal.*** An aquaculture facility owner or aquaculture dealer who has been issued a permit under this subpart must renew such permit consistent with the applicable duration of the permit specified in paragraph (d)(4) of this section. The RA will mail an aquaculture facility owner or aquaculture dealer whose permit is expiring an application for renewal at least 6 months prior to the expiration date of a Gulf aquaculture facility permit and approximately 2 months prior to the expiration date of an aquaculture dealer permit. An aquaculture facility owner or aquaculture dealer who does not receive a renewal application from the RA within the time frames indicated in this paragraph must contact the RA and request a renewal application. The applicant must submit a completed renewal application form and all required supporting documents to the RA at least 120 days prior to the date on which the applicant desires to have a Gulf aquaculture permit made effective and at least 30 days prior to the date on which the applicant desires to have an aquaculture dealer permit made effective. If the RA receives an incomplete application, the RA will notify the applicant of the deficiency. If the applicant fails to correct the deficiency within 60 days of the date of the RA's letter of notification or request an extension of time by contacting the NMFS Southeast Regional Office before the end of the 60 day timeframe, the application will be considered abandoned.

(7) ***Display.*** A Gulf aquaculture permit issued under this section must be prominently displayed and available for inspection at the aquaculture facility. The permit number should also be included on the buoys or other floating devices used to mark the restricted access zone of the operation as specified in § 622.104(c). An aquaculture dealer permit issued under this section, or a copy thereof, must be prominently displayed and available on the dealer's premises. In addition, a copy of the dealer's permit, or the aquaculture facility's permit (if the fish have not yet been purchased by a dealer), must accompany each vehicle that is used to receive fish harvested from an aquaculture facility in the Gulf EEZ. A vehicle operator must present the permit or a copy for inspection upon the request of an authorized officer.

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

(9) ***Alteration.*** A Gulf aquaculture permit or aquaculture dealer permit that is altered, erased, or mutilated is invalid.

(10) ***Replacement.*** A replacement Gulf aquaculture permit or aquaculture dealer permit may be issued. An application for a replacement permit is not considered a new application.

(11) ***Change in application information.*** An aquaculture facility owner or aquaculture dealer who has been issued a permit under this subpart must notify the RA within 30 days after any change in the applicable application information specified in paragraphs (a) or (b) of this section. If any change in the information is not reported within 30 days aquaculture operations may no longer be conducted under the permit.

§ 622.102 Recordkeeping and reporting.

(a) Participants in Gulf aquaculture activities addressed in this subpart must keep records and report as specified in this section. Unless otherwise specified, required reporting must be accomplished electronically via the Web site. See § 622.100(a)(3) regarding provisions for paper-based reporting in lieu of electronic reporting during catastrophic conditions as determined by the RA. Recordkeeping (*i.e.,* maintaining records versus submitting reports) may, to the extent feasible, be maintained electronically; however, paper-based recordkeeping also is acceptable.

(1) ***Aquaculture facility owners or operators.*** An aquaculture facility owner or operator must comply with the following requirements:

(i) ***Reporting requirements*** —

(A) ***Transport of fingerlings/juvenile fish to an aquaculture facility.*** Report the time, date, species and number of cultured fingerlings or other juvenile animals that will be transported from a hatchery to an aquaculture facility at least 72 hours prior to transport. This information may be submitted electronically via the Web site or via phone. In addition, permittees are to maintain and make available to NMFS or an authorized officer upon request a written or electronic daily record of the number of cultured animals introduced into and the total pounds and average weight of fish removed from each approved aquaculture system, including mortalities, for the most recent 3 years.

(B) ***Major escapement.*** Report any major escapement or suspected major escapement within 24 hours of the event. Major escapement is defined as the escape, within a 24-hour period, of 10 percent of the fish from a single approved aquaculture system (*e.g.,* one cage or one net pen) or 5 percent or more of the fish from all approved aquaculture systems combined, or the escape, within any 30-day period, of 10 percent or more of the fish from all approved aquaculture systems combined. The report must include the items in paragraphs (a)(1)(i)(B)(*1*) through (*6*) of this section and may be submitted electronically via the Web site. If no major escapement occurs during a given year, an annual report must be submitted via the Web site on or before January 31 each year indicating no major escapement occurred.

(*1*) Gulf aquaculture permit number;

(*2*) Name and phone number of a contact person;

(*3*) Duration and specific location of escapement, including the number of cages or net pens involved;

(*4*) Cause(s) of escapement;

(*5*) Number, size, and percent of fish, by species, that escaped; and

(*6*) Actions being taken to address the escapement.

(C) ***Pathogens.*** Report, within 24 hours of diagnosis, all findings or suspected findings of any OIE-reportable pathogen episodes or pathogens that are identified as reportable pathogens in the NAAHP, as implemented by the USDA and U.S. Departments of Commerce and Interior, that are known to infect the cultured species. The report must include the items in paragraphs (a)(1)(i)(C)(*1*) through (*6*) of this section and may be submitted electronically via the Web site. If no finding or suspected finding of an OIE-reportable pathogen episode occurs during a given year, an annual report must be submitted via the Web site on or before January 31 each year indicating no finding or suspected finding of an OIE-reportable pathogen episode occurred. See § 622.108(a)(1) regarding actions NMFS may take to address a pathogen episode.

(*1*) OIE-reportable pathogen;

(*2*) Percent of cultured animals infected;

(*3*) Findings of the aquatic animal health expert;

(*4*) Plans for submission of specimens for confirmatory testing (as required by the USDA);

(*5*) Testing results (when available); and

(*6*) Actions being taken to address the reportable pathogen episode.

(D) ***Harvest notification.*** Report the time, date, and weight of fish to be harvested from an aquaculture facility at least 72 hours prior to harvest. This information may be submitted electronically via the Web site or via phone.

(E) ***Landing information.*** Report the intended time, date, and port of landing for any vessel landing fish harvested from an aquaculture facility at least 72 hours prior to landing. This information may be submitted electronically via the Web site or via phone. The person landing the cultured animals must validate the dealer transaction report required in paragraph (a)(2)(i) of this section by entering the unique PIN number of the Gulf aquaculture permit holder from whom the fish were received when the transaction report is submitted.

(F) ***Change of hatchery.*** Report any change in hatcheries used for obtaining fingerlings or other juvenile animals and provide updated names and addresses or specific locations (if no address is available) for the applicable hatcheries no later than 30 days after any such change occurs. This information may be submitted electronically via the Web site.

(G) ***Entanglements or interactions with marine mammals, endangered species, or migratory birds.*** Report any entanglement or interaction with marine mammals, endangered species, or migratory birds within 24 hours of the event. The report must include the items included in paragraphs (a)(1)(i)(G)(*1*) through (*5*) of this section and may be submitted electronically via the Web site. If no entanglement or interaction with marine mammals,

endangered species, or migratory birds occurs during a given year, an annual report must be submitted via the Web site on or before January 31 each year indicating no entanglement or interaction occurred.

(*1*) Date, time, and location of entanglement or interaction.

(*2*) Species entangled or involved in interactions and number of individuals affected;

(*3*) Number of mortalities and acute injuries observed;

(*4*) Cause of entanglement or interaction; and

(*5*) Actions being taken to prevent future entanglements or interactions.

(H) ***Feed invoices.*** The permittee must keep the original purchase invoices for feed or copies of purchase invoices for feed, make them available to NMFS or an authorized officer upon request, and be maintained for a period of 3 years.

(I) Any other reporting requirements specified by the RA for evaluating and assessing the environmental impacts of an aquaculture operation.

(ii) ***Other reporting requirements.*** In addition to the reporting requirements in paragraph (a)(1)(i) of this section, an aquaculture facility owner or operator must comply with the following reporting requirements:

(A) Provide NMFS with current copies of all valid state and Federal permits (*e.g.,* ACOE Section 10 permit, EPA NPDES permit) required for conducting offshore aquaculture and report any changes applicable to those permits.

(B) Provide NMFS with current copies of all valid state and Federal aquaculture permits for each hatchery from which fingerlings or other juvenile animals are obtained and report any changes applicable to those permits within 30 days.

(iii) ***Recordkeeping requirements.*** An aquaculture facility owner or operator must comply with the following recordkeeping requirements:

(A) Maintain for the most recent 3 years and make available to NMFS or an authorized officer, upon request, monitoring reports related to aquaculture activities required by all other state and Federal permits (*e.g.,* EPA NPDES permit) required for conducting offshore aquaculture.

(B) Maintain records of all sales of fish for the most recent 3 years and make that information available to NMFS or an authorized officer upon request. Sale records must include the species and quantity of fish sold in pounds round weight; estimated average weight of fish sold to the nearest tenth of a pound by species; date sold; and the name of the entity to whom fish were sold.

(2) ***Aquaculture dealer recordkeeping and reporting requirements.*** A dealer who purchases fish from an aquaculture facility in the Gulf EEZ must:

(i) Complete a landing transaction report for each landing and sale of cultured animals via the Web site at the time of the transaction in accordance with reporting form and instructions provided on the Web site. This report includes date, time, and location of transaction; information necessary to identify the Gulf aquaculture permit holder, vessel, and dealer involved in the transaction; quantity, in pounds round weight, and estimated average weight of each species

landed to the nearest tenth of a pound; and average price paid for cultured animals landed and sold by market category. A dealer must maintain such record for at least 3 years after the receipt date and must make such record available for inspection upon request to NMFS or an authorized officer.

(ii) After the dealer submits the report and the information has been verified, the Web site will send a transaction approval code to the dealer and the aquaculture permit holder.

(b) [Reserved]

§ 622.103 Aquaculture facilities.

(a) ***Siting requirements and conditions.***

(1) No aquaculture facility may be sited in the Gulf EEZ within a marine protected area, marine reserve, Habitat Area of Particular Concern, Special Management Zone, permitted artificial reef area specified in this part or a coral area as defined in § 622.2.

(2) No aquaculture facility may be sited within 1.6 nautical miles (3 km) of another aquaculture facility and all structures associated with the facility must remain within the sited boundaries.

(3) To allow fallowing and rotation of approved aquaculture systems within a site permitted by the ACOE and approved by NMFS, the permitted site for the aquaculture facility must be at least twice as large as the combined area of the aquaculture systems.

(4) The RA will evaluate siting criteria for proposed offshore aquaculture operations on a case-by-case basis. Criteria considered by the RA during case-by-case review include data, analyses, and results of the required baseline environmental survey as specified in § 622.101(a)(2)(v); depth of the site; the frequency of harmful algal blooms or hypoxia at the proposed site; marine mammal migratory pathways; the location of the site relative to commercial and recreational fishing grounds and important natural fishery habitats (*e.g.,* seagrasses). The RA may deny use of a proposed aquaculture site based on a determination by the RA that such a site poses significant risks to wild fish stocks, essential fish habitat, endangered or threatened species, marine mammals, will result in user conflicts with commercial or recreational fishermen or other marine resource users, will result in user conflicts with the OCS energy program, the depth of the site is not sufficient for the approved aquaculture system, substrate and currents at the site will inhibit the dispersal of wastes and effluents, the site is prone to low dissolved oxygen or harmful algal blooms, or other grounds inconsistent with FMP objectives or applicable Federal laws. The information used for siting a facility with regard to proximity to commercial and recreational fishing grounds includes electronic logbooks from the shrimp fishery, logbook reported fishing locations, siting information from previously proposed or permitted aquaculture facilities, and other data that would provide information regarding how the site would interact with other fisheries. The RA's determination will be based on consultations with appropriate NMFS and NOAA offices and programs, public comment, as well as siting and other information submitted by the permit applicant. If a proposed site is denied, the RA will deny the Gulf Aquaculture Permit and provide this determination as required by § 622.101(d)(2)(ii).

(b) [Reserved]

§ 622.104 Restricted access zones.

(a) ***Establishment of restricted access zones.*** NMFS will establish a restricted access zone for each aquaculture facility. The boundaries of the restricted access zone will correspond with the coordinates listed on the approved ACOE Section 10 permit associated with the aquaculture facility.

(b) ***Prohibited activities within a restricted access zone.*** No recreational fishing or commercial fishing, other than aquaculture, may occur in the restricted access zone. No fishing vessel may operate in or transit through the restricted access zone unless the vessel has on board a copy of the aquaculture facility's permit with an original signature, *i.e.,* not a copy of the signature, of the permittee.

(c) ***Marking requirement.*** The permittee must mark the restricted access zone with a floating device such as a buoy at each corner of the zone, as authorized by the USCG. Each floating device must clearly display the aquaculture facility's permit number and the words “RESTRICTED ACCESS” in block characters at least 6 inches (15.2 cm) in height and in a color that contrasts with the color of the floating device.

§ 622.105 Allowable aquaculture systems and species.

(a) ***Allowable aquaculture systems.*** The RA will evaluate each proposed aquaculture system on a case-by-case basis and approve or deny use of the proposed system for offshore marine aquaculture in the Gulf EEZ. Proposed aquaculture systems may consist of cages, net pens, enclosures or other structures and gear which are used to culture marine species. The RA will evaluate the structural integrity of a proposed aquaculture system based, in part, on the required documentation (*e.g.,* engineering analyses, computer and physical oceanographic model results) submitted by the applicant to assess the ability of the aquaculture system(s) (including moorings) to withstand physical stresses associated with major storm events, *e.g.* hurricanes, storm surge. The RA also will evaluate the proposed aquaculture system and its operations based on the potential to pose significant risks to essential fish habitat, endangered or threatened species, marine mammals, wild fish stocks, public health, or safety. The RA may deny use of a proposed aquaculture system or specify conditions for using an aquaculture system based on a determination of such significant risks. The RA's evaluation will be based on information provided by the applicant as well as consultations with appropriate NMFS and NOAA offices and programs. If the RA denies use of a proposed aquaculture system or specifies conditions for its use, the RA will deny the Gulf Aquaculture Permit and provide this determination as required by § 622.101(d)(2)(ii).

(b) ***Allowable aquaculture species.*** Only the following federally managed species that are native to the Gulf and are not genetically engineered or transgenic, may be cultured in an aquaculture facility in the Gulf EEZ:

(1) Species of coastal migratory pelagic fish, as defined in § 622.2.

(2) Species of Gulf reef fish, as listed in appendix A to this part.

(3) Red drum, *Sciaenops ocellatus.*

(4) Spiny lobster, *Panulirus argus.*

§ 622.106 Aquaculture operations.

(a) ***Operational requirements and restrictions.*** An owner or operator of an aquaculture facility for which a Gulf aquaculture permit has been issued must comply with the following operational requirements and restrictions.

(1) ***Minimum start-up requirement.*** At least 25 percent of aquaculture systems approved for use at a specific aquaculture facility at the time of permit issuance must be placed in the water at the permitted aquaculture site within 2 years of issuance of the Gulf aquaculture permit, and allowable species for aquaculture must be placed in the aquaculture system(s) within 3 years of issuance of the permit. Failure to comply with these requirements will be grounds for revocation of the permit. A permittee may request a 1-year extension to the above time schedules in the event of a catastrophe (*e.g.,* hurricane). Requests must be made in writing and submitted to the RA. The RA will approve or deny the request after determining if catastrophic conditions directly caused or significantly contributed to the permittee's failure to meet the required time schedules. The RA will provide the determination and the basis for it, in writing, to the permittee.

(2) ***Marking requirement.*** The permittee must maintain a minimum of one properly functioning electronic locating device (*e.g.,* GPS device, pinger with radio signal) on each approved aquaculture system placed in the water at the aquaculture facility.

(3) ***Restriction on allowable hatcheries.*** A permittee may only obtain juvenile animals for grow-out at an aquaculture facility from a hatchery located in the U.S.

(4) ***Hatchery certifications.***

(i) The permittee must obtain and submit to NMFS a signed certification from the owner(s) of the hatchery, from which fingerlings or other juvenile animals are obtained, indicating the broodstock have been individually marked or tagged (*e.g.,* via a Passive Integrated Transponder (PIT), coded wire, dart, or internal anchor tag) to allow for identification of those individuals used in spawning.

(ii) The permittee also must obtain and submit to NMFS signed certification from the owner(s) of the hatchery indicating that fin clips or other genetic materials were collected and submitted for each individual brood animal in accordance with procedures specified by NMFS.

(iii) The certifications required in paragraphs (a)(4)(i) and (ii) of this section must be provided to NMFS by the permittee each time broodstock are acquired by the hatchery or used for spawning.

(5) ***Health certification.*** Prior to stocking fish in an approved aquaculture system at an aquaculture facility in the Gulf EEZ, the permittee must provide NMFS a copy of a health certificate (suggested form is USDA/Animal and Plant Health Inspection Service (APHIS) VS 17-141, OMB 0579-0278) signed by an aquatic animal health expert, as defined in § 622.101(a)(2)(xv), certifying that the fish have been inspected and are visibly healthy and the source population is test negative for OIE pathogens specific to the cultured species and pathogens identified as reportable pathogens in the NAAHP as implemented by the USDA and U.S. Departments of Commerce and Interior.

(6) ***Use of drugs and other chemicals or agents.*** Use of drugs, pesticides, and biologics must comply with all applicable Food and Drug Administration (FDA), EPA, and USDA requirements (*e.g.,* Federal, Food, Drug and Cosmetic Act, 21 U.S.C. 301 *et seq.;* Clean Water Act, 40 CFR part 122; 9 CFR parts 101 through 124; 21 CFR parts 500 through 599; and 40 CFR parts 150 through 189).

(7) ***Feed practices and monitoring.*** The permittee must conduct feed monitoring and management practices in compliance with EPA regulations at 40 CFR 451.21, if applicable to the facility.

(8) ***Monitoring and reporting compliance.*** The permittee must monitor and report the environmental survey parameters at the aquaculture facility consistent with NMFS' guidelines that will be available on the Web site and from the RA upon request. The permittee also must comply with all applicable monitoring and reporting requirements specified in their valid ACOE Section 10 permit and valid EPA NPDES permit.

(9) ***Inspection for protected species.*** The permittee must regularly inspect approved aquaculture systems, including mooring and anchor lines, for entanglements or interactions with marine mammals, protected species, and migratory birds. The frequency of inspections will be specified by NMFS as a condition of the permit. If entanglements or interactions are observed, they must be reported as specified in § 622.102(a)(1)(i)(G).

(10) ***Fishing gear stowage requirement.*** Any vessel transporting cultured animals to or from an aquaculture facility must stow fishing gear as follows:

(i) A longline may be left on the drum if all gangions and hooks are disconnected and stowed below deck. Hooks cannot be baited. All buoys must be disconnected from the gear; however, buoys may remain on deck.

(ii) A trawl net may remain on deck, but trawl doors must be disconnected from the trawl gear and must be secured.

(iii) A gillnet must be left on the drum. Any additional gillnets not attached to the drum must be stowed below deck.

(iv) A rod and reel must be removed from the rod holder and stowed securely on or below deck. Terminal gear (*i.e.,* hook, leader, sinker, flasher, or bait) must be disconnected and stowed separately from the rod and reel. Sinkers must be disconnected from the down rigger and stowed separately.

(v) All other fishing gear must be stored below deck or in an area where it is not normally used or readily available for fishing.

(11) ***Prohibition of possession of wild fish in restricted access zone.*** Except for broodstock, authorized pursuant to paragraph (a)(16) of this section, possession of any wild fish at or within the boundaries of an aquaculture facility's restricted access zone is prohibited.

(12) ***Prohibition of possession of wild fish aboard vessels, vehicles, or aircraft associated with aquaculture operations.*** Possession and transport of any wild fish aboard an aquaculture operation's transport or service vessels, vehicles, or aircraft is prohibited while engaged in aquaculture related activities, except when harvesting broodstock as authorized by NMFS.

(13) ***Maintaining fish intact prior to landing.*** Cultured finfish must be maintained whole with heads and fins intact until landed on shore. Such fish may be eviscerated, gilled, and scaled, but must otherwise be maintained in a whole condition. Spiny lobster must be maintained whole with the tail intact until landed on shore.

(14) ***Restriction on offloading.*** For the purpose of this paragraph, offload means to remove cultured animals from a vessel following harvest from an offshore aquaculture facility. Cultured animals may only be offloaded between 6 a.m. and 6 p.m., local time.

(15) ***Bill of lading requirement.*** Any cultured animals harvested from an aquaculture facility and being transported must be accompanied by the applicable bill of lading through landing ashore and the first point of sale. The bill of lading must include species name, quantity in numbers or pounds by species, date and location of landing, Gulf aquaculture permit number of the aquaculture facility from which the fish were harvested, and name and address of purchaser.

(16) ***Request to harvest broodstock.***

(i) At least 30 days prior to each time a permittee or their designee intends to harvest broodstock from the Gulf, including from state waters, that would be used to produce juvenile fish for an aquaculture facility in the Gulf EEZ, the permittee must submit a request to the RA via the Web site using a Web-based form. The information submitted on the form must include the number, species, and size of fish to be harvested; methods, gear, and vessels (including USCG documentation or state registration number) to be used for capturing, holding, and transporting broodstock; date and specific location of intended harvest; and the location to which broodstock would be delivered.

(ii) Allowable methods or gear used for broodstock capture in the EEZ include those identified for each respective fishery in § 600.725, except red drum, which may be harvested only with handline or rod and reel.

(iii) The RA may deny or modify a request for broodstock harvest if allowable methods or gear are not proposed for use, the number of fish harvested for broodstock is more than necessary for purposes of spawning and rearing activities, or the harvest will be inconsistent with FMP objectives or other Federal laws. If a broodstock collection request is denied or modified, the RA will provide the determination and the basis for it, in writing to the permittee. If a broodstock collection request is approved, the permittee must submit a report to the RA including the number and species of broodstock harvested, their size (length and weight), and the geographic location where the broodstock were captured. The report must be submitted on a Web-based form available on the Web site no later than 15 days after the date of harvest.

(iv) Notwithstanding the requirements in § 622.106(a)(16), all proposed harvest of broodstock from state waters also must comply with all state laws applicable to the harvest of such species.

(17) ***Authorized access to aquaculture facilities.*** A permittee must provide NMFS employees and authorized officers access to an aquaculture facility to conduct inspections or sampling necessary to determine compliance with the applicable regulations relating to aquaculture in the Gulf EEZ. In conducting the inspections, NMFS may enter into cooperative agreements with States, may delegate the inspection authority to any State, or may contract with any non-Federal Government entities. As a condition of the permit, NMFS may also require the permittee to contract a non-Federal Government third party approved by the RA if the RA agrees to accept the third party inspection results. The non-Federal Government third party may not be the same entity as the permittee.

(b) [Reserved]

§ 622.107 Limitation on aquaculture production.

No individual, corporation, or other entity will be authorized to produce more than 12.8 million lb (5.8 million kg), round weight, of cultured species annually from permitted aquaculture facilities in the Gulf EEZ. Production of juvenile fish by a hatchery in the Gulf EEZ will not be counted toward this limitation because those fish would be accounted for subsequently via reported harvest at the aquaculture facility where grow out occurs.

§ 622.108 Remedial actions.

(a) ***Potential remedial actions by NMFS.*** In addition to potential permit sanctions and denials in accordance with subpart D of 15 CFR part 904, NMFS may take the following actions, as warranted, to avoid or mitigate adverse impacts associated with aquaculture in the Gulf EEZ.

(1) ***Actions to address pathogen episodes.*** NMFS, in cooperation with USDA's APHIS, may order movement restrictions and/or the removal of all cultured animals from an approved aquaculture system upon confirmation by a USDA's APHIS reference laboratory that an OIE-reportable pathogen, or additional pathogens that are subsequently identified as reportable pathogens in the NAAHP exists and USDA's APHIS and NMFS determine the pathogen poses a significant threat to the health of wild or cultured aquatic organisms.

(2) ***Actions to address genetic issues.*** NMFS may sample cultured animals to determine genetic lineage and, upon a determination that genetically engineered or transgenic animals were used or possessed at an aquaculture facility, will order the removal of all cultured animals of the species for which such determination was made. In conducting the genetic testing to determine that all broodstock or progeny of such broodstock will be or were originally harvested from U.S. waters of the Gulf, will be or were from the same population or sub-population that occurs where the facility is located, and that juveniles stocked in offshore aquaculture systems are the progeny of wild broodstock, or other genetic testing necessary to carry out the requirements of the FMP, NMFS may enter into cooperative agreements with States, may delegate the testing authority to any State, or may contract with any non-Federal Government entities. As a condition of the permit, NMFS may also require the permittee to contract a non-Federal Government third party approved by the RA if the RA agrees to accept the third party testing results. The non-Federal Government third party may not be the same entity as the permittee.

(b) [Reserved]

§ 622.109 Adjustment of management measures.

In accordance with the framework procedures of the FMP for Regulating Offshore Marine Aquaculture in the Gulf of Mexico, the RA may establish or modify the items in paragraph (a) of this section for offshore marine aquaculture.

(a) For the entire aquaculture fishery: MSY, OY, permit application requirements, operational requirements and restrictions, including monitoring requirements, aquaculture system requirements, siting requirements for aquaculture facilities, and recordkeeping and reporting requirements.

(b) [Reserved]

Subparts G-H [Reserved]

Subpart I—Snapper-Grouper Fishery of the South Atlantic Region

§ 622.170 Permits and endorsements.

(a) ***Commercial vessel permits*** —

(1) ***South Atlantic snapper-grouper.*** For a person aboard a vessel to be eligible for exemption from the bag limits for South Atlantic snapper-grouper in or from the South Atlantic EEZ, to sell South Atlantic snapper-grouper in or from the South Atlantic EEZ, to engage in the directed fishery for golden tilefish in the South Atlantic EEZ, to use a longline to fish for South Atlantic snapper-grouper in the

South Atlantic EEZ, or to use a sea bass pot in the South Atlantic EEZ between 35°15.19' N. lat. (due east of Cape Hatteras Light, NC) and 28°35.1' N. lat. (due east of the NASA Vehicle Assembly Building, Cape Canaveral, FL), either a commercial vessel permit for South Atlantic Unlimited Snapper-Grouper Permit or a trip-limited permit for South Atlantic snapper-grouper must have been issued to the vessel and must be on board. A vessel with a trip-limited commercial permit is limited on any trip to 225 lb (102.1 kg) of snapper-grouper. See § 622.171 for limitations on the use, transfer, and renewal of a commercial vessel permit for South Atlantic snapper-grouper.

(2) ***Wreckfish.*** For a person aboard a vessel to be eligible for exemption from the bag limit for wreckfish in or from the South Atlantic EEZ, to fish under a quota for wreckfish in or from the South Atlantic EEZ, or to sell wreckfish in or from the South Atlantic EEZ, a commercial vessel permit for wreckfish and a commercial permit for South Atlantic snapper-grouper must have been issued to the vessel and must be on board. To obtain a commercial vessel permit for wreckfish, the applicant must be a wreckfish shareholder; and either the shareholder must be the vessel owner or the owner or operator must be an employee, contractor, or agent of the shareholder. (See § 622.172 for information on wreckfish shareholders.)

(b) ***Charter vessel/headboat permits*** —

(1) ***South Atlantic snapper-grouper.*** For a person aboard a vessel that is operating as a charter vessel or headboat to fish for or possess, in or from the EEZ, South Atlantic snapper-grouper, a valid charter vessel/headboat permit for South Atlantic snapper-grouper must have been issued to the vessel and must be on board. A charter vessel or headboat may have both a charter vessel/headboat permit and a commercial vessel permit. However, when a vessel is operating as a charter vessel or headboat, a person aboard must adhere to the bag limits. See the definitions of “Charter vessel” and “Headboat” in § 622.2 for an explanation of when vessels are considered to be operating as a charter vessel or headboat, respectively.

(2) [Reserved]

(c) ***Dealer permits and conditions*** —

(1) ***Permits.*** For a dealer to first receive South Atlantic snapper-grouper (including wreckfish) harvested in or from the EEZ, a Gulf and South Atlantic dealer permit must be issued to the dealer.

(2) ***State license and facility requirements.*** To obtain a dealer permit or endorsement, the applicant must have a valid state wholesaler's license in the state(s) where the dealer operates, if required by such state(s), and must have a physical facility at a fixed location in such state(s).

(d) ***Permit procedures.*** See § 622.4 for information regarding general permit procedures including, but not limited to application, fees, duration, transfer, renewal, display, sanctions and denials, and replacement.

(e) ***South Atlantic black sea bass pot endorsement.*** For a person aboard a vessel, for which a valid commercial vessel permit for South Atlantic snapper-grouper unlimited has been issued, to use a black sea bass pot in the South Atlantic EEZ, a valid South Atlantic black sea bass pot endorsement must have been issued to the vessel and must be on board. A permit or endorsement that has expired is not valid. This endorsement must be renewed annually and may only be renewed if the associated vessel has a valid commercial vessel permit for South Atlantic snapper-grouper unlimited or if the endorsement and associated permit are being concurrently renewed. The RA will not reissue this endorsement if the endorsement is revoked or if the RA does not receive a complete application for renewal of the endorsement within 1 year after the endorsement's expiration date.

(1) ***Initial eligibility.*** To be eligible for an initial South Atlantic black sea bass pot endorsement, a person must have been issued and must possess a valid or renewable commercial vessel permit for South Atlantic snapper-grouper that has black sea bass landings using black sea bass pot gear averaging at least 2,500 lb (1,134 kg), round weight, annually during the period January 1, 1999 through December 31, 2010. Excluded from this eligibility, are trip-limited permits (South Atlantic snapper-grouper permits that have a 225-lb (102.1-kg) limit of snapper-grouper) and valid or renewable commercial vessel permits for South Atlantic snapper-grouper unlimited that have no reported landings of black sea bass using black sea bass pots from January 1, 2008, through December 31, 2010. NMFS will attribute all applicable black sea bass landings associated with a current snapper-grouper permit for the applicable landings history, including those reported by a person(s) who held the permit prior to the current permit owner, to the current permit owner. Only legal landings reported in compliance with applicable state and Federal regulations are acceptable.

(2) ***Initial issuance.*** On or about June 1, 2012, the RA will mail each eligible permittee a black sea bass pot endorsement via certified mail, return receipt requested, to the permittee's address of record as listed in NMFS' permit files. An eligible permittee who does not receive an endorsement from the RA, must contact the RA no later than July 1, 2012, to clarify his/her endorsement status. A permittee denied an endorsement based on the RA's initial determination of eligibility and who disagrees with that determination may appeal to the RA.

(3) ***Procedure for appealing black sea bass pot endorsement eligibility and/or landings information.*** The only items subject to appeal are initial eligibility for a black sea bass pot endorsement based on ownership of a qualifying snapper-grouper permit, the accuracy of the amount of landings, and correct assignment of landings to the permittee. Appeals based on hardship factors will not be considered. Appeals must be submitted to the RA postmarked no later than October 1, 2012, and must contain documentation supporting the basis for the appeal. The RA will review all appeals, render final decisions on the appeals, and advise the appellant of the final NMFS decision.

(i) ***Eligibility appeals.*** NMFS' records of snapper-grouper permits are the sole basis for determining ownership of such permits. A person who believes he/she meets the permit eligibility criteria based on ownership of a vessel under a different name, for example, as a result of ownership changes from individual to corporate or vice versa, must document his/her continuity of ownership.

(ii) ***Landings appeals.*** Determinations of appeals regarding landings data for 1999 through 2010 will be based on NMFS' logbook records. If NMFS' logbooks are not available, the RA may use state landings records or data for the period 1999 through 2010 that were submitted in compliance with applicable Federal and state regulations on or before December 31, 2011.

(4) ***Transferability.*** A valid or renewable black sea bass pot endorsement may be transferred between any two entities that hold, or simultaneously obtain, a valid South Atlantic snapper-grouper unlimited permit. Endorsements may be transferred independently from the South Atlantic snapper-grouper unlimited permit. NMFS will attribute black sea bass landings to the associated South Atlantic snapper-grouper unlimited permit regardless of whether the landings occurred before or after the endorsement was issued. Only legal landings reported in compliance with applicable state and Federal regulations are acceptable.

(5) ***Fees.*** No fee applies to initial issuance of a black sea bass pot endorsement. NMFS charges a fee for each renewal or replacement of such endorsement and calculates the amount of each fee in accordance with the procedures of the NOAA Finance Handbook for determining the administrative

costs of each special product or service. The fee may not exceed such costs and is specified with each application form. The handbook is available from the RA. The appropriate fee must accompany each application for renewal or replacement.

(f) ***South Atlantic golden tilefish longline endorsement.*** For a person aboard a vessel, for which a valid commercial vessel permit for South Atlantic snapper-grouper unlimited has been issued, to fish for or possess golden tilefish in the South Atlantic EEZ using longline gear, a South Atlantic golden tilefish longline endorsement must have been issued to the vessel and must be on board. A permit or endorsement that has expired is not valid. This endorsement must be renewed annually and may only be renewed if the associated vessel has a valid commercial vessel permit for South Atlantic snapper-grouper unlimited or if the endorsement and associated permit are being concurrently renewed. The RA will not reissue this endorsement if the endorsement is revoked or if the RA does not receive a complete application for renewal of the endorsement within 1 year after the endorsement's expiration date.

(1) ***Initial eligibility.*** To be eligible for an initial South Atlantic golden tilefish longline endorsement, a person must have been issued and must possess a valid or renewable commercial vessel permit for South Atlantic snapper-grouper that has golden tilefish landings using longline gear averaging at least 5,000 lb (2,268 kg), gutted weight, over the best 3 years within the period 2006-2011. NMFS will attribute all applicable golden tilefish landings associated with a current South Atlantic snapper-grouper permit for the applicable landings history, to the current permit owner, including golden tilefish landings reported by a person(s) who held the permit prior to the current permit owner. Only legal landings reported in compliance with applicable state and Federal regulations are acceptable.

(2) ***Initial issuance.*** On or about April 23, 2013, the RA will mail each eligible permittee a golden tilefish longline endorsement via certified mail, return receipt requested, to the permittee's address of record as listed in NMFS' permit files. An eligible permittee who does not receive an endorsement from the RA, must contact the RA no later than May 23, 2013, to clarify his/her endorsement status. A permittee who is denied an endorsement based on the RA's initial determination of eligibility and who disagrees with that determination may appeal to the RA.

(3) ***Procedure for appealing golden tilefish longline endorsement eligibility and/or landings information.*** The only items subject to appeal are initial eligibility for a golden tilefish longline endorsement based on ownership of a qualifying snapper-grouper permit, the accuracy of the amount of landings, and the correct assignment of landings to the permittee. Appeals based on hardship factors will not be considered. Appeals must be submitted to the RA postmarked no later than August 21, 2013, and must contain documentation supporting the basis for the appeal. The National Appeals Office will review, evaluate, and render recommendations on appeals to the RA. The RA will then review each appeal, render a final decision on each appeal, and advise the appellant of the final NMFS decision.

(i) ***Eligibility appeals.*** NMFS' records of snapper-grouper permits are the sole basis for determining ownership of such permits. A person who believes he/she meets the permit eligibility criteria based on ownership of a vessel under a different name, for example, as a result of ownership changes from individual to corporate or vice versa, must document his or her continuity of ownership and must submit that information with their appeal.

(ii) ***Landings appeals.*** Determinations of appeals regarding landings data for 2006 through 2011 will be based on NMFS' logbook records, submitted on or before October 31, 2012. If NMFS' logbooks are not available, the RA may use state landings records or data for the period 2006 through 2011 that were submitted in compliance with applicable Federal and state regulations on or before October 31, 2012.

(4) ***Transferability.*** A valid or renewable golden tilefish endorsement may be transferred between any two entities that hold, or simultaneously obtain, a valid South Atlantic snapper-grouper unlimited permit. An endorsement may be transferred independently from the South Atlantic snapper-grouper unlimited permit. NMFS will attribute golden tilefish landings to the associated South Atlantic Unlimited Snapper-Grouper Permit regardless of whether the landings occurred before or after the endorsement was issued. Only legal landings reported in compliance with applicable state and Federal regulations are acceptable.

(5) ***Fees.*** No fee applies to the initial issuance of a golden tilefish longline endorsement. NMFS charges a fee for each renewal or replacement or transfer of such endorsement and calculates the amount of each fee in accordance with the procedures of the NOAA Finance Handbook for determining the administrative costs of each special product or service. The handbook is available from the RA. The appropriate fee must accompany each application for renewal or replacement or transfer.

[78 FR 22952, Apr. 17, 2013, as amended at 78 FR 23862, Apr. 23, 2013; 79 FR 19495, Apr. 9, 2014]

§ 622.171 South Atlantic snapper-grouper limited access.

(a) ***General.*** The only valid commercial vessel permits for South Atlantic snapper-grouper are those that have been issued under the limited access criteria specified in the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region. A commercial vessel permit for South Atlantic snapper-grouper is either a transferable commercial permit or a trip-limited commercial permit.

(b) ***Transfers of permits.*** A snapper-grouper limited access permit is valid only for the vessel and owner named on the permit. To change either the vessel or the owner, an application for transfer must be submitted to the RA.

(1) ***Transferable permits.***

(i) An owner of a vessel with a transferable permit may request that the RA transfer the permit to another vessel owned by the same entity.

(ii) A transferable permit may be transferred upon a change of ownership of a permitted vessel with such permit—

(A) From one to another of the following: husband, wife, son, daughter, brother, sister, mother, or father; or

(B) From an individual to a corporation whose shares are all held by the individual or by the individual and one or more of the following: husband, wife, son, daughter, brother, sister, mother, or father. The application for transfer of a permit under this paragraph (b)(1)(ii)(B) and each application for renewal of such permit must be accompanied by a current annual report of the corporation that specifies all shareholders of the corporation. A permit will not be renewed if the annual report shows a new shareholder other than a husband, wife, son, daughter, brother, sister, mother, or father.

(iii) Except as provided in paragraphs (b)(1)(i) and (ii) of this section, a person desiring to acquire a limited access, transferable permit for South Atlantic snapper-grouper must obtain and exchange two such permits for one new permit.

(iv) A transfer of a permit that is undertaken under paragraph (b)(1)(ii) of this section will constitute a transfer of the vessel's entire catch history to the new owner.

(2) ***Trip-limited permits.*** An owner of a vessel with a trip-limited permit may request that the RA transfer the permit to another vessel owned by the same entity.

(c) ***Renewal.*** NMFS will not reissue a commercial vessel permit for South Atlantic snapper-grouper if the permit is revoked or if the RA does not receive an application for renewal within one year of the permit's expiration date.

§ 622.172 Wreckfish individual transferable quota (ITQ) system.

The provisions of this section apply to wreckfish in or from the South Atlantic EEZ.

(a) ***General*** —

(1) ***Percentage shares*** —

(i) ***Initial ITQ shares.*** In accordance with the procedure specified in the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region, percentage shares of the quota for wreckfish were assigned at the beginning of the program. Each person was notified by the RA of his or her percentage share and shareholder certificate number.

(ii) ***Reverted ITQ shares.*** Any shares determined by NMFS to be inactive, will be redistributed proportionately among remaining shareholders (subject to cap restrictions) based on shareholder landings history. Inactive shares are, for purposes of this section, those shares held by ITQ shareholders who have not reported any wreckfish landings between April 16, 2006, and January 14, 2011.

(iii) ***Percentage share set-aside to accommodate resolution of appeals.*** During the 2012-2013 fishing year, the RA will reserve 1.401 percent of wreckfish ITQ shares prior to redistributing shares (see paragraph (a)(1)(ii) of this section) to accommodate resolution of appeals, if necessary. NMFS will distribute any portion of the 1.401-percent share remaining after the appeals process as soon as possible among the remaining shareholders.

(iv) ***Procedure for appealing wreckfish quota share status and landings information.*** Appeals must be submitted to the RA postmarked no later than January 24, 2013, and must contain documentation supporting the basis for the appeal. The only items subject to appeal are the status of wreckfish quota shares, as active or inactive, and the accuracy of the amount of landings. The RA will review and evaluate all appeals, render final decisions on the appeals, and advise the appellant of the final decision. Appeals based on hardship factors will not be considered. The RA will determine the outcome of appeals based on NMFS' logbooks. If NMFS' logbooks are not available, the RA may use state landings records. Appellants must submit NMFS' logbooks or state landings records, as appropriate, to support their appeal.

(2) ***Share transfers.*** All or a portion of a person's percentage shares are transferrable. Transfer of shares must be reported on a form available from the RA. The RA will confirm, in writing, each transfer of shares. The effective date of each transfer is the confirmation date provided by the RA. NMFS charges a fee for each transfer of shares and calculates the amount in accordance with the procedures of the NOAA Finance Handbook. The handbook is available from the RA. The fee may not exceed such costs and is specified with each transfer form. The appropriate fee must accompany each transfer form.

(3) ***ITQ share cap.*** No person, including a corporation or other entity, may individually or collectively hold ITQ shares in excess of 49 percent of the total shares. For the purposes of considering the share cap, a corporation's total ITQ share is determined by adding the corporation's ITQ shares to any other ITQ shares the corporation owns in another corporation. If an individual ITQ shareholder is also a shareholder in a corporation that holds ITQ shares, an individual's total ITQ share is determined by adding the applicable ITQ shares held by the individual to the applicable ITQ shares equivalent to the corporate share the individual holds in a corporation. A corporation must provide the RA the identity of the shareholders of the corporation and their percent of shares in the corporation, and provide updated information to the RA within 30 days of when a change occurs. This information must also be provided to the RA any time a commercial vessel permit for wreckfish is renewed or transferred.

(b) ***List of wreckfish shareholders.*** Annually, on or about March 1, the RA will provide each wreckfish shareholder with a list of all wreckfish shareholders and their percentage shares, reflecting share transactions on forms received through February 15.

(c) ***ITQs.***

(1) Annually, as soon after March 1 as the TAC for wreckfish for the fishing year that commences April 16 is known, the RA will calculate each wreckfish shareholder's ITQ. Each ITQ is the product of the wreckfish TAC, in round weight, for the ensuing fishing year, the factor for converting round weight to eviscerated weight, and each wreckfish shareholder's percentage share, reflecting share transactions reported on forms received by the RA through February 15. Thus, the ITQs will be in terms of eviscerated weight of wreckfish.

(2) The RA will provide each wreckfish shareholder with ITQ coupons in various denominations, the total of which equals his or her ITQ, and a copy of the calculations used in determining his or her ITQ. Each coupon will be coded to indicate the initial recipient.

(3) An ITQ coupon may be transferred from one wreckfish shareholder to another by completing the sale endorsement thereon (that is, the signature and shareholder certificate number of the buyer). An ITQ coupon may be possessed only by the shareholder to whom it has been issued, or by the shareholder's employee, contractor, or agent, unless the ITQ coupon has been transferred to another shareholder. An ITQ coupon that has been transferred to another shareholder may be possessed only by the shareholder whose signature appears on the coupon as the buyer, or by the shareholder's employee, contractor, or agent, and with all required sale endorsements properly completed.

(4) Wreckfish may not be possessed on board a fishing vessel that has been issued a commercial vessel permit for South Atlantic snapper-grouper and a commercial vessel permit for wreckfish—

(i) In an amount exceeding the total of the ITQ coupons on board the vessel; or

(ii) That does not have on board logbook forms for that fishing trip, as required under § 622.176(a)(3)(i).

(5) Prior to termination of a trip, a signature and date signed must be affixed in ink to the “Fisherman” part of ITQ coupons in denominations equal to the eviscerated weight of the wreckfish on board. The “Fisherman” part of each such coupon must be separated from the coupon and submitted with the logbook forms required by § 622.176(a)(3)(i) for that fishing trip.

(6) The "Fish House" part of each such coupon must be given to the dealer to whom the wreckfish are transferred in amounts totaling the eviscerated weight of the wreckfish transferred to that dealer. Wreckfish may be transferred only to a Gulf and South Atlantic dealer permit holder, as required under § 622.170(c)(1).

(7) A dealer may first receive wreckfish only from a vessel for which a commercial permit for wreckfish has been issued, as required under § 622.170(a)(2). A dealer must receive the "Fish House" part of ITQ coupons in amounts totaling the eviscerated weight of the wreckfish received; enter the permit number of the vessel from which the wreckfish were received, enter the date the wreckfish were received, enter the dealer's permit number, and sign each such "Fish House" part; and submit all such parts with the electronic dealer reports required by § 622.5(c).

(8) An owner or operator of a vessel and a dealer must make available to an authorized officer all ITQ coupons in his or her possession upon request.

(d) ***Wreckfish limitations.***

(1) A wreckfish taken in the South Atlantic EEZ may not be transferred at sea, regardless of where the transfer takes place; and a wreckfish may not be transferred in the South Atlantic EEZ.

(2) A wreckfish possessed by a fisherman or dealer shoreward of the outer boundary of the South Atlantic EEZ or in a South Atlantic coastal state will be presumed to have been harvested from the South Atlantic EEZ unless accompanied by documentation that it was harvested from other than the South Atlantic EEZ.

(3) A wreckfish harvested by a vessel that has been issued a commercial vessel permit for South Atlantic snapper-grouper and a commercial vessel permit for wreckfish may be offloaded from a fishing vessel only between 8 a.m. and 5 p.m., local time.

(4) If a wreckfish harvested by a vessel that has been issued a commercial vessel permit for South Atlantic snapper-grouper and a commercial vessel permit for wreckfish is to be offloaded at a location other than a fixed facility of a dealer who holds a Gulf and South Atlantic dealer permit, as required under § 622.170(c)(1), the wreckfish shareholder or the vessel operator must advise the NMFS Office for Law Enforcement, Southeast Region, St. Petersburg, FL, by telephone (727-824-5344), of the location not less than 24 hours prior to offloading.

[78 FR 22952, Apr. 17, 2013, as amended at 79 FR 19495, Apr. 9, 2014]

§§ 622.173-622.175 [Reserved]

§ 622.176 Recordkeeping and reporting.

(a) ***Commercial vessel owners and operators*** —

(1) ***General reporting requirements.*** The owner or operator of a vessel for which a commercial permit for South Atlantic snapper-grouper has been issued, as required under § 622.170(a)(1), or whose vessel fishes for or lands South Atlantic snapper-grouper in or from state waters adjoining the South Atlantic EEZ, who is selected to report by the SRD must maintain a fishing record on a form available from the SRD and must submit such record as specified in paragraph (a)(4) of this section.

(2) ***Electronic logbook/video monitoring reporting.*** The owner or operator of a vessel for which a commercial permit for South Atlantic snapper-grouper has been issued, as required under § 622.170(a)(1), who is selected to report by the SRD must participate in the NMFS-sponsored electronic logbook and/or video monitoring reporting program as directed by the SRD. Compliance with the reporting requirements of this paragraph (a)(2) is required for permit renewal.

(3) ***Wreckfish reporting.*** The wreckfish shareholder under § 622.172, or operator of a vessel for which a commercial permit for wreckfish has been issued, as required under § 622.170(a)(2), must—

(i) Maintain a fishing record on a form available from the SRD and must submit such record as specified in paragraph (a)(4) of this section.

(ii) Make available to an authorized officer upon request all records of commercial offloadings, purchases, or sales of wreckfish.

(4) ***Reporting deadlines.*** Completed fishing records required by this paragraph (a) must be submitted to the SRD postmarked not later than 7 days after the end of each fishing trip. If no fishing occurred during a calendar month, a report so stating must be submitted on one of the forms postmarked not later than 7 days after the end of that month. Information to be reported is indicated on the form and its accompanying instructions.

(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 South Atlantic snapper-grouper has been issued, as required under § 622.170(b)(1), and whose vessel is operating as a charter vessel, must record all fish harvested and discarded, and any other information requested by the SRD for each trip, and submit an electronic fishing report within the time period specified in paragraph (b)(2)(i) of this section. The electronic fishing report must be submitted to the SRD via NMFS-approved hardware and software, as specified in paragraph (b)(5) of this section. If the owner or operator subject to this paragraph (b)(1)(i) has been issued a Federal permit that requires more restrictive reporting requirements, as determined by NMFS and posted on the NMFS Southeast Region website, reporting under those more restrictive regulations will meet the requirements of this paragraph (b)(1)(i).

(ii) ***Headboats.*** The owner or operator of a headboat for which a charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, as required under § 622.170(b)(1), and whose vessel is operating as a headboat in state or Federal waters, must record all fish harvested and discarded, and any other information requested by the SRD for each trip in state or Federal waters, and submit an electronic fishing report within the time period specified in paragraph (b)(2)(i) of this section. The electronic fishing report must be submitted to the SRD via NMFS-approved hardware and software, as specified in paragraph (b)(5) of this section.

(iii) ***Electronic logbook/video monitoring reporting.*** The owner or operator of a vessel for which a charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, as required under § 622.170(b)(1), and whose vessel fishes for or lands such snapper-grouper in or from state or Federal waters, who is selected to report by the SRD must participate in the NMFS-sponsored electronic logbook and/or video monitoring program as directed by the SRD. Compliance with the reporting requirements of paragraph (b)(2)(i) of this section is required for permit renewal.

(2) ***Reporting deadlines for charter vessels and headboats.***

(i) Completed electronic fishing reports required by paragraph (b)(1) of this section must be submitted to the SRD by the Tuesday following each previous reporting week of Monday through Sunday, or at shorter intervals if notified by the SRD. If no fishing activity as a charter vessel or headboat occurred during a reporting week, an electronic report so stating must be submitted by the Tuesday following that reporting week, or at a shorter interval if notified by the SRD.

(ii) Completed fishing reports required by paragraph (b)(1)(iii) of this section for charter vessels or headboats may be required weekly or daily, as directed by the SRD. Information to be reported is indicated on the form and its accompanying instructions.

(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 paragraphs (b)(1)(i) and (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, and other appropriate means such as fishery bulletins or NOAA weather radio, and will authorize the affected participants' use of paper forms for the duration of the catastrophic conditions. The paper forms will be available from NMFS. During catastrophic conditions, the RA has the authority to modify or waive reporting time requirements.

(4) ***Compliance requirement.*** Electronic reports required by paragraphs (b)(1)(i) and (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 applicable time specified in paragraph (b)(2)(i) of this section is delinquent. A delinquent report results in the owner and operator of a charter vessel or headboat for which a charter vessel/headboat permit for South Atlantic snapper-grouper has been issued being prohibited from harvesting or possessing such species automatically, with no additional requirement for NMFS to provide notice to the owner and operator of their delinquency. 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.

(5) ***Hardware and software requirements for electronic reporting.*** Owners and operators must submit electronic reports using NMFS-approved hardware and software as posted on the NMFS Southeast Region website.

(c) ***Dealers.***

(1) A dealer who first receives South Atlantic snapper-grouper (including wreckfish) must maintain records and submit information as specified in § 622.5(c).

(2) On demand, a dealer who has been issued a Gulf and South Atlantic dealer permit, as required under § 622.170(c)(1), must make available to an authorized officer all records of offloadings, purchases, or sales of South Atlantic snapper-grouper (including wreckfish).

(d) ***Private recreational vessels in the South Atlantic snapper-grouper fishery.*** The owner or operator of a vessel that fishes for or lands South Atlantic snapper-grouper in or from the South Atlantic EEZ who is selected to report by the SRD must—

(1) Maintain a fishing record for each trip, or a portion of such trips as specified by the SRD, on forms provided by the SRD. Completed fishing records must be submitted to the SRD monthly and must either be made available to an authorized statistical reporting agent or be postmarked not later than 7 days after the end of each month. Information to be reported is indicated on the form and its accompanying instructions.

(2) Participate in the NMFS-sponsored electronic logbook and/or video monitoring reporting program as directed by the SRD.

[78 FR 22952, Apr. 17, 2013, as amended at 78 FR 78781, Dec. 27, 2013; 79 FR 19495, Apr. 9, 2014; 85 FR 10339, Feb. 24, 2020]

§ 622.177 Gear identification.

(a) ***Sea bass pots and associated buoys*** —

(1) ***Sea bass pots.*** A sea bass pot used or possessed in the South Atlantic EEZ between 35°15.19' N. lat. (due east of Cape Hatteras Light, NC) and 28°35.1' N. lat. (due east of the NASA Vehicle Assembly Building, Cape Canaveral, FL), or a sea bass pot on board a vessel with a commercial permit for South Atlantic snapper-grouper, must have a valid identification tag issued by the RA attached.

(2) ***Associated buoys.*** In the South Atlantic EEZ, buoys are not required to be used, but, if used, each buoy must display the official number and color code assigned by the RA so as to be easily distinguished, located, and identified.

(3) ***Presumption of ownership.*** A sea bass pot in the EEZ will be presumed to be the property of the most recently documented owner. This presumption will not apply with respect to such pots that are lost or sold if the owner reports the loss or sale within 15 days to the RA.

(4) ***Unmarked sea bass pots or buoys.*** An unmarked sea bass pot or a buoy deployed in the EEZ where such pot or buoy is required to be marked is illegal and may be disposed of in any appropriate manner by the Assistant Administrator or an authorized officer.

(b) [Reserved]

§ 622.178 At-sea observer coverage.

(a) ***Required coverage.***

(1) A vessel for which a Federal commercial vessel permit for South Atlantic snapper-grouper or a charter vessel/headboat permit for South Atlantic snapper-grouper has been issued must carry a NMFS-approved observer, if the vessel's trip is selected by the SRD for observer coverage. Vessel permit renewal is contingent upon compliance with this paragraph (a)(1).

(2) Any other vessel that fishes for South Atlantic snapper-grouper in the South Atlantic EEZ must carry a NMFS-approved observer, if the vessel's trip is selected by the SRD for observer coverage.

(b) ***Notification to the SRD.*** When observer coverage is required, an owner or operator must advise the SRD in writing not less than 5 days in advance of each trip of the following:

(1) Departure information (port, dock, date, and time).

(2) Expected landing information (port, dock, and date).

(c) ***Observer accommodations and access.*** An owner or operator of a vessel on which a NMFS-approved observer is embarked must:

(1) Provide accommodations and food that are equivalent to those provided to the crew.

(2) Allow the observer access to and use of the vessel's communications equipment and personnel upon request for the transmission and receipt of messages related to the observer's duties.

(3) Allow the observer access to and use of the vessel's navigation equipment and personnel upon request to determine the vessel's position.

(4) Allow the observer free and unobstructed access to the vessel's bridge, working decks, holding bins, weight scales, holds, and any other space used to hold, process, weigh, or store fish.

(5) Allow the observer to inspect and copy the vessel's log, communications logs, and any records associated with the catch and distribution of fish for that trip.

§ 622.179 Conservation measures for protected resources.

(a) ***South Atlantic snapper-grouper commercial vessels and charter vessels/headboats*** —

(1) ***Sea turtle conservation measures.***

(i) The owner or operator of a vessel for which a commercial vessel permit for South Atlantic snapper-grouper or a charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, as required under § 622.170(a)(1) and (b)(1), respectively, and whose vessel has on board any hook-and-line gear, must have the 2019 version of the NMFS document titled, "Careful Release Protocols for Sea Turtle Release with Minimal Injury" available for reference on board electronically or have a paper copy on board inside the wheelhouse, or within a waterproof case if there is no wheelhouse. In addition, the NMFS sea turtle handling and release guidelines placard must be posted inside the wheelhouse or an easily viewable area on the vessel if there is no wheelhouse.

(ii) Such owner or operator must also comply with the sea turtle interaction mitigation measures, including the release gear and handling requirements specified in appendix F of this part.

(iii) Those permitted vessels with a freeboard height of 4 ft (1.2 m) or less must have on board a net or hoist, tire or other support device, short-handled dehooker(s) for internal and external hooks, long-nose or needle-nose pliers, bolt cutters, monofilament line cutters, and at least two types of mouth openers or mouth gags. This equipment must meet the specifications described in appendix F of this part.

(iv) Those permitted vessels with a freeboard height of greater than 4 ft (1.2 m) must have on board a net or hoist, tire or other support device, long-handled line clipper or cutter, short-handled dehooker(s) for internal and external hooks, long-handled dehooker(s) for internal and external hooks, a long-handled device to pull an inverted "V" in the fishing line, long-nose or needle-nose pliers, bolt cutters, monofilament line cutters, and at least two types of mouth openers or mouth gags. This equipment must meet the specifications described in appendix F of this part.

(2) ***Smalltooth sawfish conservation measures.*** The owner or operator of a vessel for which a commercial vessel permit for South Atlantic snapper-grouper or a charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, as required under §§ 622.170(a)(1) and 622.170(b)(1), respectively, that incidentally catches a smalltooth sawfish must—

(i) Keep the sawfish in the water at all times;

(ii) If it can be done safely, untangle the line if it is wrapped around the saw;

(iii) Cut the line as close to the hook as possible; and

(iv) Not handle the animal or attempt to remove any hooks on the saw, except with a long-handled dehooker.

(b) ***Incorporation by reference.*** The standards required in paragraph (a)(1) of this section are incorporated by reference into this section with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. All approved material is available for inspection at the National Marine Fisheries Service, Southeast Regional Office, 263 13th Ave. South, St. Petersburg, FL 33701, phone: 727-824-5301, website: *https://www.fisheries.noaa.gov/southeast/endangered-species-conservation/sea-turtle-and-smalltooth-sawfish-release-gear-protocols,* and is available from the sources listed in paragraphs (b)(1) and (2) of this section. It is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email *fedreg.legal@nara.gov* or go to *www.archives.gov/federal-register/cfr/ibr-locations.html*.

(1) U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Southeast Fisheries Science Center, 75 Virginia Beach Drive, Miami, FL 33149.

(i) Careful Release Protocols for Sea Turtle Release with Minimal Injury, NOAA Technical Memorandum NMFS-SEFSC-735, Stokes, L., and Bergmann, C. (Editors), 2019.

(ii) [Reserved]

(2) U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Southeast Regional Office, 263 13th Ave. South, St. Petersburg, FL 33701.

(i) Sea Turtle Handling/Release Guidelines: Quick Reference for Hook and Line Fisheries, English, Spanish, Vietnamese, Revised April 2019.

(ii) [Reserved]

[78 FR 22952, Apr. 17, 2013, as amended at 84 FR 67238, Dec. 9, 2019]

§ 622.180 Prohibited gear and methods.

Also see § 622.9 for additional prohibited gear and methods that apply more broadly to multiple fisheries or in some cases all fisheries.

(a) ***Poisons.*** A poison may not be used to fish for South Atlantic snapper-grouper in the South Atlantic EEZ.

(b) ***Rebreathers and spearfishing gear.*** In the South Atlantic EEZ, a person using a rebreather may not harvest South Atlantic snapper-grouper with spearfishing gear. The possession of such snapper-grouper while in the water with a rebreather is *prima facie* evidence that such fish was harvested with spearfishing gear while using a rebreather.

(c) ***Longlines for wreckfish.*** A bottom longline may not be used to fish for wreckfish in the South Atlantic EEZ. A person aboard a vessel that has a longline on board may not retain a wreckfish in or from the South Atlantic EEZ. For the purposes of this paragraph, a vessel is considered to have a longline on board when a power-operated longline hauler, a cable of diameter suitable for use in the longline fishery longer than 1.5 mi (2.4 km) on any reel, and gangions are on board. Removal of any one of these three elements constitutes removal of a longline.

§ 622.181 Prohibited and limited-harvest species.

(a) ***General.*** The harvest and possession restrictions of this section apply without regard to whether the species is harvested by a vessel operating under a commercial vessel permit. The operator of a vessel that fishes in the EEZ is responsible for the limit applicable to that vessel.

(b) ***Prohibited species.***

(1) Goliath grouper may not be harvested or possessed in the South Atlantic EEZ. Goliath grouper taken in the South Atlantic EEZ incidentally by hook-and-line must be released immediately by cutting the line without removing the fish from the water.

(2) [Reserved]

(3) ***Speckled hind and warsaw grouper.*** Speckled hind and warsaw grouper may not be harvested or possessed in or from the South Atlantic EEZ. Such fish caught in the South Atlantic EEZ must be released immediately with a minimum of harm. These restrictions also apply in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, *i.e.,* in state or Federal waters.

(4) Nassau grouper may not be harvested or possessed in the South Atlantic EEZ or the Gulf EEZ. Nassau grouper taken in the South Atlantic EEZ or the Gulf EEZ incidentally by hook-and-line must be released immediately by cutting the line without removing the fish from the water.

(c) ***Limited-harvest species.*** A person who fishes in the EEZ may not combine a harvest limitation specified in this paragraph (c) with a harvest limitation applicable to state waters. A species subject to a harvest limitation specified in this paragraph (c) taken in the EEZ may not be transferred at sea, regardless of where such transfer takes place, and such species may not be transferred in the EEZ.

(1) ***Cubera snapper.*** No person may harvest more than two cubera snapper measuring 30 inches (76.2 cm), TL, or larger, per day in the South Atlantic EEZ off Florida and no more than two such cubera snapper in or from the South Atlantic EEZ off Florida may be possessed on board a vessel at any time.

(2) ***Red snapper.*** Red snapper may only be harvested or possessed in or from the South Atlantic EEZ during the commercial and recreational seasons as specified in §§ 622.183(b)(5) and 622.193(y). Any red snapper caught in the South Atlantic EEZ during a time other than the specified commercial or recreational seasons specified in § 622.193(y) must be released immediately with a minimum of harm. In addition, for a person on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, the prohibition on the harvest or possession of red snapper applies in the South Atlantic, regardless of where such fish are harvested or possessed, *i.e.,* in state or Federal waters.

[78 FR 22952, Apr. 17, 2013, as amended at 78 FR 44464, July 24, 2013; 78 FR 78775, Dec. 27, 2013; 83 FR 35434, July 26, 2018]

§ 622.182 Gear-restricted areas.

(a) ***Special management zones (SMZs).***

(1) The SMZs consist of artificial reefs and surrounding areas as follows:

(i) ***Paradise Reef*** is bounded on the north by 33°31.59' N. lat.; on the south by 33°30.51' N. lat.; on the east by 78°57.55' W. long.; and on the west by 78°58.85' W. long.

(ii) ***Ten Mile Reef*** is bounded on the north by 33°26.65' N. lat.; on the south by 33°24.80' N. lat.; on the east by 78°51.08' W. long.; and on the west by 78°52.97' W. long.

(iii) ***Pawleys Island Reef*** is bounded on the north by 33°26.58' N. lat.; on the south by 33°25.76' N. lat.; on the east by 79°00.29' W. long.; and on the west by 79°01.24' W. long.

(iv) ***Georgetown Reef*** is bounded on the north by 33°14.90' N. lat.; on the south by 33°13.85' N. lat.; on the east by 78°59.45' W. long.; and on the west by 79°00.65' W. long.

(v) ***Capers Reef*** is bounded on the north by 32°45.45' N. lat.; on the south by 32°43.91' N. lat.; on the east by 79°33.81' W. long.; and on the west by 79°35.10' W. long.

(vi) ***Kiawah Reef*** is bounded on the north by 32°29.78' N. lat.; on the south by 32°28.25' N. lat.; on the east by 79°59.00' W. long.; and on the west by 80°00.95' W. long.

(vii) ***Edisto Offshore Reef*** is bounded on the north by 32°15.30' N. lat.; on the south by 32°13.90' N. lat.; on the east by 79°50.25' W. long.; and on the west by 79°51.45' W. long.

(viii) ***Hunting Island Reef*** is bounded on the north by 32°13.72' N. lat.; on the south by 32°12.30' N. lat.; on the east by 80°19.23' W. long.; and on the west by 80°21.00' W. long.

(ix) ***Fripp Island Reef*** is bounded on the north by 32°15.92' N. lat.; on the south by 32°14.75' N. lat.; on the east by 80°21.62' W. long.; and on the west by 80°22.90' W. long.

(x) ***Betsy Ross Reef*** is bounded on the north by 32°03.60' N. lat.; on the south by 32°02.88' N. lat.; on the east by 80°24.57' W. long.; and on the west by 80°25.50' W. long.

(xi) ***Hilton Head Reef/Artificial Reef—T*** is bounded on the north by 32°00.71' N. lat.; on the south by 31°59.42' N. lat.; on the east by 80°35.23' W. long.; and on the west by 80°36.37' W. long.

(xii) ***Artificial Reef—A*** is bounded on the north by 30°57.4' N. lat.; on the south by 30°55.4' N. lat.; on the east by 81°13.9' W. long.; and on the west by 81°16.3' W. long.

(xiii) ***Artificial Reef—C*** is bounded on the north by 30°52.0' N. lat.; on the south by 30°50.0' N. lat.; on the east by 81°08.5' W. long.; and on the west by 81°10.9' W. long.

(xiv) ***Artificial Reef—G*** is bounded on the north by 31°00.0' N. lat.; on the south by 30°58.0' N. lat.; on the east by 80°56.8' W. long.; and on the west by 80°59.2' W. long.

(xv) ***Artificial Reef—F*** is bounded on the north by 31°06.8' N. lat.; on the south by 31°04.8' N. lat.; on the east by 81°10.5' W. long.; and on the west by 81°13.4' W. long.

(xvi) ***Artificial Reef—J*** is bounded on the north by 31°36.7' N. lat.; on the south by 31°34.7' N. lat.; on the east by 80°47.3' W. long.; and on the west by 80°50.1' W. long.

(xvii) ***Artificial Reef—L*** is bounded on the north by 31°46.0' N. lat.; on the south by 31°44.0' N. lat.; on the east by 80°34.7' W. long.; and on the west by 80°37.1' W. long.

(xviii) ***Artificial Reef—KC*** is bounded on the north by 31°51.2' N. lat.; on the south by 31°49.2' N. lat.; on the east by 80°45.3' W. long.; and on the west by 80°47.7' W. long.

(xix) ***Ft. Pierce Inshore Reef*** is bounded on the north by 27°26.8' N. lat.; on the south by 27°25.8' N. lat.; on the east by 80°09.24' W. long.; and on the west by 80°10.36' W. long.

(xx) ***Ft. Pierce Offshore Reef*** is bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
A	27°23.68'	80°03.95'
B	27°22.80'	80°03.60'
C	27°23.94'	80°00.02'
D	27°24.85'	80°00.33'
A	27°23.68'	80°03.95'

(xxi) ***Key Biscayne/Artificial Reef—H*** is bounded on the north by 25°42.82' N. lat.; on the south by 25°41.32' N. lat.; on the east by 80°04.22' W. long.; and on the west by 80°05.53' W. long.

(xxii) ***Little River Offshore Reef*** is bounded on the north by 33°42.10' N. lat.; on the south by 33°41.10' N. lat.; on the east by 78°26.40' W. long.; and on the west by 78°27.10' W. long.

(xxiii) ***BP-25 Reef*** is bounded on the north by 33°21.70' N. lat.; on the south by 33°20.70' N. lat.; on the east by 78°24.80' W. long.; and on the west by 78°25.60' W. long.

(xxiv) ***Vermilion Reef*** is bounded on the north by 32°57.80' N. lat.; on the south by 32°57.30' N. lat.; on the east by 78°39.30' W. long.; and on the west by 78°40.10' W. long.

(xxv) ***Cape Romaine Reef*** is bounded on the north by 33°00.00' N. lat.; on the south by 32°59.50' N. lat.; on the east by 79°02.01' W. long.; and on the west by 79°02.62' W. long.

(xxvi) ***Y-73 Reef*** is bounded on the north by 32°33.20' N. lat.; on the south by 32°32.70' N. lat.; on the east by 79°19.10' W. long.; and on the west by 79°19.70' W. long.

(xxvii) ***Eagles Nest Reef*** is bounded on the north by 32°01.48' N. lat.; on the south by 32°00.98' N. lat.; on the east by 80°30.00' W. long.; and on the west by 80°30.65' W. long.

(xxviii) ***Bill Perry Jr. Reef*** is bounded on the north by 33°26.20' N. lat.; on the south by 33°25.20' N. lat.; on the east by 78°32.70' W. long.; and on the west by 78°33.80' W. long.

(xxix) ***Comanche Reef*** is bounded on the north by 32°27.40' N. lat.; on the south by 32°26.90' N. lat.; on the east by 79°18.80' W. long.; and on the west by 79°19.60' W. long.

(xxx) ***Murrel's Inlet 60 Foot Reef*** is bounded on the north by 33°17.50' N. lat.; on the south by 33°16.50' N. lat.; on the east by 78°44.67' W. long.; and on the west by 78°45.98' W. long.

(xxxi) ***Georgetown 95 Foot Reef*** is bounded on the north by 33°11.75' N. lat.; on the south by 33°10.75' N. lat.; on the east by 78°24.10' W. long.; and on the west by 78°25.63' W. long.

(xxxii) ***New Georgetown 60 Foot Reef*** is bounded on the north by 33°09.25' N. lat.; on the south by 33°07.75' N. lat.; on the east by 78°49.95' W. long.; and on the west by 78°51.45' W. long.

(xxxiii) ***North Inlet 45 Foot Reef*** is bounded on the north by 33°21.03' N. lat.; on the south by 33°20.03' N. lat.; on the east by 79°00.31' W. long.; and on the west by 79°01.51' W. long.

(xxxiv) ***CJ Davidson Reef*** is bounded on the north by 33°06.48' N. lat.; on the south by 33°05.48' N. lat.; on the east by 79°00.27' W. long.; and on the west by 79°01.39' W. long.

(xxxv) ***Greenville Reef*** is bounded on the north by 32°57.25' N. lat.; on the south by 32°56.25' N. lat.; on the east by 78°54.25' W. long.; and on the west by 78°55.25' W. long.

(xxxvi) ***Charleston 60 Foot Reef*** is bounded on the north by 32°33.60' N. lat.; on the south by 32°32.60' N. lat.; on the east by 79°39.70' W. long.; and on the west by 79°40.90' W. long.

(xxxvii) ***Edisto 60 Foot Reef*** is bounded on the north by 32°21.75' N. lat.; on the south by 32°20.75' N. lat.; on the east by 80°04.10' W. longitude; and on the west by 80°05.70' W. long.

(xxxviii) ***Edisto 40 Foot Reef*** is bounded on the north by 32°25.78' N. lat.; on the south by 32°24.78' N. lat.; on the east by 80°11.24' W. long.; and on the west by 80°12.32' W. long.

(xxxix) ***Beaufort 45 Foot Reef*** is bounded on the north by 32°07.65' N. lat.; on the south by 32°06.65' N. lat.; on the east by 80°28.80' W. long.; and on the west by 80°29.80' W. long.

(xl) ***Artificial Reef—ALT*** is bounded on the north by 31°18.6' N. lat.; on the south by 31°16.6' N. lat.; on the east by 81°07.0' W. long.; and on the west by 81°09.4' W. long.

(xli) ***Artificial Reef—CAT*** is bounded on the north by 31°40.2' N. lat.; on the south by 31°38.2' N. lat.; on the east by 80°56.2' W. long.; and on the west by 80°58.6' W. long.

(xlii) ***Artificial Reef—CCA*** is bounded on the north by 31°43.7' N. lat.; on the south by 31°41.7' N. lat.; on the east by 80°40.0' W. long.; and on the west by 80°42.3' W. long.

(xliii) ***Artificial Reef—DRH*** is bounded on the north by 31°18.0' N. lat.; on the south by 31°16.0' N. lat.; on the east by 80°56.6' W. long.; and on the west by 80°59.0' W. long.

(xliv) ***Artificial Reef—DUA*** is bounded on the north by 31°47.8' N. lat.; on the south by 31°45.8' N. lat.; on the east by 80°52.1' W. long.; and on the west by 80°54.5' W. long.

(xlv) ***Artificial Reef—DW*** is bounded on the north by 31°22.8' N. lat.; on the south by 31°20.3' N. lat.; on the east by 79°49.8' W. long.; and on the west by 79°51.1' W. long.

(xlvi) ***Artificial Reef—KBY*** is bounded on the north by 30°48.6' N. lat.; on the south by 30°46.6' N. lat.; on the east by 81°15.0' W. long.; and on the west by 81°17.4' W. long.

(xlvii) ***Artificial Reef—KTK*** is bounded on the north by 31°31.3' N. lat.; on the south by 31°29.3' N. lat.; on the east by 80°59.1' W. long.; and on the west by 81°01.5' W. long.

(xlviii) ***Artificial Reef—MRY*** is bounded on the north by 30°47.5' N. lat.; on the south by 30°45.5' N. lat.; on the east by 81°05.5' W. long.; and on the west by 81°07.8' W. long.

(xlix) ***Artificial Reef—SAV*** is bounded on the north by 31°55.4' N. lat.; on the south by 31°53.4' N. lat.; on the east by 80°45.2' W. long.; and on the west by 80°47.6' W. long.

(l) ***Artificial Reef—SFC*** is bounded on the north by 31°00.8' N. lat.; on the south by 30°59.8' N. lat.; on the east by 81°02.2' W. long.; and on the west by 81°03.4' W. long.

(li) ***Artificial Reef—WW*** is bounded on the north by 31°43.5' N. lat.; on the south by 31°42.2' N. lat.; on the east by 79°57.7' W. long.; and on the west by 79°59.3' W. long.

(2) To determine what restrictions apply in the SMZs listed in paragraph (a)(1) of this section, follow this table:

TABLE 2 TO PARAGRAPH (a)(2)

In SMZs specified in the following paragraphs of this section	These restrictions apply
(a)(1)(i) through (x) and (a)(1)(xxii) through (xxxix)	Use of a powerhead to take South Atlantic snapper-grouper is prohibited.
(a)(1)(i) through (x) and (a)(1)(xxii) through (xxxix)	Possession of a powerhead and a mutilated South Atlantic snapper-grouper in, or after having fished in, one of these SMZs constitutes *prima facie* evidence that such fish was taken with a powerhead in the SMZ. Harvest and possession of a South Atlantic snapper-grouper is limited to the bag limits specified in § 622.187(b).
(a)(1)(i) through (xviii) and (a)(1)(xxii) through (li)	Fishing may only be conducted with handline, rod and reel, and spearfishing gear.
(a)(1)(i) through (li)	Use of a sea bass pot or bottom longline is prohibited.
(a)(1)(xii) through (xviii) and (a)(1)(xl) through (li)	Possession of South Atlantic snapper-grouper taken with a powerhead is limited to the bag limits specified in § 622.187(b).
(a)(1)(xix) and (a)(1)(xx)	A hydraulic or electric reel that is permanently affixed to the vessel is prohibited when fishing for South Atlantic snapper-grouper.
(a)(1)(xix) and (a)(1)(xxi)	Use of spearfishing gear is prohibited.

(b) ***Longline prohibited areas.*** A longline may not be used to fish in the EEZ for South Atlantic snapper-grouper south of 27°10' N. lat. (due east of the entrance to St. Lucie Inlet, FL); or north of 27°10' N. lat. where the charted depth is less than 50 fathoms (91.4 m), as shown on the latest edition of the largest scale NOAA chart of the location. A person aboard a vessel with a longline on board that fishes on a trip in the South Atlantic EEZ south of 27°10' N. lat., or north of 27°10' N. lat. where the charted depth is less than 50 fathoms (91.4 m), is limited on that trip to the bag limit for South Atlantic snapper-grouper for which a bag

limit is specified in § 622.187(b), and to zero for all other South Atlantic snapper-grouper. For the purpose of this paragraph, a vessel is considered to have a longline on board when a power-operated longline hauler, a cable or monofilament of diameter and length suitable for use in the longline fishery, and gangions are on board. Removal of any one of these three elements constitutes removal of a longline.

(c) [Reserved]

(d) ***Sea bass pot prohibited area.*** A sea bass pot may not be used in the South Atlantic EEZ south of 28°35.1' N. lat. (due east of the NASA Vehicle Assembly Building, Cape Canaveral, FL). A sea bass pot deployed in the EEZ south of 28°35.1' N. lat. may be disposed of in any appropriate manner by the Assistant Administrator or an authorized officer.

(d) [Reserved]

(e) ***SMZs off North Carolina.***

(1) The center of each SMZ in Table 3 to this paragraph (e) is located at the given point with a radius extending the applicable distance in every direction laterally from that point to form a circle around the center point.

(2) Harvest of South Atlantic snapper-grouper while in the SMZs in this paragraph (e) is permitted only by handline, rod and reel, and spearfishing gear. All harvest of South Atlantic snapper-grouper by spearfishing gear in the SMZs in this paragraph (e) is limited to the applicable recreational bag and possession limits in § 622.187.

TABLE 3 TO PARAGRAPH (e)

Reef name	North lat.	West long.	Radius in ft (m)
AR-130	36°00.296'	75°31.957'	1,500 (457)
AR-140	35°56.718'	75°31.965'	1,500 (457)
AR-145	35°54.017'	75°23.883'	1,500 (457)
AR-220	35°08.117'	75°40.633'	3,000 (914)
AR-225	35°06.768'	75°39.322'	1,500 (457)
AR-230	35°06.133'	75°42.933'	1,500 (457)
AR-250	34°56.900'	75°54.860'	1,500 (457)
AR-255	34°55.483'	75°57.910'	1,500 (457)
AR-285	34°33.383'	76°26.350'	1,500 (457)
AR-300	34°18.517'	76°24.133'	1,500 (457)
AR-302	34°10.265'	76°13.703'	1,500 (457)
AR-305	34°16.683'	76°38.650'	1,500 (457)
AR-330	34°33.634'	76°51.267'	3,000 (914)
AR-340	34°34.319'	76°58.345'	1,500 (457)
AR-345	34°32.266'	76°58.508'	1,500 (457)
AR-355	34°21.318'	77°19.877'	1,500 (457)

Reef name	North lat.	West long.	Radius in ft (m)
AR-362	34°15.657'	77°30.392'	1,500 (457)
AR-366	34°12.950'	77°25.250'	1,500 (457)
AR-368	34°09.514'	77°25.782'	1,500 (457)
AR-372	34°06.295'	77°44.917'	1,500 (457)
AR-376	34°03.283'	77°39.633'	1,500 (457)
AR-382	33°58.581'	77°41.172'	1,500 (457)
AR-386	33°57.517'	77°33.400'	1,500 (457)
AR-400	33°29.267'	77°35.227'	1,500 (457)
AR-420	33°51.050'	78°06.710'	1,500 (457)
AR-440	33°49.800'	78°13.083'	1,500 (457)
AR-445	33°44.783'	78°14.100'	1,500 (457)
AR-455	33°47.033'	78°17.883'	1,500 (457)
AR-460	33°50.089'	78°22.022'	1,500 (457)
AR-465	33°23.423'	78°11.052'	1,500 (457)

(f) ***Additional SMZs off South Carolina.***

(1) The center of each SMZ in Table 4 to this paragraph (f) is located at the given point with a radius extending the applicable distance in every direction laterally from that point to form a circle around the center point.

(2) Harvest of South Atlantic snapper-grouper while in the SMZs in this paragraph (f) is permitted only by handline, rod and reel, and spearfishing gear (excludes a powerhead). All harvest of South Atlantic snapper-grouper by the allowable gear in the SMZs in this paragraph (f) is limited to the applicable recreational bag and possession limits in § 622.187.

(3) ***PA-04—Ron McManus Memorial Reef.*** This SMZ is bounded by lines connecting the following corner points: northwest corner point at 33°46.400' N, 78°36.200' W; northeast corner point at 33°46.400' N, 78°35.600' W; southeast corner point at 33°45.900' N, 78°35.600' W; and southwest corner point at 33°45.900' N, 78°36.200' W.

TABLE 4 TO PARAGRAPH (f)

Reef name	North lat.	West long.	Radius in ft (m)
PA-07 Pop Nash	33°34.510'	78°51.000'	600 (183)
PA-28 Lowcountry Anglers	32°34.300'	79°55.100'	600 (183)

Reef name	North lat.	West long.	Radius in ft (m)
PA-34 CCA-McClellanville	32°51.800'	79°22.500'	600 (183)

[78 FR 22952, Apr. 17, 2013, as amended at 85 FR 36171, June 15, 2020; 87 FR 23149, Apr. 19, 2022]

§ 622.183 Area and seasonal closures.

(a) ***Area closures*** —

(1) ***Marine protected areas (MPAs).***

(i) No person may fish for a South Atlantic snapper-grouper in an MPA, and no person may possess a South Atlantic snapper-grouper in an MPA. However, the prohibition on possession does not apply to a person aboard a vessel that is in transit with fishing gear appropriately stowed as specified in paragraph (a)(1)(ii) of this section. In addition to these restrictions, see § 635.21(d)(1)(iii) of this chapter regarding restrictions applicable within these MPAs for any vessel issued a permit under part 635 of this chapter that has longline gear on board. MPAs consist of deepwater areas as follows:

(A) ***Snowy Grouper Wreck MPA*** is bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
A	33°25'	77°04.75'
B	33°34.75'	76°51.3'
C	33°25.5'	76°46.5'
D	33°15.75'	77°00.0'
A	33°25'	77°04.75'

(B) ***Northern South Carolina MPA*** is bounded on the north by 32°53.5' N. lat.; on the south by 32°48.5' N. lat.; on the east by 78°04.75' W. long.; and on the west by 78°16.75' W. long.

(C) ***Edisto MPA*** is bounded on the north by 32°24' N. lat.; on the south by 32°18.5' N. lat.; on the east by 78°54.0' W. long.; and on the west by 79°06.0' W. long.

(D) ***Charleston Deep Artificial Reef MPA*** is bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
A	32°05.04'	79°13.575'
B	32°09.65'	79°09.2'
C	32°07.155'	79°05.595'
D	32°02.36'	79°09.975'
A	32°05.04'	79°13.575'

(E) ***Georgia MPA*** is bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
A	31°43'	79°31'
B	31°43'	79°21'
C	31°34'	79°29'
D	31°34'	79°39'
A	31°43'	79°31'

(F) ***North Florida MPA*** is bounded on the north by 30°29' N. lat.; on the south by 30°19' N. lat.; on the east by 80°02' W. long.; and on the west by 80°14' W. long.

(G) ***St. Lucie Hump MPA*** is bounded on the north by 27°08' N. lat.; on the south by 27°04' N. lat.; on the east by 79°58' W. long.; and on the west by 80°00' W. long.

(H) ***East Hump MPA*** is bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
A	24°36.5'	80°45.5'
B	24°32'	80°36'
C	24°27.5'	80°38.5'
D	24°32.5'	80°48'
A	24°36.5'	80°45.5'

(ii) For the purpose of paragraph (a)(1)(i) of this section, transit means direct, non-stop progression through the MPA. Fishing gear appropriately stowed means—

(A) A longline may be left on the drum if all gangions and hooks are disconnected and stowed below deck. Hooks cannot be baited. All buoys must be disconnected from the gear; however, buoys may remain on deck.

(B) A trawl or try net may remain on deck, but trawl doors must be disconnected from such net and must be secured.

(C) A gillnet, stab net, or trammel net must be left on the drum. Any additional such nets not attached to the drum must be stowed below deck.

(D) Terminal gear (*i.e.,* hook, leader, sinker, flasher, or bait) used with an automatic reel, bandit gear, buoy gear, handline, or rod and reel must be disconnected and stowed separately from such fishing gear. A rod and reel must be removed from the rod holder and stowed securely on or below deck.

(E) A crustacean trap, golden crab trap, or sea bass pot cannot be baited. All buoys must be disconnected from the gear; however, buoys may remain on deck.

(2) ***Spawning SMZs.***

(i) Any fishing vessel in a spawning SMZ is prohibited to fish for or harvest species in the snapper-grouper fishery management unit year-round. For a fishing vessel to possess snapper-grouper species on board while in a spawning SMZ, the vessel must be in transit and fishing gear must be appropriately stowed, as specified in paragraph (a)(2)(vii) of this section. Except for spawning SMZs of Area 51 and Area 53, the spawning SMZs in this paragraph are effective until August 2, 2027. A person on board a fishing vessel may not anchor, use an anchor and chain, or use a grapple and chain while in the spawning SMZs specified in paragraph (a)(2) of this section. The anchoring prohibition does not apply to fishing vessels in the spawning SMZs of Area 51 and Area 53.

(ii) ***South Cape Lookout Spawning SMZ*** is bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
A	33°53.040'	76°28.617'
B	33°52.019'	76°27.798'
C	33°49.946'	76°30.627'
D	33°51.041'	76°31.424'

Point	North lat.	West long.
A	33°53.040'	76°28.617'

(iii) ***Devil's Hole/Georgetown Hole Spawning SMZ*** is bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
A	32°34.311'	78°34.996'
B	32°34.311'	78°33.220'
C	32°32.748'	78°33.220'
D	32°32.748'	78°34.996'
A	32°34.311'	78°34.996'

(iv) ***Area 51 Spawning SMZ*** is bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
A	32°35.25'	79°28.6'
B	32°35.25'	79°27'
C	32°33.75'	79°27'
D	32°33.75'	79°28.6'
A	32°35.25'	79°28.6'

(v) ***Area 53 Spawning SMZ*** is bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
A	32°22.65'	79°22.25'
B	32°22.65'	79°20.5'
C	32°21.15'	79°20.5'
D	32°21.15'	79°22.25'

Point	North lat.	West long.
A	32°22.65'	79°22.25'

(vi) ***Warsaw Hole/50 Fathom Hole Spawning SMZ*** is bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
A	24°22.277'	82°20.417'
B	24°22.277'	82°18.215'
C	24°20.932'	82°18.215'
D	24°20.932'	82°20.417'
A	24°22.277'	82°20.417'

(vii) For the purpose of paragraph (a)(2)(i) of this section, transit means direct, non-stop progression through the spawning SMZ. Fishing gear appropriately stowed means—

(A) A longline may be left on the drum if all gangions and hooks are disconnected and stowed below deck. Hooks cannot be baited. All buoys must be disconnected from the gear; however, buoys may remain on deck.

(B) Trawl doors and nets must be out of the water, but the doors are not required to be on deck or secured on or below deck.

(C) A gillnet, stab net, or trammel net must be left on the drum. Any additional such nets not attached to the drum must be stowed below deck.

(D) Terminal gear (*i.e.,* hook, leader, sinker, flasher, or bait) used with an automatic reel, bandit gear, buoy gear, handline, or rod and reel must be disconnected and stowed separately from such fishing gear. Sinkers must be disconnected from the down rigger and stowed separately.

(E) A crustacean trap, golden crab trap, or sea bass pot cannot be baited. All buoys must be disconnected from the gear; however, buoys may remain on deck.

(b) ***Seasonal closures*** —

(1) ***Seasonal closure of the commercial and recreational sectors for gag and associated grouper species.*** During January through April each year, no person may fish for, harvest, or possess in or from the South Atlantic EEZ any South Atlantic shallow-water grouper (SASWG): Gag, black grouper, red grouper, scamp, red hind, rock hind, yellowmouth grouper, yellowfin grouper, graysby, and coney. For a person on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, these prohibitions against fishing, harvesting, or possessing apply in the South Atlantic, *i.e.,* in state or Federal waters. Additionally, in the month of

May, no person may fish for, harvest, or possess any South Atlantic red grouper in or from the South Atlantic EEZ off North Carolina or off South Carolina. For a person on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, these prohibitions against fishing, harvesting, or possessing red grouper in May apply in state waters off North Carolina and off South Carolina.

(2) ***Wreckfish spawning-season closure.*** From January 15 through April 15, each year, no person may harvest or possess on a fishing vessel wreckfish in or from the EEZ; offload wreckfish from the EEZ; or sell or purchase wreckfish in or from the EEZ. The prohibition on sale or purchase of wreckfish does not apply to trade in wreckfish that were harvested, offloaded, and sold or purchased prior to January 15 and were held in cold storage by a dealer or processor.

(3) ***Wreckfish recreational sector closures.*** The recreational sector for wreckfish in or from the South Atlantic EEZ is closed from January 1 through June 30, and September 1 through December 31, each year. During a closure, the bag and possession limit for wreckfish in or from the South Atlantic EEZ is zero.

(4) Hogfish recreational sector off the Florida Keys and east coast of Florida. From January through April and from November through December each year, the recreational harvest or possession of hogfish in or from the South Atlantic EEZ off the Florida Keys and east coast of Florida, and in the Gulf EEZ south of 25°09' N. lat. off the west coast of Florida is prohibited, and the bag and possession limits are zero.

(5) ***Closures of the commercial and recreational sectors for red snapper*** —

(i) The commercial and recreational sectors for red snapper are closed (*i.e.,* red snapper may not be harvested or possessed, or sold or purchased) in or from the South Atlantic EEZ, except as specified in § 622.193(y). Each year, NMFS will announce the season opening dates in the FEDERAL REGISTER. The commercial season will begin on the second Monday in July, unless otherwise specified. The recreational season, which consists of weekends only (Fridays, Saturdays, and Sundays) begins on the second Friday in July, unless otherwise specified. NMFS will project the length of the recreational fishing season and announce the recreational fishing season end date in the FEDERAL REGISTER. See § 622.193(y), for establishing the end date of the commercial fishing season.

(ii) If the RA determines tropical storm or hurricane conditions exist, or are projected to exist, in the South Atlantic, during a commercial or recreational fishing season, the RA may modify the opening and closing dates of the fishing season by filing a notification to that effect with the Office of the Federal Register, and announcing via NOAA Weather Radio and a Fishery Bulletin any change in the dates of the red snapper commercial or recreational fishing season.

(iii) For the commercial sector, if the RA determines tropical storm or hurricane conditions exist, or are projected to exist, in the South Atlantic during a commercial fishing season, the RA may modify the opening and closing dates of the fishing season by filing a notification to that effect with the Office of the Federal Register and announcing via NOAA Weather Radio and a Fishery Bulletin any change in the dates of the red snapper commercial fishing season. For the recreational sector, if the RA determines that weather conditions classified by the National Weather Service at least as severe as a small craft advisory exist, or are projected to exist, in the South Atlantic EEZ, the RA may modify the opening and closing dates of the recreational

fishing season by filing a notification to that effect with the Office of the Federal Register and announcing via NOAA Weather Radio and a Fishery Bulletin any change in the dates of the red snapper recreational fishing season.

(6) ***Seasonal closure of the commercial black sea bass pot component of the snapper-grouper fishery.*** The closed area is that area and time period described in paragraphs (b)(6)(i) and (b)(6)(ii) of this section, respectively. During the applicable closure, no person may harvest or possess black sea bass in or from the closed area within the South Atlantic EEZ either with sea bass pots or from a vessel with sea bass pots on board, except that a vessel with a valid commercial permit for snapper-grouper with a sea bass pot endorsement that is in transit and with black sea bass pot gear appropriately stowed as described in paragraph (b)(6)(iii) of this section may possess black sea bass. In addition, sea bass pots must be removed from the water in the applicable closed area within the South Atlantic EEZ before the applicable time period, and may not be on board a vessel in the closed area within the South Atlantic EEZ during the applicable closure, except for such sea bass pot gear appropriately stowed on board a vessel in transit through the closed area. See paragraph (b)(6)(iii) of this section for black sea bass pot transit and gear stowage requirements through the closed areas.

(i) From November 1 through November 30 and from April 1 through April 30, no person may harvest or possess black sea bass in or from the closed area within the South Atlantic EEZ either with sea bass pots or from a vessel with sea bass pots on board in the South Atlantic EEZ inshore of the rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
1	35°15'	State/EEZ boundary.
2	35°15'	75°09'.
3	35°06'	75°22'.
4	35°06'	75°39'.
5	35°01'	75°47'.
6	34°54'	75°46'.
7	34°52'	76°04'.
8	34°33'	76°22'.
9	34°23'	76°18'.
10	34°21'	76°27'.
11	34°25'	76°51'.
12	34°09'	77°19'.
13	33°44'	77°38'.
14	33°25'	77°27'.
15	33°22'	77°40'.
16	33°28'	77°41'.
17	33°32'	77°53'.
18	33°22'	78°26'.
19	33°06'	78°31'.

Point	North lat.	West long.
20	33°05'	78°40'.
21	33°01'	78°43'.
22	32°56'	78°57'.
23	32°44'	79°04'.
24	32°42'	79°13'.
25	32°34'	79°23'.
26	32°25'	79°25'.
27	32°23'	79°37'.
28	31°53'	80°09'.
29	31°31'	80°33'.
30	30°43'	80°49'.
31	30°30'	81°01'.
32	29°45'	81°01'.
33	29°31'	80°58'.
34	29°13'	80°52'.
35	29°13'	State/EEZ boundary.

(ii) From December 1 through March 31, no person may harvest or possess black sea bass in or from the closed area within the South Atlantic EEZ either with sea bass pots or from a vessel with sea bass pots on board in the South Atlantic EEZ inshore of the rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
1	35°15'	State/EEZ boundary.
2	35°15'	75°08'.
3	34°58'	75°41'.
4	34°49'	75°50'.
5	34°47'	76°05'.
6	34°31'	76°18'.
7	34°20'	76°13'.
8	34°12'	77°00'.
9	33°43'	77°30'.
10	33°21'	77°21'.
11	33°18'	77°41'.
12	33°22'	77°56'.
13	33°12'	78°20'.
14	33°05'	78°22'.

Point	North lat.	West long.
15	33°01'	78°38'.
16	32°40'	79°01'.
17	32°36'	79°18'.
18	32°19'	79°22'.
19	32°16'	79°37'.
20	32°03'	79°48'.
21	31°39'	80°27'.
22	30°58'	80°47'.
23	30°13'	81°01'.
24	29°32'	80°39'.
25	29°22'	80°44'.
26	28°50'	80°22'.
27	28°21'	80°18'.
28	28°21'	State/EEZ boundary.

(iii) For the purpose of paragraph (b)(6) of this section, transit means non-stop progression through the area; fishing gear appropriately stowed means all black sea bass pot gear must be out of the water and on board the deck of the vessel. All buoys must either be disconnected from the gear or stowed within the sea bass pot. Disconnected buoys may remain on deck.

(7) ***Blueline tilefish recreational sector closure.*** The recreational sector for blueline tilefish in or from the South Atlantic EEZ is closed from January 1 through April 30, and September 1 through December 31, each year. During a closure, the bag and possession limit for blueline tilefish in or from the South Atlantic EEZ is zero.

(8) ***Snowy grouper recreational sector closure.*** The recreational sector for snowy grouper in the South Atlantic EEZ is closed each year from January 1 through April 30, and July 1 through December 31. During a recreational closure, the bag and possession limits for snowy grouper harvested in or from the South Atlantic EEZ are zero.

(9) ***Red porgy recreational sector closure.*** The recreational sector for red porgy is closed from January 1 through April 30, and July 1 through December 31, each year. During a closure, the bag and possession limits for red porgy in or from the South Atlantic EEZ are zero.

(10) ***Greater amberjack spawning season closure.*** From April 1 through April 30, each year, no person may fish for, harvest, or possess in or from the South Atlantic EEZ any greater amberjack. For a person on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, these prohibitions against fishing, harvesting, or possessing apply in the South Atlantic, *i.e.,* in state or Federal waters. Such greater amberjack are also subject to the prohibition on sale or purchase, as specified in § 622.192(g).

(11) ***Golden tilefish commercial longline component.*** The golden tilefish commercial longline component in or from the South Atlantic EEZ is closed from January 1 through January 14, each year. During a closure, no vessel with a valid or renewable golden tilefish longline endorsement as described at 50 CFR 622.191(a)(2)(ii), and no person, may fish for, harvest, or possess golden tilefish from the South Atlantic EEZ with longline gear on board.

[78 FR 22952, Apr. 17, 2013, as amended at 78 FR 44464, July 24, 2013; 78 FR 47579, Aug. 6, 2013; 78 FR 49184, Aug. 13, 2013; 78 FR 58253, Sept. 23, 2013; 80 FR 16587, Mar. 30, 2015; 80 FR 43038, July 21, 2015; 81 FR 95902, Dec. 29, 2016; 82 FR 29775, June 30, 2017; 82 FR 34594, July 25, 2017; 83 FR 35435, July 26, 2018; 85 FR 6827, Feb. 6, 2020; 85 FR 64980, Oct. 14, 2020; 87 FR 77747, Dec. 20, 2022; 88 FR 65822, Sept. 26, 2023; 88 FR 76701, Nov. 7, 2023; 88 FR 83868, Dec. 1, 2023; 89 FR 50534, June 14, 2024]

§ 622.184 [Reserved]

§ 622.185 Size limits.

All size limits in this section are minimum size limits unless specified otherwise. A fish not in compliance with its size limit, as specified in this section, in or from the South Atlantic EEZ, may not be possessed, sold, or purchased. A fish not in compliance with its size limit must be released immediately with a minimum of harm. The operator of a vessel that fishes in the EEZ is responsible for ensuring that fish on board are in compliance with the size limits specified in this section.

(a) ***Snapper*** —

(1) [Reserved]

(2) ***Vermilion snapper*** —12 inches (30.5 cm), TL.

(3) ***Cubera, gray, and yellowtail snappers*** —12 inches (30.5 cm), TL.

(4) ***Mutton snapper*** —18 inches (45.7 cm), TL.

(5) ***Lane snapper*** —8 inches (20.3 cm), TL.

(b) ***Grouper*** —

(1) ***Red, yellowfin, and yellowmouth grouper; and scamp*** —20 inches (50.8 cm), TL.

(2) ***Black grouper and gag*** —24 inches (61.0 cm), TL.

(c) ***Other snapper-grouper species*** —

(1) ***Black sea bass.***

(i) For a fish taken by a person subject to the bag limit specified in § 622.187(b)(7)—13 inches (33 cm), TL.

(ii) For a fish taken by a person not subject to the bag limit specified in § 622.187(b)(7)—11 inches (28 cm), TL.

(2) ***Gray triggerfish*** —12 inches (30.5 cm), FL.

(3) ***Hogfish.***

(i) In the South Atlantic EEZ off Georgia, South Carolina, and North Carolina—17 inches (43.2 cm), fork length.

(ii) In the South Atlantic EEZ off the Florida Keys and east coast of Florida, and in the Gulf EEZ south of 25°09' N. lat. off the west coast of Florida—16 inches (40.6 cm), fork length.

(4) ***Red porgy*** —14 inches (35.6 cm), TL.

(5) ***Greater amberjack*** —28 inches (71.1 cm), fork length, for a fish taken by a person subject to the bag limit specified in § 622.187(b)(1) and 34 inches (86.4 cm), fork length, for a fish taken by a person not subject to the bag limit.

(6) ***Almaco jack.*** For a fish taken by a person not subject to the bag limit specified in § 622.187(b)(8)—20 inches (50.8 cm), FL.

[78 FR 22952, Apr. 17, 2013, as amended at 78 FR 44465, July 24, 2013; 80 FR 30952, June 1, 2015; 81 FR 32253, May 23, 2016; 82 FR 34594, July 25, 2017; 83 FR 1309, Jan. 11, 2018; 85 FR 4594, Jan. 27, 2020; 85 FR 11309, Feb. 27, 2020; 88 FR 65822, Sept. 26, 2023]

§ 622.186 Landing fish intact.

(a) South Atlantic snapper-grouper in or from the South Atlantic EEZ must be maintained with head and fins intact, except as specified in paragraph (b) of this section. Such fish may be eviscerated, gilled, and scaled, but must otherwise be maintained in a whole condition. The operator of a vessel that fishes in the EEZ is responsible for ensuring that fish on that vessel in the EEZ are maintained intact and, if taken from the EEZ, are maintained intact through offloading ashore, as specified in this section.

(b) In the South Atlantic EEZ, snapper-grouper lawfully harvested in Bahamian waters are exempt from the requirement that they be maintained with head and fins intact, provided that the skin remains intact on the entire fillet of any snapper-grouper carcasses, valid Bahamian fishing and cruising permits are on board the vessel, each person on the vessel has a valid government passport with current stamps and dates from The Bahamas, and the vessel is in transit through the South Atlantic EEZ with fishing gear appropriately stowed. For the purpose of this paragraph, a vessel is in transit through the South Atlantic EEZ when it is on a direct and continuous course through the South Atlantic EEZ and no one aboard the vessel fishes in the EEZ. For the purpose of this paragraph, fishing gear appropriately stowed means that terminal gear (*i.e.,* hook, leader, sinker, flasher, or bait) used with an automatic reel, bandit gear, buoy gear, handline, or rod and reel must be disconnected and stowed separately from such fishing gear. Sinkers must be disconnected from the down rigger and stowed separately. See § 622.187(a)(3) for the limit of snapper-grouper fillets lawfully harvested from Bahamian waters that may transit through the South Atlantic EEZ.

[78 FR 22952, Apr. 17, 2013, as amended at 80 FR 80688, Dec. 28, 2015]

§ 622.187 Bag and possession limits.

(a) ***Additional applicability provisions for South Atlantic snapper-grouper.*** Section 622.11(a) provides the general applicability for bag and possession limits. However, § 622.11(a) notwithstanding:

(1) The bag and other limits specified in § 622.182(b) apply for South Atlantic snapper-grouper in or from the EEZ to a person aboard a vessel for which a commercial permit for South Atlantic snapper-grouper has been issued that has on board a longline in the longline closed area.

(2) A person aboard a vessel for which a commercial permit for South Atlantic snapper-grouper has been issued must comply with the bag limits specified in paragraph (b)(1) of this section for South Atlantic snapper-grouper taken with a powerhead, regardless of where taken, when such snapper-grouper are possessed in an SMZ specified in § 622.182(a)(1)(xii) through (a)(1)(xviii) or (a)(1)(xl) through (a)(1)(li).

(3) In the South Atlantic EEZ, a vessel that lawfully harvests snapper-grouper in Bahamian waters, as per § 622.186 (b), must comply with the bag and possession limits specified in this section. For determining how many snapper-grouper are on board a vessel in fillet form when harvested lawfully in Bahamian waters, two fillets of snapper-grouper, regardless of the length of each fillet, is equivalent to one snapper-grouper. The skin must remain intact on the entire fillet of any snapper-grouper carcass.

(b) ***Bag limits*** —

(1) ***Greater amberjack*** —1.

(2) ***Grouper and tilefish, combined*** —3. Within the 3-fish aggregate bag limit:

(i) No more than one fish may be gag or black grouper, combined. However, no gag or black grouper may be retained by the captain or crew of a vessel operating as a charter vessel or headboat. The bag limit for such captain and crew is zero;

(A) In addition to the bag limits specified in this paragraph (b)(2)(i), for gag, the vessel limit for a vessel operating as a private recreational vessel may not exceed 2 fish per vessel per day.

(B) In addition to the bag limits specified in this paragraph (b)(2)(i), for gag, the vessel limit for a vessel operating as a charter vessel or headboat may not exceed 2 fish per vessel per trip.

(C) In addition to the bag limits specified in this paragraph (b)(2)(i), for black grouper, the vessel limit for a vessel operating as a private recreational vessel may not exceed 2 fish per vessel per day.

(D) In addition to the bag limits specified in this paragraph (b)(2)(i), for black grouper, the vessel limit for a vessel operating as a charter vessel or headboat may not exceed 2 fish per vessel per trip.

(ii) No more than one fish per vessel may be a snowy grouper;

(iii) No more than one fish may be a golden tilefish; and

(iv) No more than two fish may be blueline tilefish. However, no blueline tilefish may be retained by the captain or crew of a vessel operating as a charter vessel or headboat. The bag limit for such captain and crew is zero.

(v) No goliath grouper or Nassau grouper may be retained.

(3) ***Hogfish.***

(i) In the South Atlantic EEZ off Georgia, South Carolina, and North Carolina—2.

(ii) In the South Atlantic EEZ off the Florida Keys and east coast of Florida, and in the Gulf EEZ south of 25°09' N. lat. off the west coast of Florida—1.

(4) ***Snappers, combined*** —10.

(i) Within the 10-fish bag limit, no more than 5 fish may be mutton snapper.

(ii) Excluded from this 10-fish bag limit are cubera snapper, measuring 30 inches (76.2 cm), TL, or larger, in the South Atlantic off Florida, and red snapper and vermilion snapper. (See § 622.181(b)(2) for the prohibitions on harvest or possession of red snapper, except during a limited recreational fishing season, and § 622.181(c)(1) for limitations on cubera snapper measuring 30 inches (76.2 cm), TL, or larger, in or from the South Atlantic EEZ off Florida.)

(5) ***Vermilion snapper*** —5.

(6) ***Red porgy.*** 1.

(7) ***Black sea bass—7.***

(8) ***South Atlantic snapper-grouper (whitebone porgy, jolthead porgy, knobbed porgy, saucereye porgy, scup, almaco jack, banded rudderfish, lesser amberjack, white grunt, margate, sailor's choice, Atlantic spadefish, gray triggerfish, bar jack), combined*** —20. However, excluded from this 20-fish bag limit are tomtate, South Atlantic snapper-grouper ecosystem component species (specified in table 4 of appendix A to part 622), and those specified in paragraphs (b)(1) through (7) and paragraphs (b)(9) and (10) of this section. Within the 20-fish bag limit, no more than 10 fish can be of any one of these single snapper-grouper species.

(9) ***Red snapper*** —1.

(10) No more than one fish per vessel may be a wreckfish.

(11) ***Longline bag limits.*** Other provisions of this paragraph (b) notwithstanding, a person on a trip aboard a vessel for which the bag limits apply that has a longline on board is limited on that trip to the bag limit for South Atlantic snapper-grouper for which a bag limit is specified in this paragraph (b), and to zero for all other South Atlantic snapper-grouper. For the purposes of this paragraph (b)(11), a vessel is considered to have a longline on board when a power-operated longline hauler, a cable or monofilament of diameter and length suitable for use in the longline fishery, and gangions are on board. Removal of any one of these elements constitutes removal of a longline.

(c) ***Possession limits.***

(1) Provided each passenger is issued and has in possession a receipt issued on behalf of the vessel that verifies the duration of the trip—

(i) A person aboard a charter vessel or headboat on a trip that spans more than 24 hours may possess no more than two daily bag limits of species other than red porgy.

(ii) A person aboard a headboat on a trip that spans more than 48 hours and who can document that fishing was conducted on at least 3 days may possess no more than three daily bag limits of species other than red porgy.

(2) A person aboard a vessel may not possess red porgy in or from the EEZ in excess of one per day or one per trip, whichever is more restrictive.

[78 FR 22952, Apr. 17, 2013, as amended at 78 FR 44465, July 24, 2013; 78 FR 78775, Dec. 27, 2013; 80 FR 16587, Mar. 30, 2015; 80 FR 80688, Dec. 28, 2015; 81 FR 45248, July 13, 2016; 82 FR 34594, July 25, 2017; 83 FR 1309, Jan. 11, 2018; 83 FR 35435, July 26, 2018; 85 FR 11309, Feb. 27, 2020; 87 FR 77747, Dec. 20, 2022; 88 FR 65146, Sept. 21, 2023; 88 FR 76701, Nov. 7, 2023]

§ 622.188 Required gear, authorized gear, and unauthorized gear.

(a) ***Required gear.*** For a person on board a vessel to harvest or possess South Atlantic snapper-grouper in or from the South Atlantic EEZ, the vessel must possess on board and such person must use the gear as specified in paragraphs (a)(1) and (a)(2) of this section.

(1) ***Dehooking device.*** At least one dehooking device is required and must be used as needed to remove hooks embedded in South Atlantic snapper-grouper with minimum damage. The hook removal device must be constructed to allow the hook to be secured and the barb shielded without re-engaging during the removal process. The dehooking end must be blunt, and all edges rounded. The device must be of a size appropriate to secure the range of hook sizes and styles used in the South Atlantic snapper-grouper fishery.

(2) ***Non-offset, non-stainless steel circle hooks.*** Non-offset, non-stainless steel circle hooks are required to be used when fishing for South Atlantic snapper-grouper with hook-and-line gear and natural baits north of 28° N lat.

(3) ***Non-stainless steel hooks.*** Non-stainless steel hooks are required to be used when fishing for South Atlantic snapper-grouper with hook-and-line gear and natural baits south of 28° N lat.

(4) ***Descending device.*** At least one descending device is required to be on board a vessel and be ready for use while fishing for or possessing South Atlantic snapper-grouper. Descending device means an instrument capable of releasing the fish at the depth from which the fish was caught, and to which is attached a minimum of a 16-ounce (454-gram) weight and a minimum of a 60-ft (15.2-m) length of line. The descending device may either attach to the fish's mouth or be a container that will retain the fish while it is lowered to depth. The device must be capable of releasing the fish automatically, by actions of the operator of the device, or by allowing the fish to escape on its own when at depth.

(b) ***Authorized gear.*** Subject to the gear restrictions specified in § 622.180, the following are the only gear types authorized in a directed fishery for snapper-grouper in the South Atlantic EEZ: Bandit gear, bottom longline, buoy gear, handline, rod and reel, sea bass pot, and spearfishing gear.

(c) ***Unauthorized gear.*** All gear types other than those specified in paragraph (b) of this section are unauthorized gear and the following possession and transfer limitations apply.

(1) A vessel with trawl gear on board that fishes in the EEZ on a trip may possess no more than 200 lb (90.7 kg) of South Atlantic snapper-grouper, excluding wreckfish, in or from the EEZ on that trip. It is a rebuttable presumption that a vessel with more than 200 lb (90.7 kg) of South Atlantic snapper-grouper, excluding wreckfish, on board harvested such fish in the EEZ.

(2) Except as specified in paragraphs (d) through (f) of this section, a person aboard a vessel with unauthorized gear on board, other than trawl gear, that fishes in the EEZ on a trip is limited on that trip to:

(i) South Atlantic snapper-grouper species for which a bag limit is specified in § 622.187—the bag limit.

(ii) All other South Atlantic snapper-grouper—zero.

(3) South Atlantic snapper-grouper on board a vessel with unauthorized gear on board may not be transferred at sea, regardless of where such transfer takes place, and such snapper-grouper may not be transferred in the EEZ.

(4) No vessel may receive at sea any South Atlantic snapper-grouper from a vessel with unauthorized gear on board, as specified in paragraph (c)(3) of this section.

(d) ***Possession allowance regarding sink nets off North Carolina.*** A vessel that has on board a commercial permit for South Atlantic snapper-grouper, excluding wreckfish, that fishes in the EEZ off North Carolina with a sink net on board, may retain, without regard to the limits specified in paragraph (c)(2) of this section, otherwise legal South Atlantic snapper-grouper taken with bandit gear, buoy gear, handline, rod and reel, or sea bass pot. For the purpose of this paragraph (d), a sink net is a gillnet with stretched mesh measurements of 3 to 4.75 inches (7.6 to 12.1 cm) that is attached to the vessel when deployed.

(e) ***Possession allowance regarding bait nets.*** A vessel that has on board a commercial permit for South Atlantic snapper-grouper, excluding wreckfish, that fishes in the South Atlantic EEZ with no more than one bait net on board, may retain, without regard to the limits specified in paragraph (c)(2) of this section, otherwise legal South Atlantic snapper-grouper taken with bandit gear, buoy gear, handline, rod and reel, or sea bass pot. For the purpose of this paragraph (e), a bait net is a gillnet not exceeding 50 ft (15.2 m) in length or 10 ft (3.1 m) in height with stretched mesh measurements of 1.5 inches (3.8 cm) or smaller that is attached to the vessel when deployed.

(f) ***Possession allowance regarding cast nets.*** A vessel that has on board a commercial permit for South Atlantic snapper-grouper, excluding wreckfish, that fishes in the South Atlantic EEZ with a cast net on board, may retain, without regard to the limits specified in paragraph (c)(2) of this section, otherwise legal South Atlantic snapper-grouper taken with bandit gear, buoy gear, handline, rod and reel, or sea bass pot. For the purpose of this paragraph (f), a cast net is a cone-shaped net thrown by hand and designed to spread out and capture fish as the weighted circumference sinks to the bottom and comes together when pulled by a line.

(g) ***Longline species limitation.*** A vessel that has on board a valid Federal commercial permit for South Atlantic snapper-grouper, excluding wreckfish, that fishes in the EEZ on a trip with a longline on board, may possess only the following South Atlantic snapper-grouper: snowy grouper, yellowedge grouper, misty grouper, golden tilefish, blueline tilefish, and sand tilefish. See § 622.170(f) for the requirement to possess a valid South Atlantic golden tilefish longline endorsement to fish for golden tilefish in the South Atlantic EEZ using longline gear. For the purpose of this paragraph, a vessel is considered to have a longline on board when a power-operated longline hauler, a cable of diameter suitable for use in the longline fishery on any reel, and gangions are on board. Removal of any one of these three elements constitutes removal of a longline.

[78 FR 22952, Apr. 17, 2013, as amended at 78 FR 23863 Apr. 23, 2013; 85 FR 36171, June 15, 2020]

§ 622.189 Restrictions and requirements for sea bass pots.

(a) ***Tending restriction.*** A sea bass pot in the South Atlantic EEZ may be pulled or tended only by a person (other than an authorized officer) aboard the vessel permitted to fish such pot or aboard another vessel if such vessel has on board written consent of the owner or operator of the vessel so permitted.

(b) ***Configuration restriction.*** In the South Atlantic EEZ, sea bass pots may not be used or possessed in multiple configurations, that is, two or more pots may not be attached one to another so that their overall dimensions exceed those allowed for an individual sea bass pot. This does not preclude connecting individual pots to a line, such as a "trawl" or trot line.

(c) ***Requirement for escape mechanisms.***

(1) A sea bass pot that is used or possessed in the South Atlantic EEZ between 35°15.19' N. lat. (due east of Cape Hatteras Light, NC) and 28°35.1' N. lat. (due east of the NASA Vehicle Assembly Building, Cape Canaveral, FL) is required to have—

(i) On at least one side, excluding top and bottom, a panel or door with an opening equal to or larger than the interior end of the trap's throat (funnel). The hinges and fasteners of each panel or door must be made of one of the following degradable materials:

(A) Ungalvanized or uncoated iron wire with a diameter not exceeding 0.041 inches (1.0 mm), that is, 19 gauge wire.

(B) Galvanic timed-release mechanisms with a letter grade designation (degradability index) no higher than J.

(ii) An unobstructed escape vent opening on at least two opposite vertical sides, excluding top and bottom. The minimum dimensions of an escape vent opening (based on inside measurement) are:

(A) $1^{1}/_{8}$ by $5^{3}/_{4}$ inches (2.9 by 14.6 cm) for a rectangular vent.

(B) 1.75 by 1.75 inches (4.5 by 4.5 cm) for a square vent.

(C) 2.0-inch (5.1-cm) diameter for a round vent.

(2) [Reserved]

(d) ***Construction requirements and mesh sizes.***

(1) A sea bass pot used or possessed in the South Atlantic EEZ must have mesh sizes as follows (based on centerline measurements between opposite, parallel wires or netting strands):

(i) For sides of the pot other than the back panel:

(A) Hexagonal mesh (chicken wire)—at least 1.5 inches (3.8 cm) between the wrapped sides;

(B) Square mesh—at least 1.5 inches (3.8 cm) between sides; or

(C) Rectangular mesh—at least 1 inch (2.5 cm) between the longer sides and 2 inches (5.1 cm) between the shorter sides.

(ii) For the entire back panel, *i.e.,* the side of the pot opposite the side that contains the pot entrance, mesh that is at least 2 inches (5.1 cm) between sides.

(2) [Reserved]

(e) ***Requirements for pot removal.***

(1) A sea bass pot must be removed from the water in the South Atlantic EEZ and the vessel must be returned to a dock, berth, beach, seawall, or ramp at the conclusion of each trip. Sea bass pots may remain on the vessel at the conclusion of each trip.

(2) A sea bass pot must be removed from the water in the South Atlantic EEZ when the applicable quota specified in § 622.190(a)(5) is reached. After a closure is in effect, a black sea bass may not be retained by a vessel that has a sea bass pot on board.

(f) ***Restriction on number of pots.*** A vessel that has on board a valid Federal commercial permit for South Atlantic snapper-grouper and a South Atlantic black sea bass pot endorsement that fishes in the South Atlantic EEZ on a trip with black sea bass pots, may possess only 35 black sea bass pots per vessel per permit year. Each black sea bass pot in the water or onboard a vessel in the South Atlantic EEZ, must have a valid identification tag attached. Endorsement holders must apply for new tags each permit year through NMFS to replace tags from the previous year.

(g) ***Sea bass pot buoy line marking requirement.*** In addition to the gear marking requirements specified in 50 CFR 229.32(b), from November 15 through April 15, each year, in the Southeast U.S. Restricted Area North as described in 50 CFR 229.32(f) and from September 1 through May 31, each year in the Offshore Trap/Pot Waters Area and the Southern Nearshore Trap/Pot Waters Area, as described in 50 CFR 229.32(c)(6) and (9), respectively, the buoy line must be marked with a purple color band. The colored band must be clearly visible when the gear is hauled or removed from the water, including if the color of the rope is the same as, or similar, to the colored band. The purple band must be marked directly onto the line and adjacent to the buoy line markings specified in 50 CFR 229.32(b), that is, at the top, middle, and bottom of each buoy line deployed by, or on board, the vessel. Each of the three purple bands must be a 12-inch (30.5 cm) color mark. In marking or affixing the purple band, the line may be dyed, painted, or marked with thin colored whipping line, thin colored plastic, or heat-shrink tubing, or other material.

[81 FR 1792, Jan. 13, 2016, as amended at 81 FR 95902, Dec. 29, 2016]

§ 622.190 Quotas.

See § 622.8 for general provisions regarding quota applicability and closure and reopening procedures. This section provides quotas and specific quota closure restrictions for South Atlantic snapper-grouper.

(a) ***South Atlantic snapper-grouper, excluding wreckfish.*** The quotas apply to persons who are not subject to the bag limits. (See § 622.11 for applicability of the bag limits.) The quotas are in gutted weight, that is eviscerated but otherwise whole, except for the quotas in paragraphs (a)(4) through (6) of this section which are in both gutted weight and round weight.

(1) ***Snowy grouper*** —

(i) From January 1 through June 30 each year.

(A) 2023—73,330 lb (33,262 kg).

(B) 2024—74,322 lb (33,712 kg).

(C) 2025 and subsequent fishing years—75,312 lb (34,161 kg).

(ii) From July 1 through December 31 each year.

(A) 2023—31,427 lb (14,255 kg).

(B) 2024—31,852 lb (14,448 kg).

(C) 2025 and subsequent fishing years—32,277 lb (14,641 kg).

(iii) Any unused portion of the quota specified in paragraph (a)(1)(i) of this section will be added to the quota specified in paragraph (a)(1)(ii) of this section. Any unused portion of the quota specified in paragraph (a)(1)(ii) of this section, including any addition of quota specified in paragraph (a)(1)(i) of this section that was unused, will become void and will not be added to any subsequent quota.

(2) ***Golden tilefish*** —

(i) ***Commercial sector*** (*hook-and-line and longline components combined*).

(A) For the 2023 fishing year—420,645 lb (190,801 kg).

(B) For the 2024 fishing year—433,216 lb (196,503 kg).

(C) For the 2025 fishing year—442,886 lb (200,890 kg).

(D) For the 2026 and subsequent fishing years—450,622 lb (204,399 kg).

(ii) ***Hook-and-line component.***

(A) For the 2023 fishing year—105,161 lb (47,700 kg).

(B) For the 2024 fishing year—108,304 lb (49,126 kg).

(C) For the 2025 fishing year—110,722 lb (50,223 kg).

(D) For the 2026 and subsequent fishing years—112,656 lb (51,100 kg).

(iii) ***Longline component.***

(A) For the 2023 fishing year—315,484 lb (143,101 kg).

(B) For the 2024 fishing year—324,912 lb (147,378 kg).

(C) For the 2025 fishing year—332,165 lb (150,668 kg).

(D) For the 2026 and subsequent fishing years—337,967 lb (153,299 kg).

(3) ***Greater amberjack*** —

(i) For the period of March 1 through August 31 each year.

(A) For the 2023-2024 fishing year, 652,817 lb (296,113 kg).

(B) For the 2024-2025 fishing year, 569,019 lb (258,103 kg).

(C) For the 2025-2026 fishing year, 544,990 lb (247,203 kg).

(D) For the 2026-2027 and subsequent fishing years, 538,933 lb (244,456 kg).

(ii) For the period of September 1 through the end of February each year.

(A) For the 2023-2024 fishing year, 435,212 lb (197,409 kg).

(B) For the 2024-2025 fishing year, 379,346 lb (172,068 kg).

(C) For the 2025-2026 fishing year, 363,327 lb (164,802 kg).

(D) For the 2026-2027 and subsequent fishing years, 359,288 lb (162,970 kg).

(iii) Any unused portion of the quota specified in paragraph (a)(3)(i) of this section will be added to the quota specified in paragraph (a)(3)(ii) of this section. Any unused portion of the quota specified in paragraph (a)(3)(ii) of this section, including any addition of quota specified in paragraph (a)(3)(i) of this section that was unused, will become void and will not be added to any subsequent quota.

(4) ***Vermilion snapper.***

(i) For the period January through June each year.

(A) For the 2019 fishing year—483,658 lb (219,384 kg), gutted weight; 536,860 lb (243,516 kg), round weight.

(B) For the 2020 fishing year—452,721 lb (205,351 kg), gutted weight; 502,520 lb (227,939 kg), round weight.

(C) For the 2021 fishing year—431,279 lb (195,625 kg), gutted weight; 478,720 lb (217,144 kg), round weight.

(D) For the 2022 fishing year—417,189 lb (189,234 kg), gutted weight; 463,080 lb (210,050 kg), round weight.

(E) For the 2023 and subsequent fishing years—409,225 lb (185,621 kg), gutted weight; 454,240 lb (206,040 kg), round weight.

(ii) For the period July through December each year.

(A) For the 2019 fishing year—483,658 lb (219,384 kg), gutted weight; 536,860 lb (243,516 kg), round weight.

(B) For the 2020 fishing year—452,721 lb (205,351 kg), gutted weight; 502,520 lb (227,939 kg), round weight.

(C) For the 2021 fishing year—431,279 lb (195,625 kg), gutted weight; 478,720 lb (217,144 kg), round weight.

(D) For the 2022 fishing year—417,189 lb (417,189 kg), gutted weight; 463,080 lb (210,050 kg), round weight.

(E) For the 2023 and subsequent fishing years—409,225 lb (185,621 kg), gutted weight; 454,240 lb (206,040 kg), round weight.

(iii) Any unused portion of the quota specified in paragraph (a)(4)(i) of this section will be added to the quota specified in paragraph (a)(4)(ii) of this section. Any unused portion of the quota specified in paragraph (a)(4)(ii) of this section, including any addition of quota specified in paragraph (a)(4)(i) of this section that was unused, will become void and will not be added to any subsequent quota.

(5) ***Black sea bass.***

(i) For the 2019 fishing year—276,949 lb (125,622 kg), gutted weight; 326,800 lb (148,234 kg), round weight.

(ii) For the 2020 fishing year—243,788 lb (110,580 kg), gutted weight; 287,670 lb (130,485 kg), round weight.

(iii) For the 2021 fishing year and subsequent fishing years—234,314 lb (106,283 kg), gutted weight; 276,490 lb (125,414 kg), round weight.

(6) ***Red porgy*** —

(i) For the period January 1 through April 30 each year.

(A) For the 2022 fishing year—11,127 lb (5,047 kg).

(B) For the 2023 fishing year—12,017 lb (5,451 kg).

(C) For the 2024 fishing year—12,907 lb (5,855 kg).

(D) For the 2025 fishing year—13,500 lb (6,123 kg).

(E) For the 2026 and subsequent fishing years—14,094 lb (6,393 kg).

(ii) For the period May 1 through December 31 each year.

(A) For the 2022 fishing year—25,962 lb (11,776 kg).

(B) For the 2023 fishing year—28,039 lb (12,718 kg).

(C) For the 2024 fishing year—30,116 lb (13,660 kg).

(D) For the 2025 fishing year—31,501 lb (14,289 kg).

(E) For the 2026 and subsequent fishing years—32,886 lb (14,917 kg).

(iii) Any unused portion of the quota specified in paragraph (a)(6)(i) of this section will be added to the quota specified in paragraph (a)(6)(ii) of this section. Any unused portion of the quota specified in paragraph (a)(6)(ii) of this section, including any addition of quota specified in paragraph (a)(6)(i) of this section that was unused, will become void and will not be added to any subsequent quota.

(7) ***Gag.***

(i) For the 2023 fishing year—85,326 lb (38,703 kg).

(ii) For the 2024 fishing year—128,096 lb (58,103 kg).

(iii) For the 2025 fishing year—171,687 lb (77,876 kg).

(iv) For the 2026 fishing year—215,051 lb (97,545 kg).

(v) For the 2027 fishing year—259,823 lb (117,854 kg).

(vi) For the 2028 fishing year—306,400 lb (138,981 kg).

(vii) For the 2029 fishing year—353,220 lb (160,218 kg).

(viii) For the 2030 fishing year—397,555 lb (180,328 kg).

(ix) For the 2031 fishing year—437,390 lb (198,397 kg).

(x) For the 2032 and subsequent fishing years—471,966 lb (214,080 kg).

(8) ***Gray triggerfish.***

(i) For the period January through June each year—156,162 lb (70,834 kg), round weight.

(ii) For the period July through December each year—156,162 lb (70,834 kg), round weight.

(iii) Any unused portion of the quota specified in paragraph (a)(8)(i) of this section will be added to the quota specified in paragraph (a)(8)(ii) of this section. Any unused portion of the quota specified in paragraph (a)(8)(ii) of this section, including any addition of quota specified in paragraph (a)(8)(i) of this section that was unused, will become void and will not be added to any subsequent quota.

(b) ***Wreckfish.***

(1) The quotas for wreckfish apply to wreckfish shareholders, or their employees, contractors, or agents. The quotas are given round weight. See § 622.172 for information on the wreckfish shareholder under the ITQ system.

(i) For the 2015 fishing year—411,350 lb (186,585 kg).

(ii) For the 2016 fishing year—402,515 (182,578 kg).

(iii) For the 2017 fishing year—393,490 lb (178,484 kg).

(iv) For the 2018 fishing year—385,985 lb (175,080 kg).

(v) For the 2019 fishing year—376,960 lb (170,986 kg).

(vi) For the 2020 and subsequent fishing years—369,645 lb (167,668 kg).

(2) [Reserved]

(c) ***Restrictions applicable after a commercial quota closure*** —

(1) ***South Atlantic gag, greater amberjack, snowy grouper, golden tilefish, vermilion snapper, black sea bass, red porgy, wreckfish, and gray triggerfish.***

(i) The appropriate bag limits specified in § 622.187(b) and the possession limits specified in § 622.187(c) apply to all harvest or possession of the applicable species in or from the South Atlantic EEZ, and the sale or purchase of the applicable species taken from or possessed in the EEZ is prohibited. The prohibition on sale/purchase during a closure for the applicable species does not apply to fish that were harvested, landed ashore, and sold prior to the effective date of the closure and were held in cold storage by a dealer or processor.

(ii) The bag and possession limits for the applicable species and the prohibition on sale/purchase apply in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such species were harvested, *i.e.,* in state or Federal waters.

(2) [Reserved]

[78 FR 22952, Apr. 17, 2013, as amended at 78 FR 23863 Apr. 23, 2013; 78 FR 47579, Aug. 6, 2013; 78 FR 49195, Aug. 13, 2013]; 78 FR 58253, Sept. 23, 2013; 79 FR 66322, Nov. 7, 2014; 80 FR 30953, June 1, 2015; 80 FR 43038, July 21, 2015; 80 FR 48278, Aug. 12, 2015; 81 FR 3738, Jan. 22, 2016; 83 FR 62512, Dec. 4, 2018; 83 FR 14024, Apr. 9, 2019; 85 FR 4594, Jan. 27, 2020; 87 FR 77747, Dec. 20, 2022; 88 FR 65146, Sept. 21, 2023; 88 FR 65822, Sept. 26, 2023; 88 FR 76701, Nov. 7, 2023; 88 FR 83869, Dec. 1, 2023; 89 FR 277, Jan. 3, 2024]

§ 622.191 Commercial trip limits.

Commercial trip limits are limits on the amount of the applicable species that may be possessed on board or landed, purchased, or sold from a vessel per day. A person who fishes in the EEZ may not combine a trip limit specified in this section with any trip or possession limit applicable to state waters. A species subject to a trip limit specified in this section taken in the EEZ may not be transferred at sea, regardless of where such transfer takes place, and such species may not be transferred in the EEZ. Commercial trip limits apply as follows (all weights are round or eviscerated weights unless specified otherwise):

(a) When a vessel fishes on a trip in the South Atlantic EEZ, the vessel trip limits specified in this paragraph (a) apply, provided persons aboard the vessel are not subject to the bag limits. See § 622.11 and § 622.187(a) for applicability of the bag limits.

(1) ***Trip-limited permits.*** A vessel for which a trip-limited permit for South Atlantic snapper-grouper has been issued is limited to 225 lb (102.1 kg) of snapper-grouper.

(2) ***Golden tilefish*** —

(i) ***South Atlantic snapper-grouper unlimited permit holders, with a longline endorsement, using longline gear.*** Until the quota specified in § 622.190(a)(2)(iii) is reached, 4,000 lb (1,814 kg), gutted weight; 4,480 lb (2,032 kg), round weight.

(ii) ***South Atlantic snapper-grouper unlimited permit holders, without a longline endorsement, using hook-and-line gear.*** Until the quota specified in § 622.190(a)(2)(ii) is reached, the trip limit for golden tilefish is 500 lb (227 kg), gutted weight; 560 lb (254 kg), round weight. Vessels that have valid or renewable golden tilefish longline endorsements any time during the fishing year, are not eligible to fish for golden tilefish using hook-and-line gear under this 500-lb (227-kg), gutted weight, trip limit.

(iii) See § 622.190(c)(1) for the limitations regarding golden tilefish after the applicable commercial quota is reached.

(3) ***Snowy grouper.*** Until the quota specified in § 622.190(a)(1) is reached—200 lb (91 kg), gutted weight; 236 lb (107 kg), round weight. See § 622.190(c)(1) for the limitations regarding snowy grouper after the fishing year quota is reached.

(4) ***Red porgy.*** The following commercial trip limits apply until the applicable commercial quota specified in § 622.190(a)(6) is reached. See § 622.190(c)(1) for the limitations regarding red porgy after the applicable commercial quota is reached.

(i) From January 1 through April 30—15 fish.

(ii) From May 1 through December 31—15 fish.

(5) ***Greater amberjack.*** Until the applicable commercial quota specified in § 622.190(a)(3) is reached—1,200 lb (544 kg). See § 622.190(c)(1) for the limitations regarding greater amberjack after the applicable commercial quota is reached.

(6) ***Vermilion snapper.*** Until the applicable commercial quota specified in § 622.190(a)(4) is reached—1,000 lb (454 kg), gutted weight. See § 622.190(c)(1) for the limitations regarding vermilion snapper after the applicable commercial quota is reached.

(7) ***Gag.*** Until the applicable commercial quota specified § 622.190(a)(7) is reached—300 lb (136 kg), gutted weight. See § 622.190(c)(1) for the limitations regarding gag after the commercial quota is reached.

(8) ***Black sea bass—***

(i) ***Hook-and-line component.***

(A) From January 1 through April 30, until the applicable quota specified in § 622.190(a)(5) is reached—300 lb (136 kg), gutted weight; 354 lb (161 kg), round weight.

(B) From May 1 through December 31, until the applicable quota specified in § 622.190(a)(5) is reached—1,000 lb (454 kg), gutted weight; 1,180 lb (535 kg), round weight.

(ii) ***Sea bass pot component.*** Until the applicable quota specified in § 622.190(a)(5) is reached—1,000 lb (454 kg), gutted weight; 1,180 lb (535 kg), round weight.

(iii) See § 622.190(c)(1) for the limitations regarding black sea bass after the applicable quota is reached.

(9) ***Red snapper.*** Until the commercial ACL specified in § 622.193(y)(1) is reached, 75 lb (34 kg), gutted weight.

(10) ***Blueline tilefish.*** The following commercial trip limits apply until the commercial ACL specified in § 622.193(z)(1)(i) is reached. See § 622.193(z)(1)(i) for the limitations regarding blueline tilefish after the commercial ACL is reached.

(i) From January 1 through April 30—100 lb (45 kg), gutted weight; 106 lb (48 kg), round weight.

(ii) From May 1 through December 31—300 lb (136 kg), gutted weight; 318 lb (144 kg), round weight.

(11) ***Gray triggerfish.*** Until the applicable quota specified in either § 622.190(a)(8)(i) or (ii) is reached, 1,000 lb (454 kg), round weight. See § 622.190(c)(1) for the limitations regarding gray triggerfish after either quota specified in § 622.190(a)(8)(i) or (ii) is reached or projected to be reached.

(12) ***Hogfish.***

(i) Until the commercial ACL specified in § 622.193(u)(1)(iii)(A) is reached or is projected to be reached off Georgia, South Carolina, and North Carolina, 500 lb (227 kg), round weight.

(ii) Until the commercial ACL specified in § 622.193(u)(2)(iii)(A) is reached or is projected to be reached off the Florida Keys and east coast of Florida, and south of 25°09' N. lat. off the west coast of Florida, 25 lb (11 kg), round weight.

(iii) See § 622.193(u)(1)(i) or (u)(2)(i) for the limitations regarding hogfish after a commercial ACL is reached.

(13) ***Mutton snapper.*** The following commercial trip limits apply until the applicable commercial ACL in § 622.193(o)(1)(iii) is reached. See § 622.193(o)(1) for the limitations regarding mutton snapper after the commercial ACL is reached.

(i) From January 1 through March 31, and July 1 through December 31—500 lb (227 kg), round weight.

(ii) From April 1 through June 30—5 fish per person per day or 5 fish per person per trip, whichever is more restrictive.

(14) ***Other jacks complex (lesser amberjack, almaco jack, and banded rudderfish).*** Until the commercial ACL specified in § 622.193(l)(1)(i) is reached—500 lb (227 kg), gutted weight; 520 lb (236 kg), round weight. See § 622.193(l)(1)(i) for the limitations regarding the other jacks complex after the commercial ACL is reached.

(15) ***Red grouper.*** Until the commercial ACL specified in § 622.193(d)(1)(iii) is reached—200 lb (91 kg), gutted weight; 236 lb (107 kg), round weight. See § 622.193(d)(1) for the limitations regarding red grouper after the commercial ACL is reached.

(b) When a vessel fishes for hogfish on a trip in the Gulf EEZ south of 25°09' N. lat. off the west coast of Florida, the vessel trip limit specified in paragraph (a)(12)(ii) of this section applies, provided persons aboard are not subject to the bag limit. See § 622.11(a) and § 622.187(a) for applicability of the bag limit.

[78 FR 22952, Apr. 17, 2013, as amended at 78 FR 23863 Apr. 23, 2013; 78 FR 44465, July 24, 2013; 78 FR 47579, Aug. 6, 2013; 79 FR 66322, Nov. 7, 2014; 80 FR 16587, Mar. 30, 2015; 80 FR 30953, June 1, 2015; 80 FR 43038, July 21, 2015; 81 FR 32253, May 23, 2016; 81 FR 45248, July 13, 2016; 82 FR 11157, Feb. 21, 2017; 82 FR 34594, July 25, 2017; 83 FR 1309, Jan. 11, 2018; 83 FR 35435, July 26, 2018; 85 FR 4594, Jan. 27, 2020; 85 FR 6828, Feb. 6, 2020; 87 FR 77748, Dec. 20, 2022; 88 FR 65146, Sept. 21, 2023; 88 FR 65823, Sept. 26, 2023; 89 FR 277, Jan. 3, 2024]

§ 622.192 Restrictions on sale/purchase.

The restrictions in this section are in addition to the restrictions on sale/purchase related to quota closures as specified in § 622.190(c).

(a) A South Atlantic snapper-grouper harvested or possessed in the EEZ on board a vessel that does not have a valid commercial permit for South Atlantic snapper-grouper, as required under § 622.170(a), or a South Atlantic snapper-grouper harvested in the EEZ and possessed under the bag limits specified in § 622.187(b), may not be sold or purchased. In addition, a South Atlantic snapper-grouper harvested or possessed by a vessel that is operating as a charter vessel or headboat with a Federal charter vessel/headboat permit for South Atlantic snapper-grouper may not be sold or purchased regardless of where harvested, *i.e.,* in state or Federal waters.

(b) South Atlantic snapper-grouper harvested in or from the EEZ or adjoining state waters by a vessel that has a valid commercial vessel permit for South Atlantic snapper-grouper may be sold or transferred only to a dealer who has a valid Gulf and South Atlantic dealer permit, as required under § 622.170(c)(1).

(c) South Atlantic snapper-grouper harvested in or from the EEZ may be first received by a dealer who has a valid Gulf and South Atlantic dealer permit, as required under § 622.170(a), only from a vessel that has a valid commercial permit for South Atlantic snapper-grouper.

(d) A warsaw grouper or speckled hind in or from the South Atlantic EEZ may not be sold or purchased.

(e) No person may sell or purchase a snowy grouper, gag, golden tilefish, greater amberjack, vermilion snapper, black sea bass, or red porgy harvested from or possessed in the South Atlantic, *i.e.,* in state or Federal waters, by a vessel for which a valid Federal commercial permit for South Atlantic snapper-grouper has been issued for the remainder of the fishing year after the applicable commercial quota for

that species specified in § 622.190(a) has been reached. The prohibition on sale/purchase during these periods does not apply to such of the applicable species that were harvested, landed ashore, and sold prior to the applicable commercial quota being reached and were held in cold storage by a dealer or processor.

(f) [Reserved]

(g) During April, no person may sell or purchase a greater amberjack harvested from the South Atlantic EEZ or, if harvested by a vessel for which a valid Federal commercial permit for South Atlantic snapper-grouper has been issued, harvested from the South Atlantic, *i.e.,* in state or Federal waters. The prohibition on sale/purchase during April does not apply to greater amberjack that were harvested, landed ashore, and sold prior to April 1 and were held in cold storage by a dealer or processor. This prohibition also does not apply to a dealer's purchase or sale of greater amberjack harvested from an area other than the South Atlantic, provided such fish is accompanied by documentation of harvest outside the South Atlantic. The requirements for such documentation are specified in paragraph (i) of this section.

(h) During January through April, no person may sell or purchase a gag, black grouper, red grouper, scamp, red hind, rock hind, yellowmouth grouper, yellowfin grouper, graysby, or coney harvested from or possessed in the South Atlantic EEZ or, if harvested or possessed by a vessel for which a valid Federal commercial permit for South Atlantic snapper-grouper has been issued, harvested from the South Atlantic, *i.e.,* in state or Federal waters. Additionally, in the month of May, no person may sell or purchase South Atlantic red grouper harvested from or possessed in the South Atlantic EEZ off North Carolina or off South Carolina, or, if harvested or possessed by a vessel for which a valid Federal commercial permit for South Atlantic snapper-grouper has been issued, harvested in or from the EEZ or state waters off North Carolina or off South Carolina. The prohibitions on sale and purchase during January through May do not apply to such species that were harvested, landed ashore, and sold prior to January 1 and were held in cold storage by a dealer or processor. These prohibitions also do not apply to a dealer's purchase or sale of such species harvested from an area other than the South Atlantic, provided such fish are accompanied by documentation of harvest outside the South Atlantic. The requirements for such documentation are specified in paragraph (i) of this section.

(i) The documentation supporting a dealer's purchase or sale of applicable species during the times specified in paragraphs (f) through (h) of this section must contain:

(1) The information specified in part 300, subpart K, of this title for marking containers or packages of fish or wildlife that are imported, exported, or transported in interstate commerce;

(2) The official number, name, and home port of the vessel harvesting the applicable species;

(3) The port and date of offloading from the vessel harvesting the applicable species; and

(4) A statement signed by the dealer attesting that the applicable species was harvested from an area other than the South Atlantic.

(j) No person may sell or purchase a red snapper harvested from or possessed in the South Atlantic, *i.e.,* state or Federal waters, by a vessel for which a Federal commercial vessel permit for South Atlantic snapper-grouper has been issued, except if NMFS determines a limited commercial fishing season for red snapper is allowable, as specified in § 622.183(b)(5).

(k) Snapper-grouper possessed pursuant to the bag and possession limits specified in § 622.187(a)(3) may not be sold or purchased.

[78 FR 22952, Apr. 17, 2013, as amended at 78 FR 44465, July 24, 2013; 79 FR 19495, Apr. 9, 2014; 80 FR 80689, Dec. 28, 2015; 85 FR 6828, Feb. 6, 2020; 85 FR 73643, Nov. 19, 2020]

§ 622.193 Annual catch limits (ACLs) and accountability measures (AMs).

(a) ***Golden tilefish*** —

(1) ***Commercial sector*** —

(i) ***Hook-and-line component.*** If commercial hook-and-line landings for golden tilefish, as estimated by the SRD, reach or are projected to reach the commercial ACL (commercial quota) specified in § 622.190(a)(2)(ii), the AA will file a notification with the Office of the Federal Register to close the hook-and-line component of the commercial sector for the remainder of the fishing year. Applicable restrictions after a commercial quota closure are specified in § 622.190(c).

(ii) ***Longline component.*** If commercial longline landings for golden tilefish, as estimated by the SRD, reach or are projected to reach the longline commercial ACL (commercial quota) specified in § 622.190(a)(2)(iii), the AA will file a notification with the Office of the Federal Register to close the longline component of the commercial sector for the remainder of the fishing year. After the commercial ACL for the longline component is reached or projected to be reached, golden tilefish may not be fished for or possessed by a vessel with a golden tilefish longline endorsement. Applicable restrictions after a commercial quota closure are specified in § 622.190(c).

(iii) If all commercial landings of golden tilefish, as estimated by the SRD, exceed the commercial ACL (including both the hook-and-line and longline component quotas) specified in § 622.190(a)(2)(i), and the combined commercial and recreational ACL specified in paragraph (a)(3) of this section is exceeded during the same fishing year, and golden tilefish are overfished based on the most recent Status of U.S. Fisheries Report to Congress, the AA will file a notification with the Office of the Federal Register to reduce the commercial ACL for that following fishing year by the amount of the commercial ACL overage in the prior fishing year.

(2) ***Recreational sector.*** The recreational ACL for golden tilefish is 2,559 fish for the 2023 fishing year; 2,635 fish for the 2024 fishing year; 2,694 for the 2025 fishing year; 2,741 fish for the 2026 and subsequent fishing years. NMFS will project the length of the recreational fishing season based on catch rates from the previous fishing year and when NMFS projects the recreational ACL specified in this paragraph (a)(2) is expected to be met, and annually announce the recreational fishing season end date in the FEDERAL REGISTER. On and after the effective date of the recreational closure notification, the bag and possession limit for golden tilefish in or from the South Atlantic EEZ is zero.

(3) ***Combined commercial and recreational ACL.*** The combined commercial and recreational ACL is 435,000 lb (197,313 kg), gutted weight, for the 2023 fishing year; 448,000 lb (203,209 kg), gutted weight, for the 2024 fishing year; 458,000 lb (207,745 kg), gutted weight, for the 2025 fishing year; and 466,000 lb (211,374 kg), gutted weight, for the 2026 and subsequent fishing years.

(b) ***Snowy grouper*** —

(1) ***Commercial sector.***

(i) If commercial landings of snowy grouper, as estimated by the SRD, reach or are projected to reach the commercial ACL that is equal to the commercial quota specified in § 622.190(a)(1), the AA will file a notification with the Office of the Federal Register to close the commercial sector for the remainder of the fishing year. Applicable restrictions after a commercial quota closure are specified in § 622.190(c).

(ii) If commercial landings of snowy grouper, as estimated by the SRD, exceed the commercial ACL, and the combined commercial and recreational ACL specified in paragraph (b)(3) of this section is exceeded, and snowy grouper are overfished based on the most recent Status of U.S. Fisheries Report to Congress, the AA will file a notification with the Office of the Federal Register to reduce the commercial ACL for that following fishing year by the amount of the commercial ACL overage in the prior fishing year.

(2) ***Recreational sector.***

(i) The recreational ACL for snowy grouper is 1,668 fish for 2023; 1,691 fish for 2024; and 1,713 fish for 2025 and subsequent fishing years.

(ii) If recreational landings for snowy grouper exceed the recreational ACL specified in paragraph (b)(2)(i) of this section, then during the following fishing year NMFS will reduce the length of the recreational fishing season by the amount necessary to prevent recreational landings from exceeding the recreational ACL in the following fishing year. NMFS will use the best scientific information available to determine if reducing the length of the recreational fishing season is necessary. When the recreational sector for snowy grouper is closed as a result of NMFS reducing the length of the recreational fishing season, the bag and possession limits for snowy grouper harvested in or from the South Atlantic EEZ are zero.

(3) ***Total ACL.*** The combined commercial and recreational ACL for snowy grouper in gutted weight is 119,654 lb (54,274 kg) for 2023; 121,272 lb (55,008 kg) for 2024; and 122,889 lb (55,741 kg) for 2025 and subsequent fishing years.

(c) ***Gag*** —

(1) ***Commercial sector.***

(i) If commercial landings for gag, as estimated by the SRD, reach or are projected to reach the commercial ACL (commercial quota) specified in § 622.190(a)(7), the AA will file a notification with the Office of the Federal Register to close the commercial sector for gag for the remainder of the fishing year. Applicable restrictions after a commercial quota closure are specified in § 622.190(c).

(ii) If the commercial landings for gag, as estimated by the SRD, exceed the commercial ACL specified in § 622.190(a)(7), and the combined commercial and recreational ACL specified in paragraph (c)(3) of this section, is exceeded during the same fishing year, and gag are overfished based on the most recent Status of U.S. Fisheries Report to Congress, the AA will file a notification with the Office of the Federal Register to reduce the commercial ACL for that following fishing year by the amount of the commercial ACL overage in the prior fishing year.

(2) ***Recreational sector.***

(i) If recreational landings for gag, as estimated by the SRD, reach or are projected to reach the recreational ACL, the AA will file a notification with the Office of the Federal Register to close the recreational sector for the remainder of the fishing year regardless if the stock is overfished,

unless NMFS determines that no closure is necessary based on the best scientific information available. On and after the effective date of such notification, the bag and possession limits for gag in or from the South Atlantic EEZ are zero. The recreational ACL for gag is 90,306 lb (40,962 kg), gutted weight, for 2023; 133,075 lb (60,362 kg), gutted weight, for 2024; 176,665 lb (80,134 kg), gutted weight, for 2025; 220,030 lb (99,804 kg), gutted weight, for 2026; 264,802 lb (120,112 kg), gutted weight, for 2027; 311,378 lb (141,239 kg), gutted weight, for 2028; 358,199 lb (162,476 kg), gutted weight, for 2029; 402,533 lb (182,586 kg), gutted weight, for 2030; 442,368 lb (200,655 kg), gutted weight, for 2031; 476,945 lb (216,339 kg), gutted weight, for 2032 and subsequent years.

(ii) If recreational landings, as estimated by the SRD, exceed the recreational ACL specified in paragraph (c)(2)(i) of this section, then during the following fishing year, the AA will file a notification with the Office of the Federal Register to reduce the length of the recreational fishing season by the amount necessary to prevent the recreational ACL from being exceeded. NMFS will use the best scientific information available to determine if reducing the length of the recreational fishing season is necessary. When the recreational sector is closed as a result of NMFS reducing the length of the recreational fishing season, the bag and possession limits for gag in or from the South Atlantic EEZ are zero.

(3) ***Combined commercial and recreational ACL.*** The combined commercial and recreational ACL for gag is 175,632 lb (79,665 kg), gutted weight, for 2023; 261,171 lb (118,465 kg), gutted weight, for 2024; 348,352 lb (158,010 kg), gutted weight, for 2025; 435,081 lb (192,349 kg), gutted weight, for 2026; 524,625 lb (237,965 kg), gutted weight, for 2027; 617,778 lb (280,219 kg), gutted weight, for 2028; 711,419 lb (322,694 kg), gutted weight, for 2029; 800,088 lb (362,914 kg), gutted weight, for 2030; 879,758 lb (399,052 kg), gutted weight, for 2031; 948,911 lb (430,419 kg), gutted weight, for 2032 and subsequent years.

(d) ***Red grouper*** —

(1) ***Commercial sector.***

(i) If commercial landings for red grouper, as estimated by the SRD, reach or are projected to reach the commercial ACL, specified in paragraph (d)(1)(iii) of this section, the AA will file a notification with the Office of the Federal Register to close the commercial sector for the remainder of the fishing year. On and after the effective date of such a notification, all sale or purchase of red grouper is prohibited and harvest or possession of red grouper in or from the South Atlantic EEZ is limited to the bag and possession limits. These bag and possession limits apply in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such species were harvested, *i.e.,* in state or Federal waters.

(ii) If the commercial landings for red grouper, as estimated by the SRD, exceed the commercial ACL, specified in paragraph (d)(1)(iii) of this section, and the combined commercial and recreational ACL, specified in paragraph (d)(3) of this section, is exceeded during the same fishing year, and the species is overfished based on the most recent Status of U.S. Fisheries Report to Congress, the AA will file a notification with the Office of the Federal Register to reduce the commercial ACL in the following fishing year by the amount of the commercial ACL overage in the prior fishing year.

(iii) The commercial ACL for red grouper is 61,160 lb (27,742 kg), round weight, for 2018; 66,000 lb (29,937 kg), round weight, for 2019; and 71,280 lb (32,332 kg), round weight, for 2020 and subsequent fishing years.

(2) ***Recreational sector.***

(i) If recreational landings for red grouper, as estimated by the SRD, are projected to reach the recreational ACL, the AA will file a notification with the Office of the Federal Register to close the recreational sector for the remainder of the fishing year regardless if the stock is overfished, unless NMFS determines that no closure is necessary based on the best scientific information available. On and after the effective date of such a notification, the bag and possession limits for red grouper in or from the South Atlantic EEZ are zero.

(ii) The recreational ACL for red grouper is 77,840 lb (35,308 kg), round weight, for 2018; 84,000 lb (38,102 kg), round weight, for 2019; and 90,720 lb (41,150 kg), round weight, for 2020 and subsequent fishing years.

(iii) If recreational landings for red grouper, as estimated by the SRD, exceed the recreational ACL, specified in paragraph (d)(2)(ii) of this section, then during the following fishing year recreational landings will be monitored for a persistence in increased landings, and if necessary, the AA will file a notification with the Office of the Federal Register to reduce the length of the recreational fishing season and the recreational ACL by the amount of the recreational ACL overage, if the species is overfished based on the most recent Status of U.S. Fisheries Report to Congress, and if the combined commercial and recreational ACL, specified in paragraph (d)(3) of this section, is exceeded during the same fishing year. The AA will use the best scientific information available to determine if reducing the length of the recreational season and recreational ACL is necessary. When the recreational sector is closed as a result of NMFS reducing the length of the recreational fishing season and ACL, the bag and possession limits for red grouper in or from the South Atlantic EEZ are zero.

(3) The combined commercial and recreational ACL for red grouper is 139,000 lb (63,049 kg), round weight, for 2018; 150,000 lb (68,039 kg), round weight, for 2019; and 162,000 lb (73,482 kg), round weight, for 2020 and subsequent fishing years.

(e) ***Black sea bass*** —

(1) ***Commercial sector.***

(i) If commercial landings, as estimated by the SRD, reach or are projected to reach the quota specified in § 622.190(a)(5), the AA will file a notification with the Office of the Federal Register to close the commercial sector for the remainder of the fishing year.

(ii) If commercial landings exceed the quota specified in § 622.190(a)(5), the AA will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year to reduce the ACL for that following year by the amount of the overage in the prior fishing year, unless the SRD determines that no overage is necessary based on the best scientific information available.

(2) ***Recreational sector.*** The recreational ACL for black sea bass is 848,455 lb (384,853 kg), gutted weight, 1,001,177 lb (454,126 kg), round weight for the 2018-2019 fishing year; 367,119 lb (166,522 kg), gutted weight, 433,200 lb (196,496 kg), round weight for the 2019-2020 fishing year; 323,161 lb (146,583 kg), gutted weight, 381,330 lb (172,968 kg), round weight, for the 2020-2021 fishing year;

and 310,602 lb (140,887 kg), gutted weight, 366,510 lb (166,246 kg), round weight, for the 2021-2022 and subsequent fishing years. NMFS will project the length of the recreational fishing season based on when NMFS projects the recreational ACL specified in this paragraph is expected to be met and announce the recreational fishing season end date in the FEDERAL REGISTER prior to the start of the recreational fishing year on April 1. On and after the effective date of the recreational closure notification, the bag and possession limit for black sea bass in or from the South Atlantic EEZ is zero. This bag and possession limit applies in the South Atlantic on board a vessel for which a valid Federal charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such species were harvested, *i.e.* in state or Federal waters.

(f) ***Vermilion snapper*** —

(1) ***Commercial sector.*** If commercial landings, as estimated by the SRD, reach or are projected to reach the applicable commercial ACL (commercial quota) specified in § 622.190(a)(4)(i) or (ii), the AA will file a notification with the Office of the Federal Register to close the commercial sector for that portion of the fishing year applicable to the respective quota.

(2) ***Recreational sector.***

(i) If recreational landings, as estimated by the SRD, reach or are projected to reach the applicable recreational ACL specified in paragraph (f)(2)(iv) of this section the AA will file a notification with the Office of the Federal Register to close the recreational sector for vermilion snapper for the remainder of the fishing year. On and after the effective date of such notification, the bag and possession limit for vermilion snapper in or from the South Atlantic EEZ is zero. This bag and possession limit also applies in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such species were harvested, *i.e.,* in state or Federal waters.

(ii) If the combined vermilion snapper commercial and recreational landings exceed the combined vermilion snapper ACLs specified in paragraphs (f)(1) and (f)(2)(iv) of this section, and vermilion snapper are overfished, based on the most recent Status of U.S. Fisheries Report to Congress, the AA will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year to reduce the recreational ACL for that following year by the amount of the recreational overage in the prior fishing year.

(iii) Recreational landings will be evaluated relative to the ACL based on a moving multi-year average of landings, as described in the FMP.

(iv) The recreational ACL for vermilion snapper is 455,207 lb (206,478 kg), gutted weight, 505,280 lb (229,191 kg), round weight, for the 2019 fishing year; 426,090 lb (193,271 kg), gutted weight, 472,960 lb (214,531 kg), round weight, for the 2020 fishing year; 405,910 lb (184,118 kg), gutted weight, 450,560 lb (204,552 kg), round weight, for the 2021 fishing year; 392,649 lb (178,103 kg), gutted weight, 435,840 lb (197,694 kg), round weight, for the 2022 fishing year; and 385,520 lb (174,869 kg), gutted weight, 427,520 lb (193,920 kg), round weight, for the 2023 and subsequent fishing years.

(g) ***Black grouper*** —

(1) ***Commercial sector.***

(i) If commercial landings for black grouper, as estimated by the SRD, reach or are projected to reach the commercial ACL of 96,844 lb (43,928 kg), round weight, the AA will file a notification with the Office of the Federal Register to close the commercial sector for the remainder of the fishing year. On and after the effective date of such a notification, all sale or purchase of black grouper is prohibited and harvest or possession of black grouper in or from the South Atlantic EEZ is limited to the bag and possession limits. These bag and possession limits apply in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such species were harvested, *i.e.,* in state or Federal waters.

(ii) If commercial landings for black grouper, as estimated by the SRD, exceed the commercial ACL, and the combined commercial and recreational ACL of 262,594 lb (119,111 kg), round weight, is exceeded during the same fishing year, and the species is overfished based on the most recent Status of U.S. Fisheries Report to Congress, the AA will file a notification with the Office of the Federal Register to reduce the commercial ACL for that following fishing year by the amount of the commercial ACL overage in the prior fishing year.

(2) ***Recreational sector.***

(i) If recreational landings for black grouper, as estimated by the SRD, reach or are projected to reach the recreational ACL of 165,750 lb (75,183 kg), round weight, and the AA determines that a closure is necessary by using the best scientific information available, the AA will file a notification with the Office of the Federal Register to close the recreational sector for the remainder of the fishing year regardless if the stock is overfished, unless NMFS determines that no closure is necessary based on the best scientific information available. On and after the effective date of such a notification, the bag and possession limits for black grouper in or from the South Atlantic EEZ are zero.

(ii) If recreational landings for black grouper, as estimated by the SRD, exceed the recreational ACL, then during the following fishing year recreational landings will be monitored for a persistence in increased landings, and if necessary, the AA will file a notification with the Office of the Federal Register to reduce the length of the recreational fishing season and the recreational ACL by the amount of the recreational ACL overage, if black grouper are overfished based on the most recent Status of U.S. Fisheries Report to Congress, and if the combined commercial and recreational ACL of 262,594 lb (119,111 kg), round weight, is exceeded during the same fishing year. NMFS will use the best scientific information available to determine if reducing the length of the recreational fishing season and recreational ACL is necessary. When the recreational sector is closed as a result of NMFS reducing the length of the recreational fishing season and ACL, the bag and possession limits for black grouper in or from the South Atlantic EEZ are zero.

(h) ***Deep-water complex (including yellowedge grouper, silk snapper, misty grouper, queen snapper, sand tilefish, and blackfin snapper)*** —

(1) ***Commercial sector*** —

(i) If commercial landings for the deep-water complex, as estimated by the SRD, reach or are projected to reach the commercial ACL of 131,268 lb (59,542 kg), round weight, the AA will file a notification with the Office of the Federal Register to close the commercial sector for the remainder of the fishing year. On and after the effective date of such a notification, all sale or purchase of deep-water complex species is prohibited and harvest or possession of these

species in or from the South Atlantic EEZ is limited to the bag and possession limits. These bag and possession limits apply in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such species were harvested, *i.e.,* in state or Federal waters.

(ii) If commercial landings exceed the ACL, and the combined commercial and recreational ACL of 169,896 lb (77,064 kg), round weight, is exceeded, and at least one of the species in the deep-water complex is overfished, based on the most recent Status of U.S. Fisheries Report to Congress, the AA will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year to reduce the commercial ACL for that following year by the amount of the commercial ACL overage in the prior fishing year.

(2) ***Recreational sector.***

(i) If recreational landings for the deep-water complex, as estimated by the SRD, are projected to reach the recreational ACL of 38,628 lb (17,521 kg), round weight, the AA will file a notification with the Office of the Federal Register to close the recreational sector for the remainder of the fishing year, unless the RA determines that no closure is necessary based on the best scientific information available. On and after the effective date of such a notification, the bag and possession limits are zero.

(ii) If recreational landings for the deep-water complex, exceed the applicable recreational ACL, and the combined commercial and recreational ACL of 169,896 lb (77,064 kg), round weight, is exceeded, and at least one of the species in the deep-water complex is overfished, based on the most recent Status of U.S. Fisheries Report to Congress, the AA will file a notification with the Office of the Federal Register, to reduce the length of the recreational fishing season in the following fishing year to ensure recreational landings do not exceed the recreational ACL the following fishing year. When NMFS reduces the length of the following recreational fishing season and closes the recreational sector, the following closure provisions apply: The bag and possession limits for the deep-water complex in or from the South Atlantic EEZ are zero. Additionally, the recreational ACL will be reduced by the amount of the recreational ACL overage in the prior fishing year. The fishing season and recreational ACL will not be reduced if the RA determines, using the best scientific information available that no reduction is necessary.

(i) ***Scamp*** —

(1) ***Commercial sector.***

(i) If commercial landings for scamp, as estimated by the SRD, reach or are projected to reach the commercial ACL of 219,375 lb (99,507 kg), round weight, the AA will file a notification with the Office of the Federal Register to close the commercial sector for the remainder of the fishing year. On and after the effective date of such a notification, all sale or purchase of scamp is prohibited and harvest or possession of scamp in or from the South Atlantic EEZ is limited to the bag and possession limits. These bag and possession limits apply in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such species were harvested, *i.e.,* in state or Federal waters.

(ii) If commercial landings for scamp, as estimated by the SRD, exceed the commercial ACL, and the combined commercial and recreational ACL of 335,744 lb (152,291 kg), round weight, is exceeded, and scamp are overfished based on the most recent Status of U.S. Fisheries Report

to Congress, the AA will file a notification with the Office of the Federal Register to reduce the commercial ACL for that following fishing year by the amount of the commercial ACL overage in the prior fishing year.

(2) ***Recreational sector.***

(i) If recreational landings for scamp, as estimated by the SRD, reach or are projected to reach the recreational ACL of 116,369 lb (52,784 kg), round weight, the AA will file a notification with the Office of the Federal Register to close the recreational sector for the remainder of the fishing year regardless if the stock is overfished, unless NMFS determines that no closure is necessary based on the best scientific information available. On and after the effective date of such a notification, the bag and possession limits for scamp in or from the South Atlantic EEZ are zero.

(ii) If recreational landings for scamp, as estimated by the SRD, exceed the recreational ACL, then during the following fishing year recreational landings will be monitored for a persistence in increased landings, and if necessary, the AA will file a notification with the Office of the Federal Register to reduce the length of the recreational fishing season and the recreational ACL by the amount of the recreational ACL overage, if scamp are overfished based on the most recent Status of U.S. Fisheries Report to Congress, and if the combined commercial and recreational ACL of 335,744 lb (152,291 kg), round weight, is exceeded during the same fishing year. NMFS will use the best scientific information available to determine if reducing the length of the recreational fishing season and recreational ACL is necessary. When the recreational sector is closed as a result of NMFS reducing the length of the recreational fishing season and ACL, the bag and possession limits for scamp in or from the South Atlantic EEZ are zero.

(j) ***Other SASWG combined (including red hind, rock hind, yellowmouth grouper, yellowfin grouper, coney, and graysby)*** —

(1) ***Commercial sector.***

(i) If commercial landings for other SASWG combined, as estimated by the SRD, reach or are projected to reach the commercial ACL of 55,542 lb (25,193 kg), round weight, the AA will file a notification with the Office of the Federal Register to close the commercial sector for this complex for the remainder of the fishing year. On and after the effective date of such a notification, all sale or purchase of red hind, rock hind, yellowmouth grouper, yellowfin grouper, coney, and graysby is prohibited, and harvest or possession of any of these species in or from the South Atlantic EEZ is limited to the bag and possession limits. These bag and possession limits apply in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such species were harvested, *i.e.,* in state or Federal waters.

(ii) If commercial landings for other SASWG combined, as estimated by the SRD, exceed the commercial ACL, and the combined commercial and recreational ACL of 104,190 lb (47,260 kg), round weight, is exceeded, and at least one of the species in other SASWG combined is overfished based on the most recent status of U.S. Fisheries Report to Congress, the AA will file a notification with the Office of the Federal Register to reduce the commercial ACL for that following fishing year by the amount of the commercial ACL overage in the prior fishing year.

(2) ***Recreational sector.***

(i) If recreational landings for other SASWG combined, as estimated by the SRD, reach or are projected to reach the recreational ACL of 48,648 lb (22,066 kg), round weight, the AA will file a notification with the Office of the Federal Register to close the recreational sector for the remainder of the fishing year regardless if any stock in other SASWG combined is overfished, unless NMFS determines that no closure is necessary based on the best scientific information available. On and after the effective date of such a notification, the bag and possession limits for any species in the other SASWG combined in or from the South Atlantic EEZ are zero.

(ii) If recreational landings for other SASWG combined, as estimated by the SRD, exceed the recreational ACL, then during the following fishing year recreational landings will be monitored for a persistence in increased landings, and if necessary, the AA will file a notification with the Office of the Federal Register to reduce the length of the recreational fishing season and the recreational ACL by the amount of the recreational ACL overage, if at least one of the species in other SASWG combined is overfished based on the most recent Status of U.S. Fisheries Report to Congress, and if the combined commercial and recreational ACL of 104,190 lb (47,260 kg) is exceeded during the same fishing year. NMFS will use the best scientific information available to determine if reducing the length of the recreational fishing season and recreational ACL is necessary. When the recreational sector is closed as a result of NMFS reducing the length of the recreational fishing season and ACL, the bag and possession limits for any species in the other SASWG combined in or from the South Atlantic EEZ are zero.

(k) ***Greater amberjack*** —

(1) ***Commercial sector.***

(i) If commercial landings for greater amberjack, as estimated by the SRD, reach or are projected to reach the applicable commercial ACL (commercial quota) specified in § 622.190(a)(3), the AA will file a notification with the Office of the Federal Register to close the commercial sector for that portion of the fishing year applicable to the respective quota. Applicable restrictions after a commercial quota closure are specified in § 622.190(c).

(ii) If commercial landings for greater amberjack, as estimated by the SRD, exceed the commercial ACL, and the combined commercial and recreational ACL as specified in paragraph (k)(3) of this section is exceeded during the same fishing year, and the species is overfished based on the most recent Status of U.S. Fisheries Report to Congress, the AA will file a notification with the Office of the Federal Register to reduce the commercial ACL in the following fishing year by the amount of the commercial ACL overage in the prior fishing year. The total commercial ACL is 1,088,029 lb (493,522 kg), gutted weight, for the 2023-2024 fishing year; 948,365 lb (430,171 kg), gutted weight, for the 2024-2025 fishing year; 908,317 lb (412,006 kg), gutted weight, for the 2025-2026 fishing year; and 898,221 lb (407,426 kg), gutted weight, for the 2026-2027 and subsequent fishing years.

(2) ***Recreational sector.***

(i) If recreational landings for greater amberjack, as estimated by the SRD, reach or are projected to reach the recreational ACL, the AA will file a notification with the Office of the Federal Register to close the recreational sector for the remainder of the fishing year regardless of whether the stock is overfished, unless NMFS determines that no closure is necessary based on the best scientific information available. On and after the effective date of such a notification, the bag and possession limits for greater amberjack in or from the South Atlantic EEZ are zero. The recreational ACL is 2,101,450 lb (953,202 kg), round weight, for the

2023-2024 fishing year; 1,831,700 lb (830,845 kg), round weight, for the 2024-2025 fishing year; 1,754,350 lb (795,760 kg), round weight, for the 2025-2026 fishing year; and 1,734,850 lb (786,915 kg), round weight, for the 2026-2027 and subsequent fishing years.

(ii) If recreational landings for greater amberjack, as estimated by the SRD, exceed the recreational ACL, then during the following fishing year recreational landings will be monitored for a persistence in increased landings, and if necessary, the AA will file a notification with the Office of the Federal Register to reduce the length of the recreational fishing season and recreational ACL by the amount of the recreational ACL overage, if the species is overfished based on the most recent Status of U.S. Fisheries Report to Congress, and if the combined commercial and recreational ACL specified in paragraph (k)(3) of this section, is exceeded during the same fishing year. The AA will use the best scientific information available to determine if reducing the length of the recreational season and recreational ACL is necessary. When the recreational sector is closed as a result of NMFS reducing the length of the recreational fishing season and ACL, the bag and possession limits for greater amberjack in or from the South Atlantic EEZ are zero.

(3) ***Combined commercial and recreational ACLs.*** The combined commercial and recreational ACL for greater amberjack is 3,233,000 lb (1,466,464 kg), round weight, for the 2023-2024 fishing year; 2,818,000 lb (1,278,223 kg), round weight, for the 2024-2025 fishing year; 2,699,000 lb (1,224,246 kg), round weight, for the 2025-2026 fishing year; and 2,669,000 lb (1,210,638 kg), round weight, for the 2026-2027 and subsequent fishing years.

(l) ***Other jacks complex (including lesser amberjack, almaco jack, and banded rudderfish, combined)*** —

(1) ***Commercial sector.***

(i) If commercial landings for the other jacks complex, as estimated by the SRD, reach or are projected to reach the commercial ACL of 189,422 lb (85,920 kg), round weight, the AA will file a notification with the Office of the Federal Register to close the commercial sector for the other jacks complex for the remainder of the fishing year. On and after the effective date of such a notification, all sale or purchase of lesser amberjack, almaco jack, and banded rudderfish is prohibited, and harvest or possession of any of these species in or from the South Atlantic EEZ is limited to the bag and possession limits. These bag and possession limits apply in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such species were harvested, *i.e.,* in state or Federal waters.

(ii) If commercial landings for the other jacks complex, as estimated by the SRD, exceed the commercial ACL, and the combined commercial and recreational ACL of 457,221 lb (207,392 kg), round weight, is exceeded, and at least one of the species in the other jacks complex is overfished based on the most recent Status of U.S. Fisheries Report to Congress, the AA will file a notification with the Office of the Federal Register to reduce the commercial ACL for that following fishing year by the amount of the commercial ACL overage in the prior fishing year.

(2) ***Recreational sector.***

(i) If recreational landings for the other jacks complex, as estimated by the SRD, reach or are projected to reach the recreational ACL of 267,799 lb (121,472 kg), round weight, the AA will file a notification with the Office of the Federal Register to close the recreational sector for the remainder of the fishing year regardless if any stock in the other jacks complex is overfished,

unless NMFS determines that no closure is necessary based on the best scientific information available. On and after the effective date of such a notification, the bag and possession limits for any species in the other jacks complex in or from the South Atlantic EEZ are zero.

(ii) If recreational landings for the other jacks complex, as estimated by the SRD, exceed the recreational ACL, then during the following fishing year recreational landings will be monitored for a persistence in increased landings, and if necessary, the AA will file a notification with the Office of the Federal Register to reduce the length of the recreational fishing season and the recreational ACL by the amount of the recreational ACL overage, if at least one of the species in the other jacks complex is overfished based on the most recent Status of U.S. Fisheries Report to Congress, and if the combined commercial and recreational ACL of 457,221 lb (207,392 kg), round weight, is exceeded during the same fishing year. NMFS will use the best scientific information available to determine if reducing the length of the recreational fishing season and recreational ACL is necessary. When the recreational sector is closed as a result of NMFS reducing the length of the recreational fishing season and ACL, the bag and possession limits for any species in the other jacks complex in or from the South Atlantic EEZ are zero.

(m) ***Bar jack*** —

(1) ***Commercial sector.***

(i) If commercial landings for bar jack, as estimated by the SRD, reach or are projected to reach the commercial ACL of 13,228 lb (6,000 kg), round weight, the AA will file a notification with the Office of the Federal Register to close the commercial sector for the remainder of the fishing year. On and after the effective date of such a notification, all sale or purchase of bar jack is prohibited and harvest or possession of bar jack in or from the South Atlantic EEZ is limited to the bag and possession limits. These bag and possession limits apply in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such species were harvested, *i.e.,* in state or Federal waters.

(ii) If commercial landings for bar jack, as estimated by the SRD, exceed the commercial ACL, and the combined commercial and recreational ACL of 62,249 lb (28,236 kg), round weight, is exceeded, and bar jack are overfished based on the most recent Status of U.S. Fisheries Report to Congress, the AA will file a notification with the Office of the Federal Register to reduce the commercial ACL for that following fishing year by the amount of the commercial ACL overage in the prior fishing year.

(2) ***Recreational sector.***

(i) If recreational landings for bar jack, as estimated by the SRD, reach or are projected to reach the recreational ACL of 49,021 lb (22,236 kg), round weight, the AA will file a notification with the Office of the Federal Register to close the recreational sector for the remainder of the fishing year regardless if the stock is overfished, unless NMFS determines that no closure is necessary based on the best scientific information available. On and after the effective date of such a notification, the bag and possession limits for bar jack in or from the South Atlantic EEZ are zero.

(ii) If recreational landings for bar jack, as estimated by the SRD, exceed the recreational ACL, then during the following fishing year recreational landings will be monitored for a persistence in increased landings, and if necessary, the AA will file a notification with the Office of the Federal Register to reduce the length of the recreational fishing season and the recreational ACL by the

amount of the recreational ACL overage, if bar jack are overfished based on the most recent Status of U.S. Fisheries Report to Congress, and if the combined commercial and recreational ACL of 62,249 lb (28,236 kg), round weight, is exceeded during the same fishing year. NMFS will use the best scientific information available to determine if reducing the length of the recreational fishing season and recreational ACL is necessary. When the recreational sector is closed as a result of NMFS reducing the length of the recreational fishing season and ACL, the bag and possession limits for bar jack in or from the South Atlantic EEZ are zero.

(n) ***Yellowtail snapper*** —

(1) ***Commercial sector.***

(i) If commercial landings for yellowtail snapper, as estimated by the SRD, reach or are projected to reach the commercial ACL of 1,596,510 lb (724,165 kg), round weight, the AA will file a notification with the Office of the Federal Register to close the commercial sector for the remainder of the fishing year. On and after the effective date of such a notification, all sale or purchase of yellowtail snapper is prohibited and harvest or possession of yellowtail snapper in or from the South Atlantic EEZ is limited to the bag and possession limits. These bag and possession limits apply in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such species were harvested, *i.e.,* in state or Federal waters.

(ii) If commercial landings for yellowtail snapper, as estimated by the SRD, exceed the commercial ACL, and the combined commercial and recreational ACL of 3,037,500 lb (1,377,787 kg), round weight, is exceeded during the same fishing year, and yellowtail snapper are overfished based on the most recent Status of U.S. Fisheries Report to Congress, the AA will file a notification with the Office of the Federal Register to reduce the commercial ACL for that following fishing year by the amount of the commercial ACL overage in the prior fishing year.

(2) ***Recreational sector.***

(i) If recreational landings for yellowtail snapper, as estimated by the SRD, reach or are projected to reach the recreational ACL of 1,440,990 lb (653,622 kg), round weight, the AA will file a notification with the Office of the Federal Register to close the recreational sector for the remainder of the fishing year regardless if the stock is overfished, unless NMFS determines that no closure is necessary based on the best scientific information available. On and after the effective date of such a notification, the bag and possession limits for yellowtail snapper in or from the South Atlantic EEZ are zero.

(ii) If recreational landings for yellowtail snapper, as estimated by the SRD, exceed the recreational ACL, then during the following fishing year recreational landings will be monitored for a persistence in increased landings, and if necessary, the AA will file a notification with the Office of the Federal Register to reduce the length of the recreational fishing season and the recreational ACL by the amount of the recreational ACL overage, if the species is overfished based on the most recent Status of U.S. Fisheries Report to Congress, and if the combined commercial and recreational ACL of 3,037,500 lb (1,377,787 kg), round weight, is exceeded during the same fishing year. The AA will use the best scientific information available to determine if reducing the length of the recreational fishing season and recreational ACL is necessary. When the recreational sector is closed as a result of NMFS reducing the length of the recreational fishing season and ACL, the bag and possession limits for yellowtail snapper in or from the South Atlantic EEZ are zero.

(o) ***Mutton snapper*** —

(1) ***Commercial sector.***

(i) If commercial landings for mutton snapper, as estimated by the SRD, reach or are projected to reach the applicable commercial ACL specified in paragraph (o)(1)(iii) of this section, the AA will file a notification with the Office of the Federal Register to close the commercial sector for the remainder of the fishing year. On and after the effective date of such a notification, all sale or purchase of mutton snapper is prohibited and harvest or possession of mutton snapper in or from the South Atlantic EEZ is limited to the bag and possession limits. These bag and possession limits apply in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such species were harvested, *i.e.,* in state or Federal waters.

(ii) If commercial landings for mutton snapper, as estimated by the SRD, exceed the applicable commercial ACL specified in paragraph (o)(1)(iii) of this section, and the applicable combined commercial and recreational ACL specified in paragraph (o)(3) of this section is exceeded during the same fishing year, and the species is overfished based on the most recent Status of U.S. Fisheries Report to Congress, the AA will file a notification with the Office of the Federal Register to reduce the commercial ACL in the following fishing year by the amount of the commercial ACL overage in the prior fishing year.

(iii) The commercial ACLs for the following fishing years are given in round weight. For 2017—100,015 lb (45,366 kg); for 2018—104,231 lb (47,278 kg); for 2019—107,981 lb (48,979 kg); for 2020 and subsequent fishing years—111,354 lb (50,509 kg).

(2) ***Recreational sector.***

(i) If recreational landings for mutton snapper, as estimated by the SRD, reach or are projected to reach the applicable recreational ACL specified in paragraph (o)(2)(iii) of this section, the AA will file a notification with the Office of the Federal Register to close the recreational sector for the remainder of the fishing year regardless if the stock is overfished, unless NMFS determines that no closure is necessary based on the best scientific information available. On and after the effective date of such a notification, the bag and possession limits for mutton snapper in or from the South Atlantic EEZ are zero.

(ii) If recreational landings for mutton snapper, as estimated by the SRD, exceed the applicable recreational ACL specified in paragraph (o)(2)(iii) of this section, then during the following fishing year recreational landings will be monitored for a persistence in increased landings, and if necessary, the AA will file a notification with the Office of the Federal Register to reduce the length of the recreational fishing season and the recreational ACL by the amount of the recreational ACL overage, if the species is overfished based on the most recent Status of U.S. Fisheries Report to Congress, and if the applicable combined commercial and recreational ACL specified in paragraph (o)(3) of this section is exceeded during the same fishing year. NMFS will use the best scientific information available to determine if reducing the length of the recreational fishing season and recreational ACL is necessary. When the recreational sector is closed as a result of NMFS reducing the length of the recreational fishing season and ACL, the bag and possession limits for mutton snapper in or from the South Atlantic EEZ are zero.

(iii) The recreational ACLs for the following fishing years are given in numbers of fish. For 2017—116,127; for 2018—121,318; for 2019—124,766; for 2020 and subsequent fishing years—127,115.

(3) ***Combined commercial and recreational ACL.*** The combined commercial and recreational ACLs for the following fishing years are given in round weight. For 2017—587,633 lb (266,546 kg); for 2018—612,401 lb (277,780 kg); for 2019—634,435 lb (287,775 kg); for 2020 and subsequent fishing years—654,257 lb (296,766 kg).

(p) ***Other snappers complex (including cubera snapper, gray snapper, and lane snapper)*** —

(1) ***Commercial sector*** —

(i) If commercial landings for the other snappers complex, as estimated by the SRD, reach or are projected to reach the complex commercial ACL of 344,575 lb (156,297 kg), round weight, the AA will file a notification with the Office of the Federal Register, to close the commercial sector for this complex for the remainder of the fishing year. On and after the effective date of such a notification, all sale or purchase of cubera snapper, gray snapper, and lane snapper is prohibited, and harvest or possession of any of these species in or from the South Atlantic EEZ is limited to the bag and possession limits. These bag and possession limits apply in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such species were harvested, *i.e.,* in state or Federal waters.

(ii) If commercial landings for the other snappers complex, as estimated by the SRD, exceed the commercial ACL, and the combined commercial and recreational ACL of 1,513,883 lb (686,686 kg), round weight, is exceeded, and at least one of the species in the other snappers complex is overfished, based on the most recent Status of U.S. Fisheries Report to Congress, the AA will file a notification with the Office of the Federal Register to reduce the commercial ACL for that following year by the amount of the commercial ACL overage in the prior fishing year.

(2) ***Recreational sector*** —

(i) If recreational landings for the other snappers complex, as estimated by the SRD, reach or are projected to reach the recreational ACL of 1,169,308 lb (530,391 kg), round weight, the AA will file a notification with the Office of the Federal Register to close the recreational sector for the remainder of the fishing year regardless if any stock in the other snappers complex is overfished, unless NMFS determines that no closure is necessary based on the best scientific information available. On and after the effective date of such a notification, the bag and possession limits for any species in the other snappers complex in or from the South Atlantic EEZ are zero.

(ii) If recreational landings for the other snappers complex, as estimated by the SRD, exceed the recreational ACL, then during the following fishing year, recreational landings will be monitored for a persistence in increased landings, and if necessary, the AA will file a notification with the Office of the Federal Register, to reduce the length of the recreational fishing season and the recreational ACL by the amount of the recreational ACL overage, if at least one of the species in the other snappers complex is overfished based on the most recent Status of U.S. Fisheries Report to Congress, and the combined commercial and recreational ACL of 1,513,883 lb (686,686 kg), round weight, is exceeded during the same fishing year. NMFS will use the best scientific information available to determine if reducing the length of the recreational fishing season and recreational ACL is necessary. When the recreational sector is closed as a result of NMFS reducing the length of the recreational fishing season and the ACL, the bag and possession limits for any species in the other snappers complex in or from the South Atlantic EEZ are zero.

(q) ***Gray triggerfish*** —

(1) ***Commercial sector.***

(i) If commercial landings for gray triggerfish, as estimated by the SRD, reach or are projected to reach the commercial ACL (commercial quota) specified in § 622.190(a)(8)(i) or (ii), the AA will file a notification with the Office of the Federal Register to close the commercial sector for the remainder of the fishing year. Applicable restrictions after a commercial quota closure are specified in § 622.190(c).

(ii) If commercial landings for gray triggerfish, as estimated by the SRD, exceed the commercial ACL, and the combined commercial and recreational ACL of 716,999 lb (325,225 kg), round weight, is exceeded, and gray triggerfish are overfished based on the most recent Status of U.S. Fisheries Report to Congress, the AA will file a notification with the Office of the Federal Register to reduce the commercial ACL for that following fishing year by the amount of the commercial ACL overage in the prior fishing year.

(2) ***Recreational sector.***

(i) If recreational landings for gray triggerfish, as estimated by the SRD, reach or are projected to reach the recreational ACL of 404,675 lb (183,557 kg), round weight, the AA will file a notification with the Office of the Federal Register to close the recreational sector for the remainder of the fishing year regardless if the stock is overfished, unless NMFS determines that no closure is necessary based on the best scientific information available. On and after the effective date of such a notification, the bag and possession limits for gray triggerfish in or from the South Atlantic EEZ are zero.

(ii) If recreational landings for gray triggerfish, as estimated by the SRD, exceed the recreational ACL, then during the following fishing year recreational landings will be monitored for a persistence in increased landings, and if necessary, the AA will file a notification with the Office of the Federal Register to reduce the length of the recreational fishing season and the recreational ACL by the amount of the recreational ACL overage, if gray triggerfish are overfished based on the most recent Status of U.S. Fisheries Report to Congress, and if the combined commercial and recreational ACL of 716,999 lb (325,225 kg), round weight, is exceeded during the same fishing year. NMFS will use the best scientific information available to determine if reducing the length of the recreational fishing season and recreational ACL is necessary. When the recreational sector is closed as a result of NMFS reducing the length of the recreational fishing season and ACL, the bag and possession limits for gray triggerfish in or from the South Atlantic EEZ are zero.

(r) ***Wreckfish*** —

(1) ***Commercial sector.***

(i) The ITQ program for wreckfish in the South Atlantic serves as the accountability measures for commercial wreckfish. The commercial ACL for wreckfish is equal to the commercial quota specified in § 622.190(b). Applicable restrictions after a commercial quota closure are specified in § 622.190(c).

(ii) The combined commercial and recreational ACL for wreckfish is 433,000 lb (196,405 kg), round weight, for 2015; 423,700 lb (192,187 kg), round weight, for 2016; 414,200 lb (187,878 kg), round weight, for 2017; 406,300 lb (184,295 kg), round weight, for 2018; 396,800 lb (179,985 kg), round weight, for 2019; and 389,100 lb (176,493 kg), round weight, for 2020 and subsequent fishing years.

(2) ***Recreational sector.***

(i) If recreational landings for wreckfish, as estimated by the SRD, reach or are projected to reach the recreational ACL specified in § 622.193(r)(2)(iii), the AA will file a notification with the Office of the Federal Register to close the recreational sector for the remainder of the fishing year regardless if the stock is overfished, unless NMFS determines that no closure is necessary based on the best scientific information available. On and after the effective date of such a notification, the bag and possession limits for wreckfish in or from the South Atlantic EEZ are zero.

(ii) If recreational landings for wreckfish, as estimated by the SRD, exceed the recreational ACL, then during the following fishing year recreational landings will be monitored for a persistence in increased landings, and if necessary, the AA will file a notification with the Office of the Federal Register to reduce the length of the recreational fishing season and the recreational ACL by the amount of the recreational ACL overage, if the species is overfished based on the most recent Status of U.S. Fisheries Report to Congress, and if the combined commercial and recreational ACL specified in § 622.193(r)(1)(ii) is exceeded during the same fishing year. The AA will use the best scientific information available to determine if reducing the length of the recreational fishing season and recreational ACL is necessary. When the recreational sector is closed as a result of NMFS reducing the length of the recreational fishing season and ACL, the bag and possession limits for wreckfish in or from the South Atlantic EEZ are zero.

(iii) The recreational ACL for wreckfish is 21,650 lb (9,820 kg), round weight, for 2015; 21,185 lb (9,609 kg), round weight, for 2016; 20,710 lb (9,394 kg), round weight, for 2017; 20,315 lb (9,215 kg), round weight, for 2018; 19,840 lb (8,999 kg), round weight, for 2019; and 19,455 lb (8,825 kg), round weight, for 2020 and subsequent fishing years.

(s) [Reserved]

(t) ***Atlantic spadefish*** —

(1) ***Commercial sector.***

(i) If commercial landings for Atlantic spadefish, as estimated by the SRD, reach or are projected to reach the commercial ACL of 150,552 lb (68,289 kg), round weight, the AA will file a notification with the Office of the Federal Register to close the commercial sector for the remainder of the fishing year. On and after the effective date of such a notification, all sale or purchase of Atlantic spadefish is prohibited and harvest or possession of Atlantic spadefish in or from the South Atlantic EEZ is limited to the bag and possession limits. These bag and possession limits apply in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such species were harvested, *i.e.,* in state or Federal waters.

(ii) If commercial landings for Atlantic spadefish, as estimated by the SRD, exceed the ACL, and the combined commercial and recreational ACL of 812,478 lb (368,534 kg), round weight, is exceeded, and Atlantic spadefish are overfished based on the most recent Status of U.S.

Fisheries Report to Congress, the AA will file a notification with the Office of the Federal Register to reduce the commercial ACL for that following fishing year by the amount of the commercial ACL overage in the prior fishing year.

(2) ***Recreational sector.***

(i) If recreational landings for Atlantic spadefish, as estimated by the SRD, reach or are projected to reach the recreational ACL of 661,926 lb (300,245 kg), round weight, the AA will file a notification with the Office of the Federal Register to close the recreational sector for the remainder of the fishing year regardless if the stock is overfished, unless NMFS determines that no closure is necessary based on the best scientific information available. On and after the effective date of such a notification, the bag and possession limits for Atlantic spadefish in or from the South Atlantic EEZ are zero.

(ii) If recreational landings for Atlantic spadefish, as estimated by the SRD, exceed the recreational ACL, then during the following fishing year recreational landings will be monitored for a persistence in increased landings, and if necessary, the AA will file a notification with the Office of the Federal Register to reduce the length of the recreational fishing season and the recreational ACL by the amount of the recreational ACL overage, if Atlantic spadefish are overfished based on the most recent Status of U.S. Fisheries Report to Congress, and if the combined commercial and recreational ACL of 812,478 lb (368,534 kg), round weight, is exceeded during the same fishing year. NMFS will use the best scientific information available to determine if reducing the length of the recreational fishing season and recreational ACL is necessary. When the recreational sector is closed as a result of NMFS reducing the length of the recreational fishing season and ACL, the bag and possession limits for Atlantic spadefish in or from the South Atlantic EEZ are zero.

(u) ***Hogfish*** —

(1) ***Hogfish off Georgia, South Carolina, and North Carolina (Georgia-North Carolina)*** —

(i) ***Commercial sector.***

(A) If commercial landings for the Georgia-North Carolina hogfish stock, as estimated by the SRD, reach or are projected to reach the commercial ACL specified in paragraph (u)(1)(iii)(A) of this section, the AA will file a notification with the Office of the Federal Register to close the commercial sector for the remainder of the fishing year. On and after the effective date of such a notification, all sale or purchase of hogfish in or from the South Atlantic EEZ off Georgia, South Carolina, and North Carolina is prohibited, and harvest or possession of this species is limited to the bag and possession limits. These bag and possession limits apply to the Georgia-North Carolina hogfish stock on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such species were harvested, *i.e.,* in state or Federal waters.

(B) If commercial landings for the Georgia-North Carolina hogfish stock, as estimated by the SRD, exceed the commercial ACL specified in paragraph (u)(1)(iii)(A) of this section, and the combined commercial and recreational ACL specified in paragraph (u)(1)(iii)(C) of this section is exceeded during the same fishing year, and the Georgia-North Carolina hogfish stock is overfished based on the most recent Status of U.S. Fisheries Report to Congress,

the AA will file a notification with the Office of the Federal Register to reduce the commercial ACL for the stock in the following fishing year by the amount of the commercial ACL overage in the prior fishing year.

(ii) ***Recreational sector.***

(A) If recreational landings for the Georgia-North Carolina hogfish stock, as estimated by the SRD, reach or are projected to reach the recreational ACL specified in paragraph (u)(1)(iii)(B) of this section, the AA will file a notification with the Office of the Federal Register to close the recreational sector for the remainder of the fishing year regardless if the stock is overfished, unless NMFS determines that no closure is necessary based on the best scientific information available. On and after the effective date of such a notification, the bag and possession limits for hogfish in or from the South Atlantic EEZ off Georgia, South Carolina, and North Carolina are zero.

(B) If recreational landings for the Georgia-North Carolina hogfish stock, as estimated by the SRD, exceed the recreational ACL specified in paragraph (u)(1)(iii)(B) of this section, then during the following fishing year recreational landings will be monitored for a persistence in increased landings. If necessary, the AA will file a notification with the Office of the Federal Register to reduce the length of the following recreational fishing season and recreational ACL in the following fishing year by the amount of the recreational ACL overage if the Georgia-North Carolina hogfish stock is overfished, based on the most recent Status of U.S. Fisheries Report to Congress, and the combined commercial and recreational ACL is exceeded during the same fishing year to ensure recreational landings do not exceed the recreational ACL in the following fishing year. NMFS will use the best scientific information available to determine if reducing the length of the recreational fishing season and recreational ACL is necessary. When a recreational sector is closed as a result of NMFS reducing the length of the following recreational fishing season and ACL, the bag and possession limits for hogfish in or from the South Atlantic EEZ off Georgia, South Carolina, and North Carolina are zero.

(iii) ***ACLs for the Georgia-North Carolina stock.*** This stock includes hogfish off Georgia, South Carolina, and North Carolina. All weights are given in round weight.

(A) ***Commercial ACL*** —23,456 lb (10,639 kg).

(B) ***Recreational ACL*** —988 fish.

(C) The combined commercial and recreational ACL for the Georgia-North Carolina hogfish stock is 33,930 lb (15,390 kg).

(2) ***Hogfish off the Florida Keys and east coast of Florida, and south of 25°09' N. lat. off the west coast of Florida (Florida Keys-East Florida)*** —

(i) ***Commercial sector.***

(A) If commercial landings for the Florida Keys-East Florida hogfish stock, as estimated by the SRD, reach or are projected to reach the applicable commercial ACL specified in paragraph (u)(2)(iii)(A) of this section, the AA will file a notification with the Office of the Federal Register to close the commercial sector for the remainder of the fishing year. On and after the effective date of such a notification, all sale or purchase of hogfish in or from the EEZ off the Florida Keys and east coast of Florida, and south of 25°09' N. lat. off the west

coast of Florida is prohibited, and harvest or possession of this species is limited to the bag and possession limits. These bag and possession limits apply for this hogfish stock on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such species were harvested, *i.e.,* in state or Federal waters.

(B) If commercial landings for the Florida Keys-East Florida hogfish stock, as estimated by the SRD, exceed the applicable commercial ACL specified in paragraph (u)(2)(iii)(A) of this section, and the applicable combined commercial and recreational ACL specified in paragraph (u)(2)(iii)(C) of this section is exceeded during the same fishing year, and the stock is overfished based on the most recent Status of U.S. Fisheries Report to Congress, the AA will file a notification with the Office of the Federal Register to reduce the commercial ACL for the stock in the following fishing year by the amount of the applicable commercial ACL overage in the prior fishing year.

(ii) ***Recreational sector.***

(A) If recreational landings for the Florida Keys-East Florida hogfish stock, as estimated by the SRD, reach or are projected to reach the applicable recreational ACL specified in paragraph (u)(2)(iii)(B) of this section, the AA will file a notification with the Office of the Federal Register to close the recreational sector for the remainder of the fishing year regardless if the stock is overfished, unless NMFS determines that no closure is necessary based on the best scientific information available. On and after the effective date of such a notification, the bag and possession limits for hogfish in or from the EEZ off the Florida Keys and east coast of Florida, and south of 25°09' N. lat. off the west coast of Florida are zero.

(B) If recreational landings for the Florida Keys-East Florida hogfish stock, as estimated by the SRD, exceed the applicable recreational ACL specified in paragraph (u)(2)(iii)(B) of this section, then during the following fishing year recreational landings will be monitored for a persistence in increased landings. If necessary, the AA will file a notification with the Office of the Federal Register to reduce the length of the following applicable recreational fishing season and recreational ACL in the following fishing year by the amount of the recreational ACL overage if the Florida Keys-East Florida hogfish stock is overfished, based on the most recent Status of U.S. Fisheries Report to Congress, and the applicable combined commercial and recreational ACL is exceeded during the same fishing year to ensure recreational landings do not exceed the recreational ACL in the following fishing year. NMFS will use the best scientific information available to determine if reducing the length of the recreational fishing season and recreational ACL is necessary. When a recreational sector is closed as a result of NMFS reducing the length of the following recreational fishing season and ACL, the bag and possession limits for hogfish in or from the EEZ off the Florida Keys and east coast of Florida, and south of 25°09' N. lat. off the west coast of Florida are zero.

(iii) ***ACLs for the Florida Keys-East Florida stock.*** This stock includes hogfish off the Florida Keys and east coast of Florida, and south of 25°09' N. lat. off the west coast of Florida.

(A) ***Commercial ACL.*** See the following table. All weights are given in round weight.

Year	Commercial ACL
2017	3,510 lb (1,592 kg).
2018	4,524 lb (2,052 kg).
2019	5,670 lb (2,572 kg).
2020	6,926 lb (3,142 kg).
2021	8,277 lb (3,754 kg).
2022	9,703 lb (4,401 kg).
2023	11,179 lb (5,071 kg).
2024	12,677 lb (5,750 kg).
2025	14,167 lb (6,426 kg).
2026	15,621 lb (7,086 kg).
2027	17,018 lb (7,719 kg).

(B) ***Recreational ACL.*** See the following table. The recreational ACL is in numbers of fish.

Year	Recreational ACL
2017	15,689
2018	18,617
2019	21,574
2020	25,086
2021	29,096
2022	33,358
2023	37,671
2024	41,934
2025	46,046
2026	49,949

Year	Recreational ACL
2027	53,610

(C) ***Combined commercial and recreational ACL.*** See the following table. The combined commercial and recreational ACL is in numbers of fish.

Year	Combined commercial and recreational ACL
2017	17,034
2018	20,350
2019	23,746
2020	27,740
2021	32,267
2022	37,076
2023	41,954
2024	46,791
2025	51,474
2026	55,934
2027	60,130

(v) ***Red porgy*** —

(1) ***Commercial sector.***

(i) If commercial landings for red porgy, as estimated by the SRD, reach or are projected to reach the commercial ACL (commercial quota) specified in § 622.190(a)(6), the AA will file a notification with the Office of the Federal Register to close the commercial sector for the remainder of the fishing year. Applicable restrictions after a commercial quota closure are specified in § 622.190(c).

(ii) If commercial landings for red porgy, as estimated by the SRD, exceed the commercial ACL, and the combined commercial and recreational ACL as specified in paragraph (v)(3) of this section, is exceeded during the same fishing year, and red porgy are overfished based on the most recent Status of U.S. Fisheries Report to Congress, the AA will file a notification with the Office of the Federal Register to reduce the commercial ACL in the following fishing year by the amount of the commercial ACL overage in the prior fishing year.

(2) ***Recreational sector.***

(i) If recreational landings for red porgy, as estimated by the SRD, exceed the recreational ACL specified in paragraph (v)(2)(ii) of this section, then during the following fishing year, the AA will file a notification with the Office of the Federal Register to reduce the length of the recreational

fishing season by the amount necessary to ensure recreational landings do not exceed the recreational ACL. However, the length of the recreational fishing season will not be reduced in the following fishing year if NMFS determines, using the best scientific information available, that no fishing season reduction is necessary. When the recreational sector is closed as a result of NMFS reducing the length of the recreational fishing season, the bag and possession limits for red porgy in or from the South Atlantic EEZ are zero.

(ii) The recreational ACL for red porgy is 35,026 lb (15,888 kg), gutted weight, for the 2022 fishing year; 37,829 lb (17,139 kg), gutted weight, for 2023 fishing year; 40,631 lb (18,430 kg), gutted weight, for the 2024 fishing year; 42,499 lb (19,277 kg), gutted weight, for the 2025 fishing year; and 44,367 lb (20,125 kg), gutted weight, for the 2026 and subsequent fishing years.

(3) ***Combined commercial and recreational ACLs.*** The combined commercial and recreational ACL for red porgy is 72,115 lb (32,711 kg), gutted weight, 75,000 lb (34,019 kg), round weight, for the 2022 fishing year; 77,885 lb (35,328 kg), gutted weight, 81,000 lb (36,741 kg), round weight, for 2023 fishing year; 83,654 lb (37,945 kg), gutted weight, 87,000 lb (39,463 kg), round weight, for the 2024 fishing year; 87,500 lb (39,689 kg), gutted weight, 91,000 lb (41,277 kg), round weight, for the 2025 fishing year; and 91,346 lb (41,434 kg), gutted weight, 95,000 lb (43,091 kg), round weight, for the 2026 and subsequent fishing years.

(w) ***Other porgies complex (including jolthead porgy, knobbed porgy, whitebone porgy, scup, and saucereye porgy)*** —

(1) ***Commercial sector.***

(i) If commercial landings for the other porgies complex, as estimated by the SRD, reach or are projected to reach the commercial ACL of 36,348 lb (16,487 kg), round weight, the AA will file a notification with the Office of the Federal Register to close the commercial sector for the other porgies complex for the remainder of the fishing year. On and after the effective date of such a notification, all sale or purchase of jolthead porgy, knobbed porgy, whitebone porgy, scup, and saucereye porgy is prohibited, and harvest or possession of any of these species in or from the South Atlantic EEZ is limited to the bag and possession limits. These bag and possession limits apply in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such species were harvested, *i.e.,* in state or Federal waters.

(ii) If commercial landings for the other porgies complex, as estimated by the SRD, exceed the commercial ACL, and the combined commercial and recreational ACL of 143,262 lb (64,983 kg), round weight, is exceeded, and at least one of the species in the complex is overfished based on the most recent Status of U.S. Fisheries Report to Congress, the AA will file a notification with the Office of the Federal Register to reduce the commercial ACL for that following fishing year by the amount of the commercial ACL overage in the prior fishing year.

(2) ***Recreational sector.***

(i) If recreational landings for the other porgies complex, as estimated by the SRD, reach or are projected to reach the recreational ACL of 106,914 lb (48,495 kg), round weight, the AA will file a notification with the Office of the Federal Register to close the recreational sector for the remainder of the fishing year regardless if any stock in the other porgies complex is overfished, unless NMFS determines that no closure is necessary based on the best scientific information available. On and after the effective date of such a notification, the bag and possession limits for any species in the other porgies complex in or from the South Atlantic EEZ are zero.

(ii) If recreational landings for the other porgies complex, as estimated by the SRD, exceed the recreational ACL, then during the following fishing year recreational landings will be monitored for a persistence in increased landings, and if necessary, the AA will file a notification with the Office of the Federal Register to reduce the length of the recreational fishing season and the recreational ACL by the amount of the recreational ACL overage, if one of the species in the complex is overfished based on the most recent Status of U.S. Fisheries Report to Congress, and if the combined commercial and recreational ACL of 143,262 lb (64,983 kg), round weight, is exceeded during the same fishing year. NMFS will use the best scientific information available to determine if reducing the length of the recreational fishing season and recreational ACL is necessary. When the recreational sector is closed as a result of NMFS reducing the length of the recreational fishing season and ACL, the bag and possession limits for any species in the other porgies complex in or from the South Atlantic EEZ are zero.

(x) ***Grunts complex (including white grunt, sailor's choice, tomtate, and margate)*** —

(1) ***Commercial sector.***

(i) If commercial landings for the grunts complex, as estimated by the SRD, reach or are projected to reach the commercial ACL of 217,903 lb (98,839 kg), round weight, the AA will file a notification with the Office of the Federal Register to close the commercial sector for this complex for the remainder of the fishing year. On and after the effective date of such a notification, all sale or purchase of white grunt, sailor's choice, tomtate, and margate is prohibited, and harvest or possession of these species in or from the South Atlantic EEZ is limited to the bag and possession limits. These bag and possession limits apply in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such species were harvested, *i.e.,* in state or Federal waters.

(ii) If commercial landings for the grunts complex, as estimated by the SRD, exceed the commercial ACL, and the combined commercial and recreational ACL of 836,025 lb (379,215 kg), round weight, and at least one of the species in the complex is overfished based on the most recent Status of U.S. Fisheries Report to Congress, the AA will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year to reduce the commercial ACL for that following fishing year by the amount of the commercial ACL overage in the prior fishing year.

(2) ***Recreational sector.***

(i) If recreational landings for the grunts complex, as estimated by the SRD, reach or are projected to reach the recreational ACL of 618,122 lb (280,375 kg), round weight, the AA will file a notification with the Office of the Federal Register to close the recreational sector for the remainder of the fishing year regardless if any stock in the grunts complex is overfished, unless NMFS determines that no closure is necessary based on the best scientific information available. On and after the effective date of such a notification, the bag and possession limits for any species in the grunts complex in or from the South Atlantic EEZ are zero.

(ii) If recreational landings for the grunts complex, as estimated by the SRD, exceed the recreational ACL, then during the following fishing year recreational landings will be monitored for a persistence in increased landings, and if necessary, the AA will file a notification with the Office of the Federal Register to reduce the length of the recreational fishing season and the recreational ACL by the amount of the recreational ACL overage, if at least one of the species in

the grunts complex is overfished based on the most recent Status of U.S. Fisheries Report to Congress, and if the combined commercial and recreational ACL of 836,025 lb (379,215 kg), round weight, is exceeded during the same fishing year. NMFS will use the best scientific information available to determine if reducing the length of the recreational fishing season and recreational ACL is necessary. When the recreational sector is closed as a result of NMFS reducing the length of the recreational fishing season and ACL, the bag and possession limits for any species in the grunts complex in or from the South Atlantic EEZ are zero.

(y) ***Red snapper*** —

(1) ***Commercial sector.*** The commercial ACL for red snapper is 124,815 lb (56,615 kg), round weight. See § 622.183(b)(5) for details on the commercial fishing season. NMFS will monitor commercial landings during the season, and if commercial landings, as estimated by the SRD, reach or are projected to reach the commercial ACL, the AA will file a notification with the Office of the Federal Register to close the commercial sector for red snapper for the remainder of the year. On and after the effective date of the closure notification, all sale or purchase of red snapper is prohibited and harvest or possession of red snapper is limited to the recreational bag and possession limits and only during such time as harvest by the recreational sector is allowed as described in § 622.183(b)(5). This bag and possession limit and the prohibition on sale/purchase apply in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such species were harvested or possessed, *i.e.,* in state or Federal waters.

(2) ***Recreational sector.*** The recreational ACL for red snapper is 29,656 fish. The AA will file a notification with the Office of the Federal Register to announce the length of the recreational fishing season for the current fishing year. The length of the recreational fishing season for red snapper serves as the in-season accountability measure. See § 622.183(b)(5) for details on the recreational fishing season. On and after the effective date of the recreational closure notification, the bag and possession limits for red snapper are zero.

(z) ***Blueline tilefish*** —

(1) ***Commercial sector.***

(i) If commercial landings for blueline tilefish, as estimated by the SRD, reach or are projected to reach the commercial ACL of 117,148 lb (53,137 kg), round weight, the AA will file a notification with the Office of the Federal Register to close the commercial sector for the remainder of the fishing year. On and after the effective date of such a notification, all sale or purchase of blueline tilefish is prohibited and harvest or possession of blueline tilefish in or from the South Atlantic EEZ is limited to the bag and possession limits. These bag and possession limits apply in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such species were harvested, *i.e.,* in state or Federal waters.

(ii) If commercial landings exceed the ACL, and the combined commercial and recreational ACL (total ACL) specified in paragraph (z)(3) of this section, is exceeded, and blueline tilefish is overfished, based on the most recent Status of U.S. Fisheries Report to Congress, the AA will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year to reduce the commercial ACL for that following year by the amount of the commercial ACL overage in the prior fishing year.

(2) ***Recreational sector.*** The recreational ACL for blueline tilefish is 116,820 lb (52,989 kg), round weight. NMFS will project the length of the recreational fishing season based on catch rates from the previous fishing year and when NMFS projects the recreational ACL specified in this paragraph (z)(2) is expected to be met, and annually announce the recreational fishing season end date in the FEDERAL REGISTER. On and after the effective date of the recreational closure notification, the bag and possession limit for blueline tilefish in or from the South Atlantic EEZ is zero.

(3) The combined commercial and recreational sector ACL (total ACL) is 233,968 lb (106,126 kg), round weight.

(aa) ***Red snapper*** —

(1) ***Commercial sector.*** The commercial ACL for red snapper is 85,268 lb (38,677 kg), round weight. See § 622.183(b)(5) for details on the commercial fishing season. NMFS will monitor commercial landings during the season, and if commercial landings, as estimated by the SRD, reach or are projected to reach the commercial ACL, the AA will file a notification with the Office of the Federal Register to close the commercial sector for red snapper for the remainder of the year. On and after the effective date of the closure notification, all sale or purchase of red snapper is prohibited and harvest or possession of red snapper is limited to the recreational bag and possession limits and only during such time as harvest by the recreational sector is allowed as described in § 622.183(b)(5). This bag and possession limit and the prohibition on sale/purchase apply in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such species were harvested or possessed, *i.e.,* in state or Federal waters.

(2) ***Recreational sector.*** The recreational ACL for red snapper is 21,167 fish. The AA will file a notification with the Office of the Federal Register to announce the length of the recreational fishing season for the current fishing year. The length of the recreational fishing season for red snapper serves as the in-season accountability measure. See § 622.183(b)(5) for details on the recreational fishing season. On and after the effective date of the recreational closure notification, the bag and possession limits for red snapper are zero.

[78 FR 22952, Apr. 17, 2013]

Editorial Note: For FEDERAL REGISTER citations affecting § 622.193, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.govinfo.gov*.

§ 622.194 Adjustment of management measures.

In accordance with the framework procedures of the FMP for the Snapper-Grouper Fishery of the South Atlantic Region, the RA may establish or modify the items specified in paragraph (a) of this section for South Atlantic snapper-grouper and wreckfish, or paragraph (b) of this section for sea turtles and other protected species.

(a) Biomass levels, age-structured analyses, target dates for rebuilding overfished species, maximum sustainable yield (or its proxy), optimum yield, acceptable biological catch, total allowable catch, quotas (including a quota of zero), annual catch limits, annual catch targets, accountability measures, maximum fishing mortality threshold, minimum stock size threshold, trip limits, bag limits, size limits, gear restrictions (ranging from regulation to complete prohibition), seasonal or area closures, fishing year, rebuilding plans, definitions of essential fish habitat (EFH), establishment of or modifications to EFH

habitat areas of particular concern (HAPCs) or coral HAPCs, restrictions on gear and fishing activities applicable in EFH and EFH HAPCs, establish or modify spawning SMZs, and allow transfer of the unharvested total or sector ACL to the following fishing year.

(b) Possession, specifications, and use of required release gear and handling requirements for sea turtles and other protected species.

[78 FR 22952, Apr. 17, 2013, as amended at 78 FR 23863 Apr. 23, 2013; 82 FR 29776, June 30, 2017; 84 FR 67238, Dec. 9, 2019; 89 FR 276, Jan. 3, 2024]

Subpart J—Shrimp Fishery of the South Atlantic Region

§ 622.200 Permits.

(a) ***Commercial vessel permits*** —

(1) ***South Atlantic penaeid shrimp.*** For a person aboard a trawler to fish for penaeid shrimp in the South Atlantic EEZ or possess penaeid shrimp in or from the South Atlantic EEZ, a valid commercial vessel permit for South Atlantic penaeid shrimp must have been issued to the vessel and must be on board.

(2) ***South Atlantic rock shrimp.***

(i) For a person aboard a vessel to fish for rock shrimp in the South Atlantic EEZ off North Carolina or off South Carolina or possess rock shrimp in or from the South Atlantic EEZ off those states, a Commercial Vessel Permit for Rock Shrimp (Carolinas Zone) or a Commercial Vessel Permit for Rock Shrimp (South Atlantic EEZ) must be issued to the vessel and must be on board.

(ii) For a person aboard a vessel to fish for rock shrimp in the South Atlantic EEZ off Georgia or off Florida or possess rock shrimp in or from the South Atlantic EEZ off those states, a Commercial Vessel Permit for Rock Shrimp (South Atlantic EEZ) must be issued to the vessel and must be on board. A Commercial Vessel Permit for Rock Shrimp (South Atlantic EEZ) is a limited access permit. See § 622.201 for limitations on the issuance, transfer, or renewal of a Commercial Vessel Permit for Rock Shrimp (South Atlantic EEZ).

(b) ***Operator permits.***

(1) An operator of a vessel that has or is required to have a Commercial Vessel Permit for Rock Shrimp (Carolinas Zone) or a Commercial Vessel Permit for Rock Shrimp (South Atlantic EEZ) issued under this section is required to have an operator permit.

(2) A person required to have an operator permit under paragraph (b)(1) of this section must carry on board such permit and one other form of personal identification that includes a picture (driver's license, passport, etc.).

(3) An owner of a vessel that is required to have a permitted operator under paragraph (b)(1) of this section must ensure that at least one person with a valid operator permit is aboard while the vessel is at sea or offloading.

(4) An owner of a vessel that is required to have a permitted operator under paragraph (b)(1) of this section and the operator of such vessel are responsible for ensuring that a person whose operator permit is suspended, revoked, or modified pursuant to subpart D of 15 CFR part 904 is not aboard that vessel.

(c) ***Dealer permits and conditions*** —

(1) ***Permits.*** For a dealer to first receive South Atlantic rock shrimp harvested in or from the EEZ, a Gulf and South Atlantic dealer permit must be issued to the dealer.

(2) ***State license and facility requirements.*** To obtain a dealer permit, the applicant must have a valid state wholesaler's license in the state(s) where the dealer operates, if required by such state(s), and must have a physical facility at a fixed location in such state(s).

(d) ***Permit procedures.*** See § 622.4 for information regarding general permit procedures including, but not limited to application, fees, duration, transfer, renewal, display, sanctions and denials, and replacement.

[78 FR 22952, Apr. 17, 2013, as amended at 79 FR 19495, Apr. 9, 2014]

§ 622.201 South Atlantic rock shrimp limited access.

(a) ***Commercial Vessel Permits for Rock Shrimp (South Atlantic EEZ).*** For a person aboard a vessel to fish for rock shrimp in the South Atlantic EEZ off Georgia or off Florida or possess rock shrimp in or from the South Atlantic EEZ off those states, a Commercial Permit for Rock Shrimp (South Atlantic EEZ) must be issued to the vessel and must be on board. No applications for additional Commercial Vessel Permits for Rock Shrimp (South Atlantic EEZ) will be accepted.

(b) ***Transfer of an existing permit.*** A Commercial Vessel Permit for Rock Shrimp (South Atlantic EEZ) is valid only for the vessel and owner named on the permit. To change either the vessel or the owner, a complete application for transfer must be submitted to the RA. An owner of a vessel with a permit may request that the RA transfer a valid permit to another vessel owned by the same entity, to the same vessel owned by another entity, or to another vessel with another owner. A transfer of a permit under this paragraph will include the transfer of the vessel's entire catch history of South Atlantic rock shrimp to a new owner; no partial transfers are allowed.

(c) ***Renewal.*** The RA will not reissue a Commercial Vessel Permit for Rock Shrimp (South Atlantic EEZ) if the permit is revoked or if the RA does not receive an application for renewal of the permit within 1 year after the expiration date of the permit.

(d) ***Limitation on permits.*** A vessel for which a permit for South Atlantic rock shrimp is required may be issued either a Commercial Vessel Permit for Rock Shrimp (Carolinas Zone) or a Commercial Vessel Permit for Rock Shrimp (South Atlantic EEZ), depending on its eligibility. However, no such vessel may be issued both permits for the same period of effectiveness.

§ 622.202 [Reserved]

§ 622.203 Recordkeeping and reporting.

(a) ***Commercial vessel owners and operators*** —

(1) ***Reporting requirement.*** The owner or operator of a vessel that fishes for shrimp in the South Atlantic EEZ or in adjoining state waters, or that lands shrimp in an adjoining state, must provide information for any fishing trip, as requested by the SRD, including, but not limited to, vessel identification, gear, effort, amount of shrimp caught by species, shrimp condition (heads on/heads off), fishing areas and depths, and person to whom sold.

(2) ***Reporting deadline.*** Completed fishing records required by paragraphs (a)(1) of this section must be submitted to the SRD postmarked not later than 7 days after the end of each fishing trip. If no fishing occurred during a calendar month, a report so stating must be submitted on one of the forms postmarked not later than 7 days after the end of that month. Information to be reported is indicated on the form and its accompanying instructions.

(b) ***South Atlantic rock shrimp dealers.***

(1) A dealer who first receives South Atlantic rock shrimp must maintain records and submit information as specified in § 622.5(c).

(2) On demand, a dealer who has been issued a Gulf and South Atlantic dealer permit, as required under § 622.200(c)(1), must make available to an authorized officer all records of offloadings, purchases, or sales of rock shrimp.

[78 FR 22952, Apr. 17, 2013, as amended at 79 FR 19495, Apr. 9, 2014]

§ 622.204 At-sea observer coverage.

(a) ***Required coverage.*** A vessel for which a Federal commercial permit for South Atlantic rock shrimp or South Atlantic penaeid shrimp has been issued must carry a NMFS-approved observer, if the vessel's trip is selected by the SRD for observer coverage.

(b) ***Notification to the SRD.*** When observer coverage is required, an owner or operator must advise the SRD in writing not less than 5 days in advance of each trip of the following:

(1) Departure information (port, dock, date, and time).

(2) Expected landing information (port, dock, and date).

(c) ***Observer accommodations and access.*** An owner or operator of a vessel on which a NMFS-approved observer is embarked must:

(1) Provide accommodations and food that are equivalent to those provided to the crew.

(2) Allow the observer access to and use of the vessel's communications equipment and personnel upon request for the transmission and receipt of messages related to the observer's duties.

(3) Allow the observer access to and use of the vessel's navigation equipment and personnel upon request to determine the vessel's position.

(4) Allow the observer free and unobstructed access to the vessel's bridge, working decks, holding bins, weight scales, holds, and any other space used to hold, process, weigh, or store fish.

(5) Allow the observer to inspect and copy the vessel's log, communications logs, and any records associated with the catch and distribution of fish for that trip.

§ 622.205 Vessel monitoring systems (VMSs).

(a) ***VMS requirement for South Atlantic rock shrimp.*** An owner or operator of a vessel that has been issued a limited access endorsement for South Atlantic rock shrimp (until January 27, 2010) or a Commercial Vessel Permit for Rock Shrimp (South Atlantic EEZ) must ensure that such vessel has an operating VMS approved by NMFS for use in the South Atlantic rock shrimp fishery on board when on a trip in the South

Atlantic. An operating VMS includes an operating mobile transmitting unit on the vessel and a functioning communication link between the unit and NMFS as provided by a NMFS-approved communication service provider.

(b) ***Installation and activation of a VMS.*** Only a VMS that has been approved by NMFS for the South Atlantic rock shrimp fishery may be used, and the VMS must be installed by a qualified marine electrician. When installing and activating the NMFS-approved VMS, or when reinstalling and reactivating such VMS, the vessel owner or operator must—

(1) Follow procedures indicated on a NMFS-approved installation and activation checklist for the applicable fishery, which is available from NMFS Office for Law Enforcement, Southeast Region, 263 13th Avenue South, St. Petersburg, FL 33701; phone: 800-758-4833; and

(2) Submit to NMFS Office for Law Enforcement, Southeast Region, 263 13th Avenue South, St. Petersburg, FL 33701, a statement certifying compliance with the checklist, as prescribed on the checklist.

(3) Submit to NMFS Office for Law Enforcement, Southeast Region, 263 13th Avenue South, St. Petersburg, FL 33701, a vendor-completed installation certification checklist, which is available from NMFS Office for Law Enforcement, Southeast Region, 263 13th Avenue South, St. Petersburg, FL 33701; phone: 800-758-4833.

(c) ***Interference with the VMS.*** No person may interfere with, tamper with, alter, damage, disable, or impede the operation of the VMS, or attempt any of the same.

(d) ***Interruption of operation of the VMS.*** When a vessel's VMS is not operating properly, the owner or operator must immediately contact NMFS Office for Law Enforcement, Southeast Region, 263 13th Avenue South, St. Petersburg, FL 33701, phone: 800-758-4833, and follow instructions from that office. If notified by NMFS that a vessel's VMS is not operating properly, the owner and operator must follow instructions from that office. In either event, such instructions may include, but are not limited to, manually communicating to a location designated by NMFS the vessel's positions or returning to port until the VMS is operable.

(e) ***Access to position data.*** As a condition of authorized fishing for or possession of fish in a fishery subject to VMS requirements in this section, a vessel owner or operator subject to the requirements for a VMS in this section must allow NMFS, the USCG, and their authorized officers and designees access to the vessel's position data obtained from the VMS.

§ 622.206 Area and seasonal closures.

(a) ***South Atlantic shrimp cold weather closure.***

(1) Pursuant to the procedures and criteria established in the FMP for the Shrimp Fishery of the South Atlantic Region, when Florida, Georgia, North Carolina, or South Carolina closes all or a portion of its waters of the South Atlantic to the harvest of brown, pink, and white shrimp, the Assistant Administrator may concurrently close the South Atlantic EEZ adjacent to the closed state waters by filing a notification of closure with the Office of the Federal Register. Closure of the adjacent EEZ will be effective until the ending date of the closure in state waters, but may be ended earlier based on the state's request. In the latter case, the Assistant Administrator will terminate a closure of the EEZ by filing a notification to that effect with the Office of the Federal Register.

(2) During a closure, as specified in paragraph (a)(1) of this section—

(i) No person may trawl for brown shrimp, pink shrimp, or white shrimp in the closed portion of the EEZ (closed area); and no person may possess on board a fishing vessel brown shrimp, pink shrimp, or white shrimp in or from a closed area, except as authorized in paragraph (a)(2)(iii) of this section.

(ii) No person aboard a vessel trawling in that part of a closed area that is within 25 nm of the baseline from which the territorial sea is measured may use or have on board a trawl net with a mesh size less than 4 inches (10.2 cm), as measured between the centers of opposite knots when pulled taut.

(iii) Brown shrimp, pink shrimp, or white shrimp may be possessed on board a fishing vessel in a closed area, provided the vessel is in transit and that the shrimp fishing gear with trawl nets having a mesh size less than 4 inches (10.2 cm), as measured between the centers of opposite knots when pulled taut, is appropriately stowed. For the purposes of this paragraph (a), transit means a non-stop progression through a closed area and appropriately stowed means trawl doors out of the water and in the rack/cradle on deck, the nets must be out of the water and in the rigging and tied down, and any try net must be on deck.

(b) [Reserved]

[78 FR 22952, Apr. 17, 2013, as amended at 85 FR 67310, Oct. 22, 2020]

§ 622.207 Bycatch Reduction Device (BRD) requirements.

(a) ***BRD requirement for South Atlantic shrimp.*** On a shrimp trawler in the South Atlantic EEZ, each net that is rigged for fishing must have a BRD installed that is listed in paragraph (a)(3) of this section and is certified or provisionally certified for the area in which the shrimp trawler is located, unless exempted as specified in paragraphs (a)(1)(i) through (iii) of this section. A trawl net is rigged for fishing if it is in the water, or if it is shackled, tied, or otherwise connected to a sled, door, or other device that spreads the net, or to a tow rope, cable, pole, or extension, either on board or attached to a shrimp trawler.

(1) ***Exemptions from BRD requirement*** --(i) *Try net exemption.* A shrimp trawler is exempt from the requirement to have a certified or provisionally certified BRD installed in a single try net with a headrope length of 16 ft (4.9 m) or less provided the single try net is either placed immediately in front of another net or is not connected to another net.

(ii) ***Roller trawl exemption.*** A shrimp trawler is exempt from the requirement to have a certified or provisionally certified BRD installed in up to two rigid-frame roller trawls that are 16 ft (4.9 m) or less in length used or possessed on board. A rigid-frame roller trawl is a trawl that has a mouth formed by a rigid frame and a grid of rigid vertical bars; has rollers on the lower horizontal part of the frame to allow the trawl to roll over the bottom and any obstruction while being towed; and has no doors, boards, or similar devices attached to keep the mouth of the trawl open.

(iii) ***BRD certification testing exemption.*** A shrimp trawler that is authorized by the RA to participate in the pre-certification testing phase or to test a BRD in the EEZ for possible certification, has such written authorization on board, and is conducting such test in accordance with the "Bycatch Reduction Device Testing Manual" is granted a limited exemption from the BRD requirement specified in this section. The exemption from the BRD requirement is limited to those trawls that are being used in the certification trials. All other trawls rigged for fishing must be equipped with certified or provisionally certified BRDs.

(2) ***Procedures for certification and decertification of BRDs.*** The process for the certification of BRDs consists of two phases—an optional pre-certification phase and a required certification phase. The RA may also provisionally certify a BRD.

(i) ***Pre-certification.*** The pre-certification phase allows a person to test and evaluate a new BRD design for up to 60 days without being subject to the observer requirements and rigorous testing requirements specified for certification testing in the "Bycatch Reduction Device Testing Manual."

(A) A person who wants to conduct pre-certification phase testing must submit an application to the RA, as specified in the "Bycatch Reduction Device Testing Manual." The "Bycatch Reduction Device Testing Manual", which is available from the RA, upon request, contains the application forms.

(B) After reviewing the application, the RA will determine whether to issue a letter of authorization (LOA) to conduct pre-certification trials upon the vessel specified in the application. If the RA authorizes pre-certification, the RA's LOA must be on board the vessel during any trip involving the BRD testing.

(ii) ***Certification.*** A person who proposes a BRD for certification for use in the South Atlantic EEZ must submit an application to test such BRD, conduct the testing, and submit the results of the test in accordance with the "Bycatch Reduction Device Testing Manual." The RA will issue a LOA to conduct certification trials upon the vessel specified in the application if the RA finds that: The operation plan submitted with the application meets the requirements of the "Bycatch Reduction Device Testing Manual"; the observer identified in the application is qualified; and the results of any pre-certification trials conducted have been reviewed and deemed to indicate a reasonable scientific basis for conducting certification testing. If authorization to conduct certification trials is denied, the RA will provide a letter of explanation to the applicant, together with relevant recommendations to address the deficiencies resulting in the denial. To be certified for use in the fishery, the BRD candidate must successfully demonstrate a 30-percent reduction in total weight of finfish bycatch. In addition, the BRD candidate must satisfy the following conditions: There is at least a 50-percent probability the true reduction rate of the BRD candidate meets the bycatch reduction criterion and there is no more than a 10-percent probability the true reduction rate of the BRD candidate is more than 5 percentage points less than the bycatch reduction criterion. If a BRD meets both conditions, consistent with the "Bycatch Reduction Device Testing Manual", NMFS, through appropriate rulemaking procedures, will add the BRD to the list of certified BRDs in paragraph (a)(3) of this section; and provide the specifications for the newly certified BRD, including any special conditions deemed appropriate based on the certification testing results.

(iii) ***Provisional certification.*** Based on data provided consistent with the "Bycatch Reduction Device Testing Manual", the RA may provisionally certify a BRD if there is at least a 50-percent probability the true reduction rate of the BRD is no more than 5 percentage points less than the bycatch reduction criterion, *i.e.* 25 percent reduction in total weight of finfish bycatch. Through appropriate rulemaking procedures, NMFS will add the BRD to the list of provisionally certified BRDs in paragraph (a)(3) of this section; and provide the specifications for the BRD, including any special conditions deemed appropriate based on the certification testing results. A provisional certification is effective for 2 years from the date of publication of the notification in the FEDERAL REGISTER announcing the provisional certification.

(iv) ***Decertification.*** The RA will decertify a BRD if NMFS determines the BRD does not meet the requirements for certification or provisional certification. Before determining whether to decertify a BRD, the RA will notify the South Atlantic Fishery Management Council in writing, and the public will be provided an opportunity to comment on the advisability of any proposed decertification. The RA will consider any comments from the Council and public, and if the RA elects to decertify the BRD, the RA will proceed with decertification via appropriate rulemaking.

(3) ***Certified and provisionally certified BRDs*** —

(i) ***Certified BRDS.*** The following BRDs are certified for use in the South Atlantic EEZ. Specifications of these certified BRDs are contained in Appendix D to this part.

(A) Fisheye--see Appendix D to part 622 for separate specifications in the Gulf and South Atlantic EEZ.

(B) Gulf fisheye.

(C) Jones-Davis.

(D) Modified Jones-Davis.

(E) Expanded mesh.

(F) Extended funnel.

(G) Cone Fish Deflector Composite Panel.

(H) Square Mesh Panel (SMP) Composite Panel.

(ii) [Reserved]

(b) [Reserved]

§ 622.208 Minimum mesh size applicable to rock shrimp off Georgia and Florida.

(a) The minimum mesh size for the cod end of a rock shrimp trawl net in the South Atlantic EEZ off Georgia and Florida is $1^{7}/_{8}$ inches (4.8 cm), stretched mesh. This minimum mesh size is required in at least the last 40 meshes forward of the cod end drawstring (tie-off rings), and smaller-mesh bag liners are not allowed. A vessel that has a trawl net on board that does not meet these requirements may not possess a rock shrimp in or from the South Atlantic EEZ off Georgia and Florida.

(b) [Reserved]

§ 622.209 Restrictions on sale/purchase.

(a) ***South Atlantic rock shrimp.***

(1) Rock shrimp harvested in the South Atlantic EEZ on board a vessel that does not have a valid commercial permit for rock shrimp, as required under § 622.200(a)(2), may not be transferred, received, sold, or purchased.

(2) Rock shrimp harvested in or from the EEZ or adjoining state waters by a vessel that has a valid commercial vessel permit for South Atlantic rock shrimp may be sold or transferred only to a dealer who has a valid Gulf and South Atlantic dealer permit, as required under § 622.200(c)(1).

(3) Rock shrimp harvested in or from the EEZ may be first received by a dealer who has a valid Gulf and South Atlantic dealer permit, as required under § 622.200(c)(1), only from a vessel that has a valid commercial vessel permit for rock shrimp.

(b) [Reserved]

[78 FR 22952, Apr. 17, 2013, as amended at 79 FR 19496, Apr. 9, 2014]

§ 622.210 Adjustment of management measures.

In accordance with the framework procedures of the FMP for the Shrimp Fishery of the South Atlantic Region, the RA may establish or modify the items specified in paragraph (a) of this section for South Atlantic shrimp.

(a) Biomass levels, age-structured analyses, BRD certification criteria, BRD specifications, BRD testing protocol, certified BRDs, nets required to use BRDs, times and locations when the use of BRDs is required, definitions of essential fish habitat, and essential fish habitat HAPCs or Coral HAPCs.

(b) [Reserved]

Subpart K—Coral, Coral Reefs, and Live/Hard Bottom Habitats of the South Atlantic Region

§ 622.220 Permits.

See § 622.4 for information regarding general permit procedures including, but not limited to fees, duration, transfer, renewal, display, sanctions and denials, and replacement.

(a) ***Required permits*** —

(1) ***Allowable chemical.*** For an individual to take or possess fish or other marine organisms with an allowable chemical in a coral area, other than fish or other marine organisms that are landed in Florida, a Federal allowable chemical permit must have been issued to the individual. Such permit must be available when the permitted activity is being conducted and when such fish or other marine organisms are possessed, through landing ashore.

(2) ***Allowable octocoral.*** For an individual to take or possess allowable octocoral in the South Atlantic EEZ, other than allowable octocoral that is landed in Florida, a Federal allowable octocoral permit must have been issued to the individual. Such permit must be available for inspection when the permitted activity is being conducted and when allowable octocoral is possessed, through landing ashore.

(3) ***Aquacultured live rock.*** For a person to take or possess aquacultured live rock in the South Atlantic EEZ, a Federal aquacultured live rock permit must have been issued for the specific harvest site. Such permit, or a copy, must be on board a vessel depositing or possessing material on an aquacultured live rock site or harvesting or possessing live rock from an aquacultured live rock site.

(4) ***Prohibited coral.*** A Federal permit may be issued to take or possess South Atlantic prohibited coral only as scientific research activity, exempted fishing, or exempted educational activity. See § 600.745 of this chapter for the procedures and limitations for such activities and fishing.

(5) ***Florida permits.*** Appropriate Florida permits and endorsements are required for the following activities, without regard to whether they involve activities in the EEZ or Florida's waters:

(i) Landing in Florida fish or other marine organisms taken with an allowable chemical in a coral area.

(ii) Landing allowable octocoral in Florida.

(iii) Landing live rock in Florida.

(b) ***Application.***

(1) The applicant for a coral permit must be the individual who will be conducting the activity that requires the permit. In the case of a corporation or partnership that will be conducting live rock aquaculture activity, the applicant must be the principal shareholder or a general partner.

(2) An applicant must provide the following:

(i) Name, address, telephone number, and other identifying information of the applicant.

(ii) Name and address of any affiliated company, institution, or organization.

(iii) Information concerning vessels, harvesting gear/methods, or fishing areas, as specified on the application form.

(iv) Any other information that may be necessary for the issuance or administration of the permit.

(v) If applying for an aquacultured live rock permit, identification of each vessel that will be depositing material on or harvesting aquacultured live rock from the proposed aquacultured live rock site, specification of the port of landing of aquacultured live rock, and a site evaluation report prepared pursuant to generally accepted industry standards that—

(A) Provides accurate coordinates of the proposed harvesting site so that it can be located using LORAN or Global Positioning System equipment;

(B) Shows the site on a chart in sufficient detail to determine its size and allow for site inspection;

(C) Discusses possible hazards to safe navigation or hindrance to vessel traffic, traditional fishing operations, or other public access that may result from aquacultured live rock at the site;

(D) Describes the naturally occurring bottom habitat at the site; and

(E) Specifies the type and origin of material to be deposited on the site and how it will be distinguishable from the naturally occurring substrate.

§ 622.221 Recordkeeping and reporting.

(a) ***Individuals with coral or live rock permits.***

(1) An individual with a Federal allowable octocoral permit must submit a report of harvest to the SRD. Specific reporting requirements will be provided with the permit.

(2) A person with a Federal aquacultured live rock permit must report to the RA each deposition of material on a site. Such reports must be postmarked not later than 7 days after deposition and must contain the following information:

(i) Permit number of site and date of deposit.

(ii) Geological origin of material deposited.

(iii) Amount of material deposited.

(iv) Source of material deposited, that is, where obtained, if removed from another habitat, or from whom purchased.

(3) A person who takes aquacultured live rock must submit a report of harvest to the RA. Specific reporting requirements will be provided with the permit. This reporting requirement is waived for aquacultured live rock that is landed in Florida.

(b) [Reserved]

§ 622.222 Prohibited gear and methods.

Also see § 622.9 for additional prohibited gear and methods that apply more broadly to multiple fisheries or in some cases all fisheries.

(a) ***Power-assisted tools.*** A power-assisted tool may not be used in the South Atlantic EEZ to take allowable octocoral, prohibited coral, or live rock.

(b) [Reserved]

§ 622.223 Prohibited species.

(a) ***General.*** The harvest and possession restrictions of this section apply without regard to whether the species is harvested by a vessel operating under a commercial vessel permit. The operator of a vessel that fishes in the EEZ is responsible for the limit applicable to that vessel.

(b) ***Prohibited coral.*** South Atlantic prohibited coral taken as incidental catch in the South Atlantic EEZ must be returned immediately to the sea in the general area of fishing. In fisheries where the entire catch is landed unsorted, such as the scallop and groundfish fisheries, unsorted prohibited coral may be landed ashore; however, no person may sell or purchase such prohibited coral.

(c) ***Wild live rock.*** Wild live rock may not be harvested or possessed in the South Atlantic EEZ.

(d) ***Octocoral.*** Octocoral may not be harvested or possessed in or from the portion of the South Atlantic EEZ managed under the FMP. Octocoral collected in the portion of the South Atlantic EEZ managed under the FMP must be released immediately with a minimum of harm.

§ 622.224 Area closures to protect South Atlantic corals.

(a) ***Allowable octocoral closed area.*** No person may harvest or possess allowable octocoral in the South Atlantic EEZ north of 28°35.1' N. lat. (due east of the NASA Vehicle Assembly Building, Cape Canaveral, FL).

(b) ***Oculina Bank*** —

(1) ***HAPC.*** The Oculina Bank HAPC is bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
Origin	29°43'29.82"	80°14'48.06"
1	29°43'30"	80°15'48.24"

Point	North lat.	West long.
2	29°34'51.66"	80°15'00.78"
3	29°34'07.38"	80°15'51.66"
4	29°29'24.9"	80°15'15.78"
5	29°09'32.52"	80°12'17.22"
6	29°04'45.18"	80°10'12"
7	28°56'01.86"	80°08'53.64"
8	28°52'44.40"	80°08'53.04"
9	28°47'28.56"	80°07'07.44"
10	28°46'13.68"	80°07'15.9"
11	28°41'16.32"	80°05'58.74"
12	28°35'05.76"	80°05'14.28"
13	28°33'50.94"	80°05'24.6"
14	28°30'51.36"	80°04'23.94"
15	28°30'00"	80°03'57.3"
16	28°30'	80°03'
17	28°16'	80°03'
18	28°04'30"	80°01'10.08"
19	28°04'30"	80°00'
20	27°30'	80°00'
21	27°30'	79°54"—Point corresponding with intersection with the 100-fathom (183-m) contour, as shown on the latest edition of NOAA chart 11460
NOTE: Line between point 21 and point 22 follows the 100-fathom (183-m) contour, as shown on the latest edition of NOAA chart 11460		
22	28°30'00"	79°56'56"— Point corresponding with intersection with the 100-fathom (183-m) contour, as shown on the latest edition of NOAA chart 11460
23	28°30'00"	80°00'46.02"
24	28°46'00.84"	80°03'28.5"
25	28°48'37.14"	80°03'56.76"
26	28°53'18.36"	80°04'48.84"
27	29°11'19.62"	80°08'36.9"
28	29°17'33.96"	80°10'06.9"
29	29°23'35.34"	80°11'30.06"
30	29°30'15.72"	80°12'38.88"
31	29°35'55.86"	80°13'41.04"
Origin	29°43'29.82"	80°14'55.27"

(i) In the Oculina Bank HAPC, no person may:

(A) Use a bottom longline, bottom trawl, dredge, pot, or trap.

(B) If aboard a fishing vessel, anchor, use an anchor and chain, or use a grapple and chain.

(C) Fish for or possess rock shrimp in or from the Oculina Bank HAPC, except a shrimp vessel with a valid commercial vessel permit for rock shrimp that possesses rock shrimp may transit through the Oculina Bank HAPC if fishing gear is appropriately stowed. For the purpose of this paragraph, transit means a direct and non-stop continuous course through the area, maintaining a minimum speed of five knots as determined by an operating VMS and a VMS minimum ping rate of 1 ping per 5 minutes; fishing gear appropriately stowed means that doors and nets are out of the water.

(ii) [Reserved]

(2) ***Experimental closed area.*** Within the Oculina Bank HAPC, the experimental closed area is bounded on the north by 27°53' N. lat., on the south by 27°30' N. lat., on the east by 79°56' W. long., and on the west by 80°00' W. long. No person may fish for South Atlantic snapper-grouper in the experimental closed area, and no person may retain South Atlantic snapper-grouper in or from the area. In the experimental closed area, any South Atlantic snapper-grouper taken incidentally by hook-and-line gear must be released immediately by cutting the line without removing the fish from the water.

(c) ***Deepwater Coral HAPCs*** —

(1) ***Locations.*** The following areas are designated Deepwater Coral HAPCs:

(i) ***Cape Lookout Lophelia Banks*** is bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
Origin	34°24'37"	75°45'11"
1	34°10'26"	75°58'44"
2	34°05'47"	75°54'54"
3	34°21'02"	75°41'25"
4	34°23'28.998"	75°43'58.002"
5	34°27'00"	75°41'45"
6	34°27'54"	75°42'45"
Origin	34°24'37"	75°45'11"

(ii) ***Cape Fear Lophelia Banks*** is bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
Origin	33°38'49"	76°29'32"
1	33°32'21"	76°32'38"
2	33°29'49"	76°26'19"
3	33°36'09"	76°23'37"

Point	North lat.	West long.
Origin	33°38'49"	76°29'32"

(iii) ***Stetson Reefs, Savannah and East Florida Lithoherms, and Miami Terrace (Stetson-Miami Terrace)*** is bounded by—

(A) Rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
Origin	at outer boundary of EEZ	79°00'00"
1	31°23'37"	79°00'00"
2	31°23'37"	77°16'21"
3	32°38'37"	77°16'21"
4	32°38'21"	77°34'06"
5	32°35'24"	77°37'54"
6	32°32'18"	77°40'26"
7	32°28'42"	77°44'10"
8	32°25'51"	77°47'43"
9	32°22'40"	77°52'05"
10	32°20'58"	77°56'29"
11	32°20'30"	77°57'50"
12	32°19'53"	78°00'49"
13	32°18'44"	78°04'35"
14	32°17'35"	78°07'48"
15	32°17'15"	78°10'41"
16	32°15'50"	78°14'09"
17	32°15'20"	78°15'25"
18	32°12'15"	78°16'37"
19	32°10'26"	78°18'09"
20	32°04'42"	78°21'27"
21	32°03'41"	78°24'07"
22	32°04'58"	78°29'19"
23	32°06'59"	78°30'48"
24	32°09'27"	78°31'31"
25	32°11'23"	78°32'47"
26	32°13'09"	78°34'04"
27	32°14'08"	78°34'36"
28	32°12'48"	78°36'34"

Point	North lat.	West long.
29	32°13'07"	78°39'07"
30	32°14'17"	78°40'01"
31	32°16'20"	78°40'18"
32	32°16'33"	78°42'32"
33	32°14'26"	78°43'23"
34	32°11'14"	78°45'42"
35	32°10'19"	78°49'08"
36	32°09'42"	78°52'54"
37	32°08'15"	78°56'11"
38	32°05'00"	79°00'30"
39	32°01'54"	79°02'49"
40	31°58'40"	79°04'51"
41	31°56'32"	79°06'48"
42	31°53'27"	79°09'18"
43	31°50'56"	79°11'29"
44	31°49'07"	79°13'35"
45	31°47'56"	79°16'08"
46	31°47'11"	79°16'30"
47	31°46'29"	79°16'25"
48	31°44'31"	79°17'24"
49	31°43'20"	79°18'27"
50	31°42'26"	79°20'41"
51	31°41'09"	79°22'26"
52	31°39'36"	79°23'59"
53	31°37'54"	79°25'29"
54	31°35'57"	79°27'14"
55	31°34'14"	79°28'24"
56	31°31'08"	79°29'59"
57	31°30'26"	79°29'52"
58	31°29'11"	79°30'11"
59	31°27'58"	79°31'41"
60	31°27'06"	79°32'08"
61	31°26'22"	79°32'48"
62	31°24'21"	79°33'51"
63	31°22'53"	79°34'41"
64	31°21'03"	79°36'01"
65	31°20'00"	79°37'12"
66	31°18'34"	79°38'15"
67	31°16'49"	79°38'36"

Point	North lat.	West long.
68	31°13'06"	79°38'19"
70	31°11'04"	79°38'39"
70	31°09'28"	79°39'09"
71	31°07'44"	79°40'21"
72	31°05'53"	79°41'27"
73	31°04'40"	79°42'09"
74	31°02'58"	79°42'28"
75	31°01'03"	79°42'40"
76	30°59'50"	79°42'43"
77	30°58'27"	79°42'43"
78	30°57'15"	79°42'50"
79	30°56'09"	79°43'28"
80	30°54'49"	79°44'53"
81	30°53'44"	79°46'24"
82	30°52'47"	79°47'40"
83	30°51'45"	79°48'16"
84	30°48'36"	79°49'02"
85	30°45'24"	79°49'55"
86	30°41'36"	79°51'31"
87	30°38'38"	79°52'23"
88	30°37'00"	79°52'37.2"
89	30°37'00"	80°05'00"
90	30°34'6.42"	80°05'54.96"
91	30°26'59.94"	80°07'41.22"
92	30°23'53.28"	80°08'8.58"
93	30°19'22.86"	80°09'22.56"
94	30°13'17.58"	80°11'15.24"
95	30°07'55.68"	80°12'19.62"
96	30°00'00"	80°13'00"
97	30°00'9"	80°09'30"
98	30°03'00"	80°09'30"
99	30°03'00"	80°06'00"
100	30°04'00"	80°02'45.6"
101	29°59'16"	80°04'11"
102	29°49'12"	80°05'44"
103	29°43'59"	80°06'24"
104	29°38'37"	80°06'53"
105	29°36'54"	80°07'18"
106	29°31'59"	80°07'32"

Point	North lat.	West long.
107	29°29'14"	80°07'18"
108	29°21'48"	80°05'01"
109	29°20'25"	80°04'29"
110	29°08'00"	79°59'43"
111	29°06'56"	79°59'07"
112	29°05'59"	79°58'44"
113	29°03'34"	79°57'37"
114	29°02'11"	79°56'59"
115	29°00'00"	79°55'32"
116	28°56'55"	79°54'22"
117	28°55'00"	79°53'31"
118	28°53'35"	79°52'51"
119	28°51'47"	79°52'07"
120	28°50'25"	79°51'27"
121	28°49'53"	79°51'20"
122	28°49'01"	79°51'20"
123	28°48'19"	79°51'10"
124	28°47'13"	79°50'59"
125	28°43'30"	79°50'36"
126	28°41'05"	79°50'04"
127	28°40'27"	79°50'07"
128	28°39'50"	79°49'56"
129	28°39'04"	79°49'58"
130	28°36'43"	79°49'35"
131	28°35'01"	79°49'24"
132	28°30'37"	79°48'35"
133	28°14'00"	79°46'20"
134	28°11'41"	79°46'12"
135	28°08'02"	79°45'45"
136	28°01'20"	79°45'20"
137	27°58'13"	79°44'51"
138	27°56'23"	79°44'53"
139	27°49'40"	79°44'25"
140	27°46'27"	79°44'22"
141	27°42'00"	79°44'33"
142	27°36'08"	79°44'58"
143	27°30'00"	79°45'29"
144	27°29'04"	79°45'47"
145	27°27'05"	79°45'54"

Point	North lat.	West long.
146	27°25'47"	79°45'57"
147	27°19'46"	79°45'14"
148	27°17'54"	79°45'12"
149	27°12'28"	79°45'00"
150	27°07'45"	79°46'07"
151	27°04'47"	79°46'29"
152	27°00'43"	79°46'39"
153	26°58'43"	79°46'28"
154	26°57'06"	79°46'32"
155	26°49'58"	79°46'54"
156	26°48'58"	79°46'56"
157	26°47'01"	79°47'09"
158	26°46'04"	79°47'09"
159	26°35'09"	79°48'01"
160	26°33'37"	79°48'21"
161	26°27'56"	79°49'09"
162	26°25'55"	79°49'30"
163	26°21'05"	79°50'03"
164	26°20'30"	79°50'20"
165	26°18'56"	79°50'17"
166	26°16'19"	79°54'06"
167	26°13'48"	79°54'48"
168	26°12'19"	79°55'37"
169	26°10'57"	79°57'05"
170	26°09'17"	79°58'45"
171	26°07'11"	80°00'22"
172	26°06'12"	80°00'33"
173	26°03'26"	80°01'02"
174	26°00'35"	80°01'13"
175	25°49'10"	80°00'38"
176	25°48'30"	80°00'23"
177	25°46'42"	79°59'14"
178	25°27'28"	80°02'26"
179	25°24'06"	80°01'44"
180	25°21'04"	80°01'27"
181	25°21'04"	at outer boundary of EEZ

(B) The outer boundary of the EEZ in a northerly direction from Point 181 to the Origin.

(iv) ***Pourtales Terrace*** is bounded by—

(A) Rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
Origin	24°20'12"	80°43'50"
1	24°33'42"	80°34'23"
2	24°37'45"	80°31'20"
3	24°47'18"	80°23'08"
4	24°51'08"	80°27'58"
5	24°42'52"	80°35'51"
6	24°29'44"	80°49'45"
7	24°15'04"	81°07'52"
8	24°10'55"	80°58'11"

(B) The outer boundary of the EEZ in a northerly direction from Point 8 to the Origin.

(v) ***Blake Ridge Diapir*** is bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
Origin	32°32'28"	76°13'16"
1	32°30'44"	76°13'24"
2	32°30'37"	76°11'21"
3	32°32'21"	76°11'13"
Origin	32°32'28"	76°13'16"

(2) ***Restrictions.*** In the Deepwater Coral HAPCs specified in paragraph (c)(1) of this section, no person may:

(i) Use a bottom longline, trawl (mid-water or bottom), dredge, pot, or trap.

(ii) If aboard a fishing vessel, anchor, use an anchor and chain, or use a grapple and chain.

(iii) Fish for coral or possess coral in or from the Deepwater Coral HAPC on board a fishing vessel.

(3) ***Shrimp fishery access areas.*** The provisions of paragraph (c)(2)(i) of this section notwithstanding, an owner or operator of a vessel for which a valid commercial vessel permit for rock shrimp (South Atlantic EEZ) has been issued may trawl for shrimp in the following portions of the Stetson-Miami Terrace Deepwater Coral HAPC:

(i) ***Shrimp access area 1*** is bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
Origin	30°06'30"	80°02'2.4"
1	30°06'30"	80°05'39.6"
2	30°03'00"	80°09'30"
3	30°03'00"	80°06'00"
4	30°04'00"	80°02'45.6"
5	29°59'16"	80°04'11"
6	29°49'12"	80°05'44"
7	29°43'59"	80°06'24"
8	29°38'37"	80°06'53"
9	29°36'54"	80°07'18"
10	29°31'59"	80°07'32"
11	29°29'14"	80°07'18"
12	29°21'48"	80°05'01"
13	29°20'25"	80°04'29"
14	29°20'25"	80°03'11"
15	29°21'48"	80°03'52"
16	29°29'14"	80°06'08"
17	29°31'59"	80°06'23"
18	29°36'54"	80°06'00"
19	29°38'37"	80°05'43"
20	29°43'59"	80°05'14"
21	29°49'12"	80°04'35"
22	29°59'16"	80°03'01"
23	30°06'30"	80°00'53"
Origin	30°06'30"	80°02'2.4"

(ii) ***Shrimp access area 2*** is bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
Origin	29°08'00"	79°59'43"
1	29°06'56"	79°59'07"
2	29°05'59"	79°58'44"
3	29°03'34"	79°57'37"
4	29°02'11"	79°56'59"
5	29°00'00"	79°55'32"

Point	North lat.	West long.
6	28°56'55"	79°54'22"
7	28°55'00"	79°53'31"
8	28°53'35"	79°52'51"
9	28°51'47"	79°52'07"
10	28°50'25"	79°51'27"
11	28°49'53"	79°51'20"
12	28°49'01"	79°51'20"
13	28°48'19"	79°51'10"
14	28°47'13"	79°50'59"
15	28°43'30"	79°50'36"
16	28°41'05"	79°50'04"
17	28°40'27"	79°50'07"
18	28°39'50"	79°49'56"
19	28°39'04"	79°49'58"
20	28°36'43"	79°49'35"
21	28°35'01"	79°49'24"
22	28°30'37"	79°48'35"
23	28°30'37"	79°47'27"
24	28°35'01"	79°48'16"
25	28°36'43"	79°48'27"
26	28°39'04"	79°48'50"
27	28°39'50"	79°48'48"
28	28°40'27"	79°48'58"
29	28°41'05"	79°48'56"
30	28°43'30"	79°49'28"
31	28°47'13"	79°49'51"
32	28°48'19"	79°50'01"
33	28°49'01"	79°50'13"
34	28°49'53"	79°50'12"
35	28°50'25"	79°50'17"
36	28°51'47"	79°50'58"
37	28°53'35"	79°51'43"
38	28°55'00"	79°52'22"
39	28°56'55"	79°53'14"
40	29°00'00"	79°54'24"
41	29°02'11"	79°55'50"
42	29°03'34"	79°56'29"
43	29°05'59"	79°57'35"
44	29°06'56"	79°57'59"

Point	North lat.	West long.
45	29°08'00"	79°58'34"
Origin	29°08'00"	79°59'43"

(iii) ***Shrimp access area 3*** is bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
Origin	28°14'00"	79°46'20"
1	28°11'41"	79°46'12"
2	28°08'02"	79°45'45"
3	28°01'20"	79°45'20"
4	27°58'13"	79°44'51"
5	27°56'23"	79°44'53"
6	27°49'40"	79°44'25"
7	27°46'27"	79°44'22"
8	27°42'00"	79°44'33"
9	27°36'08"	79°44'58"
10	27°30'00"	79°45'29"
11	27°29'04"	79°45'47"
12	27°27'05"	79°45'54"
13	27°25'47"	79°45'57"
14	27°19'46"	79°45'14"
15	27°17'54"	79°45'12"
16	27°12'28"	79°45'00"
17	27°07'45"	79°46'07"
18	27°04'47"	79°46'29"
19	27°00'43"	79°46'39"
20	26°58'43"	79°46'28"
21	26°57'06"	79°46'32"
22	26°57'06"	79°44'52"
23	26°58'43"	79°44'47"
24	27°00'43"	79°44'58"
25	27°04'47"	79°44'48"
26	27°07'45"	79°44'26"
27	27°12'28"	79°43'19"
28	27°17'54"	79°43'31"
29	27°19'46"	79°43'33"

Point	North lat.	West long.
30	27°25'47"	79°44'15"
31	27°27'05"	79°44'12"
32	27°29'04"	79°44'06"
33	27°30'00"	79°43'48"
34	27°30'00"	79°44'22"
35	27°36'08"	79°43'50"
36	27°42'00"	79°43'25"
37	27°46'27"	79°43'14"
38	27°49'40"	79°43'17"
39	27°56'23"	79°43'45"
40	27°58'13"	79°43'43"
41	28°01'20"	79°44'11"
42	28°04'42"	79°44'25"
43	28°08'02"	79°44'37"
44	28°11'41"	79°45'04"
45	28°14'00"	79°45'12"
Origin	28°14'00"	79°46'20"

(iv) ***Shrimp access area 4*** is bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
Origin	26°49'58"	79°46'54"
1	26°48'58"	79°46'56"
2	26°47'01"	79°47'09"
3	26°46'04"	79°47'09"
4	26°35'09"	79°48'01"
5	26°33'37"	79°48'21"
6	26°27'56"	79°49'09"
7	26°25'55"	79°49'30"
8	26°21'05"	79°50'03"
9	26°20'30"	79°50'20"
10	26°18'56"	79°50'17"
11	26°18'56"	79°48'37"
12	26°20'30"	79°48'40"
13	26°21'05"	79°48'08"
14	26°25'55"	79°47'49"

Point	North lat.	West long.
15	26°27'56"	79°47'29"
16	26°33'37"	79°46'40"
17	26°35'09"	79°46'20"
18	26°46'04"	79°45'28"
19	26°47'01"	79°45'28"
20	26°48'58"	79°45'15"
21	26°49'58"	79°45'13"
Origin	26°49'58"	79°46'54"

(4) ***Golden crab fishery access areas.*** The provisions of paragraphs (c)(2)(i) and (ii) of this section notwithstanding, an owner or operator of a vessel for which a valid commercial permit for South Atlantic golden crab has been issued may use a trap to fish for golden crab and use a grapple and chain while engaged in such fishing in the following portions of the Stetson-Miami Terrace and the Pourtales Terrace Deepwater Coral HAPCs. Access to an area specified in paragraph (c)(4)(i) through (v) of this section is contingent on that zone being authorized on the vessel's permit for South Atlantic golden crab. See § 622.241(b) for specification of zones.

(i) ***Golden crab northern zone access area*** is bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
Origin	29°00'00"	79°54'24"
1	28°56'55"	79°53'14"
2	28°55'00"	79°52'22"
3	28°53'35"	79°51'43"
4	28°51'47"	79°50'58"
5	28°50'25"	79°50'17"
6	28°49'53"	79°50'12"
7	28°49'01"	79°50'13"
8	28°48'19"	79°50'01"
9	28°47'13"	79°49'51"
10	28°43'30"	79°49'28"
11	28°41'05"	79°48'56"
12	28°40'27"	79°48'58"
13	28°39'50"	79°48'48"
14	28°39'04"	79°48'50"
15	28°36'43"	79°48'27"
16	28°35'01"	79°48'16"

Point	North lat.	West long.
17	28°30'37"	79°47'27"
18	28°30'37"	79°42'12"
19	28°14'00"	79°40'54"
20	28°14'00"	79°45'12"
21	28°11'41"	79°45'04"
22	28°08'02"	79°44'37"
23	28°04'42"	79°44'25"
24	28°01'20"	79°44'11"
25	28°00'00"	79°43'59"
26	28°00'00"	79°38'16"
27	28°11'42"	79°38'13"
28	28°23'02"	79°38'57"
29	28°36'50"	79°40'25"
30	28°38'33"	79°41'33"
31	28°38'20"	79°43'04"
32	28°41'00"	79°43'39"
33	28°48'16"	79°44'32"
34	28°54'29"	79°45'55"
35	29°00'00"	79°45'50"
Origin	29°00'00"	79°54'24"

(ii) ***Golden crab middle zone access area A*** is bounded by—

(A) Rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
Origin	26°58'45"	79°35'05"
1	27°00'39"	79°36'26"
2	27°07'55"	79°37'52"
3	27°14'52"	79°37'09"
4	27°29'21"	79°37'15"
5	28°00'00"	79°38'16"
6	28°00'00"	79°43'59"
7	27°58'13"	79°43'43"
8	27°56'23"	79°43'45"
9	27°49'40"	79°43'17"
10	27°46'27"	79°43'14"

Point	North lat.	West long.
11	27°42'00"	79°43'25"
12	27°36'08"	79°43'50"
13	27°30'00"	79°44'22"
14	27°30'00"	79°43'48"
15	27°29'04"	79°44'06"
16	27°27'05"	79°44'12"
17	27°25'47"	79°44'15"
18	27°19'46"	79°43'33"
19	27°17'54"	79°43'31"
20	27°12'28"	79°43'19"
21	27°07'45"	79°44'26"
22	27°04'47"	79°44'48"
23	27°00'43"	79°44'58"
24	26°58'43"	79°44'47"
25	26°57'06"	79°44'52"
26	26°57'06"	79°42'34"
27	26°49'58"	79°42'34"
28	26°49'58"	79°45'13"
29	26°48'58"	79°45'15"
30	26°47'01"	79°45'28"
31	26°46'04"	79°45'28"
32	26°35'09"	79°46'20"
33	26°33'37"	79°46'40"
34	26°27'56"	79°47'29"
35	26°25'55"	79°47'49"
36	26°21'05"	79°48'08"
37	26°20'30"	79°48'40"
38	26°18'56"	79°48'37"
39	26°03'38"	79°48'16"
40	26°03'35"	79°46'09"
41	25°58'33"	79°46'08"
42	25°54'27"	79°45'37"
43	25°46'55"	79°44'14"
44	25°38'04"	79°45'58"
45	25°38'05"	79°42'27"

(B) The outer boundary of the EEZ in a northerly direction from Point 45 to Point 46.

(C) Rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
46	26°07'49"	79°36'07"
47	26°17'36"	79°36'06"
48	26°21'18"	79°38'04"
49	26°50'46"	79°35'12"
50	26°50'40"	79°33'45"

(D) The outer boundary of the EEZ in a northerly direction from Point 50 to the Origin.

(iii) ***Golden crab middle zone access area B*** is bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
Origin	25°49'10"	80°00'38"
1	25°48'30"	80°00'23"
2	25°46'42"	79°59'14"
3	25°27'28"	80°02'26"
4	25°24'06"	80°01'44"
5	25°21'04"	80°01'27"
6	25°21'04"	79°58'12"
7	25°23'25"	79°58'19"
8	25°32'52"	79°54'48"
9	25°36'58"	79°54'46"
10	25°37'20"	79°56'20"
11	25°49'11"	79°56'00"
Origin	25°49'10"	80°00'38"

(iv) ***Golden crab middle zone access area C*** is bounded by—

(A) Rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
Origin	25°33'32"	79°42'18"
1	25°33'32"	79°47'14"

Point	North lat.	West long.
2	25°21'04"	79°53'45"
3	25°21'04"	79°42'04"

(B) The outer boundary of the EEZ in a northerly direction from Point 3 to the Origin.

(v) ***Golden crab southern zone access area*** is bounded by—

(A) Rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
Origin	24°14'07"	80°53'27"
1	24°13'46"	81°04'54"
2	24°10'55"	80°58'11"

(B) The outer boundary of the EEZ in a northerly direction from Point 2 to the Origin.

[78 FR 22952, Apr. 17, 2013, as amended at 80 FR 42431, July 17, 2015; 80 FR 46205, Aug. 4, 2015; 80 FR 60566, Oct. 7, 2015; 81 FR 7715, Feb. 16, 2016]

§ 622.225 Harvest limitations.

(a) ***Aquacultured live rock.*** In the South Atlantic EEZ:

(1) Aquacultured live rock may be harvested only under a permit, as required under § 622.220(a)(3), and aquacultured live rock on a site may be harvested only by the person, or his or her employee, contractor, or agent, who has been issued the aquacultured live rock permit for the site. A person harvesting aquacultured live rock is exempt from the prohibition on taking prohibited coral for such prohibited coral as attaches to aquacultured live rock.

(2) The following restrictions apply to individual aquaculture activities:

(i) No aquaculture site may exceed 1 acre (0.4 ha) in size.

(ii) Material deposited on the aquaculture site—

(A) May not be placed over naturally occurring reef outcrops, limestone ledges, coral reefs, or vegetated areas.

(B) Must be free of contaminants.

(C) Must be nontoxic.

(D) Must be placed on the site by hand or lowered completely to the bottom under restraint, that is, not allowed to fall freely.

(E) Must be placed from a vessel that is anchored.

(F) Must be geologically distinguishable from the naturally occurring substrate and, in addition, may be indelibly marked or tagged.

(iii) A minimum setback of at least 50 ft (15.2 m) must be maintained from natural vegetated or hard bottom habitats.

(3) Mechanically dredging or drilling, or otherwise disturbing, aquacultured live rock is prohibited, and aquacultured live rock may be harvested only by hand.

(4) The following activities are also prohibited: Chipping of aquacultured live rock in the EEZ, possession of chipped aquacultured live rock in or from the EEZ, removal of allowable octocoral or prohibited coral from aquacultured live rock in or from the EEZ, and possession of prohibited coral not attached to aquacultured live rock or allowable octocoral, while aquacultured live rock is in possession. See the definition of "Allowable octocoral" for clarification of the distinction between allowable octocoral and live rock. For the purposes of this paragraph (a)(4), chipping means breaking up reefs, ledges, or rocks into fragments, usually by means of a chisel and hammer.

(5) Not less than 24 hours prior to harvest of aquacultured live rock, the owner or operator of the harvesting vessel must provide the following information to the NMFS Office for Law Enforcement, Southeast Region, St. Petersburg, FL, by telephone (727-824-5344):

(i) Permit number of site to be harvested and date of harvest.

(ii) Name and official number of the vessel to be used in harvesting.

(iii) Date, port, and facility at which aquacultured live rock will be landed.

(b) [Reserved]

§ 622.226 Restrictions on sale/purchase.

(a) ***South Atlantic wild live rock.*** Wild live rock in or from the South Atlantic EEZ may not be sold or purchased. The prohibition on sale or purchase does not apply to wild live rock from the South Atlantic EEZ that was harvested and landed prior to January 1, 1996.

(b) [Reserved]

§ 622.227 Adjustment of management measures.

In accordance with the framework procedures of the FMP for Coral, Coral Reefs, and Live/Hard Bottom Habitats of the South Atlantic Region, the RA may establish or modify the following:

(a) ***South Atlantic coral, coral reefs, and live/hard bottom habitats.*** Definitions of essential fish habitat and essential fish habitat HAPCs or Coral HAPCs.

(b) [Reserved]

Subpart L—Golden Crab Fishery of the South Atlantic Region

§ 622.240 Permits.

(a) ***Commercial vessel permits.*** For a person aboard a vessel to fish for golden crab in the South Atlantic EEZ, possess golden crab in or from the South Atlantic EEZ, off-load golden crab from the South Atlantic EEZ, or sell golden crab in or from the South Atlantic EEZ, a commercial vessel permit for golden crab must be issued to the vessel and must be on board. It is a rebuttable presumption that a golden crab on board a vessel in the South Atlantic or off-loaded from a vessel in a port adjoining the South Atlantic was harvested from the South Atlantic EEZ. See § 622.241 for limitations on the use, transfer, and renewal of a commercial vessel permit for golden crab.

(b) ***Dealer permits and conditions*** —

(1) ***Permits.*** For a dealer to first receive South Atlantic golden crab harvested in or from the EEZ, a Gulf and South Atlantic dealer permit must be issued to the dealer.

(2) ***State license and facility requirements.*** To obtain a dealer permit, the applicant must have a valid state wholesaler's license in the state(s) where the dealer operates, if required by such state(s), and must have a physical facility at a fixed location in such state(s).

(c) ***Permit procedures.*** See § 622.4 for information regarding general permit procedures including, but not limited to application, fees, duration, transfer, renewal, display, sanctions and denials, and replacement.

[78 FR 22952, Apr. 17, 2013, as amended at 79 FR 19496, Apr. 9, 2014]

§ 622.241 South Atlantic golden crab controlled access.

(a) ***General.*** In accordance with the procedures specified in the Fishery Management Plan for the Golden Crab Fishery of the South Atlantic Region, initial commercial vessel permits have been issued for the fishery. All permits in the fishery are issued on a fishing-year (calendar-year) basis. No additional permits may be issued except for the northern zone as follows:

(1) The RA will issue up to two new vessel permits for the northern zone. Selection will be made from the list of historical participants in the South Atlantic golden crab fishery. Such list was used at the October 1995 meeting of the South Atlantic Fishery Management Council and was prioritized based on pounds of golden crab landed, without reference to a specific zone. Individuals on the list who originally received permits will be deleted from the list.

(2) The RA will offer in writing an opportunity to apply for a permit for the northern zone to the individuals highest on the list until two individuals accept and apply in a timely manner. An offer that is not accepted within 30 days after it is received will no longer be valid.

(3) An application for a permit from an individual who accepts the RA's offer must be received by the RA no later than 30 days after the date of the individual's acceptance. Application forms are available from the RA.

(4) A vessel permit for the northern zone issued under paragraph (a)(1) of this section, and any successor permit, may not be changed to another zone. A successor permit includes a permit issued to that vessel for a subsequent owner and a permit issued via transfer from that vessel to another vessel.

(b) ***Fishing zones*** —

(1) ***Designation of fishing zones.*** The South Atlantic EEZ is divided into three fishing zones for golden crab as follows:

(i) Northern zone—the South Atlantic EEZ north of 28° N. lat.

(ii) Middle zone—the South Atlantic EEZ from 28° N. lat. to 25° N. lat.

(iii) Southern zone—the South Atlantic EEZ south of 25° N. lat.

(2) ***Authorization to fish in zones.*** Each vessel permit indicates one of the zones specified in paragraph (b)(1) of this section. A vessel with a permit to fish for golden crab in the northern zone or the middle zone may fish only in that zone. A vessel with a documented length overall greater than 65 ft (19.8 m) with a permit to fish for golden crab in the southern zone may fish in that zone, consistent with the provisions of paragraph (b)(3) of this section. A vessel may possess golden crab only in a zone in which it is authorized to fish, except that other zones may be transited if the vessel notifies NMFS Office for Law Enforcement, Southeast Region, St. Petersburg, FL, by telephone (727-824-5344) in advance and does not fish in a zone in which it is not authorized to fish.

(3) ***Small-vessel sub-zone.*** Within the southern zone, a small-vessel sub-zone is established bounded on the north by 24°15' N. lat., on the south by 24°07' N. lat., on the east by 81°22' W. long., and on the west by 81°56' W. long. No vessel with a documented length overall greater than 65 ft (19.8 m) may fish for golden crab in this sub-zone, and a vessel with a documented length overall of 65 ft (19.8 m) or less that is permitted for the southern zone may fish for golden crab only in this sub-zone.

(4) ***Procedure for changing zones.*** Upon request from an owner of a permitted vessel, the RA will change the zone specified on a permit from the middle or southern zone to the northern zone. No other changes in the zone specified on a permit are allowed. An owner of a permitted vessel who desires a change to the northern zone must submit his/her request with the existing permit to the RA.

(c) ***Transferring permits between vessels*** —

(1) ***Procedure for transferring.*** An owner of a vessel who desires a golden crab permit may request that NMFS transfer an existing permit or permits to his or her vessel by returning an existing permit or permits to the RA with an application for a permit for the replacement vessel.

(2) ***Vessel size limitations on transferring.***

(i) To obtain a permit for the middle or southern zone via transfer, the documented length overall of the replacement vessel may not exceed the documented length overall, or aggregate documented lengths overall, of the replaced vessel(s) by more than 20 percent. The owner of a vessel permitted for the middle or southern zone who has requested that NMFS transfer that permit to a smaller vessel (*i.e.,* downsized) may subsequently request NMFS transfer that permit to a vessel of a length calculated from the length of the permitted vessel immediately prior to downsizing.

(ii) There are no vessel size limitations to obtain a permit for the northern zone via transfer.

(d) ***Permit renewal.*** NMFS will not renew a commercial vessel permit for South Atlantic golden crab if the permit is revoked or if the RA does not receive a required application for renewal within 6 months after the permit's expiration. See § 622.4(g) for the applicable general procedures and requirements for permit renewals.

§ 622.242 Recordkeeping and reporting.

(a) ***Commercial vessel owners and operators.***

(1) The owner or operator of a vessel for which a commercial permit for golden crab has been issued, as required under § 622.240(a), who is selected to report by the SRD must maintain a fishing record on a form available from the SRD.

(2) Reporting forms required in paragraph (a)(1) of this section must be submitted to the SRD postmarked not later than 30 days after sale of the golden crab offloaded from a trip. If no fishing occurred during a calendar month, a report so stating must be submitted on one of the forms postmarked not later than 7 days after the end of that month. Information to be reported is indicated on the form and its accompanying instructions.

(b) ***Dealers.*** A dealer who first receives South Atlantic golden crab must maintain records and submit information as specified in § 622.5(c).

[78 FR 22952, Apr. 17, 2013, as amended at 79 FR 19496, Apr. 9, 2014]

§ 622.243 Gear identification.

(a) ***Golden crab traps and associated buoys*** —

(1) ***Golden crab traps.*** A golden crab trap used or possessed in the South Atlantic EEZ or on board a vessel with a commercial permit for golden crab must have the commercial vessel permit number permanently affixed so as to be easily distinguished, located, and identified; an identification tag issued by the RA may be used for this purpose but is not required.

(2) ***Associated buoys.*** In the South Atlantic EEZ, buoys are not required to be used, but, if used, each buoy must display the official number assigned by the RA so as to be easily distinguished, located, and identified.

(3) ***Presumption of ownership.*** A golden crab trap in the EEZ will be presumed to be the property of the most recently documented owner. This presumption will not apply with respect to such traps that are lost or sold if the owner reports the loss or sale within 15 days to the RA.

(4) ***Unmarked golden crab traps.*** An unmarked golden crab trap or a buoy deployed in the EEZ where such trap or buoy is required to be marked is illegal and may be disposed of in any appropriate manner by the Assistant Administrator or an authorized officer.

(b) [Reserved]

§ 622.244 At-sea observer coverage.

(a) ***Required coverage.*** A vessel for which a Federal commercial permit for golden crab has been issued must carry a NMFS-approved observer, if the vessel's trip is selected by the SRD for observer coverage.

(b) ***Notification to the SRD.*** When observer coverage is required, an owner or operator must advise the SRD in writing not less than 5 days in advance of each trip of the following:

(1) Departure information (port, dock, date, and time).

(2) Expected landing information (port, dock, and date).

(c) ***Observer accommodations and access.*** An owner or operator of a vessel on which a NMFS-approved observer is embarked must:

(1) Provide accommodations and food that are equivalent to those provided to the crew.

(2) Allow the observer access to and use of the vessel's communications equipment and personnel upon request for the transmission and receipt of messages related to the observer's duties.

(3) Allow the observer access to and use of the vessel's navigation equipment and personnel upon request to determine the vessel's position.

(4) Allow the observer free and unobstructed access to the vessel's bridge, working decks, holding bins, weight scales, holds, and any other space used to hold, process, weigh, or store fish.

(5) Allow the observer to inspect and copy the vessel's log, communications logs, and any records associated with the catch and distribution of fish for that trip.

§ 622.245 Prohibited species.

(a) ***General.*** The harvest and possession restrictions of this section apply without regard to whether the species is harvested by a vessel operating under a commercial vessel permit. The operator of a vessel that fishes in the EEZ is responsible for the limit applicable to that vessel.

(b) ***Female golden crabs.*** It is intended that no female golden crabs in or from the South Atlantic EEZ be retained on board a vessel and that any female golden crab in or from the South Atlantic EEZ be released in a manner that will ensure maximum probability of survival. However, to accommodate legitimate incidental catch and retention, the number of female golden crabs in or from the South Atlantic EEZ retained on board a vessel may not exceed 0.5 percent, by number, of all golden crabs on board. See § 622.250(a) regarding the prohibition of sale of female golden crabs.

(c) ***Snapper-grouper aboard a golden crab vessel.*** South Atlantic snapper-grouper may not be possessed in whole, gutted, or filleted form by a person aboard a vessel fishing for or possessing golden crab in or from the South Atlantic EEZ or possessing a golden crab trap in the South Atlantic. Only the head, fins, and backbone (collectively the “rack”) of South Atlantic snapper-grouper may be possessed for use as bait.

§ 622.246 Area closures.

(a) ***Golden crab trap closed areas.*** In the golden crab northern zone, a golden crab trap may not be deployed in waters less than 900 ft (274 m) deep. In the golden crab middle and southern zones, a golden crab trap may not be deployed in waters less than 700 ft (213 m) deep. See § 622.241(b)(1) for specification of the golden crab zones.

(b) [Reserved]

§ 622.247 Landing golden crab intact.

The operator of a vessel that fishes in the EEZ is responsible for ensuring that golden crab on that vessel in the EEZ are maintained intact and, if taken from the EEZ, are maintained intact through offloading ashore.

(a) A golden crab in or from the South Atlantic EEZ must be maintained in whole condition through landing ashore. For the purposes of this paragraph, whole means a crab that is in its natural condition and that has not been gutted or separated into component pieces, *e.g.,* clusters.

(b) [Reserved]

§ 622.248 Authorized gear.

(a) ***Traps.*** Traps are the only fishing gear authorized in directed fishing for golden crab in the South Atlantic EEZ. Golden crab in or from the South Atlantic EEZ may not be retained on board a vessel possessing or using unauthorized gear.

(b) ***Buoy line or mainline.*** Rope is the only material allowed to be used for a buoy line or mainline attached to a golden crab trap.

§ 622.249 Gear restrictions and requirements.

(a) ***Maximum trap sizes.*** A golden crab trap deployed or possessed in the South Atlantic EEZ may not exceed 64 ft^3 (1.8 m^3) in volume in the northern zone or 48 ft^3 (1.4 m^3) in volume in the middle and southern zones. See § 622.241(b)(1) for specification of the golden crab zones.

(b) ***Required escape mechanisms for traps.***

(1) A golden crab trap that is used or possessed in the South Atlantic EEZ must have at least one escape gap or escape ring on each of two opposite vertical sides. The minimum allowable inside dimensions of an escape gap are 2.75 by 3.75 inches (7.0 by 9.5 cm); the minimum allowable inside diameter of an escape ring is 4.5 inches (11.4 cm). In addition to the escape gaps—

(i) A golden crab trap constructed of webbing must have an opening (slit) at least 1 ft (30.5 cm) long that may be closed (relaced) only with untreated cotton string no larger than $^3/_{16}$ inch (0.48 cm) in diameter.

(ii) A golden crab trap constructed of material other than webbing must have an escape panel or door measuring at least $11^7/_8$ by $11^7/_8$ inches (30.2 by 30.2 cm), located on at least one side, excluding top and bottom. The hinges or fasteners of such door or panel must be made of either ungalvanized or uncoated iron wire no larger than 19 gauge (0.04 inch (1.0 mm) in diameter) or untreated cotton string no larger than $^3/_{16}$ inch (4.8 mm) in diameter.

(2) [Reserved]

(c) ***Restriction on tending traps.*** A golden crab trap in the South Atlantic EEZ may be pulled or tended only by a person (other than an authorized officer) aboard the vessel permitted to fish such pot or trap or aboard another vessel if such vessel has on board written consent of the owner or operator of the vessel so permitted. A vessel with written consent on board must also possess a valid commercial vessel permit for golden crab.

§ 622.250 Restrictions on sale/purchase.

(a) A female golden crab in or from the South Atlantic EEZ may not be sold or purchased.

(b) A golden crab harvested in the South Atlantic EEZ on board a vessel that does not have a valid commercial permit for golden crab, as required under § 622.240(a), may not be sold or purchased.

(c) A golden crab harvested in or from the EEZ or adjoining state waters by a vessel that has a valid commercial vessel permit for South Atlantic golden crab may be sold or transferred only to a dealer who has a valid Gulf and South Atlantic dealer permit, as required under § 622.240(b)(1).

(d) A golden crab harvested in or from the EEZ may be first received by a dealer who has a valid Gulf and South Atlantic dealer permit, as required under § 622.240(b)(1), only from a vessel that has a valid commercial vessel permit for golden crab.

[78 FR 22952, Apr. 17, 2013, as amended at 79 FR 19496, Apr. 9, 2014]

§ 622.251 Annual catch limits (ACLs), annual catch targets (ACTs), and accountability measures (AMs).

(a) ***Commercial sector.***

(1) If commercial landings for golden crab, as estimated by the SRD, reach or are projected to reach the ACL of 2 million lb (907,185 kg), round weight, the AA will file a notification with the Office of the Federal Register to close the golden crab fishery for the remainder of the fishing year. On and after the effective date of such a notification, all harvest, possession, sale, or purchase of golden crab in or from the South Atlantic EEZ is prohibited.

(2) If commercial landings for golden crab, as estimated by the SRD, exceed the ACL, and the species is overfished based on the most recent Status of U.S. Fisheries Report to Congress, the AA will file a notification with the Office of the Federal Register to reduce the ACL in the following fishing year by the amount of the ACL overage in the prior fishing year.

(b) [Reserved]

[78 FR 22952, Apr. 17, 2013, as amended at 81 FR 3746, Jan. 22, 2016]

§ 622.252 Adjustment of management measures.

In accordance with the framework procedures of the FMP for the Golden Crab Fishery of the South Atlantic Region, the RA may establish or modify the following:

(a) Biomass levels, age-structured analyses, maximum sustainable yield, acceptable biological catch, total allowable catch, quotas (including quotas equal to zero), trip limits, minimum sizes, gear regulations and restrictions, permit requirements, seasonal or area closures, sub-zones and their management measures, time frame for recovery of golden crab if overfished, fishing year (adjustment not to exceed 2 months), observer requirements, authority for the Regional Administrator to close the fishery when a quota is reached or is projected to be reached, definitions of essential fish habitat (EFH), EFH habitat areas of particular concern (HAPCs), or coral HAPCs, and allow transfer of the unharvested ACL to the following fishing year.

(b) [Reserved]

[78 FR 22952, Apr. 17, 2013, as amended at 89 FR 276, Jan. 3, 2024]

Subpart M—Dolphin and Wahoo Fishery of the Atlantic

§ 622.270 Permits.

(a) ***Commercial vessel permits.***

(1) For a person aboard a vessel to be eligible for exemption from the bag and possession limits for dolphin or wahoo in or from the Atlantic EEZ or to sell such dolphin or wahoo, a commercial vessel permit for Atlantic dolphin and wahoo must be issued to the vessel and must be on board, except as provided in paragraph (a)(2) of this section.

(2) The provisions of paragraph (a)(1) of this section notwithstanding, a fishing vessel, except a vessel operating as a charter vessel or headboat, that does not have a commercial vessel permit for Atlantic dolphin and wahoo but has a Federal commercial vessel permit in any other fishery, is exempt from the bag and possession limits for dolphin and wahoo and may sell dolphin and wahoo, subject to the trip and geographical limits specified in § 622.278(a)(3). (A charter vessel/headboat permit is not a commercial vessel permit.)

(b) ***Charter vessel/headboat permits.***

(1) For a person aboard a vessel that is operating as a charter vessel or headboat to fish for or possess Atlantic dolphin or wahoo, in or from the Atlantic EEZ, a valid charter vessel/headboat permit for Atlantic dolphin and wahoo must have been issued to the vessel and must be on board.

(2) A charter vessel or headboat may have both a charter vessel/headboat permit and a commercial vessel permit. However, when a vessel is operating as a charter vessel or headboat, a person aboard must adhere to the bag limits. See the definitions of "Charter vessel" and "Headboat" in § 622.2 for an explanation of when vessels are considered to be operating as a charter vessel or headboat, respectively.

(c) [Reserved]

(d) ***Dealer permits and conditions*** —

(1) ***Permits.*** For a dealer to first receive Atlantic dolphin or wahoo harvested in or from the EEZ, a Gulf and South Atlantic dealer permit must be issued to the dealer.

(2) ***State license and facility requirements.*** To obtain a dealer permit, the applicant must have a valid state wholesaler's license in the state(s) where the dealer operates, if required by such state(s), and must have a physical facility at a fixed location in such state(s).

(e) ***Permit procedures.*** See § 622.4 for information regarding general permit procedures including, but not limited to application, fees, duration, transfer, renewal, display, sanctions and denials, and replacement.

[78 FR 22952, Apr. 17, 2013, as amended at 79 FR 19496, Apr. 9, 2014; 87 FR 19018, Apr. 1, 2022]

§ 622.271 Recordkeeping and reporting.

(a) ***Commercial vessel owners and operators*** —

(1) ***Reporting requirement.*** The owner or operator of a vessel for which a commercial permit for Atlantic dolphin and wahoo has been issued, as required under § 622.270(a)(1), or whose vessel fishes for or lands Atlantic dolphin or wahoo in or from state waters adjoining the Atlantic EEZ, who is selected to report by the SRD must maintain a fishing record on a form available from the SRD and must submit such record as specified in paragraph (a)(2) of this section.

(2) ***Reporting deadlines.*** Completed fishing records required by paragraph (a)(1) of this section must be submitted to the SRD postmarked not later than 7 days after the end of each fishing trip. If no fishing occurred during a calendar month, a report so stating must be submitted on one of the forms postmarked not later than 7 days after the end of that month. Information to be reported is indicated on the form and its accompanying instructions.

(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 Atlantic dolphin and wahoo has been issued, as required under § 622.270(b)(1), and whose vessel is operating as a charter vessel, must record all fish harvested and discarded, and any other information requested by the SRD for each trip, and submit an electronic fishing report within the time period specified in paragraph (b)(2) of this section. The electronic fishing report must be submitted to the SRD via NMFS-approved hardware and software, as specified in paragraph (b)(5) of this section. If the owner or operator subject to this paragraph (b)(1)(i) has been issued a Federal permit that requires more restrictive reporting requirements, as determined by NMFS and posted on the NMFS Southeast Region website, reporting under those more restrictive regulations will meet the requirements of this paragraph (b)(1)(i).

(ii) ***Headboats.*** The owner or operator of a headboat for which a charter vessel/headboat permit for Atlantic dolphin and wahoo has been issued, as required under § 622.270(b)(1), and whose vessel is operating as a headboat in state or Federal waters, must record all fish harvested and discarded, and any other information requested by the SRD for each trip in state or Federal waters, and submit an electronic fishing report within the time period specified in paragraph (b)(2) of this section. The electronic fishing report must be submitted to the SRD via NMFS-approved hardware and software, as specified in paragraph (b)(5) of this section.

(2) ***Reporting deadlines for charter vessels and headboats.*** Completed electronic fishing reports required by paragraph (b)(1) of this section must be submitted to the SRD by the Tuesday following each previous reporting week of Monday through Sunday, or at shorter intervals if notified by the SRD. If no fishing activity as a charter vessel or headboat occurred during a reporting week, an electronic report so stating must be submitted by the Tuesday following that reporting week, or at a shorter interval if notified by the SRD.

(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) 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, and other appropriate means such as fishery bulletins or NOAA weather radio, and will authorize the affected participants' use of paper forms 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 requirements.*** Electronic reports required by paragraph (b)(1) of this section must be submitted and received by NMFS according to the reporting requirements under this section. A report not received within the applicable time specified in paragraph (b)(2) of this section is delinquent. A delinquent report results in the owner and operator of a charter vessel or headboat for which a charter vessel/headboat permit for Atlantic dolphin and wahoo has been issued being prohibited from harvesting or possessing such species automatically, with no additional requirement for NMFS to provide notice to the owner and operator of their delinquency. 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.

(5) ***Hardware and software requirements for electronic reporting.*** Owners and operators must submit electronic reports using NMFS-approved hardware and software as posted on the NMFS Southeast Region website.

(c) ***Dealers.***

(1) A dealer who first receives Atlantic dolphin or wahoo must maintain records and submit information as specified in § 622.5(c).

(2) ***Alternate SRD.*** For the purpose of § 622.5(c), in the states from Maine through Virginia, or in the waters off those states, "SRD" means the Science and Research Director, Northeast Fisheries Science Center, NMFS, or a designee.

(3) On demand, a dealer who has been issued a Gulf and South Atlantic dealer permit, as required under § 622.270(d)(1), must make available to an authorized officer all records of offloadings, purchases, or sales of Atlantic dolphin or wahoo.

[78 FR 22952, Apr. 17, 2013, as amended at 78 FR 78781, Dec. 27, 2013; 79 FR 19496, Apr. 9, 2014; 85 FR 10340, Feb. 24, 2020]

§ 622.272 Authorized gear.

(a) ***Atlantic dolphin and wahoo*** —

(1) ***Authorized gear.*** Except as allowed in paragraph (a)(2) of this section, the following are the only authorized gear types in the fishery for dolphin and wahoo in the Atlantic EEZ: Automatic reel, bandit gear, handline, pelagic longline, rod and reel, and spearfishing gear (including powerheads). A person aboard a vessel in the Atlantic EEZ that has on board gear types other than authorized gear types may not possess a dolphin or wahoo.

(2) ***Trap, pot, and buoy gear authorization.*** A vessel in the Atlantic EEZ that possesses both a valid Federal commercial permit for Atlantic dolphin and wahoo and any Federal commercial permit(s) required that allow a vessel to fish using trap, pot, or buoy gear or that is in compliance with the permitting requirements for the spiny lobster fishery of the Gulf of Mexico and South Atlantic as described at § 622.400, is authorized to retain both dolphin and wahoo harvested by rod and reel while in possession of trap, pot, or buoy gear. See § 622.278(a)(2)(ii) for the amount of dolphin that may be retained under the commercial trip limits as described in this paragraph (a)(2). See § 622.278(a)(1)(ii) for the amount of wahoo that may be retained under the commercial trip limits as described in this paragraph (a)(2).

(b) [Reserved]

[78 FR 22952, Apr. 17, 2013, as amended at 87 FR 19018, Apr. 1, 2022]

§ 622.273 Conservation measures for protected species.

(a) ***Atlantic dolphin and wahoo pelagic longliners.*** The owner or operator of a vessel for which a commercial permit for Atlantic dolphin and wahoo has been issued, as required under § 622.270(a)(1), and that has on board a pelagic longline must post inside the wheelhouse the sea turtle handling and release guidelines provided by NMFS. Such owner or operator must also comply with the sea turtle bycatch mitigation measures, including gear requirements and sea turtle handling requirements, as specified in § 635.21(c)(5)(i) and (ii) of this chapter, respectively. For the purpose of this paragraph, a vessel is considered to have pelagic longline gear on board when a power-operated longline hauler, a mainline, floats capable of supporting the mainline, and leaders (gangions) with hooks are on board. Removal of any one of these elements constitutes removal of pelagic longline gear.

(b) [Reserved]

§ 622.274 Pelagic longline closed areas.

(a) If pelagic longline gear is on board a vessel, a person aboard such vessel may not fish for or retain a dolphin or wahoo—

(1) In the Northeastern United States closed area from June 1 through June 30 each year. The Northeastern United States closed area is that portion of the EEZ between 40° N. lat. and 39° N. lat. from 68° W. long. to 74° W. long.

(2) In the Charleston Bump closed area from February 1 through April 30 each year. The Charleston Bump closed area is that portion of the EEZ off North Carolina, South Carolina, and Georgia between 34° N. lat. and 31° N. lat. and west of 76° W. long.

(3) In the East Florida Coast closed area year round. The East Florida Coast closed area is that portion of the EEZ off Georgia and the east coast of Florida from the inner boundary of the EEZ at 31° N. lat.; thence due east to 78° W. long.; thence by a rhumb line to 28°17' N. lat., 79°12' W. long.; thence proceeding in a southerly direction along the outer boundary of the EEZ to 24° N. lat.; thence due west to 24° N. lat., 81°47' W. long.; thence due north to the innermost boundary of the EEZ at 81°47' W. long.

(b) A vessel is considered to have pelagic longline gear on board when a power-operated longline hauler, a mainline, floats capable of supporting the mainline, and gangions with hooks are on board. Removal of any one of these elements constitutes removal of pelagic longline gear.

(c) If a vessel is in a closed area during a time specified in paragraph (a) of this section with pelagic longline gear on board, it is a rebuttable presumption that fish on board such vessel were taken with pelagic longline gear in the closed area.

§ 622.275 Size limits.

All size limits in this section are minimum size limits unless specified otherwise. A fish not in compliance with its size limit, as specified in this section, in or from the Atlantic EEZ, may not be possessed, sold, or purchased. A fish not in compliance with its size limit must be released immediately with a minimum of harm. The operator of a vessel that fishes in the EEZ is responsible for ensuring that fish on board are in compliance with the size limits specified in this section.

(a) ***Dolphin in the Atlantic off Florida, Georgia, and South Carolina*** —20 inches (50.8 cm), fork length.

(b) [Reserved]

§ 622.276 Landing fish intact.

(a) Dolphin or wahoo in or from the Atlantic EEZ must be maintained with head and fins intact, except as specified in paragraph (b) of this section. Such fish may be eviscerated, gilled, and scaled, but must otherwise be maintained in a whole condition. The operator of a vessel that fishes in the EEZ is responsible for ensuring that fish on that vessel in the EEZ are maintained intact and, if taken from the EEZ, are maintained intact through offloading ashore, as specified in this section.

(b) In the Atlantic EEZ, dolphin or wahoo lawfully harvested in Bahamian waters are exempt from the requirement that they be maintained with head and fins intact, provided that the skin remains intact on the entire fillet of any dolphin or wahoo carcasses, valid Bahamian fishing and cruising permits are on board the vessel, each person on the vessel has a valid government passport with current stamps and dates from The Bahamas, and the vessel is in transit through the Atlantic EEZ with fishing gear appropriately

stowed. For the purpose of this paragraph, a vessel is in transit through the Atlantic EEZ when it is on a direct and continuous course through the Atlantic EEZ and no one aboard the vessel fishes in the EEZ. For the purpose of this paragraph, fishing gear appropriately stowed means that terminal gear (*i.e.,* hook, leader, sinker, flasher, or bait) used with an automatic reel, bandit gear, buoy gear, handline, or rod and reel must be disconnected and stowed separately from such fishing gear. Sinkers must be disconnected from the down rigger and stowed separately.

[80 FR 80689, Dec. 28, 2015]

§ 622.277 Bag and possession limits.

Section 622.11(a) provides the general applicability for bag and possession limits.

(a) ***Atlantic dolphin and wahoo.*** Bag and possession limits are as follows:

(1) ***Dolphin.***

(i) In the Atlantic EEZ—10, not to exceed 54 per vessel, whichever is less, except on board a headboat, 10 per paying passenger.

(ii) In the Atlantic EEZ and lawfully harvested in Bahamian waters (as per § 622.276(b))—10, not to exceed 60 per vessel, whichever is less, except on board a headboat, 10 per paying passenger. For the purposes of this paragraph, for determining how many dolphin are on board a vessel in fillet form when harvested lawfully in Bahamian waters, two fillets of dolphin, regardless of the length of each fillet, is equivalent to one dolphin. The skin must remain intact on the entire fillet of any dolphin carcass.

(2) ***Wahoo.***

(i) In the Atlantic EEZ—2.

(ii) In the Atlantic EEZ and lawfully harvested in Bahamian waters (as per § 622.276(b))—2. For the purposes of this paragraph, for determining how many wahoo are on board a vessel in fillet form when harvested lawfully in Bahamian waters, two fillets of wahoo, regardless of the length of each fillet, is equivalent to one wahoo. The skin must remain intact on the entire fillet of any wahoo carcass.

(b) [Reserved]

[78 FR 22952, Apr. 17, 2013, as amended at 80 FR 80689, Dec. 28, 2015; 87 FR 19019, Apr. 1, 2022]

§ 622.278 Commercial trip limits.

Commercial trip limits are limits on the amount of Atlantic dolphin and wahoo that may be possessed on board or landed, purchased, or sold from a vessel per day. A person who fishes in the EEZ may not combine a trip limit specified in this section with any trip or possession limit applicable to state waters. A species subject to a trip limit specified in this section taken in the EEZ may not be transferred at sea, regardless of where such transfer takes place, and such species may not be transferred in the EEZ. Commercial trip limits apply as follows (all weights are round or eviscerated weights unless specified otherwise):

(a) ***Trip-limited permits*** —

(1) ***Atlantic wahoo.***

(i) When using the fishing gear for wahoo and as authorized under § 622.272(a)(1), the trip limit for wahoo in or from the Atlantic EEZ is 500 lb (227 kg). This trip limit applies to a vessel that has a Federal commercial permit for Atlantic dolphin and wahoo, provided that the vessel is not operating as a charter vessel or headboat.

(ii) When using the fishing gear for wahoo and as authorized and permitted as described under § 622.272(a)(2), the trip limit for wahoo in or from the Atlantic EEZ is 500 lb (227 kg). The trip limit in this paragraph (a)(1)(ii) may not be combined with the trip limit specified in paragraph (a)(1)(i) of this section.

(iii) See § 622.280(b)(1) for the limitations regarding wahoo after the ACL is reached.

(2) ***Atlantic dolphin.***

(i) Once 75 percent of the ACL specified in § 622.280(a)(1)(i) is reached, the trip limit is 4,000 lb (1,814 kg), round weight. When the conditions in this paragraph (a)(3)(i) have been met, the Assistant Administrator will implement this trip limit by filing a notification with the Office of the Federal Register. This trip limit applies to a vessel that has a Federal commercial permit for Atlantic dolphin and wahoo, provided that the vessel is not operating as a charter vessel or headboat.

(ii) When using the fishing gear for dolphin and as authorized and permitted as described under § 622.272(a)(2), the trip limit for dolphin in or from the Atlantic EEZ is 500 lb (227 kg), gutted weight. The trip limit in this paragraph (a)(2)(ii) may not be combined with the trip limit specified in paragraph (a)(2)(i) of this section.

(iii) See § 622.280(a)(1) for the limitations regarding dolphin after the ACL is reached.

(3) ***Vessels without a Federal dolphin and wahoo commercial permit.*** The trip limit for a vessel that does not have a Federal commercial vessel permit for Atlantic dolphin and wahoo but has a Federal commercial vessel permit in any other fishery is 200 lb (91 kg) of dolphin and wahoo, combined, provided that all fishing on and landings from that trip are north of 39° N lat. (A charter vessel/headboat permit is not a commercial vessel permit.)

(b) [Reserved]

[78 FR 22952, Apr. 17, 2013, as amended at 81 FR 96930, Dec. 30, 2016; 87 FR 19019, Apr. 1, 2022]

§ 622.279 Restrictions on sale/purchase.

(a) Dolphin or wahoo harvested in or from the Atlantic EEZ or adjoining state waters by a vessel that has a valid commercial vessel permit for Atlantic dolphin and wahoo, as required under § 622.270(a)(1), or by a vessel authorized a 200-lb (91-kg) trip limit for dolphin or wahoo, as specified in § 622.278(a)(2), may be sold or transferred only to a dealer who has a valid Gulf and South Atlantic dealer permit, as required under § 622.270(d)(1).

(b) In addition to the provisions of paragraph (a)(1) of this section, a person may not sell dolphin or wahoo possessed under the recreational bag limit harvested in the Atlantic EEZ or adjoining state waters by a vessel while it is operating as a charter vessel or headboat. A dolphin or wahoo harvested or possessed

by a vessel that is operating as a charter vessel or headboat with a Federal charter vessel/headboat permit for Atlantic dolphin and wahoo may not be purchased or sold if harvested in or from the Atlantic EEZ or adjoining state waters.

(c) Dolphin or wahoo harvested in or from the Atlantic EEZ may be first received only by a dealer who has a valid Gulf and South Atlantic dealer permit, as required under § 622.270(d)(1), and only from a vessel authorized to sell dolphin and wahoo under paragraph (a)(1) of this section.

(d) Dolphin or wahoo possessed pursuant to the bag and possession limits specified in § 622.277(a)(1)(ii) and (a)(2)(ii) may not be sold or purchased.

[79 FR 19496, Apr. 9, 2014, as amended at 80 FR 80689, Dec. 28, 2015]

§ 622.280 Annual catch limits (ACLs) and accountability measures (AMs).

(a) ***Atlantic dolphin*** —

(1) ***Commercial sector.***

(i) If commercial landings for Atlantic dolphin, as estimated by the SRD, reach or are projected to reach the commercial ACL of 1,719,953 lb (780,158 kg), round weight, the AA will file a notification with the Office of the Federal Register to close the commercial sector for the remainder of the fishing year. On and after the effective date of such a notification, all sale or purchase of Atlantic dolphin is prohibited and harvest or possession of Atlantic dolphin in or from the Atlantic EEZ is limited to the bag and possession limits. These bag and possession limits apply in the Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for Atlantic dolphin and wahoo has been issued, without regard to where such species were harvested, *i.e.,* in state or Federal waters.

(ii) In addition to the measures specified in paragraph (a)(1)(i) of this section, if the combined Atlantic dolphin commercial and recreational landings exceed the combined commercial and recreational ACLs specified in paragraphs (a)(1)(i) and (a)(2)(i) of this section, and Atlantic dolphin are overfished, based on the most recent Status of U.S. Fisheries Report to Congress, the AA will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year, to reduce the commercial ACL for that following year by the amount of the commercial overage in the prior fishing year.

(2) ***Recreational sector.*** If the total ACL specified in paragraph (a)(3) of this section is exceeded in a fishing year, then during the following fishing year, the AA will file a notification with the Office of the Federal Register to reduce the length of the recreational fishing season by the amount necessary to ensure that the recreational ACL is not exceeded during the fishing year following the total ACL overage. However, the recreational fishing season will not be reduced in the following fishing year if NMFS determines, based on the best scientific information available, that the reduction in the recreational fishing season is unnecessary. The recreational ACL is 22,850,811 lb (10,364,954 kg), round weight.

(3) ***Total ACL.*** The total ACL, commercial and recreation ACLs combined, for Atlantic dolphin, is 24,570,764 lb (11,145,111 kg), round weight.

(b) ***Atlantic wahoo*** —

(1) ***Commercial sector.***

(i) If commercial landings for Atlantic wahoo, as estimated by the SRD, reach or are projected to reach the commercial ACL of 70,690 lb (32,064 kg), round weight, the AA will file a notification with the Office of the Federal Register to close the commercial sector for the remainder of the fishing year. On and after the effective date of such a notification, all sale or purchase of Atlantic wahoo is prohibited and harvest or possession of Atlantic wahoo in or from the Atlantic EEZ is limited to the bag and possession limits. These bag and possession limits apply in the Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for Atlantic dolphin and wahoo has been issued, without regard to where such species were harvested, *i.e.,* in state or Federal waters.

(ii) In addition to the measures specified in paragraph (b)(1)(i) of this section, if the combined Atlantic wahoo commercial and recreational landings exceed the combined commercial and recreational ACLs specified in paragraphs (b)(1)(i) and (b)(2)(i) of this section, and Atlantic wahoo are overfished, based on the most recent Status of U.S. Fisheries Report to Congress, the AA will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year, to reduce the commercial ACL for that following year by the amount of the commercial overage in the prior fishing year.

(2) ***Recreational sector.*** As described in the FMP, if average annual recreational landings, when determined using 3-year geometric mean, exceed the recreational ACL of 2,814,613 lb (1,276,687 kg), round weight, then in the following fishing year, the AA will file a notification with the Office of the Federal Register to reduce the length of the recreational fishing season by the amount necessary to ensure that the recreational ACL is not exceeded during the fishing year following the recreational ACL overage determination. However, the length of the recreational fishing season will not be reduced in the following fishing year if NMFS determines, based on the best scientific information available, that the reduction in the recreational fishing season is unnecessary.

[79 FR 32879, June 9, 2014, as amended at 81 FR 3746, Jan. 22, 2016; 87 FR 19019, Apr. 1, 2022]

§ 622.281 Adjustment of management measures.

In accordance with the framework procedures of the FMP for the Dolphin and Wahoo Fishery of the Atlantic, the RA may establish or modify the following items specified in paragraph (a) of this section for Atlantic dolphin and wahoo.

(a) Biomass levels, age-structured analyses, maximum sustainable yield, optimum yield, overfishing limit, total allowable catch, acceptable biological catch (ABC), ABC control rule, annual catch limits, annual catch targets, accountability measures, trip limits, minimum sizes, gear regulations and restrictions, permit requirements, seasonal or area closures, sub-zones and their management measures, overfishing definitions and other status determination criteria, time frame for recovery of Atlantic dolphin or wahoo if overfished, fishing year (adjustment not to exceed 2 months), authority for the Regional Administrator to close a fishery when a quota is reached or is projected to be reached or reopen a fishery when additional quota becomes available, definitions of essential fish habitat (EFH), EFH habitat areas of particular concern (HAPCs), or coral HAPCs, and allow transfer of the unharvested total or sector ACL to the following fishing year.

(b) [Reserved]

[78 FR 22952, Apr. 17, 2013, as amended at 79 FR 32880, June 9, 2014; 85 FR 10340, Feb. 24, 2020; 89 FR 276, Jan. 3, 2024]

Subpart N—Pelagic Sargassum Habitat of the South Atlantic Region

§ 622.300 At-sea observer coverage.

(a) ***Required coverage.***

(1) A vessel that harvests or possesses pelagic sargassum on any trip in the South Atlantic EEZ must carry a NMFS-approved observer.

(2) [Reserved]

(b) ***Notification to the SRD.*** When observer coverage is required, an owner or operator must advise the SRD in writing not less than 5 days in advance of each trip of the following:

(1) Departure information (port, dock, date, and time).

(2) Expected landing information (port, dock, and date).

(c) ***Observer accommodations and access.*** An owner or operator of a vessel on which a NMFS-approved observer is embarked must:

(1) Provide accommodations and food that are equivalent to those provided to the crew.

(2) Allow the observer access to and use of the vessel's communications equipment and personnel upon request for the transmission and receipt of messages related to the observer's duties.

(3) Allow the observer access to and use of the vessel's navigation equipment and personnel upon request to determine the vessel's position.

(4) Allow the observer free and unobstructed access to the vessel's bridge, working decks, holding bins, weight scales, holds, and any other space used to hold, process, weigh, or store fish.

(5) Allow the observer to inspect and copy the vessel's log, communications logs, and any records associated with the catch and distribution of fish for that trip.

§ 622.301 Area and seasonal restrictions.

(a) ***Pelagic sargassum area and seasonal restrictions*** —

(1) ***Area restrictions.***

(i) No person may harvest pelagic sargassum in the South Atlantic EEZ between 36°33'01.0" N. lat. (directly east from the Virginia/North Carolina boundary) and 34° N. lat., within 100 nautical miles east of the North Carolina coast.

(ii) No person may harvest or possess pelagic sargassum in or from the South Atlantic EEZ south of 34° N. lat.

(2) ***Seasonal restriction.*** No person may harvest or possess pelagic sargassum in or from the South Atlantic EEZ during the months of July through October. This prohibition on possession does not apply to pelagic sargassum that was harvested and landed ashore prior to the closed period.

(b) [Reserved]

§ 622.302 Minimum mesh size.

(a) The minimum allowable mesh size for a net used to fish for pelagic sargassum in the South Atlantic EEZ is 4.0 inches (10.2 cm), stretched mesh, and such net must be attached to a frame no larger than 4 ft by 6 ft (1.2 m by 1.8 m). A vessel in the South Atlantic EEZ with a net on board that does not meet these requirements may not possess any pelagic sargassum.

(b) [Reserved]

§ 622.303 Quotas.

See § 622.8 for general provisions regarding quota applicability and closure and reopening procedures. This section provides quotas and specific quota closure restrictions for South Atlantic pelagic sargassum.

(a) ***Quota.*** The quota for all persons who harvest pelagic sargassum in the South Atlantic EEZ is 5,000 lb (2,268 kg), wet, landed weight. See § 622.301(a) for area and seasonal limitations on the harvest of pelagic sargassum.

(b) ***Restrictions applicable after a quota closure.*** Pelagic sargassum may not be fished for or possessed in the South Atlantic EEZ and the sale or purchase of pelagic sargassum in or from the South Atlantic EEZ is prohibited. The prohibition on sale/purchase during a closure for pelagic sargassum does not apply to pelagic sargassum that was harvested and landed ashore prior to the effective date of the closure.

Subparts O-P [Reserved]

Subpart Q—Coastal Migratory Pelagic Resources (Gulf of Mexico, South Atlantic, and Mid-Atlantic)

§ 622.369 Description of zones.

(a) ***Migratory groups of king mackerel.*** In the EEZ, king mackerel are divided into the Gulf migratory group and the Atlantic migratory group. The Gulf migratory group is bound by a line extending east of the U.S./Mexico border and a line extending east of the Miami-Dade/Monroe County, FL, boundary. The Atlantic migratory group is bound by a line extending east of the Miami-Dade/Monroe County, FL, boundary and a line from the intersection point of Connecticut, Rhode Island, and New York (as described in § 600.105(a) of this chapter). The zone boundaries remain in place year round. See Table 1 of this section for the boundary coordinates. See Figure 1 in Appendix G of this part for illustration.

(1) ***Gulf migratory group.*** The Gulf migratory group is divided into western, northern, and southern zones. See Table 1 of this section for the boundary coordinates. See Figure 1 in Appendix G of this part for illustration.

(i) ***Western zone.*** The western zone encompasses an area of the EEZ north of a line extending east of the US/Mexico border, and west of a line extending due south of the Alabama/Florida border, including the EEZ off Texas, Louisiana, Mississippi, and Alabama.

(ii) ***Northern zone.*** The northern zone encompasses an area of the EEZ east of a line extending due south of the Florida/Alabama border, and north of a line extending due west of the Lee/Collier County, FL, boundary.

(iii) ***Southern zone.*** The southern zone encompasses an area of the EEZ south of a line extending due west of the Lee/Collier County, FL, boundary on the FL west coast, and south of a line extending due east of the Monroe/Miami-Dade County, FL, boundary on the FL east coast, which includes the EEZ off Collier and Monroe Counties, FL.

(2) ***Atlantic migratory group.*** The Atlantic migratory group is divided into the northern and southern zones separated by a line extending from the North Carolina/South Carolina border, as specified in § 622.2. See Table 1 of this section for the boundary coordinates. See Figure 1 in Appendix G of this part for illustration. See § 622.385(a)(1) for a description of the areas for Atlantic migratory group king mackerel commercial trip limits.

(i) ***Northern zone.*** The northern zone encompasses an area of the EEZ south of a line extending from the intersection point of New York, Connecticut, and Rhode Island (as described in § 600.105(a) of this chapter), and north of a line extending from the North Carolina/South Carolina border, as specified in § 622.2, including the EEZ off each state from North Carolina to New York. This zone remains the same year round.

(ii) ***Southern zone.*** The southern zone encompasses an area of the EEZ south of a line extending from the North Carolina/South Carolina border, as specified in § 622.2, and north of a line extending due east of the Monroe/Miami-Dade County, FL, boundary.

Table 1 to § 622.369—King Mackerel Description of Zones [For illustration, see Figure 1 in Appendix G of this part]

Area	Boundary 1	Boundary 2
Gulf Migratory Group—Western Zone	U.S./Mexico, A line east of the intersection of 25°58'30.57" N. lat. and 96°55'27.37" W. long	AL/FL, 87°31'6" W. long.
Gulf Migratory Group—Northern Zone	AL/FL, 87°31'6" W. long	Lee/Collier, 26°19'48" N. lat.
Gulf Migratory Group—Southern Zone	Lee/Collier, 26°19'48" N. lat	Monroe/Miami-Dade, 25°20'24" N. lat.
Atlantic Migratory Group—Northern Zone	NY/CT/RI, 41°18'16.249" N. lat. and 71°54'28.477" W. long. southeast to 37°22'32.75" N. lat. and the intersection point with the outward boundary of the EEZ	NC/SC, a line extending in a direction of 135°34'55" from true north beginning at 33°51'07.9" N. lat. and 78°32'32.6" W. long. to the intersection point with the outward boundary of the EEZ.
Atlantic Migratory Group—Southern Zone	NC/SC, a line extending in a direction of 135°34'55" from true north beginning at 33°51'07.9" N. lat. and 78°32'32.6" W. long. to the intersection point with the outward boundary of the	Monroe/Miami-Dade, 25°20'24" N. lat.

Area	Boundary 1	Boundary 2
	EEZ	

(b) ***Migratory groups of Spanish mackerel*** —

(1) ***Gulf migratory group.*** In the EEZ, the Gulf migratory group is bounded by a line extending east of the U.S./Mexico border and a line extending due east of the Monroe/Miami-Dade County, FL, boundary. See Table 2 of this section for the boundary coordinates. See Figure 2 in Appendix G of this part for illustration.

(2) ***Atlantic migratory group.*** In the EEZ, the Atlantic migratory group is bounded by a line extending due east of the Monroe/Miami-Dade County, FL, boundary and a line extending from the intersection point of New York, Connecticut, and Rhode Island (as described in § 600.105(a) of this chapter). The Atlantic migratory group is divided into the northern and southern zones. See Table 2 of this section for the boundary coordinates. See Figure 2 in Appendix G of this part for illustration. See § 622.385(b)(1) for a description of the areas for Atlantic migratory group Spanish mackerel commercial trip limits.

(i) ***Northern zone.*** The northern zone encompasses an area of the EEZ south of a line extending from the intersection point of New York, Connecticut, and Rhode Island (as described in § 600.105(a) of this chapter), and north of a line extending from the North Carolina/South Carolina border, as specified in § 622.2, including the EEZ off each state from North Carolina to New York.

(ii) ***Southern zone.*** The southern zone encompasses an area of the EEZ south of a line extending from the North Carolina/South Carolina border, as specified in § 622.2, and north of a line extending due east of the Monroe/Miami-Dade County, FL, boundary, including the EEZ off South Carolina, Georgia, and Florida.

TABLE 2 TO § 622.369—SPANISH MACKEREL DESCRIPTION OF ZONES [FOR ILLUSTRATION, SEE FIGURE 2 IN APPENDIX G OF THIS PART]

Area	Boundary 1	Boundary 2
Gulf Migratory Group	US/Mexico, A line east of the intersection of 25°58'30.57" N. lat. and 96°55'27.37" W. long	Monroe/Miami-Dade, 25°20'24" N. lat.
Atlantic Migratory Group—Northern Zone	NY/CT/RI, 41°18'16.249" N. lat. and 71°54'28.477" W. long. southeast to 37°22'32.75" N. lat. and the intersection point with the outward boundary of the EEZ	NC/SC, a line extending in a direction of 135°34'55" from true north beginning at 33°51'07.9" N. lat. and 78°32'32.6" W. long. to the intersection point with the outward boundary of the EEZ.

Area	Boundary 1	Boundary 2
Atlantic Migratory Group—Southern Zone	NC/SC, a line extending in a direction of 135°34'55" from true north beginning at 33°51'07.9" N. lat. and 78°32'32.6" W. long. to the intersection point with the outward boundary of the EEZ	Monroe/Miami-Dade, 25°20'24" N. lat.

(c) ***Migratory groups of cobia*** —

(1) ***Gulf migratory group.*** In the EEZ, the Gulf migratory group is bounded by a line extending east from the United States/Mexico border and a line extending due east from the Florida/Georgia border. See Table 3 of this section for the boundary coordinates. (See Figure 3 in Appendix G of this part for illustration.)

(i) ***Gulf zone.*** The Gulf zone encompasses an area of the EEZ north of a line extending east of the United States/Mexico border, and north and west of the line of demarcation between the Atlantic Ocean and the Gulf of Mexico (the Council boundary, as described in § 600.105(c) of this chapter).

(ii) ***Florida east coast zone.*** The Florida east coast zone encompasses an area of the EEZ south and east of the line of demarcation between the Atlantic Ocean and the Gulf of Mexico (as described in § 600.105(c) of this chapter), and south of a line extending due east from the Florida/Georgia border.

(2) ***Atlantic migratory group.*** In the EEZ, the Atlantic migratory group is bounded by a line extending from the intersection point of New York, Connecticut, and Rhode Island (as described in § 600.105(a) of this chapter) and a line extending due east of the Florida/Georgia border. See Table 3 of this section for the boundary coordinates. (See Figure 3 in Appendix G of this part for illustration.)

TABLE 3 TO § 622.369—COBIA DESCRIPTION OF ZONES
[FOR ILLUSTRATION, SEE FIGURE 3 IN APPENDIX G OF THIS PART]

Area	Boundary 1	Boundary 2
Gulf Migratory Group—Gulf Zone	US/Mexico, A line east of the intersection of 25°58'30.57" N. lat. and 96°55'27.37" W. long	Council Boundary—the intersection of the outer boundary of the EEZ and 83°00' W. long., north to 24°35' N. lat., (near the Dry Tortugas Islands), then east to the mainland.
Gulf Migratory Group—Florida East Coast	Council Boundary—the intersection of the outer boundary of the EEZ and 83°00' W. long., north to 24°35' N. lat.,	FL/GA, 30°42'45.6" N. lat.

Area	Boundary 1	Boundary 2
Zone	(near the Dry Tortugas Islands), then east to the mainland	
Atlantic Migratory Group	NY/CT/RI, 41°18'16.249" N. lat. and 71°54'28.477" W. long. southeast to 37°22'32.75" N. lat. and the intersection point with the outward boundary of the EEZ	FL/GA, 30°42'45.6" N. lat.

[82 FR 17394, Apr. 11, 2017]

§ 622.370 Permits.

(a) ***Commercial vessel permits*** —

(1) ***King mackerel.*** For a person aboard a vessel to be eligible for exemption from the bag limits, to fish under a quota, or to sell king mackerel in or from the Gulf, Mid-Atlantic, or South Atlantic EEZ, a commercial vessel permit for king mackerel must have been issued to the vessel and must be on board. See § 622.371 regarding a limited access system applicable to commercial vessel permits for king mackerel and transfers of permits under the limited access system.

(2) ***Gillnets for king mackerel in the Gulf southern zone.*** For a person aboard a vessel to use a run-around gillnet for king mackerel in the southern zone (see § 622.369(a)(1)(iii)), a commercial vessel permit for king mackerel and a king mackerel gillnet permit must have been issued to the vessel and must be on board. See § 622.372 regarding a limited access system applicable to king mackerel gillnet permits in the southern zone and restrictions on transferability of king mackerel gillnet permits.

(3) ***Spanish mackerel.*** For a person aboard a vessel to be eligible for exemption from the bag limits, to fish under a quota, or to sell Spanish mackerel in or from the Gulf, Mid-Atlantic, or South Atlantic EEZ, a commercial vessel permit for Spanish mackerel must have been issued to the vessel and must be on board.

(b) ***Charter vessel/headboat permits.***

(1) For a person aboard a vessel that is operating as a charter vessel or headboat to fish for or possess, in or from the EEZ, Gulf coastal migratory pelagic fish or Atlantic coastal migratory pelagic fish, a valid charter vessel/headboat permit for Gulf coastal migratory pelagic fish or Atlantic coastal migratory pelagic fish, respectively, must have been issued to the vessel and must be on board.

(i) See § 622.373 regarding a limited access system for charter vessel/headboat permits for Gulf coastal migratory pelagic fish.

(ii) A charter vessel or headboat may have both a charter vessel/headboat permit and a commercial vessel permit. However, when a vessel is operating as a charter vessel or headboat, a person aboard must adhere to the bag limits. See the definitions of “Charter vessel” and “Headboat” in § 622.2 for an explanation of when vessels are considered to be operating as a charter vessel or headboat, respectively.

(2) [Reserved]

(c) ***Dealer permits and conditions*** —

(1) ***Permits.*** For a dealer to first receive Gulf or Atlantic coastal migratory pelagic fish harvested in or from the EEZ, a Gulf and South Atlantic dealer permit must be issued to the dealer.

(2) ***State license and facility requirements.*** To obtain a dealer permit, the applicant must have a valid state wholesaler's license in the state(s) where the dealer operates, if required by such state(s), and must have a physical facility at a fixed location in such state(s).

(d) ***Permit procedures.*** See § 622.4 for information regarding general permit procedures including, but not limited to application, fees, duration, transfer, renewal, display, sanctions and denials, and replacement.

[78 FR 22952, Apr. 17, 2013, as amended at 79 FR 19496, Apr. 9, 2014; 79 FR 34250, June 16, 2014; 82 FR 17396, Apr. 11, 2017]

§ 622.371 Limited access system for commercial vessel permits for king mackerel.

(a) No applications for additional commercial vessel permits for king mackerel will be accepted. Existing vessel permits may be renewed, are subject to the restrictions on transfer or change in paragraph (b) of this section, and are subject to the requirement for timely renewal in paragraph (c) of this section.

(b) An owner of a permitted vessel may transfer the commercial vessel permit for king mackerel issued under this limited access system to another vessel owned by the same entity. A permit holder may also transfer the commercial vessel permit for king mackerel to the owner of another vessel or to a new vessel owner when he or she transfers ownership of the permitted vessel.

(c) NMFS will not reissue a commercial vessel permit for king mackerel if the permit is revoked or if the RA does not receive an application for renewal within one year of the permit's expiration date.

[78 FR 22952, Apr. 17, 2013, as amended at 79 FR 34250, June 16, 2014; 80 FR 78674, Dec. 17, 2015; 85 FR 22045, Apr. 21, 2020]

§ 622.372 Limited access system for king mackerel gillnet permits applicable in the Gulf southern zone.

(a) Except for applications for renewals of king mackerel gillnet permits, no applications for king mackerel gillnet permits will be accepted. Application forms for permit renewal are available from the RA.

(b) An owner of a vessel with a king mackerel gillnet permit issued under this limited access system may transfer that permit upon a change of ownership of a permitted vessel with such permit from one to another of the following: Husband, wife, son, daughter, brother, sister, mother, or father. Such permit also may be transferred to another vessel owned by the same entity.

(c) A king mackerel gillnet permit that is not renewed or that is revoked will not be reissued. A permit is considered to be not renewed when an application for renewal is not received by the RA within one year after the expiration date of the permit.

(d) ***Renewal criteria for a king mackerel gillnet permit.*** A king mackerel gillnet permit may be renewed only if NMFS determines at least 1 year of landings from 2006 to 2015 associated with that permit was greater than 1 lb (0.45 kg), round or gutted weight.

(1) ***Initial determination.*** On or about December 24, 2015, the RA will mail each king mackerel gillnet permittee a letter via certified mail, return receipt requested, to the permittee's address of record as listed in NMFS' permit files, advising the permittee whether the permit is eligible for renewal. A permittee who does not receive a letter from the RA, must contact the RA no later than December 31, 2015, to clarify the renewal status of the permit. A permittee who is advised that the permit is not renewable based on the RA's determination of eligibility and who disagrees with that determination may appeal that determination.

(2) ***Procedure for appealing landings information.*** The only item subject to appeal is the landings used to determine whether the permit is eligible for renewal. Appeals based on hardship factors will not be considered. Any appeal under this regulation will be processed by the NMFS National Appeals Office. Appeals will be governed by the regulations and policy of the National Appeals Office at 15 CFR part 906. Appeals must be submitted to the National Appeals Office no later than 90 days after the date the initial determination in issued. Determinations of appeals regarding landings data for 2006 to 2015 will be based on NMFS' logbook records, submitted on or before February 16, 2016. If NMFS' logbooks are not available, state landings records or data for 2006 to 2015 that were submitted in compliance with applicable Federal and state regulations on or before February 16, 2016, may be used.

[78 FR 22952, Apr. 17, 2013, as amended at 80 FR 78674, Dec. 17, 2015; 80 FR 80686, Dec. 28, 2015]

§ 622.373 Limited access system for charter vessel/headboat permits for Gulf coastal migratory pelagic fish.

(a) ***General.*** No applications for additional charter vessel/headboat permits for Gulf coastal migratory pelagic fish will be accepted. Existing permits may be renewed, are subject to the restrictions on transfer in paragraph (b) of this section, and are subject to the renewal requirements in paragraph (c) of this section. An eligible charter vessel/headboat permit with a historical captain endorsement may be converted to a charter vessel/headboat permit without a historical captain endorsement, per procedures at paragraph (f) of this section.

(b) ***Transfer of permits*** —

(1) ***Permits without a historical captain endorsement.*** A charter vessel/headboat permit for Gulf coastal migratory pelagic fish that does not have a historical captain endorsement is fully transferable, with or without sale of the permitted vessel.

(2) ***Permits with a historical captain endorsement.*** A charter vessel/headboat permit for Gulf coastal migratory pelagic fish that has a historical captain endorsement may only be transferred to a vessel operated by the historical captain and is not otherwise transferable.

(3) ***Procedure for permit transfer.*** To request that the RA transfer a charter vessel/headboat permit for Gulf coastal migratory pelagic fish, the owner of the vessel who is transferring the permit and the owner of the vessel that is to receive the transferred permit must complete the transfer information on the reverse side of the permit and return the permit and a completed application for transfer to the RA. See § 622.4(f) for additional transfer-related requirements applicable to all permits issued under this section.

(c) ***Renewal.***

(1) Renewal of a charter vessel/headboat permit for Gulf coastal migratory pelagic fish is contingent upon compliance with the recordkeeping and reporting requirements specified in § 622.374(b).

(2) A charter vessel/headboat permit for Gulf coastal migratory pelagic fish that is not renewed or that is revoked will not be reissued. A permit is considered to be not renewed when an application for renewal, as required, is not received by the RA within 1 year of the expiration date of the permit.

(d) ***Requirement to display a vessel decal.*** Upon renewal or transfer of a charter vessel/headboat permit for Gulf coastal migratory pelagic fish, the RA will issue the owner of the permitted vessel a vessel decal for that fishery. The vessel decal must be displayed on the port side of the deckhouse or hull and must be maintained so that it is clearly visible.

(e) ***Passenger capacity compliance requirement.*** A vessel operating as a charter vessel or headboat with a valid charter vessel/headboat permit for Gulf coastal migratory pelagic fish, which is carrying more passengers on board the vessel than is specified on the permit, is prohibited from harvesting or possessing the species identified on the permit.

(f) ***Procedure for conversion of permit with historical captain endorsement.*** A charter vessel headboat permit with a historical captain endorsement may be converted to a charter vessel/headboat permit for Gulf coastal migratory pelagic fish without a historical captain endorsement as described in paragraph (b)(1) of this section. A charter vessel/headboat permit with a historical captain endorsement that is converted to a charter vessel/headboat permit without a historical captain endorsement will retain the same vessel permit maximum passenger capacity as the permit it replaces. To convert an eligible charter vessel/headboat permit with a historical captain endorsement, the permit holder must submit a permit application to the RA by July 30, 2025. If no application to convert an eligible charter vessel/headboat permit with a historical captain endorsement is submitted by July 30, 2025, the permit holder will retain a charter vessel/headboat permit with the historical captain endorsement that is subject to the restrictions described in paragraph (b)(2) of this section.

[78 FR 22952, Apr. 17, 2013, as amended 78 FR 46293, July 31, 2013; 85 FR 22045, Apr. 21, 2020; 85 FR 44019, July 21, 2020; 88 FR 42272, June 30, 2023]

§ 622.374 Recordkeeping and reporting.

(a) ***Commercial vessel owners and operators.*** The owner or operator of a vessel that fishes for or lands coastal migratory pelagic fish for sale in or from the Gulf, Mid-Atlantic, or South Atlantic EEZ or adjoining state waters, or whose vessel is issued a commercial permit for king or Spanish mackerel, as required under § 622.370(a)(1) or (3), respectively, who is selected to report by the SRD, must maintain a fishing record on a form available from the SRD. These completed fishing records must be submitted to the SRD postmarked not later than 7 days after the end of each fishing trip. If no fishing occurred during a calendar month, a report so stating must be submitted on one of the forms postmarked not later than 7 days after the end of that month. Information to be reported is indicated on the form and its accompanying instructions.

(b) ***Charter vessel/headboat owners and operators*** —

(1) ***General reporting requirement*** —

(i) ***Gulf of Mexico.*** The owner or operator of a charter vessel or headboat for which a charter vessel/headboat permit for Gulf coastal migratory pelagic fish has been issued, as required under § 622.370(b)(1), and whose vessel is operating as a charter vessel or headboat,

regardless of fishing location, must submit an electronic fishing report of all fish harvested and discarded, and any other information requested by the SRD for each trip within the time period specified in paragraph (b)(2)(i) of this section. An electronic fishing report must be submitted to the SRD via NMFS approved hardware and software, as specified in paragraph (b)(5)(i) of this section. If selected by the SRD, the owner or operator of a vessel for which a charter vessel/headboat permit for Gulf coastal migratory pelagic fish has been issued must report via the NMFS approved software for the Southeast Region Headboat Survey.

(ii) ***Atlantic*** —

(A) ***Charter vessels.*** The owner or operator of a charter vessel for which a charter vessel/headboat permit for Atlantic coastal migratory pelagic fish has been issued, as required under § 622.370(b)(1), and whose vessel is operating as a charter vessel, must record all fish harvested and discarded, and any other information requested by the SRD for each trip, and submit an electronic fishing report within the time period specified in paragraph (b)(2)(ii) of this section. The electronic fishing report must be submitted to the SRD via NMFS-approved hardware and software, as specified in paragraph (b)(5) of this section. If the owner or operator subject to this paragraph (b)(1)(ii)(A) has been issued a Federal permit that requires more restrictive reporting requirements, as determined by NMFS and posted on the NMFS Southeast Region website, reporting under those more restrictive regulations will meet the requirements of this paragraph (b)(1)(ii)(A).

(B) ***Headboats.*** The owner or operator of a headboat for which a charter vessel/headboat permit for Atlantic coastal migratory pelagic fish has been issued, as required under § 622.370(b)(1), and whose vessel is operating as a headboat in state or Federal waters, must record all fish harvested and discarded, and any other information requested by the SRD for each trip in state or Federal waters, and submit an electronic fishing report within the time period specified in paragraph (b)(2)(ii) of this section. The electronic fishing report must be submitted to the SRD via NMFS-approved hardware and software, as specified in paragraph (b)(5) of this section.

(2) ***Reporting deadlines*** —

(i) ***Gulf of Mexico.*** Completed electronic fishing reports required by paragraph (b)(1)(i) of this section must be submitted to the SRD prior to removing any fish from the vessel. If no fish were retained by any person on the vessel during a trip, the completed electronic fishing report must be submitted to the SRD within 30 minutes of the completion of the trip, *e.g.,* arrival at the dock.

(ii) ***Atlantic.*** Completed electronic fishing reports required by paragraph (b)(1)(ii) of this section must be submitted to the SRD by the Tuesday following each previous reporting week of Monday through Sunday, or at shorter intervals if notified by the SRD. If no fishing activity as a charter vessel or headboat occurred during a reporting week, an electronic report so stating must be submitted by the Tuesday following that reporting week, or at a shorter interval if notified by the SRD.

(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 paragraphs (b)(1)(i) and (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, and other appropriate means, such as fishery bulletins or NOAA

weather radio, 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 paragraphs (b)(1)(i) and (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 applicable time specified in paragraphs (b)(2)(i) or (ii) of this section is delinquent. A delinquent report automatically results in the owner and operator of a charter vessel or headboat 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), 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.

(5) ***Hardware and software requirements for electronic reporting*** —

(i) ***Owner or operator applicability.*** An owner or operator of a vessel for which a charter vessel/headboat permit for Gulf or Atlantic coastal migratory pelagic fish has been issued must submit electronic reports using NMFS-approved hardware and software as posted on the NMFS Southeast Region website.

(ii) ***Vessel applicability.*** For a vessel for which a charter vessel/headboat permit for Gulf coastal migratory pelagic fish has been issued, the NMFS-approved hardware and software must have a minimum capability of archiving GPS locations, and the cellular or satellite VMS must be permanently affixed to the vessel and have uninterrupted operation.

(iii) ***Use of a NMFS-approved satellite VMS.*** An owner or operator of a vessel for which a charter vessel/headboat permit for Gulf coastal migratory pelagic fish has been issued, and who uses a NMFS-approved satellite VMS to comply with the reporting and recordkeeping requirements of this section, must adhere to the VMS requirements for the Gulf reef fish fishery specified in § 622.28, except for the trip declaration requirements specified in § 622.28(e). For trip declaration requirements, see paragraph (b)(6) of this section.

(iv) ***Use of NMFS-approved cellular VMS.*** An owner or operator of a vessel for which a charter vessel/headboat permit for Gulf coastal migratory pelagic fish has been issued, and who uses NMFS-approved cellular VMS to comply with reporting and recordkeeping requirements of this section must comply with the following—

(A) ***Cellular VMS unit operation and replacement.*** Ensure that such vessel has an operating cellular VMS unit approved by NMFS on board at all times whether or not the vessel is underway, unless exempted by NMFS under the power-down exemption specified in paragraph (b)(5)(iv)(D) of this section. An operating cellular VMS unit includes an operating mobile transmitting unit on the vessel and a functioning communication link between the unit and NMFS as provided by a NMFS-approved communication service provider. NMFS maintains a current list of approved cellular VMS units and communication providers, which is available at *https://www.fisheries.noaa.gov/southeast/about-us/sustainable-fisheries-division-gulf-mexico-branch*. If NMFS OLE removes a cellular VMS unit from the approved list, a vessel owner who purchased and installed such a unit

prior to its removal from the approved list will still comply with the requirement to have an approved unit, unless otherwise notified by NMFS. At the end of a cellular VMS unit's service life, it must be replaced with a currently approved unit.

(B) ***Hourly position reporting requirement.*** An owner or operator of a vessel using a NMFS-approved cellular VMS unit as specified in paragraph (b)(5)(iv)(A) of this section must ensure that the required cellular VMS unit archives the vessel's accurate position at least once per hour, 24 hours a day, every day of the year, unless exempted from this requirement under paragraphs (b)(5)(iv)(C) or (D) of this section.

(C) ***In-port exemption.*** While in port, an owner or operator of a vessel with a NMFS-approved cellular VMS unit configured with the 4-hour position reporting feature may utilize the 4-hour reporting feature rather than comply with the hourly position reporting requirement specified in paragraph (b)(5)(iv)(B) of this section. Once the vessel is no longer in port, the hourly position reporting requirement specified in paragraph (b)(5)(iv)(B) of this section applies. For the purposes of this section, "in port" means secured at a land-based facility, or moored or anchored after the return to a dock, berth, beach, seawall, or ramp.

(D) ***Power-down exemption.*** An owner or operator of a vessel subject to the requirement to have a cellular VMS unit operating at all times as specified in paragraph (b)(5)(iv)(A) of this section can be exempted from that requirement and may power down the required cellular VMS unit if—

(*1*) The vessel will be continuously out of the water or in port, as defined in paragraph (b)(5)(iv)(C) of this section, for more than 72 consecutive hours; and

(*2*) The owner or operator of the vessel applies for and obtains a valid letter of exemption from NMFS. The letter of exemption must be maintained on board the vessel and remains valid for the period specified in the letter for all subsequent power-down requests conducted for the vessel consistent with the provisions of paragraphs (b)(5)(iv)(D)(*3*) and (*4*) of this section.

(*3*) Prior to each power down, the owner or operator of the vessel files a report using a NMFS-approved form that includes the name of the person filing the report, vessel name, U.S. Coast Guard vessel documentation number or state vessel registration number, permit number of the Gulf coastal migratory pelagic charter vessel/ headboat permit, vessel port location during cellular VMS power down, estimated duration of the power-down exemption, and reason for power down; and

(*4*) Prior to powering down the cellular VMS unit, the owner or operator of the vessel receives a confirmation from NMFS that the information was successfully delivered.

(E) ***Installation and activation of a cellular VMS unit.*** Only a cellular VMS unit that has been approved by NMFS for the Gulf coastal migratory pelagic fishery may be used, and the cellular VMS unit must be installed by a qualified marine electrician. When installing and activating or when reinstalling and reactivating the NMFS-approved cellular VMS unit, the vessel owner or operator must—

(*1*) Follow procedures indicated on the VMS installation and activation form, which is available from NMFS; and

(2) Submit a completed and signed VMS installation and activation form to NMFS as specified on the form.

(F) ***Interference with the cellular VMS.*** No person may interfere with, tamper with, alter, damage, disable, or impede the operation of the cellular VMS, or attempt any of the same.

(G) ***Interruption of operation of the cellular VMS.*** If a vessel's cellular VMS is not operating properly, the vessel owner or operator must immediately contact NMFS and follow NMFS' instructions. If notified by NMFS that a vessel's cellular VMS is not operating properly, the vessel owner or operator must follow NMFS' instructions. In either event, such instructions may include, but are not limited to, manually communicating to a location designated by NMFS the vessel's positions or returning to port until the cellular VMS is operable.

(v) ***Access to position data.*** As a condition of authorized fishing for or possession of Gulf coastal migratory pelagic fish subject to the reporting and recordkeeping requirements in this section, a vessel owner or operator subject to the hardware and software requirements in this section must allow NMFS, the U.S. Coast Guard, and their authorized officers and designees access to the vessel's position data obtained from the cellular VMS.

(6) ***Trip declaration requirements in the Gulf.*** For purposes of this paragraph (b)(6), a trip begins anytime the vessel departs from a dock, berth, beach, seawall, or ramp, and terminates with return to a dock, berth, beach, seawall, or ramp, regardless of the duration or purpose, including non-fishing activities. Prior to departure for each trip, the owner or operator of a vessel for which a charter vessel/headboat permit for Gulf coastal migratory pelagic fish has been issued must notify NMFS and report the type of trip, the U.S. Coast Guard vessel documentation number or state vessel registration number, and whether the vessel will be operating as a charter vessel or headboat, or is departing on another type of trip, such as a commercial trip. If the vessel will be operating as a charter vessel or headboat during the trip, the owner or operator must also report the expected trip completion date, time, and landing location.

(c) ***Dealers.***

(1) A dealer who first receives Gulf or Atlantic coastal migratory pelagic fish must maintain records and submit information as specified in § 622.5(c).

(2) ***Alternate SRD.*** For the purpose of § 622.5(c), in the states from New York through Virginia, or in the waters off those states, "SRD" means the Science and Research Director, Northeast Fisheries Science Center, NMFS, or a designee.

[78 FR 22952, Apr. 17, 2013, as amended at 79 FR 6100, Feb. 3, 2014; 79 FR 19496, Apr. 9, 2014; 82 FR 17396, Apr. 11, 2017; 85 FR 10339, Feb. 24, 2020; 85 FR 44017, July 21, 2020]

§ 622.375 Authorized and unauthorized gear.

(a) ***Authorized gear*** —

(1) ***King and Spanish mackerel.*** Subject to the prohibitions on gear/methods specified in § 622.9, the following are the only fishing gears that may be used in the Gulf, Mid-Atlantic, and South Atlantic EEZ in directed fisheries for king and Spanish mackerel:

(i) ***King mackerel, Atlantic migratory group*** —

(A) North of 34°37.3' N. lat., the latitude of Cape Lookout Light, NC—all gear except drift gillnet and long gillnet.

(B) South of 34°37.3' N. lat.—automatic reel, bandit gear, handline, and rod and reel.

(ii) ***King mackerel, Gulf migratory group*** —hook-and-line gear and, in the southern zone only, run-around gillnet. (See § 622.369(a)(1)(iii) for a description of the southern zone.)

(iii) ***Spanish mackerel, Atlantic migratory group*** —automatic reel, bandit gear, handline, rod and reel, cast net, run-around gillnet, and stab net.

(iv) ***Spanish mackerel, Gulf migratory group*** —all gear except drift gillnet, long gillnet, and purse seine.

(2) ***Cobia, Gulf migratory group.*** Subject to the prohibitions on gear/methods specified in § 622.9, the following are the only fishing gears that may be used in the Gulf EEZ, and in the South Atlantic EEZ south of a line extending due east from the Florida/Georgia border for cobia—all gear except drift gillnet and long gillnet.

(b) ***Unauthorized gear.*** Gear types other than those specified in paragraph (a) of this section are unauthorized gear and the following possession limitations apply:

(1) ***Long gillnets.*** A vessel with a long gillnet on board in, or that has fished on a trip in, the Gulf, Mid-Atlantic, or South Atlantic EEZ may not have on board on that trip a coastal migratory pelagic fish.

(2) ***Drift gillnets.*** A vessel with a drift gillnet on board in, or that has fished on a trip in, the Gulf EEZ may not have on board on that trip a coastal migratory pelagic fish.

(3) ***Other unauthorized gear.*** Except as specified in paragraph (b)(4) of this section, a person aboard a vessel with unauthorized gear other than a drift gillnet in the Gulf EEZ or a long gillnet on board in, or that has fished in, the EEZ where such gear is not authorized in paragraph (a) of this section, is subject to the bag limits for king and Spanish mackerel specified in § 622.382(a)(1)(ii) and (iv), respectively, and to the limit on cobia specified in § 622.383(b).

(4) ***Exception for king mackerel in the Gulf EEZ.*** The provisions of this paragraph (b)(4) apply to king mackerel taken in the Gulf EEZ and to such king mackerel possessed in the Gulf. Paragraph (b)(3) of this section notwithstanding, a person aboard a vessel that has a valid commercial permit for king mackerel is not subject to the bag limit for king mackerel when the vessel has on board on a trip unauthorized gear other than a drift gillnet in the Gulf EEZ, a long gillnet, or a run-around gillnet in an area other than the southern zone. Thus, the following applies to a vessel that has a commercial permit for king mackerel:

(i) Such vessel may not use unauthorized gear in a directed fishery for king mackerel in the Gulf EEZ.

(ii) If such a vessel has a drift gillnet or a long gillnet on board or a run-around gillnet in an area other than the southern zone, no king mackerel may be possessed.

(iii) If such a vessel has unauthorized gear on board other than a drift gillnet in the Gulf EEZ, a long gillnet, or a run-around gillnet in an area other than the southern zone, the possession of king mackerel taken incidentally is restricted only by the closure provisions of § 622.384(e) and the trip limits specified in § 622.385(a). See also § 622.379 regarding the purse seine catch allowances of king mackerel.

[78 FR 22952, Apr. 17, 2013, as amended at 80 FR 4221, Jan. 27, 2015; 82 FR 17396, Apr. 11, 2017; 84 FR 4736, Feb. 19, 2019]

§ 622.376 Gear identification.

(a) ***Spanish mackerel gillnet buoys.*** On board a vessel with a valid Spanish mackerel permit that is fishing for Spanish mackerel in, or that possesses Spanish mackerel in or from, the South Atlantic EEZ off Florida north of 25°20.4' N. lat., which is a line directly east from the Miami-Dade/Monroe County, FL, boundary, the float line of each gillnet possessed, including any net in use, must have a maximum of nine distinctive floats, *i.e.,* different from the usual net buoys, spaced uniformly at a distance of 100 yd (91.4 m) or less. Each such distinctive float must display the official number of the vessel.

(b) [Reserved]

§ 622.377 Gillnet restrictions.

(a) ***Gillnets for king mackerel.*** The minimum allowable mesh size for a gillnet used to fish in the Gulf, Mid-Atlantic, or South Atlantic EEZ for king mackerel is 4.75 inches (12.1 cm), stretched mesh. A vessel in such EEZ, or having fished on a trip in such EEZ, with a gillnet on board that has a mesh size less than 4.75 (12.1 cm) inches, stretched mesh, may not possess on that trip an incidental catch of king mackerel that exceeds 10 percent, by number, of the total lawfully possessed Spanish mackerel on board.

(b) ***Gillnets for Spanish mackerel.***

(1) The minimum allowable mesh size for a gillnet used to fish for Spanish mackerel in the Gulf, Mid-Atlantic, or South Atlantic EEZ is 3.5 inches (8.9 cm), stretched mesh.

(i) A vessel in the Gulf EEZ, or having fished on a trip in the Gulf EEZ, with a gillnet on board that has a mesh size less than 3.5 inches (8.9 cm), stretched mesh, may not possess on that trip any Spanish mackerel.

(ii) A vessel in the South Atlantic or Mid-Atlantic EEZ, or having fished on a trip in such EEZ, with a gillnet on board that has a mesh size less than 3.5 inches (8.9 cm), stretched mesh, may possess or land on the day of that trip no more than 500 lb (227 kg) of incidentally caught Spanish mackerel.

(2) On board a vessel with a valid Spanish mackerel permit that is fishing for Spanish mackerel in, or that possesses Spanish mackerel in or from, the South Atlantic EEZ off Florida north of 25°20.4' N. lat., which is a line directly east from the Miami-Dade/Monroe County, FL, boundary—

(i) No person may fish with, set, place in the water, or have on board a gillnet with a float line longer than 800 yd (732 m).

(ii) No person may fish with, set, or place in the water more than one gillnet at any one time.

(iii) No more than two gillnets, including any net in use, may be possessed at any one time, except for a vessel with a valid commercial vessel permit for Spanish mackerel engaged in a transfer as specified in paragraph (b)(2)(vi) of this section. If two gillnets, including any net in use, are possessed at any one time, they must have stretched mesh sizes (as allowed under the regulations) that differ by at least .25 inch (.64 cm), except for a vessel with a valid commercial vessel permit for Spanish mackerel engaged in a transfer as specified in paragraph (b)(2)(vi) of this section, in which case the vessel may possess two gillnets of the same mesh size provided that one of the nets is transferred to that vessel.

(iv) No person may soak a gillnet for more than 1 hour. The soak period begins when the first mesh is placed in the water and ends either when the first mesh is retrieved back on board the vessel or the gathering of the gillnet is begun to facilitate retrieval on board the vessel, whichever occurs first; providing that, once the first mesh is retrieved or the gathering is begun, the retrieval is continuous until the gillnet is completely removed from the water.

(v) The float line of each gillnet possessed, including any net in use, must have the distinctive floats specified in § 622.376(a).

(vi) A portion of a gillnet may be transferred at sea only in the EEZ and only from a vessel with a valid commercial vessel permit for Spanish mackerel that has exceeded a trip limit specified in § 622.385 (b) to another vessel with a valid commercial vessel permit for Spanish mackerel that has not yet reached the trip limit (the receiving vessel). Only one such transfer is allowed per vessel per day. In addition, to complete a legal transfer at sea, all of the following must apply:

(A) All fish exceeding the applicable commercial trip limit may not be removed from the gillnet until the transfer is complete (*i.e.,* the gillnet is onboard the receiving vessel). The fish transferred to the receiving vessel may not exceed the applicable commercial trip limit.

(B) The receiving vessel may possess no more than three gillnets on board after the transfer is complete.

(C) Prior to cutting the gillnet and prior to any transfer of Spanish mackerel from one vessel to another, the owner or operator of both vessels must contact NMFS Office for Law Enforcement, St Petersburg, Florida, phone: 1-727-824-5344.

[78 FR 22952, Apr. 17, 2013, as amended at 79 FR 68805, Nov. 19, 2014; 84 FR 47904, Sept. 11, 2019]

§ 622.378 Seasonal closures of the Gulf migratory group king mackerel gillnet fishery.

(a) ***Seasonal closure of the gillnet component for Gulf migratory group king mackerel.*** The gillnet component for Gulf migratory group king mackerel in or from the southern zone is closed each fishing year from July 1 until 6 a.m. eastern standard time on the day after the Martin Luther King Jr. Federal holiday. During the closure, a person aboard a vessel using or possessing a gillnet with a stretched-mesh size of 4.75 inches (12.1 cm) or larger in the southern zone may not fish for or possess Gulf migratory group king mackerel. (See § 622.369(a)(1)(iii) for a description of the southern zone.)

(b) [Reserved]

[80 FR 4221, Jan. 27, 2015, as amended at 82 FR 17396, Apr. 11, 2017; 88 FR 61477, Sept. 7, 2023]

§ 622.379 Incidental catch allowances.

(a) ***Purse seine incidental catch allowance.*** A vessel in the EEZ, or having fished in the EEZ, with a purse seine on board will not be considered as fishing, or having fished, for king or Spanish mackerel in violation of a prohibition of purse seines under § 622.375(b), in violation of the possession limits under § 622.375(b)(3), or, in the case of king mackerel from the Atlantic migratory group, in violation of a closure effected in accordance with § 622.8(b), provided the king mackerel on board does not exceed 1 percent, or the Spanish mackerel on board does not exceed 10 percent, of all fish on board the vessel. Incidental

catch will be calculated by number and/or weight of fish. Neither calculation may exceed the allowable percentage. Incidentally caught king or Spanish mackerel are counted toward the quotas provided for under § 622.384 and are subject to the prohibition of sale under § 622.384(e)(2).

(b) ***Shark gillnet incidental catch allowance.*** A vessel in the Atlantic EEZ with a valid Federal Atlantic commercial shark directed permit and a valid Federal king mackerel commercial permit that is engaged in directed shark fishing with gillnets that are not an authorized gear for Atlantic migratory group king mackerel (See § 622.375(a)(1)(i)), may retain and sell a limited number of king mackerel. Any king mackerel retained must be sold to a dealer with a valid Federal Gulf and South Atlantic dealer permit.

(1) ***Northern zone.*** No more than three king mackerel per crew member may be retained or sold per trip (See § 622.385(a)(1)(i) for the commercial trip limit for directed king mackerel trips using authorized gillnets (in the Atlantic EEZ north of 34°37.3' N. lat., the latitude of Cape Lookout, NC)).

(2) ***Southern zone.*** No more than two king mackerel per crew member may be retained or sold per trip.

[82 FR 17397, Apr. 11, 2017, as amended at 82 FR 35660, Aug. 1, 2017]

§ 622.380 Size limits.

All size limits in this section are minimum size limits unless specified otherwise. A fish not in compliance with its size limit, as specified in this section, in or from the Gulf, South Atlantic, or Mid-Atlantic EEZ, as appropriate, may not be possessed, sold, or purchased. A fish not in compliance with its size limit must be released immediately with a minimum of harm. The operator of a vessel that fishes in the EEZ is responsible for ensuring that fish on board are in compliance with the size limits specified in this section.

(a) ***Cobia*** —

(1) ***Gulf migratory group.***

(i) ***Gulf zone*** —36 inches (91.4 cm), fork length.

(ii) ***Florida east coast zone.*** 36 inches (91.4 cm), fork length.

(2) [Reserved]

(b) King mackerel in the Gulf, South Atlantic, or Mid-Atlantic—24 inches (61.0 cm), fork length, except that a vessel fishing under a quota for king mackerel specified in § 622.384(b) may possess undersized king mackerel in quantities not exceeding 5 percent, by weight, of the king mackerel on board.

(c) Spanish mackerel in the Gulf, South Atlantic, or Mid-Atlantic—12 inches (30.5 cm), fork length, except that a vessel fishing under a quota for Spanish mackerel specified in § 622.384(c) may possess undersized Spanish mackerel in quantities not exceeding 5 percent, by weight, of the Spanish mackerel on board.

[78 FR 22952, Apr. 17, 2013, as amended at 82 FR 36347, Aug. 4, 2017; 84 FR 4736, Feb. 19, 2019; 85 FR 10331, Feb. 24, 2020; 87 FR 63966, Oct. 21, 2022]

§ 622.381 Landing fish intact.

(a) ***Intact fish requirement.*** Cobia in or from the Gulf and in the South Atlantic EEZ south of a line extending due east from the Florida/Georgia border, and king mackerel and Spanish mackerel in or from the Gulf, Mid-Atlantic, or South Atlantic EEZ, except as specified for king mackerel and Spanish mackerel in paragraph (b) of this section, must be maintained with head and fins intact. Such fish may be eviscerated,

gilled, and scaled, but must otherwise be maintained in a whole condition. The operator of a vessel that fishes in the EEZ is responsible for ensuring that fish on that vessel in the EEZ are maintained intact and, if taken from the EEZ, are maintained intact through offloading ashore, as specified in this section.

(b) ***Damaged king or Spanish mackerel.***

(1) ***Commercial.*** Damaged king or Spanish mackerel in the Gulf, Mid-Atlantic, and South Atlantic EEZ that comply with the minimum size limits in § 622.380(b) and (c), respectively, and the trip limits in § 622.385(a) and (b), respectively, may be possessed in the Gulf, Mid-Atlantic, or South Atlantic EEZ on, and offloaded ashore from, a vessel that is operating under the respective trip limits. Such damaged fish also may be sold. A maximum of five additional damaged king mackerel, not subject to the size limits or trip limits, may be possessed or offloaded ashore but may not be sold or purchased and are not counted against the trip limit. For the purposes of this paragraph (b)(1), damaged fish, refers to king or Spanish mackerel that are damaged only through natural predation.

(2) ***Recreational.*** Damaged king or Spanish mackerel in the Mid-Atlantic and South Atlantic EEZ that comply with the minimum size limits § 622.380(b) and (c), respectively, and the recreational bag and possession limits in § 622.382(a), may be possessed in the Mid-Atlantic or South Atlantic EEZ on, and offloaded ashore from, a vessel that is operating under the respective bag and possession limits. For the purposes of this paragraph (b)(2), damaged fish, refers to king or Spanish mackerel that are damaged only through natural predation.

[88 FR 29847, May 9, 2023]

§ 622.382 Bag and possession limits.

Section 622.11(a) provides the general applicability for bag and possession limits.

(a) ***King mackerel and Spanish mackerel*** —

(1) ***Bag limits.***

(i) Atlantic migratory group king mackerel—3.

(ii) Gulf migratory group king mackerel—3.

(iii) Atlantic migratory group Spanish mackerel—15.

(iv) Gulf migratory group Spanish mackerel—15.

(v) Coastal migratory pelagic fish within certain South Atlantic SMZs—§ 622.11(a) notwithstanding, all harvest and possession of coastal migratory pelagic fish within the South Atlantic SMZs specified in § 622.182(a)(1)(i) through (xi) and (a)(1)(xxii) through (xxxix) is limited to the bag limits specified in paragraphs (a)(1)(i) through (iv) of this section.

(2) ***Possession limits*** —

(i) ***Possession limits for vessels with a valid Federal charter vessel/headboat permit for Atlantic coastal migratory pelagic fish.*** A person who is on a trip that spans more than 24 hours may possess no more than two daily bag limits, provided such trip is on a vessel that is operating as a charter vessel or headboat, the vessel has two licensed operators aboard, and each passenger is issued and has in possession a receipt issued on behalf of the vessel that verifies the length of the trip.

(ii) ***Possession limits for vessels with a valid Federal charter vessel/headboat permit for Gulf coastal migratory pelagic fish.*** A person who is on a trip that spans more than 30 hours may possess, at any time during the trip, no more than two daily bag limits of Gulf king and Spanish mackerel, provided such trip is on a vessel that is operating as a charter vessel or headboat, the vessel has two licensed operators aboard, each passenger is issued and has in possession a receipt issued on behalf of the vessel that verifies the date and time of departure and length of the trip, and the entire trip occurs on days when the harvest and possession of the applicable coastal migratory pelagic species are allowed.

(b) ***Gulf migratory group cobia*** —

(1) ***Bag limits.*** The following applies to persons who fish for cobia in the Gulf zone or Florida east coast zone, and do not sell their catch.

(i) One fish per person per day, not to exceed 2 fish per vessel per trip.

(ii) [Reserved]

(2) [Reserved]

[78 FR 22952, Apr. 17, 2013, as amended at 82 FR 17397, Apr. 11, 2017; 82 FR 36347, Aug. 4, 2017; 84 FR 4736, Feb. 19, 2019; 86 FR 11155, Feb. 24, 2021; 87 FR 23150, Apr. 19, 2022; 87 FR 56237, Sept. 13, 2022; 87 FR 63966, Oct. 21, 2022; 88 FR 29847, May 9, 2023]

§ 622.383 [Reserved]

§ 622.384 Quotas.

See § 622.8 for general provisions regarding quota applicability and closure and reopening procedures. See § 622.369 for the descriptions of the zones. This section provides quotas and specific quota closure restrictions for coastal migratory pelagic fish. All weights are in round and eviscerated weight combined, unless specified otherwise.

(a) King and Spanish mackerel quotas apply to persons who fish under commercial vessel permits for king or Spanish mackerel, as required under § 622.370(a)(1) or (3). A fish is counted against the quota for the area where it is caught, not where it is landed.

(b) ***King mackerel*** —

(1) ***Gulf migratory group.*** The Gulf migratory group is divided into zones. The description of the zones is specified in § 622.369(a). Quotas for the western, northern, and southern zones are as follows:

(i) ***Western zone.*** The quota is 1,199,360 lb (544,021 kg) for the 2021-2022 fishing year, 1,244,160 lb (564,341 kg) for the 2022-2023 fishing year, and 1,278,720 lb (580,018 kg) for the 2023-2024 fishing year and subsequent fishing years.

(ii) ***Northern zone.*** The quota is 539,712 lb (244,809 kg) for the 2021-2022 fishing year, 559,872 lb (253,954 kg) for the 2022-2023 fishing year, and 575,424 lb (261,008 kg) for the 2023-2024 fishing year and subsequent fishing years.

(iii) ***Southern zone.***

(A) The hook-and-line quota is 629,664 lb (285,611 kg) for the 2021-2022 fishing year, 653,184 lb (296,279 kg) for the 2022-2023 fishing year, and 671,328 lb (304,509 kg) for the 2023-2024 and subsequent fishing years.

(B) The run-around gillnet quota is 629,664 lb (285,611 kg) for the 2021-2022 fishing year, 653,184 lb (296,279 kg) for the 2022-2023 fishing year, and 671,328 lb (304,509 kg) for the 2023-2024 and subsequent fishing years.

(2) ***Atlantic migratory group.*** The Atlantic migratory group is divided into northern and southern zones. The descriptions of the zones are specified in § 622.369(a). Quotas for the northern and southern zones are as follows:

(i) ***Northern zone.*** The quota is 2,663,507 lb (1,208,146 kg) for the 2022-2023 fishing year, 2,306,207 lb (1,046,078 kg) for the 2023-2024 fishing year, 2,062,594 lb (935,577 kg) for the 2024-2025 fishing year, 1,892,064 lb (858,226 kg) for the 2025-2026 fishing year, and 1,770,258 lb (802,976 kg) for the 2026-2027 and subsequent fishing years. No more than 0.40 million lb (0.18 million kg) may be harvested by purse seine gear.

(ii) ***Southern zone.*** The quota is 8,896,853 lb (4,035,545 kg) for the 2022-2023 fishing year, 7,703,373 lb (3,494,191 kg) for the 2023-2024 fishing year, 6,889,636 lb (3,125,086 kg) for the 2024-2025 fishing year, 6,320,021 lb (2,866,713 kg) for the 2025-2026 fishing year, and 5,913,152 lb (2,682,161 kg) for the 2026-2027 and subsequent fishing years.

(A) For the period March 1 through September 30, each year, the seasonal quota is 5,338,112 lb (2,421,327 kg) for the 2022-2023 fishing year, 4,622,024 lb (2,096,515 kg) for the 2023-2024 fishing year, 4,133,782 lb (1,875,052 kg) for the 2024-2025 fishing year, 3,792,012 lb (1,720,028 kg) for the 2025-2026 fishing year, and 3,547,891 lb (1,609,296 kg) for the 2026-2027 fishing year and subsequent fishing years.

(B) For the period October 1 through the end of February each year, the seasonal quota is 3,558,741 lb (1,614,218 kg) for the 2022-2023 fishing year, 3,081,349 lb (1,397,676 kg) for the 2023-2024 fishing year, 2,755,854 lb (1,250,034 kg) for the 2024-2025 fishing year, 2,528,008 lb (1,146,685 kg) for the 2025-2026 fishing year, and 2,365,261 lb (1,072,864 kg) for the 2026-2027 fishing year and subsequent fishing years.

(C) Any unused portion of the quota specified in paragraph (b)(2)(ii)(A) of this section will be added to the quota specified in paragraph (b)(2)(ii)(B) of this section. Any unused portion of the quota specified in paragraph (b)(2)(ii)(B) of this section, including any addition of quota specified in paragraph (b)(2)(ii)(A) of this section that was unused, will become void at the end of the fishing year and will not be added to any subsequent quota.

(iii) ***Quota transfers.*** North Carolina or Florida, in consultation with the other states in their respective zones, may request approval from the RA to transfer part or all of their respective zone's annual commercial quota to the other zone. Requests for transfer of commercial quota for king mackerel must be made by a letter signed by the principal state official with marine fishery management responsibility and expertise of the state requesting the transfer, or his/her previously named designee. The letter must certify that all pertinent state requirements have been met and identify the states involved and the amount of quota to be transferred. For the purposes of quota closures as described in § 622.8, the receiving zone's quota will be the original quota plus any transferred amount, for that fishing season only. Landings associated with any transferred quota will be included in the total landings for the Atlantic migratory group, which will be evaluated relative to the total ACL.

(A) Within 10 working days following the receipt of the letter from the state requesting the transfer, the RA shall notify the appropriate state officials of the disposition of the request. In evaluating requests to transfer a quota, the RA shall consider whether:

(*1*) The transfer would allow the overall annual quota to be fully harvested; and

(*2*) The transfer is consistent with the objectives of the FMP and the Magnuson-Stevens Act.

(B) The transfer of quota will be valid only for the fishing year for which the request was made and does not permanently alter the quotas specified in paragraphs (b)(2)(i) and (ii) of this section.

(3) ***Transit provisions applicable in areas closed due to a quota closure for king mackerel.*** A vessel with a valid commercial vessel permit for king mackerel that has onboard king mackerel harvested in an open area of the EEZ may transit through areas closed to the harvest of king mackerel due to a quota closure, if fishing gear is appropriately stowed. For the purpose of paragraph (b) of this section, transit means direct and non-stop continuous course through the area. To be appropriately stowed fishing gear means—

(i) A gillnet must be left on the drum. Any additional gillnets not attached to the drum must be stowed below deck.

(ii) A rod and reel must be removed from the rod holder and stowed securely on or below deck. Terminal gear (*i.e.,* hook, leader, sinker, flasher, or bait) must be disconnected and stowed separately from the rod and reel. Sinkers must be disconnected from the down rigger and stowed separately.

(c) ***Spanish mackerel*** —

(1) ***Gulf migratory group.*** [Reserved]

(2) ***Atlantic migratory group.*** The Atlantic migratory group is divided into northern and southern zones. The descriptions of the zones are specified in § 622.369(b). The quota for the Atlantic migratory group of Spanish mackerel is 3.33 million lb (1.51 million kg). Quotas for the northern and southern zones are as follows:

(i) ***Northern zone*** —662,670 lb (300,582 kg).

(ii) ***Southern zone*** —2,667,330 lb (1,209,881 kg).

(iii) ***Quota transfers.*** North Carolina or Florida, in consultation with the other states in their respective zones, may request approval from the RA to transfer part or all of their respective zone's annual commercial quota to the other zone. Requests for transfer of commercial quota for Spanish mackerel must be made by a letter signed by the principal state official with marine fishery management responsibility and expertise, or his/her previously named designee, for each state involved. The letter must certify that all pertinent state requirements have been met and identify the states involved and the amount of quota to be transferred. For the purposes of quota closures as described in § 622.8, the receiving zone's quota will be the original quota plus any transferred amount, for that fishing season only. Landings associated with any transferred quota will be included in the total landings for the Atlantic migratory group, which will be evaluated relative to the total ACL.

(A) Within 10 working days following the receipt of the letter from the states involved, the RA shall notify the appropriate state officials of the disposition of the request. In evaluating requests to transfer a quota, the RA shall consider whether:

(*1*) The transfer would allow the overall annual quota to be fully harvested; and

(*2*) The transfer is consistent with the objectives of the FMP and the Magnuson-Stevens Act.

(B) The transfer of quota will be valid only for the fishing year for which the request was made and does not permanently alter any zone's quota specified in paragraph (c)(2)(i) or (c)(2)(ii) of this section.

(d) ***Cobia*** —

(1) ***Gulf migratory group*** —

(i) ***Gulf zone.*** For the 2022 fishing year, the stock quota is 1,474,200 lb (668,686 kg). For the 2023 fishing year and subsequent fishing years, the stock quota is 1,564,920 lb (709,836 kg).

(ii) ***Florida east coast zone.*** The following quotas apply to persons who fish for cobia and sell their catch. For the 2022 fishing year the quota is 76,960 lb (34,908 kg). For the 2023 fishing year and subsequent fishing years the quota is 81,696 lb (37,057 kg).

(2) [Reserved]

(e) ***Restrictions applicable after a quota closure.***

(1) If the recreational sector for the applicable species, migratory group, zone, or gear is open, the bag and possession limits for king and Spanish mackerel specified in § 622.382(a) apply to all harvest or possession for the closed species, migratory group, zone, or gear in or from the EEZ. If the recreational sector for the applicable species, migratory group, zone, or gear is closed, all applicable harvest or possession in or from the EEZ is prohibited.

(2) The sale or purchase of king mackerel, Spanish mackerel, or cobia of the closed species, migratory group, zone, or gear type is prohibited, including any king or Spanish mackerel taken under the bag and possession limits specified in § 622.382(a), or cobia taken under the bag and possession limits specified in § 622.382(b). The prohibition on the sale or purchase during a closure for coastal migratory pelagic fish does not apply to coastal migratory pelagic fish that were harvested, landed ashore, and sold prior to the effective date of the closure and were held in cold storage by a dealer or processor.

[78 FR 22952, Apr. 17, 2013, as amended at 79 FR 69060, Nov. 20, 2014; 80 FR 4221, Jan. 27, 2015; 82 FR 17397, Apr. 11, 2017; 82 FR 35660, Aug. 1, 2017; 84 FR 4736, Feb. 19, 2019; 87 FR 63966, Oct. 21, 2022; 87 FR 74990, Dec. 7, 2022; 88 FR 29848, May 9, 2023]

§ 622.385 Commercial trip limits.

Commercial trip limits are limits on the amount of the applicable species that may be possessed on board or landed, purchased, or sold from a vessel per day. A person who fishes in the EEZ may not combine a trip limit specified in this section with any trip or possession limit applicable to state waters. Except for Atlantic migratory group Spanish mackerel harvested by gillnet, as specified in § 622.377(b)(2)(vi), a species subject to a trip limit

specified in this section taken in the EEZ may not be transferred at sea, regardless of where such transfer takes place, and such species may not be transferred in the EEZ. Commercial trip limits apply as follows (all weights are round or eviscerated weights unless specified otherwise):

(a) ***King mackerel*** —

(1) ***Atlantic migratory group.*** The following trip limits apply to vessels for which commercial permits for king mackerel have been issued, as required under § 622.370(a)(1):

(i) North of 29°25' N. lat., which is a line directly east from the Flagler/Volusia County, FL, boundary, king mackerel in or from the EEZ may not be possessed on board or landed from a vessel in a day in amounts exceeding 3,500 lb (1,588 kg).

(ii) In the area between 29°25' N lat., which is a line directly east from the Flagler/Volusia County, FL, boundary, and 28°47'48" N lat., which is a line directly east from the Volusia/Brevard County, FL, boundary, king mackerel in or from the EEZ may not be possessed on board or landed from a vessel in a day in amounts not to exceed:

(A) From March 1 through March 31—75 fish.

(B) From April 1 through September 30—3,500 lb (1,588 kg).

(C) From October 1 through the end of February—100 fish.

(iii) In the area between 28°47'48" N lat., which is a line directly east from the Volusia/Brevard County, FL, boundary, and 25°20'24" N lat., which is a line directly east from the Miami-Dade/Monroe County, FL, boundary, king mackerel in or from the EEZ may not be possessed on board or landed from a vessel in a day in amounts not to exceed:

(A) From March 1 through March 31—75 fish.

(B) From April 1 through September 30—75 fish, unless NMFS determines that 75 percent or more of the quota specified in § 622.384(b)(2)(ii)(A) has been landed, then, 50 fish.

(C) From October 1 through the end of February—100 fish.

(2) ***Gulf migratory group.*** Commercial trip limits are established in the southern, northern, and western zones as follows. (See § 622.369(a) for descriptions of the southern, northern, and western zones.)

(i) ***Southern zone*** —

(A) ***Gillnet gear.***

(*1*) King mackerel in or from the EEZ may be possessed on board or landed from a vessel for which a commercial vessel permit for king mackerel and a king mackerel gillnet permit have been issued, as required under § 622.370(a)(2), in amounts not exceeding 45,000 lb (20,411 kg) per day.

(*2*) King mackerel in or from the EEZ may be possessed on board or landed from a vessel that uses or has on board a run-around gillnet on a trip only when such vessel has on board a commercial vessel permit for king mackerel and a king mackerel gillnet permit.

(*3*) King mackerel from the southern zone landed by a vessel for which a commercial vessel permit for king mackerel and a king mackerel gillnet permit have been issued will be counted against the run-around gillnet quota specified in § 622.384(b)(1)(iii)(B).

(*4*) King mackerel in or from the EEZ harvested with gear other than run-around gillnet may not be retained on board a vessel for which a commercial vessel permit for king mackerel and a king mackerel gillnet permit have been issued.

(B) ***Hook-and-line gear.*** King mackerel in or from the EEZ may be possessed on board or landed from a vessel with a commercial permit for king mackerel, as required by § 622.370(a)(1), and operating under the hook-and-line gear quotas in § 622.384(b)(1)(iii)(A) in amounts not exceeding 1,250 lb (567 kg) per day.

(ii) ***Northern zone.*** King mackerel in or from the EEZ may be possessed on board or landed from a vessel for which a commercial permit for king mackerel has been issued, as required under § 622.370(a)(1), in amounts not exceeding 1,250 lb (567 kg) per day.

(iii) ***Western zone.*** King mackerel in or from the EEZ may be possessed on board or landed from a vessel for which a commercial permit for king mackerel has been issued, as required under § 622.370(a)(1), in amounts not exceeding 3,000 lb (1,361 kg) per day.

(b) ***Spanish mackerel*** —

(1) ***Atlantic migratory group.*** The following trip limits apply to vessels for which commercial permits for Spanish mackerel have been issued, as required under § 622.370(a)(3).

(i) Northern zone. Spanish mackerel in or from the EEZ may not be possessed on board or landed in a day from a vessel for which a permit for Spanish mackerel has been issued, as required under § 622.370(a)(3), in amounts exceeding 3,500 lb (1,588 kg).

(ii) Southern zone. Spanish mackerel in or from the EEZ may not be possessed on board or landed in a day from a vessel for which a permit for Spanish mackerel has been issued, as required under § 622.370(a)(3)—

(A) From March 1 until 75 percent of the adjusted quota for the southern zone has been reached or is projected to be reached, in amounts exceeding 3,500 lb (1,588 kg).

(B) After 75 percent of the adjusted quota for the southern zone has been reached or is projected to be reached, in amounts exceeding 1,500 lb (680 kg).

(C) After 100 percent of the adjusted quota for the southern zone has been reached or is projected to be reached, and until the end of the fishing year or the southern zone's quota has been reached or is projected to be reached, in amounts exceeding 500 lb (227 kg). See § 622.384(e) for limitations regarding Atlantic migratory group Spanish mackerel after the southern zone's quota is reached.

(2) For the purpose of paragraph (b)(1)(ii) of this section, the adjusted quota for the southern zone is 2,417,330 lb (1,096,482 kg). The adjusted quota for the southern zone is the quota for the Atlantic migratory group Spanish mackerel southern zone reduced by an amount calculated to allow continued harvest of Atlantic migratory group Spanish mackerel at the rate of 500 lb (227 kg) per vessel per day for the remainder of the fishing year after the adjusted quota is reached. Total commercial harvest in the southern zone is still subject to the southern zone quota and

accountability measures. By filing a notification with the Office of the Federal Register, the Assistant Administrator will announce when 75 percent and 100 percent of the adjusted quota are reached or are projected to be reached.

(3) For the purpose of paragraph (b)(1)(ii) of this section, a day starts at 6 a.m., local time, and extends for 24 hours. If a vessel terminates a trip prior to 6 a.m., but retains Spanish mackerel on board after that time, the Spanish mackerel retained on board will not be considered in possession during the succeeding day, provided the vessel is not underway between 6 a.m. and the time such Spanish mackerel are unloaded, and provided such Spanish mackerel are unloaded prior to 6 p.m.

(c) ***Cobia.***

(1) [Reserved]

(2) ***Gulf migratory group.*** The following trip limit applies to persons who fish for cobia and sell their catch.

(i) ***Gulf zone and Florida east coast zone.*** Cobia in or from the EEZ may be possessed or landed in amounts not exceeding 1 fish per person and 2 fish per vessel.

(ii) [Reserved]

[78 FR 22952, Apr. 17, 2013, as amended at 79 FR 68805, Nov. 19, 2014; 79 FR 69090, Nov. 20, 2014; 80 FR 4222, Jan. 27, 2014; 80 FR 40937, July 14, 2015; 80 FR 78675, Dec. 17, 2015; 82 FR 36347, Aug. 4, 2017; 84 FR 4736, Feb. 19, 2019; 84 FR 47904, Sept. 11, 2019; 84 FR 51438, Sept. 30, 2019; 85 FR 55594, Sept. 9, 2020; 87 FR 63966, Oct. 21, 2022]

§ 622.386 Restrictions on sale/purchase.

The restrictions in this section are in addition to the restrictions on the sale or purchase related to commercial quota closures as specified in § 622.384(e)(2).

(a) ***King and Spanish mackerel.*** A king or Spanish mackerel harvested or possessed in the EEZ on board a vessel that does not have a valid commercial vessel permit for king mackerel, as required under § 622.370(a)(1), or a valid commercial vessel permit for Spanish mackerel, as required under § 622.370(a)(3), or a king or Spanish mackerel harvested in the EEZ or possessed under the bag limits specified in § 622.382, may not be sold or purchased, except when harvested under the bag limits on board a vessel operating in the Gulf as a charter vessel or headboat and that vessel has both a valid Federal charter vessel/headboat permit for Gulf coastal migratory pelagic fish, as required under § 622.370(b)(1), and a valid commercial vessel permit for king mackerel or Spanish mackerel, as required under § 622.370(a)(1), as appropriate to the species harvested or possessed.

(b) Coastal migratory pelagic fish harvested in or from the EEZ or adjoining state waters by a vessel that has a valid Federal commercial vessel permit or a charter vessel/headboat permit may be sold or transferred only to a dealer who has a valid Gulf and South Atlantic dealer permit, as required under § 622.370(c)(1).

(c) ***Dealer receipt of fish.*** King or Spanish mackerel harvested in or from the Gulf, Mid-Atlantic, or South Atlantic EEZ may be first received by a dealer who has a valid Federal Gulf and South Atlantic dealer permit, as required under § 622.370(c)(1), only from a vessel that has a valid Federal commercial vessel permit for king or Spanish mackerel, as required under § 622.370(a), or a valid Federal charter vessel/headboat permit for coastal migratory pelagic fish, as required under § 622.370(b).

(d) ***Cut-off (damaged) king or Spanish mackerel.*** A person may not sell or purchase a cut-off (damaged) king or Spanish mackerel that does not comply with the minimum size limits specified in § 622.380(b) or (c), respectively, or that is in excess of the trip limits specified in § 622.385(a) or (b), respectively.

(e) ***State-permitted tournaments.*** King or Spanish mackerel harvested in a state-permitted tournament in the South Atlantic, Mid-Atlantic, or the Gulf may not be sold for profit but may be donated to a state dealer or Federal dealer. Dealers accepting these tournament-caught king or Spanish mackerel must be permitted and must comply with all transfer and reporting requirements. Federally permitted dealers who accept donated king or Spanish mackerel under this section are exempt from the restrictions in paragraph (c) of this section, and can first receive these fish from non-federally permitted vessels. Dealers must donate the monetary value (sale price or cash equivalent of value received for the landings) from the sale of tournament-caught fish to a charitable organization, as determined by the state. The monetary value received from the sale of tournament-caught fish may not be used to pay for tournament expenses. In addition, the fish must be handled and iced according to the Hazard Analysis Critical Control Point (HACCP) standards, and dealers must report tournament caught king and Spanish mackerel as "tournament catch" and comply with all Federal and state reporting requirements.

[78 FR 22952, Apr. 17, 2013, as amended at 79 FR 34250, June 16, 2014; 79 FR 19496, Apr. 9, 2014; 80 FR 4222, Jan. 27, 2015; 82 FR 35660, Aug. 1, 2017; 87 FR 63966, Oct. 21, 2022]

§ 622.387 [Reserved]

§ 622.388 Annual catch limits (ACLs), annual catch targets (ACTs), and accountability measures (AMs).

All weights are in round and eviscerated weight combined, unless specified otherwise.

(a) ***Gulf migratory group king mackerel*** —

(1) ***Commercial sector.***

(i) If commercial landings, as estimated by the SRD, reach or are projected to reach the applicable quota specified in § 622.384(b)(1), the AA will file a notification with the Office of the Federal Register to close the commercial sector for that zone, or gear type for the remainder of the fishing year.

(ii) The commercial ACL for the Gulf migratory group of king mackerel is 2,998,400 lb (1,360,051 kg) for the 2021-2022 fishing year, 3,110,400 lb (1,410,854 kg) for the 2022-2023 fishing year, and 3,196,800 lb (1,450,044 kg) for the 2023-2024 and subsequent fishing years. The ACL is further divided into a commercial ACL for vessels fishing with hook-and-line and a commercial ACL for vessels fishing with run-around gillnets. The hook-and-line ACL (which applies to the entire Gulf) is 2,368,736 lb (1,074,441 kg) for the 2021-2022 fishing year, 2,457,216 lb (1,114,574 kg) for the 2022-2023 fishing year, and 2,525,472 lb (1,145,535 kg) for the 2023-2024 and subsequent fishing years. The run-around gillnet ACL (which applies to the southern zone) is 629,664 lb (285,611 kg) for the 2021-2022 fishing year, 653,184 lb (296,279 kg) for the 2022-2023 fishing year, and 671,328 lb (304,509 kg) for the 2023-2024 and subsequent fishing years.

(iii) If commercial landings of Gulf migratory group king mackerel caught by run-around gillnet in the southern zone, as estimated by the SRD, exceed the commercial ACL, the AA will file a notification with the Office of the Federal Register to reduce the commercial ACL for king mackerel harvested by run-around gillnet in the southern zone in the following fishing year by the amount of the commercial ACL overage in the prior fishing year.

(2) ***Recreational sector.*** If recreational landings, as estimated by the SRD, reach or are projected to reach the recreational ACL of 6,371,600 lb (2,890,109 kg) for the 2021-2022 fishing year, 6,609,600 lb (2,998,064 kg) for the 2022-2023 fishing year, and 6,793,200 lb (3,081,344 kg) for the 2023-2024 and subsequent fishing years, the AA will file a notification with the Office of the Federal Register to implement bag and possession limits for Gulf migratory group king mackerel of zero, unless the best scientific information available determines that a bag limit reduction is unnecessary.

(3) For purposes of tracking the ACL, recreational landings will be monitored based on the commercial fishing year.

(b) ***Atlantic migratory group king mackerel*** —

(1) ***Commercial sector.***

(i) If commercial landings, as estimated by the SRD, reach or are projected to reach the applicable quota for the zone or season specified in § 622.384(b)(2), the AA will file a notification with the Office of the Federal Register to close the commercial sector for that zone for the remainder of the applicable fishing season or fishing year.

(ii) In addition to the measures specified in paragraph (b)(1)(i) of this section, if the sum of the commercial and recreational landings, as estimated by the SRD, exceeds the stock ACL, as specified in paragraph (b)(3) of this section, and Atlantic migratory group king mackerel are overfished, based on the most recent status of U.S. Fisheries Report to Congress, the AA will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year to reduce the commercial quota for that zone for that following year by the amount of any commercial sector overage in the prior fishing year for that zone.

(iii) The commercial ACL for the Atlantic migratory group of king mackerel is 11,560,360 lb (5,243,691 kg) for the 2022-2023 fishing year, 10,009,580 lb (4,540,269 kg) for the 2023-2024 fishing year, 8,952,230 lb (4,060,663 kg) for the 2024-2025 fishing year, 8,212,085 lb (3,724,939 kg) for the 2025-2026 fishing year, and 7,683,410 lb (3,485,136 kg) for the 2026-2027 fishing year and subsequent fishing years.

(2) ***Recreational sector.***

(i) If the recreational landings exceed the recreational ACL as specified in this paragraph and the sum of the commercial and recreational landings, as estimated by the SRD, exceeds the stock ACL, as specified in paragraph (b)(3) of this section, the AA will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year to reduce the bag limit by the amount necessary to ensure recreational landings may achieve the recreational ACT, but do not exceed the recreational ACL, in the following fishing year. The recreational ACL is 19,599,640 lb (8,890,247 kg) for the 2022-2023 fishing year, 16,970,420 lb (7,697,653 kg) for the 2023-2024 fishing year, 15,177,770 lb (6,884,521 kg) for the 2024-2025 fishing year, 13,922,915 lb (6,315,328 kg) for the 2025-2026 fishing year, and 13,026,590 lb (5,908,762 kg) for the 2026-2027 fishing year and subsequent fishing years. The recreational ACT is 16,914,489 lb (7,672,283 kg) for the 2022-2023 fishing year, 14,645,472 lb (6,643,074 kg) for the

2023-2024 fishing year, 13,098,416 million lb (5,941,342 kg) for the 2024-2025 fishing year, 12,015,476 lb (5,450,128 kg) for the 2025-2026 fishing year, and 11,241,947 lb (5,099,261 kg) for the 2026-2027 fishing year and subsequent fishing years.

(ii) In addition to the measures specified in paragraph (b)(2)(i) of this section, if the sum of the commercial and recreational landings, as estimated by the SRD, exceeds the stock ACL, as specified in paragraph (b)(3) of this section, and Atlantic migratory group king mackerel are overfished, based on the most recent status of U.S. Fisheries Report to Congress, the AA will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year to reduce the recreational ACL and ACT for that following year by the amount of any recreational sector overage in the prior fishing year.

(iii) For purposes of tracking the ACL, recreational landings will be evaluated based on the commercial fishing year, March through February. Recreational landings will be evaluated relative to the ACL based on a moving multi-year average of landings, as described in the FMP.

(3) The stock ACL for Atlantic migratory group king mackerel is 31,160,000 lb (14,133,938 kg) for the 2022-2023 fishing year, 26,980,000 lb (12,237,922 kg) for the 2023-2024 fishing year, 24,130,000 lb (10,945,184 kg) for the 2024-2025 fishing year, 22,135,000 lb (10,040,267 kg) for the 2025-2026 fishing year, and 20,710,000 lb (9,393,898 kg) for the 2026-2027 fishing year and subsequent fishing years.

(c) ***Gulf migratory group Spanish mackerel.***

(1) If the sum of the commercial and recreational landings, as estimated by the SRD, reaches or is projected to reach the stock ACL, as specified in paragraph (c)(3) of this section, the AA will file a notification with the Office of the Federal Register to close the commercial and recreational sectors for the remainder of the fishing year. On and after the effective date of such a notification, all sale and purchase of Gulf migratory group Spanish mackerel is prohibited and the harvest and possession limit of this species in or from the Gulf EEZ is zero.

(2) For purposes of tracking the ACL, recreational landings will be evaluated based on the commercial fishing year, April through March.

(3) The stock ACL for Gulf migratory group Spanish mackerel is 12.7 million lb (5.76 million kg) for the 2014-2015 fishing year, 11.8 million lb (5.35 million kg) for the 2015-2016 fishing year, and 11.3 million lb (5.13 million kg) for the 2016-2017 fishing year and subsequent fishing years.

(d) ***Atlantic migratory group Spanish mackerel*** —

(1) ***Commercial sector.***

(i) If commercial landings, as estimated by the SRD, reach or are projected to reach the applicable quota specified in § 622.384(c)(2), the AA will file a notification with the Office of the Federal Register to close the commercial sector for that zone for the remainder of the fishing year.

(ii) In addition to the measures specified in paragraph (d)(1)(i) of this section, if the sum of the commercial and recreational landings, as estimated by the SRD, exceeds the stock ACL, as specified in paragraph (d)(3) of this section, and Atlantic migratory group Spanish mackerel are overfished, based on the most recent status of U.S. Fisheries Report to Congress, the AA will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year to reduce the commercial quota for that zone for that following year by the amount of any commercial sector overage in the prior fishing year for that zone.

(iii) The commercial ACL for the Atlantic migratory group Spanish mackerel is 3.33 million lb (1.51 million kg).

(2) ***Recreational sector.***

(i) If the recreational landings exceed the recreational ACL as specified in this paragraph and the sum of the commercial and recreational landings, as estimated by the SRD, exceeds the stock ACL, as specified in paragraph (d)(3) of this section, the AA will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year to reduce the bag limit by the amount necessary to ensure recreational landings may achieve the recreational ACT, but do not exceed the recreational ACL, in the following fishing year. The recreational ACT for the Atlantic migratory group is 2.364 million lb (1.072 million kg). The recreational ACL for the Atlantic migratory group is 2.727 million lb (1.236 million kg).

(ii) In addition to the measures specified in paragraph (d)(2)(i) of this section, if the sum of the commercial and recreational landings, as estimated by the SRD, exceeds the stock ACL, as specified in paragraph (d)(3) of this section, and Atlantic migratory group Spanish mackerel are overfished, based on the most recent status of U.S. Fisheries Report to Congress, the AA will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year to reduce the recreational ACT for that following year by the amount of any recreational sector overage in the prior fishing year.

(iii) For purposes of tracking the ACL and ACT, recreational landings will be evaluated based on the commercial fishing year, March through February. Recreational landings will be evaluated relative to the ACL based on a moving multi-year average of landings, as described in the FMP.

(3) The stock ACL for Atlantic migratory group Spanish mackerel is 6.063 million lb (2.76 million kg).

(e) ***Gulf migratory group cobia*** —

(1) ***Gulf zone.***

(i) If the sum of all cobia landings, as estimated by the SRD, reaches or is projected to reach the stock quota (stock ACT), specified in § 622.384(d)(1), the AA will file a notification with the Office of the Federal Register to prohibit the harvest of Gulf migratory group cobia in the Gulf zone for the remainder of the fishing year. On and after the effective date of such a notification, all sale and purchase of Gulf migratory group cobia in the Gulf zone is prohibited and the possession limit of this species in or from the Gulf EEZ is zero.

(ii) The stock ACLs for Gulf migratory group cobia in the Gulf zone are 1,638,000 lb (742,984 kg) for 2022, and 1,738,800 lb (788,706 kg) for 2023 and subsequent fishing years.

(2) ***Florida east coast zone*** —

(i) ***The following ACLs and AMs apply to cobia that are sold.***

(A) If the sum of cobia landings that are sold, as estimated by the SRD, reach or are projected to reach the quota specified in § 622.384(d)(1)(ii) (ACL), the AA will file a notification with the Office of the Federal Register to prohibit the sale and purchase of cobia in or from the Florida east coast zone for the remainder of the fishing year.

(B) In addition to the measures specified in paragraph (e)(2)(i)(A) of this section, if the sum of cobia landings that are sold and not sold in or from the Florida east coast zone, as estimated by the SRD, exceeds the stock ACL for the Florida east coast zone, as specified

in paragraph (e)(2)(iii) of this section, and Gulf migratory group cobia are overfished, based on the most recent status of U.S. Fisheries Report to Congress, the AA will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year to reduce the quota (ACL) for the Florida east coast zone cobia that are sold for that following year by the amount of any overage in the prior fishing year.

(ii) ***The following ACLs and AMs apply to cobia that are not sold.***

(A) If the sum of cobia landings that are sold and not sold, as estimated by the SRD, exceeds the stock ACL, as specified in paragraph (e)(2)(iii) of this section, the AA will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year to reduce the length of the following fishing season by the amount necessary to ensure landings may achieve the applicable ACT, but do not exceed the applicable ACL in the following fishing year. Further, during that following year, if necessary, the AA may file additional notification with the Office of the Federal Register to readjust the reduced fishing season to ensure harvest achieves the ACT but does not exceed the ACL. The applicable ACTs for the Florida east coast zone of cobia are 796,536 lb (361,303 kg) for 2022, and 845,554 lb (383,537 kg) for 2023 and subsequent fishing years. The applicable ACLs for the Florida east coast zone of cobia are 885,040 lb (401,447 kg) for 2022, and 939,504 lb (426,152 kg) for 2023 and subsequent fishing years.

(B) In addition to the measures specified in paragraph (e)(2)(ii)(A) of this section, if the sum of the cobia landings that are sold and not sold in or from the Florida east coast zone, as estimated by the SRD, exceeds the stock ACL, as specified in paragraph (e)(2)(iii) of this section, and Gulf migratory group cobia are overfished, based on the most recent status of U.S. Fisheries Report to Congress, the AA will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year to reduce the applicable ACL and applicable ACT for the Florida east coast zone for that following year by the amount of any ACL overage in the prior fishing year.

(C) Landings will be evaluated relative to the ACL based on a moving multi-year average of landings, as described in the FMP.

(iii) ***Stock ACLs.*** The stock ACLs for Florida east coast zone cobia are 962,000 lb (436,356 kg) for 2022, and 1,021,200 lb (463,209 kg) for 2023 and subsequent fishing years.

[78 FR 22952, Apr. 17, 2013, as amended at 79 FR 69060, Nov. 20, 2014; 80 FR 4222, Jan. 27, 2015; 80 FR 10007, Feb. 25, 2015; 80 FR 78675, Dec. 17, 2015; 82 FR 17399, Apr. 11, 2017; 82 FR 36347, Aug. 4, 2017; 84 FR 4737, Feb. 19, 2019; 87 FR 63966, Oct. 21, 2022; 87 FR 74990, Dec. 7, 2023; 88 FR 29848, May 9, 2023]

§ 622.389 Adjustment of management measures.

In accordance with the framework procedures of the FMP for Coastal Migratory Pelagic Resources, the RA may establish or modify, and the applicable council is required to approve, the following items specified in paragraph (a) of this section for coastal migratory pelagic fish. (Note: The applicable council refers to the council whose jurisdiction applies to the management measures.)

(a) For a species or species group: Reporting and monitoring requirements, permitting requirements, bag and possession limits (including a bag limit of zero), size limits, vessel trip limits, closed seasons or areas and reopenings, acceptable biological catches (ABCs) and ABC control rules, annual catch limits (ACLs) and ACL control rules, accountability measures (AMs), annual catch targets (ACTs), quotas (including a quota

of zero), MSY (or proxy), OY, management parameters such as overfished and overfishing definitions, gear restrictions (ranging from regulation to complete prohibition), gear markings and identification, vessel markings and identification, rebuilding plans, and restrictions relative to conditions of harvested fish (maintaining fish in whole condition, use as bait).

(b) [Reserved]

[80 FR 4224, Jan. 27, 2015]

Subpart R—Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic

§ 622.400 Permits and fees.

(a) ***Applicability*** —

(1) ***Licenses, certificates, and permits*** —

(i) ***EEZ off Florida and spiny lobster landed in Florida.*** For a person to sell, trade, or barter, or attempt to sell, trade, or barter, a spiny lobster harvested or possessed in the EEZ off Florida, or harvested in the EEZ other than off Florida and landed from a fishing vessel in Florida, or for a person to be exempt from the daily bag and possession limit specified in § 622.408(b)(1) for such spiny lobster, such person must have the licenses and certificates specified to be a "commercial harvester," as defined in Rule 68B-24.002(4), Florida Administrative Code, in effect as of May 1, 2017 (incorporated by reference, see § 622.19).

(ii) ***EEZ other than off Florida.*** For a person to sell, trade, or barter, or attempt to sell, trade, or barter, a spiny lobster harvested in the EEZ other than off Florida or for a person to be exempt from the daily bag and possession limit specified in § 622.408(b)(1) for such spiny lobster, a Federal vessel permit must be issued to the harvesting vessel and must be on board. However, see paragraph (a)(1)(i) of this section for the licenses and certificates required for a person to possess or land spiny lobster harvested in the EEZ other than off Florida and subsequently possessed in the EEZ off Florida or landed from a fishing vessel in Florida.

(2) ***Tail-separation permits.*** For a person to possess aboard a fishing vessel a separated spiny lobster tail in or from the EEZ, a valid Federal tail-separation permit must be issued to the vessel and must be on board. Permitting prerequisites for the tail-separation permit are either a valid Federal vessel permit for spiny lobster or a valid Florida Saltwater Products License with a valid Florida Restricted Species Endorsement and a valid Crawfish Endorsement.

(3) ***Corporation/partnership-owned vessels.*** For a vessel owned by a corporation or partnership to be eligible for a Federal vessel permit specified in paragraph (a)(1)(ii) of this section, the earned income qualification specified in paragraph (b)(2)(vi) of this section must be met by, and the statement required by that paragraph must be submitted by, an officer or shareholder of the corporation, a general partner of the partnership, or the vessel operator.

(4) ***Operator-qualified permits.*** A vessel permit issued upon the qualification of an operator is valid only when that person is the operator of the vessel.

(5) ***Dealer permits and conditions*** —

(i) ***Permits.*** For a dealer to first receive Gulf or South Atlantic spiny lobster harvested in or from the EEZ, a Gulf and South Atlantic dealer permit must be issued to the dealer.

(ii) ***State license and facility requirements.*** To obtain a dealer permit, the applicant must have a valid state wholesaler's license in the state(s) where the dealer operates, if required by such state(s), and must have a physical facility at a fixed location in such state(s).

(b) ***Applications for permits.***

(1) An application for a Federal vessel and/or tail-separation permit must be submitted and signed by the owner (in the case of a corporation, a qualifying officer or shareholder; in the case of a partnership, a qualifying general partner) or operator of the vessel. The application must be submitted to the RA at least 30 days prior to the date on which the applicant desires to have the permit made effective.

(2) An applicant must provide the following information:

(i) A copy of the vessel's U.S. Coast Guard certificate of documentation or, if not documented, a copy of its state registration certificate.

(ii) The vessel's name and official number.

(iii) Name, mailing address including zip code, telephone number, social security number, and date of birth of the owner (if the owner is a corporation/partnership, in lieu of the social security number, provide the employer identification number, if one has been assigned by the Internal Revenue Service, and, in lieu of the date of birth, provide the date the corporation/partnership was formed).

(iv) If the owner does not meet the earned income qualification specified in paragraph (b)(2)(vi) of this section and the operator does meet that qualification, the name, mailing address including zip code, telephone number, social security number, and date of birth of the operator.

(v) Information concerning vessel, gear used, fishing areas, and fisheries vessel is used in, as requested by the RA and included on the application form.

(vi) A sworn statement by the applicant for a vessel permit certifying that at least 10 percent of his or her earned income was derived from commercial fishing, that is, sale of the catch, during the calendar year preceding the application.

(vii) Documentation supporting the statement of income, if required under paragraph (b)(3) of this section.

(viii) If a tail-separation permit is desired, a sworn statement by the applicant certifying that his or her fishing activity—

(A) Is routinely conducted in the EEZ on trips of 48 hours or more; and

(B) Necessitates the separation of carapace and tail to maintain a quality product.

(ix) Any other information that may be necessary for the issuance or administration of the permit.

(3) The RA may require the applicant to provide documentation supporting the sworn statement under paragraph (b)(2)(vi) of this section before a permit is issued or to substantiate why such permit should not be revoked or otherwise sanctioned under paragraph (i) of this section. Such required documentation may include copies of appropriate forms and schedules from the applicant's income tax return. Copies of income tax forms and schedules are treated as confidential.

(c) ***Change in application information.*** The owner or operator of a vessel with a permit must notify the RA within 30 days after any change in the application information specified in paragraph (b) of this section. The permit is void if any change in the information is not reported within 30 days.

(d) ***Fees.*** A fee is charged for each permit application submitted under paragraph (b) of this section. The amount of the fee is calculated in accordance with the procedures of the NOAA Finance Handbook for determining the administrative costs of each special product or service. The fee may not exceed such costs and is specified with each application form. The appropriate fee must accompany each application.

(e) ***Issuance.***

(1) The RA will issue a permit at any time to an applicant if the application is complete and the applicant meets the earned income requirement specified in paragraph (b)(2)(vi) of this section. An application is complete when all requested forms, information, and documentation have been received.

(2) Upon receipt of an incomplete application, the RA will notify the applicant of the deficiency. If the applicant fails to correct the deficiency within 30 days of the date of the RA's letter of notification, the application will be considered abandoned.

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

(g) ***Transfer.*** A permit issued pursuant to 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.

(h) ***Display.*** A permit issued pursuant to this section must be carried on board the vessel, and such vessel must be identified as required by § 622.402. The operator of a vessel must present the permit for inspection upon the 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.

[78 FR 22952, Apr. 17, 2013, as amended at 79 FR 19497, Apr. 9, 2014; 84 FR 37151, July 31, 2019; 87 FR 56237, Sept. 13, 2022]

§ 622.401 Recordkeeping and reporting.

(a) ***Dealers.*** A dealer who first receives Gulf or South Atlantic spiny lobster must maintain records and submit information as specified in § 622.5(c).

(b) [Reserved]

[79 FR 19497, Apr. 9, 2014]

§ 622.402 Vessel and gear identification.

(a) ***EEZ off Florida.***

(1) An owner or operator of a vessel that is used to harvest spiny lobster by traps in the EEZ off Florida must comply with the vessel and gear identification requirements specified in Rule 68B-24.006(3), (4), and (5), Florida Administrative Code, in effect as of May 1, 2017 (incorporated by reference, see § 622.19).

(2) An owner or operator of a vessel that is used to harvest spiny lobster by diving in the EEZ off Florida must comply with the vessel identification requirements applicable to the harvesting of spiny lobsters by diving in Florida's waters in Rule 68B-24.006(6), Florida Administrative Code, in effect as of May 1, 2017 (incorporated by reference, see § 622.19).

(3) An owner or operator of a vessel that is used to harvest spiny lobster by bully net in the EEZ off Florida must comply with the vessel identification requirements applicable to the harvesting of spiny lobsters by bully net in Florida's waters in Rule 68B-24.006(7), Florida Administrative Code, in effect as of May 1, 2017 (incorporated by reference, see § 622.19).

(b) ***EEZ other than off Florida.***

(1) The owner or operator of a vessel that is used to harvest spiny lobsters in the EEZ other than off Florida, must meet the following vessel and gear identification requirements:

(i) The vessel's Florida crawfish license or trap number or, if not licensed by Florida, the vessel's Federal vessel permit number must be permanently and conspicuously displayed horizontally on the uppermost structural portion of the vessel in numbers at least 10 inches (25.4 cm) high so as to be readily identifiable from the air and water;

(ii) If the vessel uses spiny lobster traps in the EEZ, other than off Florida—

(A) The vessel's color code, as assigned by Florida or, if a color code has not been assigned by Florida, as assigned by the RA, must be permanently and conspicuously displayed above the number specified in paragraph (b)(1)(i) of this section so as to be readily identifiable from the air and water, such color code being in the form of a circle at least 20 inches (50.8 cm) in diameter on a background of colors contrasting to those contained in the assigned color code;

(B) A buoy or timed-release buoy of such strength and buoyancy to float must be attached to each spiny lobster trap or at each end of a string of traps;

(C) A buoy used to mark spiny lobster traps must bear the vessel's assigned color code and be of such color, hue, and brilliancy as to be easily distinguished, seen, and located;

(D) A buoy used to mark spiny lobster traps must bear the vessel's Florida crawfish license or trap number or, if not licensed by Florida, the vessel's Federal vessel permit number in numbers at least 2 inches (5.08 cm) high; and

(E) A spiny lobster trap must bear the vessel's Florida crawfish license or trap number or, if not licensed by Florida, the vessel's Federal vessel permit number permanently and legibly affixed.

(2) A spiny lobster trap in the EEZ, other than off Florida, will be presumed to be the property of the most recently documented owner. Upon the sale or transfer of a spiny lobster trap used in the EEZ, other than off Florida, within 5 days of acquiring ownership, the person acquiring ownership must notify the Florida Division of Law Enforcement of the Department of Environmental Protection for a trap that bears a Florida crawfish license or trap number, or the RA, for a trap that bears a Federal vessel permit number, as to the number of traps purchased, the vendor, and the crawfish license or trap number, or Federal vessel permit number, currently displayed on the traps, and must request issuance of a crawfish license or trap number, or Federal vessel permit, if the acquiring owner does not possess such license or trap number or permit.

(c) ***Unmarked traps and buoys.*** An unmarked spiny lobster trap or buoy in the EEZ is illegal gear.

(1) ***EEZ off Florida.*** Such trap or buoy, and any connecting lines will be considered derelict and may be disposed of in accordance with Rules 68B-55.002 and 68B-55.004 of the Florida Administrative Code, in effect as of October 15, 2007 (incorporated by reference, see § 622.19). An owner of such trap or buoy remains subject to appropriate civil penalties.

(2) ***EEZ other than off Florida.*** Such trap or buoy, and any connecting lines, will be considered unclaimed or abandoned property and may be disposed of in any manner considered appropriate by the Assistant Administrator or an authorized officer. An owner of such trap or buoy remains subject to appropriate civil penalties.

[78 FR 22952, Apr. 17, 2013, as amended at 84 FR 37151, July 31, 2019; 87 FR 56237, Sept. 13, 2022]

§ 622.403 Seasons.

(a) ***EEZ off the southern Atlantic states, other than Florida.*** In the EEZ off the southern Atlantic states, other than Florida, there are no seasonal restrictions on the harvest of spiny lobster or on the possession of traps.

(b) ***EEZ off Florida and off the Gulf states, other than Florida*** —

(1) ***Commercial and recreational fishing season.*** The commercial and recreational fishing season for spiny lobster in the EEZ off Florida and the EEZ off the Gulf states, other than Florida, begins on August 6 and ends on March 31.

(2) ***Special recreational fishing seasons*** —

(i) ***EEZ off Florida.*** There is a 2-day special recreational fishing season in the EEZ off Florida on the last Wednesday and successive Thursday of July each year during which fishing for spiny lobster is limited to diving or use of a bully net or hoop net. (See § 622.404 for general prohibitions on gear and methods.) In the EEZ off Monroe County, Florida, no person may harvest spiny lobster by diving at night, that is, from 1 hour after official sunset to 1 hour before official sunrise, during this 2-day special recreational fishing season.

(ii) ***EEZ off the Gulf states, other than Florida.*** There is a 2-day special recreational fishing season in the EEZ off the Gulf states, other than Florida, during the last Saturday and successive Sunday of July each year during which fishing for spiny lobster may be conducted by authorized gear and methods other than traps. (See § 622.404 for prohibitions on gear and methods.)

(3) ***Possession of traps.***

(i) In the EEZ off Florida, the rules and regulations applicable to the possession of spiny lobster traps in Florida's waters in Rule 68B-24.005(3), (4), and (5), Florida Administrative Code, in effect as of November 1, 2018 (incorporated by reference, see § 622.19), apply in their entirety to the possession of spiny lobster traps in the EEZ off Florida. A spiny lobster trap, buoy, or rope in the EEZ off Florida, during periods not authorized will be considered derelict and may be disposed of in accordance with Rules 68B-55.002 and 68B-55.004 of the Florida Administrative Code, in effect as of October 15, 2007 (incorporated by reference, see § 622.19). An owner of such trap, buoy, or rope remains subject to appropriate civil penalties.

(ii) In the EEZ off the Gulf states, other than Florida, a spiny lobster trap may be placed in the water prior to the commercial and recreational fishing season, which is specified in paragraph (b)(1) of this section, beginning on August 1 and must be removed from the water after such season not later than April 5. A spiny lobster trap, buoy, or rope in the EEZ off the Gulf states, other than Florida, during periods not authorized in this paragraph will be considered unclaimed or abandoned property and may be disposed of in any manner considered appropriate by the Assistant Administrator or an authorized officer. An owner of such trap, buoy, or rope remains subject to appropriate civil penalties.

(4) ***Possession of spiny lobsters.*** In the EEZ off Florida and the Gulf states, a whole or a part of a spiny lobster subject to these regulations may only be possessed during the commercial and recreational fishing season and the special recreational fishing season specified in § 622.403, unless accompanied by proof of lawful harvest in the waters of a foreign nation. Consistent with the provisions of paragraphs (b)(3)(i) and (ii) of this section, a spiny lobster in a trap in this area will not be deemed to be possessed provided such spiny lobster is returned immediately to the water unharmed when a trap is removed from the water between March 31 and April 15.

(c) ***Primacy of seasonal restrictions in the EEZ off Florida.*** The seasonal restrictions applicable in the EEZ off Florida apply to all spiny lobsters and traps in the EEZ off Florida, without regard to harvest or use elsewhere, unless accompanied by proof of lawful harvest elsewhere.

[78 FR 22952, Apr. 17, 2013, as amended at 84 FR 37151, July 31, 2019; 87 FR 56237, Sept. 13, 2022]

§ 622.404 Prohibited gear and methods.

Also see § 622.9 for additional prohibited gear and methods that apply more broadly to multiple fisheries or in some cases all fisheries.

(a) A spiny lobster may not be taken in the EEZ with a spear, hook, or similar device, or gear containing such devices. In the EEZ, the possession of a speared, pierced, or punctured spiny lobster is *prima facie* evidence that prohibited gear was used to take such lobster. Hook, as used in this paragraph (a), does not include a hook in a hook-and-line fishery for species other than spiny lobster; and possession of a spiny lobster that has been speared, pierced, or punctured by such hook is not considered evidence that prohibited gear was used to take the spiny lobster, provided no prohibited gear is on board the vessel.

(b) A spiny lobster may not be taken in a directed fishery by the use of a net or trawl. See § 622.408(b)(4) for the bycatch limits applicable to a vessel that uses or has on board a net or trawl.

(c) Poisons and explosives may not be used to take a spiny lobster in the EEZ. For the purposes of this paragraph (c), chlorine, bleach, and similar substances, which are used to flush a spiny lobster out of rocks or coral, are poisons. A vessel in the spiny lobster fishery may not possess on board in the EEZ any dynamite or similar explosive substance.

(d) Except for black sea bass pots and golden crab traps as allowed in § 622.188 and § 622.248, respectively, the possession of all other traps is prohibited onboard a vessel in the South Atlantic EEZ when spiny lobster subject to the recreational bag and possession limits specified in § 622.408 is also onboard the vessel. The recreational harvest of spiny lobster using a trap is prohibited in the South Atlantic EEZ.

(e) In the EEZ off Florida, simultaneous possession of a bully net and any underwater breathing apparatus, not including dive masks or snorkels, onboard a vessel used to harvest or transport spiny lobster for commercial purposes is prohibited in accordance with Rule 68B-24.007(5), Florida Administrative Code, in effect as of May 1, 2017 (incorporated by reference, see § 622.19). For the purpose of this paragraph, an "underwater breathing apparatus" is any apparatus, whether self-contained or connected to a distant source of air or other gas, whereby a person wholly or partially submerged in water is able to obtain or reuse air or any other gas or gasses for breathing without returning to the surface of the water.

(f) In the EEZ off Florida, vessels that are or are required to be marked with or have identification associated with a bully net permit for the harvest of spiny lobster are prohibited from having trap pullers aboard, in accordance with Rule 68B-24.006(8), the Florida Administrative Code, in effect as of May 1, 2017 (incorporated by reference, see § 622.19).

[78 FR 22952, Apr. 17, 2013, as amended at 83 FR 29047, June 22, 2018; 84 FR 37152, July 31, 2019; 87 FR 56237, Sept. 13, 2022]

§ 622.405 Trap construction specifications and tending restrictions.

(a) ***Construction specifications.*** In the EEZ, a spiny lobster trap may be no larger in dimension than 3 feet by 2 feet by 2 feet (91.4 cm by 61.0 cm by 61.0 cm), or the volume equivalent. A trap constructed of material other than wood must have a panel constructed of wood, cotton, or other material that will degrade at the same rate as a wooden trap. Such panel must be located in the upper half of the sides or on top of the trap, so that, when removed, there will be an opening in the trap no smaller than the diameter found at the throat or entrance of the trap.

(b) ***Tending restrictions.***

(1) A spiny lobster trap in the EEZ may be pulled or tended during daylight hours only, that is, from 1 hour before official sunrise to 1 hour after official sunset.

(2) A spiny lobster trap in the EEZ may be pulled or tended only by the owner's vessel, except that permission to pull or work traps belonging to another person may be granted—

(i) For traps in the EEZ off Florida, by the Division of Law Enforcement, Florida Fish and Wildlife Conservation Commission, in accordance with the procedures in Rule 68B-24.006(9), Florida Administrative Code, in effect as of May 1, 2017 (incorporated by reference, see § 622.19).

(ii) For traps in the EEZ, other than off Florida, by the RA, as may be arranged upon written request.

[78 FR 22952, Apr. 17, 2013, as amended at 84 FR 37152, July 31, 2019; 87 FR 56237, Sept. 13, 2022]

§ 622.406 Areas closed to lobster trap gear.

(a) Fishing with spiny lobster trap gear is prohibited year-round in the following areas bounded by rhumb lines connecting, in order, the points listed.

(1) Lobster Trap Gear Closed Area 1.

Point	North lat.	West long.
A	24°31'15.002"	81°31'00.000"
B	24°31'15.002"	81°31'19.994"
C	24°31'29.999"	81°31'19.994"
D	24°31'29.999"	81°31'00.000"
A	24°31'15.002"	81°31'00.000"

(2) Lobster Trap Gear Closed Area 2.

Point	North lat.	West long.
A	24°31'20.205"	81°30'17.213"
B	24°31'17.858"	81°30'27.700"
C	24°31'27.483"	81°30'30.204"
D	24°31'29.831"	81°30'19.483"
A	24°31'20.205"	81°30'17.213"

(3) Lobster Trap Gear Closed Area 3.

Point	North lat.	West long.
A	24°31'42.665"	81°30'02.892"
B	24°31'45.013"	81°29'52.093"
C	24°31'34.996"	81°29'49.745"
D	24°31'32.335"	81°30'00.466"

Point	North lat.	West long.
A	24°31'42.665"	81°30'02.892"

(4) Lobster Trap Gear Closed Area 4.

Point	North lat.	West long.
A	24°31'50.996"	81°28'39.999"
B	24°31'50.996"	81°29'03.002"
C	24°31'56.998"	81°29'03.002"
D	24°31'56.998"	81°28'39.999"
A	24°31'50.996"	81°28'39.999"

(5) Lobster Trap Gear Closed Area 5.

Point	North lat.	West long.
A	24°32'20.014"	81°26'20.390"
B	24°32'13.999"	81°26'41.999"
C	24°32'27.004"	81°26'45.611"
D	24°32'33.005"	81°26'23.995"
A	24°32'20.014"	81°26'20.390"

(6) Lobster Trap Gear Closed Area 6.

Point	North lat.	West long.
A	24°32'30.011"	81°24'47.000"
B	24°32'23.790"	81°24'56.558"
C	24°32'45.997"	81°25'10.998"
D	24°32'52.218"	81°25'01.433"

Point	North lat.	West long.
A	24°32'30.011"	81°24'47.000"

(7) Lobster Trap Gear Closed Area 7.

Point	North lat.	West long.
A	24°32'46.834"	81°27'17.615"
B	24°32'41.835"	81°27'35.619"
C	24°32'54.003"	81°27'38.997"
D	24°32'59.002"	81°27'21.000"
A	24°32'46.834"	81°27'17.615"

(8) Lobster Trap Gear Closed Area 8.

Point	North lat.	West long.
A	24°33'10.002"	81°25'50.995"
B	24°33'04.000"	81°26'18.996"
C	24°33'17.253"	81°26'21.839"
D	24°33'23.254"	81°25'53.838"
A	24°33'10.002"	81°25'50.995"

(9) Lobster Trap Gear Closed Area 9.

Point	North lat.	West long.
A	24°33'22.004"	81°30'31.998"
B	24°33'22.004"	81°30'41.000"
C	24°33'29.008"	81°30'41.000"
D	24°33'29.008"	81°30'31.998"

Point	North lat.	West long.
A	24°33'22.004"	81°30'31.998"

(10) Lobster Trap Gear Closed Area 10.

Point	North lat.	West long.
A	24°33'33.004"	81°30'00.000"
B	24°33'33.004"	81°30'09.998"
C	24°33'41.999"	81°30'09.998"
D	24°33'41.999"	81°30'00.000"
A	24°33'33.004"	81°30'00.000"

(11) Lobster Trap Gear Closed Area 11.

Point	North lat.	West long.
A	24°33'50.376"	81°23'35.039"
B	24°33'27.003"	81°24'51.003"
C	24°33'40.008"	81°24'54.999"
D	24°34'03.382"	81°23'39.035"
A	24°33'50.376"	81°23'35.039"

(12) Lobster Trap Gear Closed Area 12.

Point	North lat.	West long.
A	24°34'00.003"	81°19'29.996"
B	24°34'00.003"	81°20'04.994"
C	24°34'24.997"	81°20'04.994"
D	24°34'24.997"	81°19'29.996"

Point	North lat.	West long.
A	24°34'00.003"	81°19'29.996"

(13) Lobster Trap Gear Closed Area 13.

Point	North lat.	West long.
A	24°35'19.997"	81°14'25.002"
B	24°35'19.997"	81°14'34.999"
C	24°35'29.006"	81°14'34.999"
D	24°35'29.006"	81°14'25.002"
A	24°35'19.997"	81°14'25.002"

(14) Lobster Trap Gear Closed Area 14.

Point	North lat.	West long.
A	24°44'37.004"	80°46'47.000"
B	24°44'37.004"	80°46'58.000"
C	24°44'47.002"	80°46'58.000"
D	24°44'47.002"	80°46'47.000"
A	24°44'37.004"	80°46'47.000"

(15) Lobster Trap Gear Closed Area 15.

Point	North lat.	West long.
A	24°49'53.946"	80°38'17.646"
B	24°48'32.331"	80°40'15.530"
C	24°48'44.389"	80°40'23.879"
D	24°50'06.004"	80°38'26.003"

Point	North lat.	West long.
A	24°49'53.946"	80°38'17.646"

(16) Lobster Trap Gear Closed Area 16.

Point	North lat.	West long.
A	24°53'32.085"	80°33'22.065"
B	24°53'38.992"	80°33'14.670"
C	24°53'31.673"	80°33'07.155"
D	24°53'24.562"	80°33'14.886"
A	24°53'32.085"	80°33'22.065"

(17) Lobster Trap Gear Closed Area 17.

Point	North lat.	West long.
A	24°53'33.410"	80°32'50.247"
B	24°53'40.149"	80°32'42.309"
C	24°53'32.418"	80°32'35.653"
D	24°53'25.348"	80°32'43.302"
A	24°53'33.410"	80°32'50.247"

(18) Lobster Trap Gear Closed Area 18.

Point	North lat.	West long.
A	24°54'06.317"	80°32'34.115"
B	24°53'59.368"	80°32'41.542"
C	24°54'06.667"	80°32'48.994"
D	24°54'13.917"	80°32'41.238"

Point	North lat.	West long.
A	24°54'06.317"	80°32'34.115"

(19) Lobster Trap Gear Closed Area 19.

Point	North lat.	West long.
A	24°54'06.000"	80°31'33.995"
B	24°54'06.000"	80°31'45.002"
C	24°54'36.006"	80°31'45.002"
D	24°54'36.006"	80°31'33.995"
A	24°54'06.000"	80°31'33.995"

(20) Lobster Trap Gear Closed Area 20.

Point	North lat.	West long.
A	24°56'21.104"	80°28'52.331"
B	24°56'17.012"	80°29'05.995"
C	24°56'26.996"	80°29'08.996"
D	24°56'31.102"	80°28'55.325"
A	24°56'21.104"	80°28'52.331"

(21) Lobster Trap Gear Closed Area 21.

Point	North lat.	West long.
A	24°56'53.006"	80°27'46.997"
B	24°56'21.887"	80°28'25.367"
C	24°56'35.002"	80°28'36.003"
D	24°57'06.107"	80°27'57.626"

Point	North lat.	West long.
A	24°56'53.006"	80°27'46.997"

(22) Lobster Trap Gear Closed Area 22.

Point	North lat.	West long.
A	24°57'35.001"	80°27'14.999"
B	24°57'28.011"	80°27'21.000"
C	24°57'33.999"	80°27'27.997"
D	24°57'40.200"	80°27'21.106"
A	24°57'35.001"	80°27'14.999"

(23) Lobster Trap Gear Closed Area 23.

Point	North lat.	West long.
A	24°58'58.154"	80°26'03.911"
B	24°58'48.005"	80°26'10.001"
C	24°58'52.853"	80°26'18.090"
D	24°59'03.002"	80°26'11.999"
A	24°58'58.154"	80°26'03.911"

(24) Lobster Trap Gear Closed Area 24.

Point	North lat.	West long.
A	24°59'17.009"	80°24'32.999"
B	24°58'41.001"	80°25'21.998"
C	24°58'57.591"	80°25'34.186"
D	24°59'33.598"	80°24'45.187"

Point	North lat.	West long.
A	24°59'17.009"	80°24'32.999"

(25) Lobster Trap Gear Closed Area 25.

Point	North lat.	West long.
A	24°59'44.008"	80°25'38.999"
B	24°59'27.007"	80°25'48.997"
C	24°59'32.665"	80°25'58.610"
D	24°59'49.666"	80°25'48.612"
A	24°59'44.008"	80°25'38.999"

(26) Lobster Trap Gear Closed Area 26.

Point	North lat.	West long.
A	25°01'00.006"	80°21'55.002"
B	25°01'00.006"	80°22'11.996"
C	25°01'18.010"	80°22'11.996"
D	25°01'18.010"	80°21'55.002"
A	25°01'00.006"	80°21'55.002"

(27) Lobster Trap Gear Closed Area 27.

Point	North lat.	West long.
A	25°01'34.997"	80°23'12.998"
B	25°01'18.010"	80°23'44.000"
C	25°01'22.493"	80°23'46.473"
D	25°01'36.713"	80°23'37.665"
E	25°01'46.657"	80°23'19.390"

Point	North lat.	West long.
A	25°01'34.997"	80°23'12.998"

(28) Lobster Trap Gear Closed Area 28.

Point	North lat.	West long.
A	25°01'38.005"	80°21'25.998"
B	25°01'28.461"	80°21'46.158"
C	25°01'45.009"	80°21'53.999"
D	25°01'54.553"	80°21'33.839"
A	25°01'38.005"	80°21'25.998"

(29) Lobster Trap Gear Closed Area 29.

Point	North lat.	West long.
A	25°01'53.001"	80°23'08.995"
B	25°01'53.001"	80°23'17.997"
C	25°02'01.008"	80°23'17.997"
D	25°02'01.008"	80°23'08.995"
A	25°01'53.001"	80°23'08.995"

(30) Lobster Trap Gear Closed Area 30.

Point	North lat.	West long.
A	25°02'20.000"	80°22'11.001"
B	25°02'10.003"	80°22'50.002"
C	25°02'22.252"	80°22'53.140"
D	25°02'32.250"	80°22'14.138"

Point	North lat.	West long.
A	25°02'20.000"	80°22'11.001"

(31) Lobster Trap Gear Closed Area 31.

Point	North lat.	West long.
A	25°02'29.503"	80°20'30.503"
B	25°02'16.498"	80°20'43.501"
C	25°02'24.999"	80°20'52.002"
D	25°02'38.004"	80°20'38.997"
A	25°02'29.503"	80°20'30.503"

(32) Lobster Trap Gear Closed Area 32.

Point	North lat.	West long.
A	25°02'34.008"	80°21'57.000"
B	25°02'34.008"	80°22'14.997"
C	25°02'50.007"	80°22'14.997"
D	25°02'50.007"	80°21'57.000"
A	25°02'34.008"	80°21'57.000"

(33) Lobster Trap Gear Closed Area 33.

Point	North lat.	West long.
A	25°03'11.294"	80°21'36.864"
B	25°03'02.540"	80°21'43.143"
C	25°03'08.999"	80°21'51.994"
D	25°03'17.446"	80°21'45.554"

Point	North lat.	West long.
A	25°03'11.294"	80°21'36.864"

(34) Lobster Trap Gear Closed Area 34.

Point	North lat.	West long.
A	25°03'30.196"	80°21'34.263"
B	25°03'39.267"	80°21'29.506"
C	25°03'35.334"	80°21'19.801"
D	25°03'26.200"	80°21'24.304"
A	25°03'30.196"	80°21'34.263"

(35) Lobster Trap Gear Closed Area 35.

Point	North lat.	West long.
A	25°03'26.001"	80°19'43.001"
B	25°03'26.001"	80°19'54.997"
C	25°03'41.011"	80°19'54.997"
D	25°03'41.011"	80°19'43.001"
A	25°03'26.001"	80°19'43.001"

(36) Lobster Trap Gear Closed Area 36.

Point	North lat.	West long.
A	25°07'03.008"	80°17'57.999"
B	25°07'03.008"	80°18'10.002"
C	25°07'14.997"	80°18'10.002"
D	25°07'14.997"	80°17'57.999"

Point	North lat.	West long.
A	25°07'03.008"	80°17'57.999"

(37) Lobster Trap Gear Closed Area 37.

Point	North lat.	West long.
A	25°07'51.156"	80°17'27.910"
B	25°07'35.857"	80°17'37.091"
C	25°07'43.712"	80°17'50.171"
D	25°07'59.011"	80°17'40.998"
A	25°07'51.156"	80°17'27.910"

(38) Lobster Trap Gear Closed Area 38.

Point	North lat.	West long.
A	25°08'12.002"	80°17'09.996"
B	25°07'55.001"	80°17'26.997"
C	25°08'04.998"	80°17'36.995"
D	25°08'22.000"	80°17'20.000"
A	25°08'12.002"	80°17'09.996"

(39) Lobster Trap Gear Closed Area 39.

Point	North lat.	West long.
A	25°08'18.003"	80°17'34.001"
B	25°08'18.003"	80°17'45.997"
C	25°08'29.003"	80°17'45.997"
D	25°08'29.003"	80°17'34.001"

Point	North lat.	West long.
A	25°08'18.003"	80°17'34.001"

(40) Lobster Trap Gear Closed Area 40.

Point	North lat.	West long.
A	25°08'45.002"	80°15'50.002"
B	25°08'37.999"	80°15'56.998"
C	25°08'42.009"	80°16'00.995"
D	25°08'48.999"	80°15'53.998"
A	25°08'45.002"	80°15'50.002"

(41) Lobster Trap Gear Closed Area 41.

Point	North lat.	West long.
A	25°08'58.007"	80°17'24.999"
B	25°08'58.007"	80°17'35.999"
C	25°09'09.007"	80°17'35.999"
D	25°09'09.007"	80°17'24.999"
A	25°08'58.007"	80°17'24.999"

(42) Lobster Trap Gear Closed Area 42.

Point	North lat.	West long.
A	25°09'10.999"	80°16'00.000"
B	25°09'10.999"	80°16'09.997"
C	25°09'20.996"	80°16'09.997"
D	25°09'20.996"	80°16'00.000"

Point	North lat.	West long.
A	25°09'10.999"	80°16'00.000"

(43) Lobster Trap Gear Closed Area 43.

Point	North lat.	West long.
A	25°09'28.316"	80°17'03.713"
B	25°09'14.006"	80°17'17.000"
C	25°09'21.697"	80°17'25.280"
D	25°09'36.006"	80°17'12.001"
A	25°09'28.316"	80°17'03.713"

(44) Lobster Trap Gear Closed Area 44.

Point	North lat.	West long.
A	25°10'00.011"	80°16'06.000"
B	25°10'00.011"	80°16'17.000"
C	25°10'09.995"	80°16'17.000"
D	25°10'09.995"	80°16'06.000"
A	25°10'00.011"	80°16'06.000"

(45) Lobster Trap Gear Closed Area 45.

Point	North lat.	West long.
A	25°10'29.002"	80°15'52.995"
B	25°10'29.002"	80°16'04.002"
C	25°10'37.997"	80°16'04.002"
D	25°10'37.997"	80°15'52.995"

Point	North lat.	West long.
A	25°10'29.002"	80°15'52.995"

(46) Lobster Trap Gear Closed Area 46.

Point	North lat.	West long.
A	25°11'05.998"	80°14'25.997"
B	25°11'05.998"	80°14'38.000"
C	25°11'20.006"	80°14'38.000"
D	25°11'20.006"	80°14'25.997"
A	25°11'05.998"	80°14'25.997"

(47) Lobster Trap Gear Closed Area 47.

Point	North lat.	West long.
A	25°12'00.998"	80°13'24.996"
B	25°11'43.008"	80°13'35.000"
C	25°11'48.007"	80°13'44.002"
D	25°12'06.011"	80°13'33.998"
A	25°12'00.998"	80°13'24.996"

(48) Lobster Trap Gear Closed Area 48.

Point	North lat.	West long.
A	25°12'18.343"	80°14'32.768"
B	25°12'02.001"	80°14'44.001"
C	25°12'07.659"	80°14'52.234"
D	25°12'24.001"	80°14'41.001"

Point	North lat.	West long.
A	25°12'18.343"	80°14'32.768"

(49) Lobster Trap Gear Closed Area 49.

Point	North lat.	West long.
A	25°15'23.998"	80°12'29.000"
B	25°15'04.676"	80°12'36.120"
C	25°15'09.812"	80°12'50.066"
D	25°15'29.148"	80°12'42.946"
A	25°15'23.998"	80°12'29.000"

(50) Lobster Trap Gear Closed Area 50.

Point	North lat.	West long.
A	25°16'01.997"	80°12'32.996"
B	25°15'33.419"	80°12'52.394"
C	25°15'44.007"	80°13'08.001"
D	25°16'12.585"	80°12'48.597"
A	25°16'01.997"	80°12'32.996"

(51) Lobster Trap Gear Closed Area 51.

Point	North lat.	West long.
A	25°16'33.006"	80°13'30.001"
B	25°16'33.006"	80°13'41.001"
C	25°16'34.425"	80°13'41.026"
D	25°16'41.850"	80°13'37.475"
E	25°16'42.001"	80°13'30.001"

Point	North lat.	West long.
A	25°16'33.006"	80°13'30.001"

(52) Lobster Trap Gear Closed Area 52.

Point	North lat.	West long.
A	25°17'04.715"	80°12'11.305"
B	25°16'17.007"	80°12'27.997"
C	25°16'23.997"	80°12'47.999"
D	25°17'11.705"	80°12'31.300"
A	25°17'04.715"	80°12'11.305"

(53) Lobster Trap Gear Closed Area 53.

Point	North lat.	West long.
A	25°17'23.008"	80°12'40.000"
B	25°17'23.008"	80°12'49.997"
C	25°17'33.005"	80°12'49.997"
D	25°17'33.005"	80°12'40.000"
A	25°17'23.008"	80°12'40.000"

(54) Lobster Trap Gear Closed Area 54.

Point	North lat.	West long.
A	25°20'57.996"	80°09'50.000"
B	25°20'57.996"	80°10'00.000"
C	25°21'07.005"	80°10'00.000"
D	25°21'07.005"	80°09'50.000"

Point	North lat.	West long.
A	25°20'57.996"	80°09'50.000"

(55) Lobster Trap Gear Closed Area 55.

Point	North lat.	West long.
A	25°21'45.004"	80°09'51.998"
B	25°21'38.124"	80°09'56.722"
C	25°21'49.124"	80°10'12.728"
D	25°21'56.004"	80°10'07.997"
A	25°21'45.004"	80°09'51.998"

(56) Lobster Trap Gear Closed Area 56.

Point	North lat.	West long.
A	25°21'49.000"	80°09'21.999"
B	25°21'49.000"	80°09'31.996"
C	25°21'58.998"	80°09'31.996"
D	25°21'58.998"	80°09'21.999"
A	25°21'49.000"	80°09'21.999"

(57) Lobster Trap Gear Closed Area 57.

Point	North lat.	West long.
A	25°24'31.008"	80°07'36.997"
B	25°24'31.008"	80°07'48.999"
C	25°24'41.005"	80°07'48.999"
D	25°24'41.005"	80°07'36.997"

Point	North lat.	West long.
A	25°24'31.008"	80°07'36.997"

(58) Lobster Trap Gear Closed Area 58.

Point	North lat.	West long.
A	25°25'14.005"	80°07'27.995"
B	25°25'14.005"	80°07'44.001"
C	25°25'26.008"	80°07'44.001"
D	25°25'26.008"	80°07'27.995"
A	25°25'14.005"	80°07'27.995"

(59) Lobster Trap Gear Closed Area 59.

Point	North lat.	West long.
A	25°35'13.996"	80°05'39.999"
B	25°35'13.996"	80°05'50.999"
C	25°35'24.007"	80°05'50.999"
D	25°35'24.007"	80°05'39.999"
A	25°35'13.996"	80°05'39.999"

(60) Lobster Trap Gear Closed Area 60.

Point	North lat.	West long.
A	25°40'57.003"	80°05'43.000"
B	25°40'57.003"	80°05'54.000"
C	25°41'06.550"	80°05'53.980"
D	25°41'18.136"	80°05'49.158"
E	25°41'18.001"	80°05'43.000"
A	25°40'57.003"	80°05'43.000"

(b) [Reserved]

§ 622.407 Minimum size limits and other harvest limitations.

(a) ***Minimum size limits.***

(1) Except as provided in paragraph (c) of this section—

(i) No person may possess a spiny lobster in or from the EEZ with a carapace length of 3.0 inches (7.62 cm) or less; and

(ii) A spiny lobster, harvested in the EEZ by means other than diving, with a carapace length of 3.0 inches (7.62 cm) or less must be returned immediately to the water unharmed.

(2) No person may harvest or attempt to harvest a spiny lobster by diving in the EEZ unless he or she possesses, while in the water, a measuring device capable of measuring the carapace length. A spiny lobster captured by a diver must be measured in the water using such measuring device and, if the spiny lobster has a carapace length of 3.0 inches (7.62 cm) or less, it must be released unharmed immediately without removal from the water.

(3) Aboard a vessel authorized under paragraph (d) of this section to possess a separated spiny lobster tail, no person may possess in or from the EEZ a separated spiny lobster tail with a tail length less than 5.5 inches (13.97 cm).

(b) ***Berried lobsters.*** A berried (egg-bearing) spiny lobster in or from the EEZ must be returned immediately to the water unharmed. If found in a trap in the EEZ, a berried spiny lobster may not be retained in the trap. A berried spiny lobster in or from the EEZ may not be stripped of its eggs or otherwise molested. The possession of a spiny lobster, or part thereof, in or from the EEZ from which eggs, swimmerettes, or pleopods have been removed or stripped is prohibited.

(c) ***Undersized attractants.*** A live spiny lobster under the minimum size limit specified in paragraph (a)(1) of this section that is harvested in the EEZ by a trap may be retained aboard the harvesting vessel for future use as an attractant in a trap provided it is held in a live well aboard the vessel. The live well must provide a minimum of $^{3}/_{4}$ gallons (1.7 liters) of seawater per spiny lobster. An undersized spiny lobster so retained must be released to the water alive and unharmed immediately upon leaving the trap lines and prior to 1 hour after official sunset each day. No more than 50 undersized spiny lobsters plus 1 per trap aboard the vessel may be retained aboard for use as attractants.

(d) ***Tail separation.***

(1) The possession aboard a fishing vessel of a separated spiny lobster tail in or from the EEZ, is authorized only when the possession is incidental to fishing exclusively in the EEZ on a trip of 48 hours or more and a valid Federal tail-separation permit, and either a valid Federal vessel permit for spiny lobster or a valid Florida Saltwater Products License with a valid Florida Restricted Species Endorsement and a valid Crawfish Endorsement, as specified in § 622.400(a)(2), has been issued to and are on board the vessel.

(2) Spiny lobster must be landed either all whole or all tailed on a single fishing trip.

[78 FR 22952, Apr. 17, 2013, as amended at 83 FR 29047, June 22, 2018]

§ 622.408 Bag/possession limits.

(a) ***EEZ off the southern Atlantic states, other than Florida.*** The daily bag or possession limit for spiny lobster in or from the EEZ off the southern Atlantic states, other than Florida, is two per person for commercial and recreational fishing, year-round.

(b) ***EEZ off Florida and off the Gulf states, other than Florida*** —

(1) ***Commercial and recreational fishing season.*** Except as specified in paragraphs (b)(3) and (4) of this section, during the commercial and recreational fishing season specified in § 622.403(b)(1), the daily bag or possession limit of spiny lobster in or from the EEZ off Florida and off the Gulf states, other than Florida, is six per person.

(2) ***Special recreational fishing seasons.*** During the special recreational fishing seasons specified in § 622.403(b)(2), the daily bag or possession limit of spiny lobster—

(i) In or from the EEZ off the Gulf states, other than Florida, is six per person;

(ii) In or from the EEZ off Florida other than off Monroe County, Florida, is twelve per person; and

(iii) In or from the EEZ off Monroe County, Florida, is six per person.

(3) ***Exemption from the bag/possession limit.*** During the commercial and recreational fishing season specified in § 622.403(b)(1), a person is exempt from the bag and possession limit specified in paragraph (b)(1) of this section, provided—

(i) The harvest of spiny lobsters is by diving, or by the use of a bully net, hoop net, or spiny lobster trap; and

(ii) The vessel from which the person is operating has on board the required licenses, certificates, or permits, as specified in § 622.400(a)(1).

(4) ***Harvest by net or trawl.*** During the commercial and recreational fishing season specified in § 622.403(b)(1), aboard a vessel with the required licenses, certificates, or permits specified in § 622.400(a)(1) that harvests spiny lobster by net or trawl or has on board a net or trawl, the possession of spiny lobster in or from the EEZ off Florida and off the Gulf states, other than Florida, may not exceed at any time 5 percent, whole weight, of the total whole weight of all fish lawfully in possession on board such vessel. If such vessel lawfully possesses a separated spiny lobster tail, the possession of spiny lobster in or from the EEZ may not exceed at any time 1.6 percent, by weight of the spiny lobster or parts thereof, of the total whole weight of all fish lawfully in possession on board such vessel. For the purposes of this paragraph (b)(4), the term “net or trawl” does not include a hand-held net, a loading or dip net, a bully net, or a hoop net.

(5) ***Harvest by diving.***

(i) The commercial daily harvest and possession limit of spiny lobster harvested by diving in or from the EEZ off Broward, Miami-Dade, Monroe, Collier, and Lee Counties, Florida, is 250 spiny lobster per vessel.

(ii) ***Diving at night.*** The provisions of paragraph (b)(3) of this section notwithstanding, a person who harvests spiny lobster in the EEZ by diving at night, that is, from 1 hour after official sunset to 1 hour before official sunrise, is limited to the bag limit specified in paragraph (b)(1) of this section, whether or not a Federal vessel permit specified in § 622.400(a)(1) has been issued to and is on board the vessel from which the diver is operating.

(6) ***Harvest by bully nets in the EEZ off Florida.*** The commercial daily harvest and possession limit of spiny lobster harvested by bully net in the EEZ off Florida is 250 spiny lobsters per vessel.

(c) ***Combination of bag/possession limits.*** A person who fishes for or possesses spiny lobster in or from the EEZ under a bag or possession limit specified in paragraph (a) or (b) of this section may not combine the bag or possession limits of those paragraphs or combine such bag or possession limit with a bag or possession limit applicable to state waters.

(d) ***Responsibility for bag/possession limits.*** The operator of a vessel that fishes for or possesses spiny lobster in or from the EEZ is responsible for the cumulative bag or possession limit specified in paragraphs (a) and (b) of this section applicable to that vessel, based on the number of persons aboard.

(e) ***Transfer at sea.*** A person who fishes for or possesses spiny lobster in or from the EEZ under a bag or possession limit specified in paragraph (a) or (b) of this section may not transfer a spiny lobster at sea from a fishing vessel to any other vessel, and no person may receive at sea such spiny lobster.

[78 FR 22952, Apr. 17, 2013, as amended at 84 FR 37152, July 31, 2019]

§ 622.409 Spiny lobster import prohibitions.

(a) ***Minimum size limits for imported spiny lobster.*** Multiple minimum size limits apply to the importation of spiny lobster into the United States—one that applies any place subject to the jurisdiction of the United States other than Puerto Rico or the U.S. Virgin Islands, and more restrictive minimum size limits that apply to Puerto Rico, St. Croix, and St. Thomas and St. John, respectively.

(1) No person may import a spiny lobster with less than a 5-ounce (142-gram) tail weight into any place subject to the jurisdiction of the United States excluding Puerto Rico and the U.S. Virgin Islands. For the purposes of paragraph (a) of this section, a 5-ounce (142-gram) tail weight is defined as a tail that weighs 4.2-5.4 ounces (119-153 grams). If the documentation accompanying an imported spiny lobster (including but not limited to product packaging, customs entry forms, bills of lading, brokerage forms, or commercial invoices) indicates that the product does not satisfy the minimum tail-weight requirement, the person importing such spiny lobster has the burden to prove that such spiny lobster actually does satisfy the minimum tail-weight requirement or that such spiny lobster has a tail length of 5.5 inches (13.97 cm) or greater or that such spiny lobster has or had a carapace length of greater than 3.0 inches (7.62 cm). If the imported product itself does not satisfy the minimum tail-weight requirement, the person importing such spiny lobster has the burden to prove that such spiny lobster has a tail length of 5.5 inches (13.97 cm) or greater or that such spiny lobster has or had a carapace length of greater than 3.0 inches (7.62 cm). If the burden is satisfied, such spiny lobster will be considered to be in compliance with the minimum 5-ounce (142-gram) tail-weight requirement.

(2) See subparts S, T, and U of this part for the more restrictive minimum size limits that apply to spiny lobster imported into Puerto Rico, St. Croix, and St. Thomas and St. John, respectively.

(b) ***Additional spiny lobster import prohibitions*** —

(1) ***Prohibition related to tail meat.*** No person may import into any place subject to the jurisdiction of the United States spiny lobster tail meat that is not in whole tail form with the exoskeleton attached.

(2) ***Prohibitions related to egg-bearing spiny lobster.*** No person may import into any place subject to the jurisdiction of the United States spiny lobster with eggs attached or spiny lobster from which eggs or pleopods (swimmerets) have been removed or stripped. Pleopods (swimmerets) are the first five pairs of abdominal appendages.

[78 FR 22952, Apr. 17, 2013, amended at 87 FR 56217, Sept. 13, 2022]

§ 622.410 Restrictions within the Tortugas marine reserves.

The following activities are prohibited within the Tortugas marine reserves: Fishing for any species and anchoring by fishing vessels.

(a) ***EEZ portion of Tortugas North.*** The area is bounded by rhumb lines connecting the following points: From point A at 24°40'00" N. lat., 83°06'00" W. long. to point B at 24°46'00" N. lat., 83°06'00" W. long. to point C at 24°46'00" N. lat., 83°00'00" W. long.; thence along the line denoting the seaward limit of Florida's waters, as shown on the current edition of NOAA chart 11438, to point A at 24°40'00" N. lat., 83°06'00" W. long.

(b) ***Tortugas South.*** The area is bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
A	24°33'00"	83°09'00"
B	24°33'00"	83°05'00"
C	24°18'00"	83°05'00"
D	24°18'00"	83°09'00"
A	24°33'00"	83°09'00"

§ 622.411 Annual catch limits (ACLs), annual catch targets (ACTs), and accountability measures (AMs).

For recreational and commercial spiny lobster landings combined, the ACL is 9.60 million lb (4.35 million kg), whole weight. The ACT is 8.64 million lb, (3.92 million kg) whole weight.

[83 FR 29047, June 22, 2018]

§ 622.412 Adjustment of management measures.

In accordance with the framework procedures of the Fishery Management Plan for the Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic, the RA may establish or modify the following items:

(a) Reporting and monitoring requirements, permitting requirements, bag and possession limits, size limits, vessel trip limits, closed seasons, closed areas, reopening of sectors that have been prematurely closed, annual catch limits (ACLs), annual catch targets (ACTs), quotas, accountability measures (AMs), maximum sustainable yield (or proxy), optimum yield, total allowable catch (TAC), management parameters such as overfished and overfishing definitions, gear restrictions, gear markings and

identification, vessel identification requirements, acceptable biological catch (ABC) and ABC control rule, rebuilding plans, and restrictions relative to conditions of harvested fish (such as tailing lobster, undersized attractants, and use as bait).

(b) [Reserved]

[78 FR 22952, Apr. 17, 2013, as amended at 84 FR 37152, July 31, 2019]

§§ 622.413-622.414 [Reserved]

§ 622.415 Limited exemption regarding harvest in waters of a foreign nation.

(a) An owner or operator of a vessel that has legally harvested spiny lobsters in the waters of a foreign nation and possesses spiny lobster, or separated tails, in the EEZ incidental to such foreign harvesting is exempt from the requirements of this subpart, except for § 622.409 with which such an owner or operator must comply, provided proof of lawful harvest in the waters of a foreign nation accompanies such lobsters or tails.

(b) [Reserved]

[84 FR 37153, July 31, 2019]

§ 622.416 Restrictions on sale/purchase.

(a) Spiny lobster harvested in or from the EEZ or adjoining state waters by a vessel that has a valid Federal commercial vessel permit for spiny lobster, as required under § 622.400(a)(1), or a valid Federal tail-separation permit for spiny lobster, as required under § 622.400(a)(2), may be sold or transferred only to a dealer who has a valid Gulf and South Atlantic dealer permit, as required under § 622.400(a)(5).

(b) Spiny lobster harvested in or from the EEZ may be first received by a dealer who has a valid Gulf and South Atlantic dealer permit, as required under § 622.400(a)(5), only from a vessel that has a valid Federal commercial vessel permit for spiny lobster or a valid Federal tail-separation permit for spiny lobster.

[79 FR 19497, Apr. 9, 2014]

Subpart S—FMP for the EEZ around Puerto Rico

Source: 87 FR 56216, Sept. 13, 2022 unless otherwise noted.

§ 622.430 Management area.

The management area is the EEZ around Puerto Rico bounded by rhumb lines connecting the following points and geographic instructions in order:

TABLE 1 TO § 622.430

Point	North lat.	West long.
A (intersects with the international and EEZ boundary)	19°37'29"	65°20'57"
B	18°25'46.3015"	65°06'31.866"
From Point B proceed southerly along the 3-nautical mile territorial boundary of the St. Thomas and St. John island group to Point C		
C	18°13'59.0606"	65°05'33.058"
D	18°01'16.9636"	64°57'38.817"
E	17°30'00.000"	65°20'00.1716"
F	16°02'53.5812"	65°20'00.1716"
From Point F proceed along the international and EEZ boundary southwesterly, then northerly, then easterly, and finally southerly to Point A		
A (intersects with the International and EEZ boundary)	19°37'29"	65°20'57"

§ 622.431 Definitions.

In addition to the definitions and acronyms in § 622.2, the terms and acronyms used in this subpart have the following meanings:

Coral means any or all species, or a part thereof, of coral occurring in the EEZ around Puerto Rico, including any or all species, or a part thereof, of soft corals and gorgonians in Order Alcyonacea; sea pens and sea pansies in Order Pennatulacea; black corals in Order Antipatharia; stony corals in Order Scleractinia; and, within Order Anthoatheacata, fire corals in Family Milleporidae and lace corals in Family Stylasteridae.

Coral reef resource means any or all species, or a part thereof, of coral, sea cucumber, and sea urchin.

Pelagic fish means any or all species, or a part thereof, as follows:

TABLE 1 TO § 622.431

Class or Family	Scientific name	English common name
Dolphinfishes—Coryphaenidae	*Coryphaena hippurus*	Dolphinfish.

Class or Family	Scientific name	English common name
	Coryphaena equiselis	Pompano dolphinfish.
Barracudas—Sphyraenidae	*Sphyraena barracuda*	Great barracuda.
Mackerels and tunas—Scombridae	*Thunnus atlanticus*	Blackfin tuna.
	Scomberomorus regalis	Cero.
	Scomberomorus cavalla	King mackerel.
	Euthynnus alletteratus	Little tunny.
	Acanthocybium solandri	Wahoo.
Tripletails—Lobotidae	*Lobotes surinamensis*	Tripletail.

Queen conch means the species *Lobatus gigas,* or a part thereof.

Rays means any or all species, or a part thereof, as follows:

TABLE 2 TO § 622.431

Class or Family	Scientific name	English common name
Eagle and manta rays—Myliobatidae	*Manta birostris*	Giant manta.
	Aetobatus narinari	Spotted eagle ray.
Stingrays—Dasyatidae	*Dasyatis americana*	Southern stingray.

Reef fish means any or all species, or a part thereof, as follows:

TABLE 3 TO § 622.431

Class or Family	Scientific name	English common name
Angelfishes—Pomacanthidae	*Pomacanthus paru*	French angelfish.
	Pomacanthus arcuatus	Gray angelfish.
	Holacanthus ciliaris	Queen angelfish.
Groupers—Serranidae	*Mycteroperca bonaci*	Black grouper.
	Cephalopholis fulva	Coney.
	Epinephelus itajara	Goliath grouper.
	Cephalopholis cruentata	Graysby.
	Hyporthodus mystacinus	Misty grouper.

Class or Family	Scientific name	English common name
	Epinephelus striatus	Nassau grouper.
	Epinephelus morio	Red grouper.
	Epinephelus guttatus	Red hind.
	Epinephelus adscensionis	Rock hind.
	Mycteroperca tigris	Tiger grouper.
	Hyporthodus flavolimbatus	Yellowedge grouper.
	Mycteroperca venenosa	Yellowfin grouper.
	Mycteroperca interstitialis	Yellowmouth grouper.
Grunts—Haemulidae	*Haemulon plumierii*	White grunt.
Jacks—Carangidae	*Alectis ciliaris*	African pompano.
	Caranx hippos	Crevalle jack.
	Elagatis bipinnulata	Rainbow runner.
Parrotfishes—Scaridae	*Scarus coeruleus*	Blue parrotfish.
	Scarus coelestinus	Midnight parrotfish.
	Scarus taeniopterus	Princess parrotfish.
	Scarus vetula	Queen parrotfish.
	Scarus guacamaia	Rainbow parrotfish.
	Sparisoma aurofrenatum	Redband parrotfish.
	Sparisoma chrysopterum	Redtail parrotfish.
	Sparisoma viride	Stoplight parrotfish.
	Scarus iseri	Striped parrotfish.
Snappers—Lutjanidae	*Apsilus dentatus*	Black snapper.
	Lutjanus buccanella	Blackfin snapper.
	Pristipomoides macrophthalmus	Cardinal snapper.
	Lutjanus cyanopterus	Cubera snapper.
	Lutjanus jocu	Dog snapper.
	Lutjanus synagris	Lane snapper.
	Lutjanus analis	Mutton snapper.
	Etelis oculatus	Queen snapper.
	Lutjanus apodus	Schoolmaster.
	Lutjanus vivanus	Silk snapper.
	Rhomboplites aurorubens	Vermilion snapper.
	Pristipomoides aquilonaris	Wenchman.
	Ocyurus chrysurus	Yellowtail snapper.
Surgeonfishes—Acanthuridae	*Acanthurus coeruleus*	Blue tang.
	Acanthurus chirurgus	Doctorfish.
	Acanthurus tractus	Ocean surgeonfish.
Triggerfishes—Balistidae	*Balistes capriscus*	Gray triggerfish.
	Canthidermis sufflamen	Ocean triggerfish.

Class or Family	Scientific name	English common name
Wrasses—Labridae	*Balistes vetula*	Queen triggerfish.
	Lachnolaimus maximus	Hogfish.
	Halichoeres radiatus	Puddingwife.
	Bodianus rufus	Spanish hogfish.

Sea cucumber means any or all species, or a part thereof, in Class Holothuroidea and occurring in the EEZ around Puerto Rico.

Sea urchin means any or all species of sea urchin, or a part thereof, in Class Echinoidea and occurring in the EEZ around Puerto Rico.

Spiny lobster trap means a trap and its component parts, including the lines and buoys, used for or capable of taking spiny lobster and meeting the spiny lobster trap construction specifications of this subpart.

§ 622.432 [Reserved]

§ 622.433 Vessel identification.

See § 622.6 for vessel identification requirements applicable to this subpart.

§ 622.434 Gear identification.

(a) ***Reef fish*** —

(1) ***Fish traps and associated buoys.*** All fish traps used or possessed in the EEZ around Puerto Rico must display the official number specified for the vessel by Puerto Rico or the U.S. Virgin Islands. A fish trap that is fished individually, rather than tied together in a trap line, must have at least one buoy attached that floats on the surface. Fish traps that are tied together in a trap line must have at least one buoy that floats at the surface attached at each end of the trap line. All buoys must display the official number and color code assigned to the vessel by Puerto Rico or the U.S. Virgin Islands, whichever is applicable.

(2) ***Presumption of ownership of fish traps.*** A fish trap in the EEZ around Puerto Rico will be presumed to be the property of the most recently documented owner. This presumption will not apply with respect to such traps that are lost or sold if the owner reports the loss or sale within 15 days to the RA.

(3) ***Disposition of unmarked fish traps or buoys.*** An unmarked fish trap or buoy deployed in the EEZ around Puerto Rico is illegal and may be disposed of in any appropriate manner by the Assistant Administrator or an authorized officer.

(b) [Reserved]

(c) ***Spiny lobster*** —

(1) ***Spiny lobster traps and associated buoys.*** All spiny lobster traps used or possessed in the EEZ around Puerto Rico must display the official number specified for the vessel by Puerto Rico or the U.S. Virgin Islands. A spiny lobster trap that is fished individually, rather than tied together in a trap

line, must have at least one buoy attached that floats on the surface. Spiny lobster traps that are tied together in a trap line must have at least one buoy that floats at the surface attached at each end of the trap line. All buoys must display the official number and color code assigned to the vessel by Puerto Rico or the U.S. Virgin Islands, whichever is applicable.

(2) ***Presumption of ownership of spiny lobster traps.*** A spiny lobster trap in the EEZ around Puerto Rico will be presumed to be the property of the most recently documented owner. This presumption will not apply with respect to such traps that are lost or sold if the owner reports the loss or sale within 15 days to the RA.

(3) ***Disposition of unmarked spiny lobster traps or buoys.*** An unmarked spiny lobster trap or buoy deployed in the EEZ around Puerto Rico is illegal and may be disposed of in any appropriate manner by the Assistant Administrator or an authorized officer.

§ 622.435 Trap construction specifications and tending restrictions.

(a) ***Reef fish*** —

(1) ***Construction specifications*** —

(i) ***Minimum mesh size.*** A bare-wire fish trap used or possessed in the EEZ around Puerto Rico that has hexagonal mesh openings must have a minimum mesh size of 1.5 inches (3.8 cm) in the smallest dimension measured between centers of opposite strands. A bare-wire fish trap used or possessed in the EEZ around Puerto Rico that has other than hexagonal mesh openings or a fish trap of other than bare wire, such as coated wire or plastic, used or possessed in the EEZ around Puerto Rico, must have a minimum mesh size of 2 inches (5.1 cm) in the smallest dimension measured between centers of opposite strands.

(ii) ***Escape mechanisms.*** A fish trap used or possessed in the EEZ around Puerto Rico must have a panel located on one side of the trap, excluding the top, bottom, and side containing the trap entrance. The opening covered by the panel must measure not less than 8 by 8 inches (20.3 by 20.3 cm). The mesh size of the panel may not be smaller than the mesh size of the trap. The panel must be attached to the trap with untreated jute twine with a diameter not exceeding $^{1}/_{8}$-inch (3.2 mm). An access door may serve as the panel, provided it is on an appropriate side, it is hinged only at its bottom, its only other fastening is untreated jute twine with a diameter not exceeding $^{1}/_{8}$-inch (3.2 mm), and such fastening is at the top of the door so that the door will fall open when such twine degrades. Jute twine used to secure a panel may not be wrapped or overlapped.

(2) ***Tending restrictions.*** A fish trap in the EEZ around Puerto Rico may be pulled or tended only by a person (other than an authorized officer) aboard the fish trap owner's vessel, or aboard another vessel if such vessel has on board written consent of the trap owner, or if the trap owner is aboard and has documentation verifying his identification number and color code. An owner's written consent must specify the time period such consent is effective and the trap owner's gear identification number and color code.

(b) [Reserved]

(c) ***Spiny lobster*** —

(1) ***Construction specifications*** —

(i) ***Escape mechanisms.*** A spiny lobster trap used or possessed in the EEZ around Puerto Rico must contain on any vertical side or on the top a panel no smaller in diameter than the throat or entrance of the trap. The panel must be made of or attached to the trap by one of the following degradable materials:

(A) Untreated fiber of biological origin with a diameter not exceeding $^{1}/_{8}$-inch (3.2 mm). This includes, but is not limited to tyre palm, hemp, jute, cotton, wool, or silk.

(B) Ungalvanized or uncoated iron wire with a diameter not exceeding $^{1}/_{16}$-inch (1.6 mm), that is, 16-gauge wire.

(ii) [Reserved]

(2) ***Tending restrictions.*** A spiny lobster trap in the EEZ around Puerto Rico may be pulled or tended only by a person (other than an authorized officer) aboard the trap owner's vessel, or aboard another vessel if such vessel has on board written consent of the trap owner, or if the trap owner is aboard and has documentation verifying his identification number and color code. An owner's written consent must specify the time period such consent is effective and the trap owner's gear identification number and color code.

§ 622.436 Anchoring restrictions.

The owner or operator of any fishing vessel, recreational or commercial, that fishes for or possesses reef fish in or from the EEZ around Puerto Rico must ensure that the vessel uses only an anchor retrieval system that recovers the anchor by its crown, thereby preventing the anchor from dragging along the bottom during recovery. For a grapnel hook, this could include an incorporated anchor rode reversal bar that runs parallel along the shank, which allows the rode to reverse and slip back toward the crown. For a fluke- or plow-type anchor, a trip line consisting of a line from the crown of the anchor to a surface buoy is required.

§ 622.437 Prohibited gear and methods.

Also see § 622.9 for additional prohibited gear and methods that apply more broadly to multiple fisheries or in some cases all fisheries.

(a) ***Reef fish*** —

(1) ***Poisons.*** A poison, drug, or other chemical may not be used to fish for reef fish in the EEZ around Puerto Rico.

(2) ***Powerheads.*** A powerhead may not be used in the EEZ around Puerto Rico to harvest reef fish. The possession of a mutilated reef fish in or from the EEZ around Puerto Rico and a powerhead constitutes a rebuttable presumption of a violation of this paragraph (a)(2).

(3) ***Gillnets and trammel nets.*** A gillnet or trammel net may not be used in the EEZ around Puerto Rico to fish for reef fish. The possession of a reef fish in or from the EEZ around Puerto Rico and a gillnet or trammel net constitutes a rebuttable presumption of a violation of this paragraph (a)(3). A gillnet or trammel net used in the EEZ around Puerto Rico to fish for any other species must be tended at all times.

(b) [Reserved]

(c) ***Spiny lobster*** —

(1) ***Spears and hooks.*** A spear, hook, or similar device may not be used in the EEZ around Puerto Rico to harvest a spiny lobster. The possession of a speared, pierced, or punctured spiny lobster in or from the EEZ around Puerto Rico constitutes a rebuttable presumption of a violation of this paragraph (c)(1).

(2) ***Gillnets and trammel nets.*** A gillnet or trammel net may not be used in the EEZ around Puerto Rico to fish for spiny lobster. The possession of a spiny lobster in or from the EEZ around Puerto Rico and a gillnet or trammel net constitutes a rebuttable presumption of a violation of this paragraph (c)(2). A gillnet or trammel net used in the EEZ around Puerto Rico to fish for any other species must be tended at all times.

§ 622.438 Prohibited species.

The harvest and possession restrictions of this section apply without regard to whether the species is harvested by a vessel operating under a commercial vessel permit. The operator of a vessel that fishes in the EEZ around Puerto Rico is responsible for the limit applicable to that vessel. Any of the following species caught in the EEZ around Puerto Rico must be released immediately with a minimum of harm.

(a) ***Reef fish.*** No person may fish for or possess the following reef fish species in or from the EEZ around Puerto Rico.

(1) Goliath grouper or Nassau grouper.

(2) Blue parrotfish, midnight parrotfish, or rainbow parrotfish.

(b)-(c) [Reserved]

(d) ***Coral, sea cucumber, and sea urchin.*** A coral, sea cucumber, or sea urchin may not be fished for or possessed in or from the EEZ around Puerto Rico. The taking of coral in the EEZ around Puerto Rico is not considered unlawful possession provided it is returned immediately to the sea in the general area of fishing.

(e) ***Queen conch.*** No person may fish for or possess queen conch in or from the EEZ around Puerto Rico.

(f) ***Rays.*** No person may fish for or possess giant manta, spotted eagle ray, or southern stingray in or from the EEZ around Puerto Rico.

§ 622.439 Area and seasonal closures.

(a) ***Closures applicable to specific areas*** —

(1) ***Abrir La Sierra Bank red hind spawning aggregation area.*** Abrir La Sierra Bank is bounded by rhumb lines connecting, in order, the points listed in Table 1 to this paragraph (a)(1).

(i) From December 1 through the last day of February, each year, fishing is prohibited in Abrir La Sierra Bank.

(ii) Fishing with pots, traps, bottom longlines, gillnets or trammel nets is prohibited year-round in Abrir La Sierra Bank.

TABLE 1 TO § 622.439(a)(1)—ABRIR LA SIERRA BANK

Point	North lat.	West long.
A	18°06.5'	67°26.9'
B	18°06.5'	67°23.9'
C	18°03.5'	67°23.9'
D	18°03.5'	67°26.9'
A	18°06.5'	67°26.9'

(2) ***Tourmaline Bank red hind spawning aggregation area.*** Tourmaline Bank is bounded by rhumb lines connecting, in order, the points listed in Table 2 to this paragraph (a)(2).

(i) From December 1 through the last day of February, each year, fishing is prohibited in those parts of Tourmaline Bank that are in the EEZ around Puerto Rico.

(ii) Fishing with pots, traps, bottom longlines, gillnets or trammel nets is prohibited year-round in those parts of Tourmaline Bank that are in the EEZ around Puerto Rico.

TABLE 2 TO § 622.439(a)(2)—TOURMALINE BANK

Point	North lat.	West long.
A	18°11.2'	67°22.4'
B	18°11.2'	67°19.2'
C	18°08.2'	67°19.2'
D	18°08.2'	67°22.4'
A	18°11.2'	67°22.4'

(3) ***Bajo de Sico.*** Bajo de Sico is bounded by rhumb lines connecting, in order, the points listed in Table 3 to this paragraph (a)(3).

(i) From October 1 through March 31, each year, no person may fish for or possess any reef fish in or from those parts of Bajo de Sico that are in the EEZ around Puerto Rico. The prohibition on possession does not apply to such reef fish harvested and landed ashore prior to the closure.

(ii) Fishing with pots, traps, bottom longlines, gillnets or trammel nets is prohibited year-round in those parts of Bajo de Sico that are in the EEZ around Puerto Rico.

(iii) Anchoring by fishing vessels is prohibited year-round in those parts of Bajo de Sico that are in the EEZ around Puerto Rico.

TABLE 3 TO § 622.439(a)(3)—BAJO DE SICO

Point	North lat.	West long.
A	18°15.7'	67°26.4'
B	18°15.7'	67°23.2'
C	18°12.7'	67°23.2'
D	18°12.7'	67°26.4'
A	18°15.7'	67°26.4'

(b) *Seasonal closures applicable to specific species* —

(1) ***Black, red, tiger, yellowedge, and yellowfin grouper closure.*** From February 1 through April 30, each year, no person may fish for or possess black, red, tiger, yellowedge, or yellowfin grouper in or from the EEZ around Puerto Rico. The prohibition on possession does not apply to such grouper harvested and landed ashore prior to the closure.

(2) ***Red hind closure.*** From December 1 through the last day of February, each year, no person may fish for or possess red hind in or from the EEZ around Puerto Rico west of 67°10' W. longitude. The prohibition on possession does not apply to red hind harvested and landed ashore prior to the closure.

(3) ***Black, blackfin, silk, and vermilion snapper closure.*** From October 1 through December 31, each year, no person may fish for or possess black, blackfin, silk, or vermilion snapper in or from the EEZ around Puerto Rico. The prohibition on possession does not apply to such snapper harvested and landed ashore prior to the closure.

(4) ***Lane and mutton snapper closure.*** From April 1 through June 30, each year, no person may fish for or possess lane or mutton snapper in or from the EEZ around Puerto Rico. The prohibition on possession does not apply to such snapper harvested and landed ashore prior to the closure.

§ 622.440 Annual catch limits (ACLs), annual catch targets (ACTs), and accountability measures (AMs).

(a) ***Reef fish.*** For those fishing commercially, the applicable ACL is the commercial ACL. For those fishing recreationally, the applicable ACL is the recreational ACL. When landings for one sector are not available for comparison to that sector's ACL, the ACL for the sector with available landings is the ACL for the stock or stock complex.

(1) ***Commercial ACLs.*** The commercial ACLs are as follows and given in round weight.

TABLE 1 TO § 622.440(a)(1)

Family	Stock or stock complex and species composition	Commercial ACL
Angelfishes	Angelfish—French angelfish, gray angelfish, queen angelfish	137 lb (62.1 kg).
Groupers	Grouper 3—coney,[1] graysby	23,890 lb (10,836.3 kg).
	Grouper 4—black grouper, red grouper, tiger grouper, yellowfin grouper, yellowmouth grouper	2,492 lb (1,130.3 kg)
	Grouper 5—misty grouper, yellowedge grouper	15,327 lb (6,952.2 kg).
	Grouper 6—red hind,[1] rock hind	121,729 lb (55,215.3 kg).
Grunts	Grunts—white grunt	177,923 lb (80,704.5 kg).
Jacks	Jacks 1—crevalle jack	46 lb (20.8 kg).
	Jacks 2—African pompano	1,052 lb (477.1 kg).
	Jacks 3—rainbow runner	913 lb (414.1 kg).
Parrotfishes	Parrotfish 2—princess parrotfish, queen parrotfish, redband parrotfish, redtail parrotfish, stoplight parrotfish, striped parrotfish	147,774 lb (67,029.1 kg).
Snappers	Snapper 1—black snapper, blackfin snapper, silk snapper,[1] vermilion snapper, wenchman	424,009 lb (192,327.2 kg).
	Snapper 2—cardinal snapper, queen snapper[1]	257,236 lb (116,680.2 kg).
	Snapper 3—lane snapper	244,376 lb (110,847 kg).
	Snapper 4—dog snapper, mutton snapper,[1] schoolmaster	116,434 lb (52,813.5 kg).
	Snapper 5—yellowtail snapper	315,806 lb

[1] *Indicator stock.*

Family	Stock or stock complex and species composition	Commercial ACL
		(143,247.1 kg).
	Snapper 6—cubera snapper	119 lb (53.9 kg).
Surgeonfishes	Surgeonfish—blue tang, doctorfish, ocean surgeonfish	147 lb (66.6 kg).
Triggerfishes	Triggerfish—gray triggerfish, ocean triggerfish, queen triggerfish[1]	83,099 lb (37,693 kg).
Wrasses	Wrasses 1—hogfish	70,140 lb (31,814.9 kg).
	Wrasses 2—puddingwife, Spanish hogfish	20,126 lb (9,129 kg).

[1] *Indicator stock.*

(2) ***Recreational ACLs.*** The recreational ACLs are as follows and given in round weight.

TABLE 2 TO § 622.440(a)(2)

Family	Stock or stock complex and species composition	Recreational ACL
Angelfishes	Angelfish—French angelfish, gray angelfish, queen angelfish	2,985 lb (1,353.9 kg).
Groupers	Grouper 3—coney[1], graysby	19,634 lb (8,905.8 kg).
	Grouper 4—black grouper, red grouper, tiger grouper, yellowfin grouper, yellowmouth grouper	5,867 lb (2,661.2 kg).
	Grouper 5—misty grouper, yellowedge grouper	4,225 lb (1,916.4 kg).
	Grouper 6—red hind[1], rock hind	34,493 lb (15,645.7 kg).
Grunts	Grunts—white grunt	2,461 lb (1,116.2 kg).
Jacks	Jacks 1—crevalle jack	41,894 lb (19,002.7

[1] *Indicator stock.*

Family	Stock or stock complex and species composition	Recreational ACL
		kg).
	Jacks 2—African pompano	5,719 lb (2,594 kg).
	Jacks 3—rainbow runner	8,091 lb (3,670 kg).
Parrotfishes	Parrotfish 2—princess parrotfish, queen parrotfish, redband parrotfish, redtail parrotfish, stoplight parrotfish, striped parrotfish	17,052 lb (7,734.6 kg).
Snappers	Snapper 1—black snapper, blackfin snapper, silk snapper[1], vermilion snapper, wenchman	111,943 lb (50,776.4 kg).
	Snapper 2—cardinal snapper, queen snapper[1]	24,974 lb (11,328 kg).
	Snapper 3—lane snapper	21,603 lb (9,798.9 kg).
	Snapper 4—dog snapper, mutton snapper[1], schoolmaster	76,625 lb (34,756.5 kg).
	Snapper 5—yellowtail snapper	23,988 lb (10,880.7 kg).
	Snapper 6—cubera snapper	6,448 lb (2,924.7 kg).
Surgeonfishes	Surgeonfish—blue tang, doctorfish, ocean surgeonfish	860 lb (390 kg).
Triggerfishes	Triggerfish—gray triggerfish, ocean triggerfish, queen triggerfish[1]	7,453 lb (3,380.6 kg).
Wrasses	Wrasses 1—hogfish	8,263 lb (3,748 kg).
	Wrasses 2—puddingwife, Spanish hogfish	5,372 lb

[1] *Indicator stock.*

Family	Stock or stock complex and species composition	Recreational ACL
		(2,436.6 kg).

[1] *Indicator stock.*

(3) ***Total ACLs.*** The total ACLs (combined commercial and recreational ACLs) are as follows and given in round weight.

TABLE 3 TO § 622.440(a)(3)

Family	Stock or stock complex and species composition	Total ACL
Angelfishes	Angelfish—French angelfish, gray angelfish, queen angelfish	3,122 lb (1,416.1 kg).
Groupers	Grouper 3—coney,[1] graysby	43,524 lb (19,742.1 kg).
	Grouper 4—black grouper, red grouper, tiger grouper, yellowfin grouper, yellowmouth grouper	8,359 lb (3,791.5 kg).
	Grouper 5—misty grouper, yellowedge grouper	19,552 lb (8,868.6 kg).
	Grouper 6—red hind,[1] rock hind	156,222 lb (70,861.1 kg).
Grunts	Grunts—white grunt	180,384 lb (81,820.8 kg).
Jacks	Jacks 1—crevalle jack	41,940 lb (19,023.6 kg).
	Jacks 2—African pompano	6,771 lb (3,071.2 kg).
	Jacks 3—rainbow runner	9,004 lb (4,084.1 kg).
Parrotfishes	Parrotfish 2—princess parrotfish, queen parrotfish, redband parrotfish, redtail parrotfish, stoplight parrotfish, striped parrotfish	164,826 lb (74,763.8 kg).
Snappers	Snapper 1—black snapper, blackfin snapper, silk snapper,[1] vermilion snapper, wenchman	535,952 lb (243,103.7

[1] *Indicator stock.*

Family	Stock or stock complex and species composition	Total ACL
		kg).
	Snapper 2—cardinal snapper, queen snapper[1]	282,210 lb (128,008.3 kg).
	Snapper 3—lane snapper	265,979 lb (120,646 kg).
	Snapper 4—dog snapper, mutton snapper,[1] schoolmaster	193,059 lb (87,570 kg).
	Snapper 5—yellowtail snapper	339,794 lb (154,127.9 kg).
	Snapper 6—cubera snapper	6,567 lb (2,978.7 kg).
Surgeonfishes	Surgeonfish—blue tang, doctorfish, ocean surgeonfish	1,007 lb (456.7 kg).
Triggerfishes	Triggerfish—gray triggerfish, ocean triggerfish, queen triggerfish[1]	90,552 lb (41,073.6 kg).
Wrasses	Wrasses 1—hogfish	78,403 lb (35,563 kg).
	Wrasses 2—puddingwife, Spanish hogfish	25,498 lb (11,565.6 kg).

[1] *Indicator stock.*

(4) ***General applicability and monitoring of AMs.*** At or near the beginning the fishing year, landings for each stock, stock complex, or indicator stock will be evaluated relative to the ACL based on a moving multi-year average of landings, as described in the FMP. When landings for one sector are not available for comparison to that sector's ACL, the ACL for the sector with available landings is the ACL for the stock or stock complex and the AM specified in paragraph (a)(7) of this section applies. Any fishing season reduction required under paragraph (a) of this section will be applied starting from September 30 and moving earlier toward the beginning of the fishing year. If the length of the required fishing season reduction exceeds the time period of January 1 through September 30, any additional fishing season reduction will be applied starting from October 1 and moving later toward the end of the fishing year.

(5) ***Commercial AMs.*** If NMFS estimates that commercial landings for a stock, stock complex, or indicator stock have exceeded the applicable commercial ACL specified in paragraph (a)(1) of this section for the stock or stock complex, and the combined commercial and recreational landings for the stock, stock complex, or indicator stock have exceeded the applicable combined commercial and recreational sector ACL (total ACL) specified in paragraph (a)(3) of this section for that stock or stock complex, the Assistant Administrator for NOAA Fisheries (AA) will file a notification with the Office of the Federal Register to reduce the length of the commercial fishing season for the stock or

stock complex within that fishing year by the amount necessary to prevent commercial landings from exceeding the commercial ACL for the stock or stock complex, unless NMFS determines that a fishing season reduction is not necessary based on the best scientific information available. If NMFS determines that either the commercial ACL or total ACL for the stock or stock complex was exceeded because data collection or monitoring improved rather than because landings increased, NMFS will not reduce the length of the commercial fishing season for the stock or stock complex.

(6) ***Recreational AMs.*** If NMFS estimates that recreational landings for a stock, stock complex, or indicator stock have exceeded the applicable recreational ACL specified in paragraph (a)(2) of this section for the stock or stock complex, and the combined commercial and recreational landings for the stock, stock complex, or indicator stock have exceeded the applicable combined commercial and recreational ACL (total ACL) specified in paragraph (a)(3) of this section for that stock or stock complex, the AA will file a notification with the Office of the Federal Register to reduce the length of the recreational fishing season for the stock or stock complex within that fishing year by the amount necessary to prevent recreational landings from exceeding the recreational ACL for the stock or stock complex, unless NMFS determines that a fishing season reduction is not necessary based on the best scientific information available. If NMFS determines that either the recreational ACL or total ACL for the stock or stock complex was exceeded because data collection or monitoring improved rather than because landings increased, NMFS will not reduce the length of the recreational fishing season for the stock or stock complex.

(7) ***AM when only one sector's landings are available.*** When landings for one sector are not available for comparison to that sector's ACL, the ACL for the sector with available landings in paragraph (a) of this section is the applicable ACL for the stock or stock complex. If NMFS estimates that available landings for the stock, stock complex, or indicator stock, have exceeded the applicable ACL for the stock or stock complex, the AA will file a notification with the Office of the Federal Register to reduce the length of the fishing season for the stock or stock complex within that fishing year by the amount necessary to prevent landings from exceeding the ACL, unless NMFS determines that a fishing season reduction is not necessary based on the best scientific information available. If NMFS determines that the ACL was exceeded because data collection or monitoring improved rather than because landings increased, NMFS will not reduce the length of the fishing season for the stock or stock complex.

(b) ***Pelagic fish.*** The ACLs and ACTs are given in round weight. Indicator stocks are noted in the relevant tables to paragraph (a) of this section. For those fishing commercially, the applicable ACL is the commercial ACL and the applicable ACT is the commercial ACT. For those fishing recreationally, the applicable ACL is the recreational ACL and the applicable ACT is the recreational ACT. When landings for one sector are not available for comparison to that sector's ACL and ACT, the ACL and ACT for the sector with available landings are the ACL and ACT for the stock or stock complex.

(1) ***Barracuda*** *—great barracuda.*

(i) Commercial ACL—495 lb (224.5 kg).

(ii) Commercial ACT—445 lb (201.8 kg).

(iii) Recreational ACL—167,693 lb (76,064.2 kg).

(iv) Recreational ACT—150,924 lb (68,457.9 kg).

(2) ***Dolphinfishes*** *—dolphinfish, pompano dolphinfish.*

(i) Commercial ACL—232,173 lb (105,311.9 kg).

(ii) Commercial ACT—208,956 lb (94,780.8 kg).

(iii) Recreational ACL—1,513,873 lb (686,681.2 kg).

(iv) Recreational ACT—1,362,486 lb (618,013.2 kg).

(3) ***Mackerels*** *—cero, king mackerel.*

(i) Commercial ACL—232,422 lb (105,424.8 kg).

(ii) Commercial ACT—209,180 lb (94,882.4 kg).

(iii) Recreational ACL—129,180 lb (58,595 kg).

(iv) Recreational ACT—116,262 lb (52,735.5 kg).

(4) ***Tripletail.***

(i) Commercial ACL—270 lb (122.4 kg).

(ii) Commercial ACT—243 lb (110.2 kg).

(iii) Recreational ACL—39,005 lb (17,692.3 kg).

(iv) Recreational ACT—35,105 lb (15,923.3 kg).

(5) ***Tunas*** *—blackfin tuna, little tunny.*

(i) Commercial ACL—82,779 lb (37,547.9 kg).

(ii) Commercial ACT—74,501 lb (33,793 kg).

(iii) Recreational ACL—34,485 lb (15,642.1 kg).

(iv) Recreational ACT—31,037 lb (14,078.1 kg).

(6) ***Wahoo.***

(i) Commercial ACL—25,911 lb (11,753 kg).

(ii) Commercial ACT—23,320 lb (10,577.7 kg).

(iii) Recreational ACL—210,737 lb (95,588.6 kg).

(iv) Recreational ACT—189,663 lb (86,029.6 kg).

(7) ***Pelagic fish AM application.*** At or near the beginning the fishing year, landings for each stock, stock complex, or indicator stock will be evaluated relative to the applicable ACT for the stock or stock complex based on a moving multi-year average of landings, as described in the FMP. If NMFS estimates that landings have exceeded the applicable ACT specified in paragraph (b) of this section for a stock or stock complex, NMFS in consultation with the Caribbean Fishery Management Council will determine appropriate corrective action.

(c) ***Spiny lobster.***

(1) The ACL is 357,629 lb (162,218 kg), round weight.

(2) At or near the beginning of the fishing year, NMFS will compare a 3 year average of available landings to the average ACLs effective during those same years, as described in the FMP. If NMFS estimates that average landings have exceeded the average ACLs, the AA will file a notification with the Office of the Federal Register to reduce the length of the fishing season for spiny lobster within that fishing year by the amount necessary to prevent average landings from exceeding the ACL for that fishing year, as specified in paragraph (c)(1) of this section. If NMFS determines that a fishing season reduction is not necessary based on the best scientific information available, or if NMFS determines the ACL exceedance was due to improved data collection or monitoring rather than from increased landings, NMFS will not reduce the length of the fishing season. Any fishing season reduction required under this paragraph (c)(2) will be applied starting from September 30 and moving earlier toward the beginning of the fishing year. If the length of the required fishing season reduction exceeds the time period of January 1 through September 30, any additional fishing season reduction will be applied starting from October 1 and moving later toward the end of the fishing year.

(d)-(e) [Reserved]

(f) ***Closure provisions for reef fish and spiny lobster*** —

(1) ***Restrictions applicable during a commercial closure for a reef fish stock or stock complex in the EEZ around Puerto Rico.*** During the closure period announced in the notification filed pursuant to paragraph (a)(5) of this section, the commercial sector included in the notification is closed, and such stock or stock complex in or from the EEZ around Puerto Rico may not be purchased or sold. Harvest or possession of such reef fish stock or stock complex in or from the EEZ around Puerto Rico is limited to the recreational bag and possession limits. If the recreational sector for such stock or stock complex also is closed, such stock or stock complex in or from the EEZ around Puerto Rico may not be harvested, possessed, purchased, or sold, and the bag and possession limits are zero.

(2) ***Restrictions applicable during a recreational closure for a reef fish stock or stock complex in the EEZ around Puerto Rico.*** During the closure period announced in the notification filed pursuant to paragraph (a)(6) of this section, the recreational sector for the reef fish stock or stock complex included in the notification is closed, and the bag and possession limits for such stock or stock complex in or from the EEZ around Puerto Rico are zero. If the commercial sector for such stock or stock complex also is closed, such stock or stock complex in or from the EEZ around Puerto Rico may not be harvested, possessed, purchased, or sold, and the bag and possession limits are zero.

(3) ***Restrictions applicable during a closure for a reef fish stock or stock complex in the EEZ around Puerto Rico when only one sector's landings are available.*** During the closure period announced in the notification filed pursuant to paragraph (a)(7) of this section, the fishing season for the reef fish stock or stock complex included in the notification is closed, and such stock or stock complex in or from the EEZ around Puerto Rico may not be harvested, possessed, purchased, or sold, and the bag and possession limits for such stock or stock complex are zero.

(4) ***Restrictions applicable during a spiny lobster closure in the EEZ around Puerto Rico.*** During the closure period announced in the notification filed pursuant to paragraph (c)(2) of this section, the fishing season for spiny lobster is closed, and spiny lobster in or from the EEZ around Puerto Rico may not be harvested, possessed, purchased, or sold, and the bag and possession limits are zero.

[87 FR 56216, Sept. 13, 2022, as amended at 88 FR 16195, Mar. 16, 2023; 88 FR 46695, July 20, 2023; 89 FR 34169, Apr. 30, 2024]

§ 622.441 Size limits.

All size limits in this section are minimum size limits unless specified otherwise. A fish not in compliance with its size limit in or from the EEZ around Puerto Rico may not be possessed, sold, or purchased, and must be released immediately with a minimum of harm. The operator of a vessel that fishes in the EEZ around Puerto Rico is responsible for ensuring that all species on board are in compliance with the size limits specified in this section. See § 622.10 regarding requirements for landing fish intact. See § 622.445(c)(2) regarding requirements for landing spiny lobster intact.

(a) ***Reef fish.***

(1) Yellowtail snapper—12 inches (30.5 cm), TL.

(2) [Reserved]

(b) [Reserved]

(c) ***Spiny lobster.*** 3.5 inches (8.9 cm), carapace length.

§ 622.442 [Reserved]

§ 622.443 Restrictions on sale or purchase.

(a) ***Reef fish.*** A live red hind or live mutton snapper in or from the EEZ around Puerto Rico may not be sold or purchased and used in the marine aquarium trade.

(b) [Reserved]

(c) ***Coral.***

(1) No person may sell or purchase a coral harvested in the EEZ around Puerto Rico.

(2) A coral that is sold in Puerto Rico will be presumed to have been harvested in the EEZ around Puerto Rico, unless it is accompanied by documentation showing that it was harvested elsewhere. Such documentation must contain:

(i) The information specified in subpart K of part 300 of this title for marking containers or packages of fish or wildlife that are imported, exported, or transported in interstate commerce.

(ii) The name and home port of the vessel, or the name and address of the individual harvesting the coral.

(iii) The port and date of landing the coral.

(iv) A statement signed by the person selling the coral attesting that, to the best of his or her knowledge, information, and belief, such coral was harvested from other than in the EEZ around Puerto Rico or the waters of Puerto Rico or the U.S. Virgin Islands.

§ 622.444 Bag and possession limits.

Section 622.11(a) provides the general applicability for bag and possession limits. However, § 622.11(a) notwithstanding, the bag limits of this section do not apply to a person who has a valid commercial fishing license issued by Puerto Rico or the U.S. Virgin Islands.

(a) ***Reef fish.***

(1) Groupers, parrotfishes, and snappers combined—5 per person per day or, if 3 or more persons are aboard, 15 per vessel per day; but not to exceed 2 parrotfish per person per day or 6 parrotfish per vessel per day.

(2) Angelfishes, grunts, jacks, surgeonfishes, triggerfishes, and wrasses combined—5 per person per day or, if 3 or more persons are aboard, 15 per vessel per day, but not to exceed 1 surgeonfish per person per day or 4 surgeonfish per vessel per day.

(b) [Reserved]

(c) ***Spiny lobster.*** 3 per person per day, not to exceed 10 per vessel per day, whichever is less.

§ 622.445 Other harvest restrictions.

(a)-(b) [Reserved]

(c) ***Spiny lobster*** —

(1) ***Prohibition on harvest of egg-bearing spiny lobster.*** Egg-bearing spiny lobster in the EEZ around Puerto Rico must be returned to the water unharmed. An egg-bearing spiny lobster may be retained in a spiny lobster trap, provided the trap is returned immediately to the water. An egg-bearing spiny lobster may not be stripped, scraped, shaved, clipped, or in any other manner molested, in order to remove the eggs.

(2) ***Landing spiny lobster intact.***

(i) A spiny lobster in or from the EEZ around Puerto Rico must be maintained with head and carapace intact through offloading ashore.

(ii) The operator of a vessel that fishes in the EEZ around Puerto Rico is responsible for ensuring that spiny lobster on that vessel are maintained intact through offloading ashore, as specified in this section.

§ 622.446 Spiny lobster import prohibitions.

(a) ***Minimum size limits for imported spiny lobster.*** Multiple minimum size limits apply to importation of spiny lobster into the United States—one that applies any place subject to the jurisdiction of the United States other than Puerto Rico or the U.S. Virgin Islands, and more restrictive minimum size limits that apply to Puerto Rico, St. Croix, and St. Thomas and St. John, respectively.

(1) No person may import a spiny lobster with less than a 6-ounce (170-gram) tail weight into Puerto Rico. For the purposes of paragraph (a) of this section, a 6-ounce (170-gram) tail weight is defined as a tail that weighs 5.9-6.4 ounces (167-181 grams). If the documentation accompanying an imported spiny lobster, including but not limited to product packaging, customs entry forms, bills of lading, brokerage forms, or commercial invoices, indicates that the product does not satisfy the minimum tail-weight, the person importing such spiny lobster has the burden to prove that such spiny lobster does satisfy the minimum tail-weight requirement or that such spiny lobster has a tail length of 6.2 inches (15.75 cm) or greater or that such spiny lobster has or had a carapace length of 3.5 inches (8.89 cm) or greater. If the imported product itself does not satisfy the minimum tail-weight requirement, the person importing such spiny lobster has the burden to prove that such spiny lobster has a tail length of 6.2 inches (15.75 cm) or greater or that such spiny lobster has or had a carapace length of 3.5 inches (8.89 cm) or greater. If the burden is satisfied, such spiny lobster will be considered to be in compliance with the minimum 6-ounce (170-gram) tail-weight requirement.

(2) See § 622.409 regarding the minimum size limit that applies to spiny lobster imported into any place subject to the jurisdiction of the United States other than Puerto Rico or the U.S. Virgin Islands.

(3) See subparts T and U of this part for the minimum size limits that apply to spiny lobster imported into St. Croix and St. Thomas and St. John, respectively.

(b) ***Additional spiny lobster import prohibitions*** —

(1) ***Prohibition related to tail meat.*** No person may import into any place subject to the jurisdiction of the United States spiny lobster tail meat that is not in whole tail form with the exoskeleton attached.

(2) ***Prohibitions related to egg-bearing spiny lobster.*** No person may import into any place subject to the jurisdiction of the United States spiny lobster with eggs attached or spiny lobster from which eggs or pleopods (swimmerets) have been removed or stripped. Pleopods are the first five pairs of abdominal appendages.

§ 622.447 Adjustment of management measures.

In accordance with the framework procedure of the Fishery Management Plan for the EEZ around Puerto Rico, the RA may establish or modify the following items.

(a) ***Standard open framework procedures.*** Re-specify maximum sustainable yield (MSY), optimum yield (OY), overfishing limit (OFL), maximum fishing mortality threshold (MFMT), minimum stock size threshold (MSST), acceptable biological catch (ABC), ACL, ACT, sustainable yield level, and other related management reference points and status determination criteria; establish or revise rebuilding plans; revise AMs; modify reporting or monitoring requirements, and time or area closures and closure procedures.

(b) ***Abbreviated open framework procedures.*** Gear or vessel marking requirements, maintaining fish in a specific condition, size limits, commercial trip limits, recreational bag and possession limits, changes to the length of an established closed season of no more than 1 day, and gear modifications to address conservation issues including responding to interactions with species listed under the Endangered Species Act or protected under the Marine Mammal Protection Act.

Subpart T—FMP for the EEZ Around St. Croix

Source: 87 FR 56217, Sept. 13, 2022 unless otherwise noted.

§ 622.470 Management area.

The management area is the EEZ around St. Croix bounded by rhumb lines connecting the following points and geographic instructions in order:

TABLE 1 TO § 622.470

Point	North lat.	West long.
G	18°03'03"	64° 38' 03"
From Point G proceed along the international and EEZ boundary easterly, then southerly, then southwesterly to Point F		
F	16° 02'53.5812"	65°20'00.1716"
E	17°30'00.000"	65°20'00.1716"
D	18°01'16.9636"	64°57'38.817"
G	18°03'03"	64°38'03"

§ 622.471 Definitions.

In addition to the definitions and acronyms in § 622.2, the terms and acronyms used in this subpart have the following meanings:

Coral means any or all species, or a part thereof, of coral occurring in the EEZ around St. Croix, including any or all species, or a part thereof, of soft corals and gorgonians in Order Alcyonacea; sea pens and sea pansies in Order Pennatulacea; black corals in Order Antipatharia; stony corals in Order Scleractinia; and, within Order Anthoatheacata, fire corals in Family Milleporidae and lace corals in Family Stylasteridae.

Coral reef resource means any or all species, or a part thereof, of coral, sea cucumber, and sea urchin.

Pelagic fish means any or all species, or a part thereof, as follows:

TABLE 1 TO § 622.471

Class or Family	Scientific name	English common name
Dolphinfishes—Coryphaenidae	*Coryphaena hippurus*	Dolphinfish.
Mackerels and tunas—Scombridae	*Acanthocybium solandri*	Wahoo.

Queen conch means the species *Lobatus gigas,* or a part thereof.

Reef fish means any or all species, or a part thereof, as follows:

TABLE 2 TO § 622.471

Class or family	Scientific name	English common name
Angelfishes—Pomacanthidae	*Pomacanthus paru*	French angelfish.
	Pomacanthus arcuatus	Gray angelfish.
	Holacanthus ciliaris	Queen angelfish.
Groupers—Serranidae	*Mycteroperca bonaci*	Black grouper.
	Cephalopholis fulva	Coney.
	Epinephelus itajara	Goliath grouper.
	Cephalopholis cruentata	Graysby.
	Hyporthodus mystacinus	Misty grouper.
	Epinephelus striatus	Nassau grouper.
	Epinephelus morio	Red grouper.
	Epinephelus guttatus	Red hind.
	Epinephelus adscensionis	Rock hind.
	Mycteroperca tigris	Tiger grouper.
	Mycteroperca venenosa	Yellowfin grouper.
Grunts—Haemulidae	*Haemulon sciurus*	Bluestriped grunt.
	Haemulon plumierii	White grunt.
Parrotfishes—Scaridae	*Scarus coeruleus*	Blue parrotfish.
	Scarus coelestinus	Midnight parrotfish.
	Scarus taeniopterus	Princess parrotfish.
	Scarus vetula	Queen parrotfish.
	Scarus guacamaia	Rainbow parrotfish.
	Sparisoma aurofrenatum	Redband parrotfish.
	Sparisoma rubripinne	Redfin parrotfish.
	Sparisoma chrysopterum	Redtail parrotfish.
	Sparisoma viride	Stoplight parrotfish.
	Scarus iseri	Striped parrotfish.
Snappers—Lutjanidae	*Apsilus dentatus*	Black snapper.
	Lutjanus buccanella	Blackfin snapper.
	Lutjanus griseus	Gray snapper.
	Lutjanus synagris	Lane snapper.
	Lutjanus analis	Mutton snapper.
	Etelis oculatus	Queen snapper.
	Lutjanus apodus	Schoolmaster.
	Lutjanus vivanus	Silk snapper.
	Rhomboplites aurorubens	Vermilion snapper.

Class or family	Scientific name	English common name
	Ocyurus chrysurus	Yellowtail snapper.
Squirrelfishes—Holocentridae	*Holocentrus rufus*	Longspine squirrelfish.
Surgeonfishes—Acanthuridae	*Acanthurus coeruleus*	Blue tang.
	Acanthurus chirurgus	Doctorfish.
	Acanthurus tractus	Ocean surgeonfish.
Triggerfishes—Balistidae	*Balistes vetula*	Queen triggerfish.

Sea cucumber means any or all species, or a part thereof, in Class Holothuroidea and occurring in the EEZ of St. Croix.

Sea urchin means any or all species of sea urchin, or a part thereof, in Class Echinoidea and occurring in the EEZ of St. Croix.

Spiny lobster trap means a trap and its component parts, including the lines and buoys, used for or capable of taking spiny lobster and meeting the spiny lobster trap construction specifications of this subpart.

§ 622.472 [Reserved]

§ 622.473 Vessel identification.

See § 622.6 for vessel identification requirements applicable to this subpart.

§ 622.474 Gear identification.

(a) ***Reef fish*** —

(1) ***Fish traps and associated buoys.*** All fish traps used or possessed in the EEZ around St. Croix must display the official number specified for the vessel by Puerto Rico or the U.S. Virgin Islands. A fish trap that is fished individually, rather than tied together in a trap line, must have at least one buoy attached that floats on the surface. Fish traps that are tied together in a trap line must have at least one buoy that floats at the surface attached at each end of the trap line. All buoys must display the official number and color code assigned to the vessel by Puerto Rico or the U.S. Virgin Islands, whichever is applicable.

(2) ***Presumption of ownership of fish traps.*** A fish trap in the EEZ around St. Croix will be presumed to be the property of the most recently documented owner. This presumption will not apply with respect to such traps that are lost or sold if the owner reports the loss or sale within 15 days to the RA.

(3) ***Disposition of unmarked fish traps or buoys.*** An unmarked fish trap or buoy deployed in the EEZ around St. Croix is illegal and may be disposed of in any appropriate manner by the Assistant Administrator or an authorized officer.

(b) [Reserved]

(c) ***Spiny lobster*** —

(1) ***Spiny lobster traps and associated buoys.*** All spiny lobster traps used or possessed in the EEZ around St. Croix must display the official number specified for the vessel by Puerto Rico or the U.S. Virgin Islands. A spiny lobster trap that is fished individually, rather than tied together in a trap line, must have at least one buoy attached that floats on the surface. Spiny lobster traps that are tied together in a trap line must have at least one buoy that floats at the surface attached at each end of the trap line. All buoys must display the official number and color code assigned to the vessel by Puerto Rico or the U.S. Virgin Islands, whichever is applicable.

(2) ***Presumption of ownership of spiny lobster traps.*** A spiny lobster trap in the EEZ around St. Croix will be presumed to be the property of the most recently documented owner. This presumption will not apply with respect to such traps that are lost or sold if the owner reports the loss or sale within 15 days to the RA.

(3) ***Disposition of unmarked spiny lobster traps or buoys.*** An unmarked spiny lobster trap or buoy deployed in the EEZ around St. Croix is illegal and may be disposed of in any appropriate manner by the Assistant Administrator or an authorized officer.

§ 622.475 Trap construction specifications and tending restrictions.

(a) ***Reef fish*** —

(1) ***Construction specifications*** —

(i) ***Minimum mesh size.*** A bare-wire fish trap used or possessed in the EEZ around St. Croix that has hexagonal mesh openings must have a minimum mesh size of 1.5 inches (3.8 cm) in the smallest dimension measured between centers of opposite strands. A bare-wire fish trap used or possessed in the EEZ around St. Croix that has other than hexagonal mesh openings or a fish trap of other than bare wire, such as coated wire or plastic, used or possessed in the EEZ around St. Croix, must have a minimum mesh size of 2 inches (5.1 cm) in the smallest dimension measured between centers of opposite strands.

(ii) ***Escape mechanisms.*** A fish trap used or possessed in the EEZ around St. Croix must have a panel located on one side of the trap, excluding the top, bottom, and side containing the trap entrance. The opening covered by the panel must measure not less than 8 by 8 inches (20.3 by 20.3 cm). The mesh size of the panel may not be smaller than the mesh size of the trap. The panel must be attached to the trap with untreated jute twine with a diameter not exceeding $^{1}/_{8}$-inch (3.2 mm). An access door may serve as the panel, provided it is on an appropriate side, it is hinged only at its bottom, its only other fastening is untreated jute twine with a diameter not exceeding $^{1}/_{8}$-inch (3.2 mm), and such fastening is at the top of the door so that the door will fall open when such twine degrades. Jute twine used to secure a panel may not be wrapped or overlapped.

(2) ***Tending restrictions.*** A fish trap in the EEZ around St. Croix may be pulled or tended only by a person (other than an authorized officer) aboard the fish trap owner's vessel, or aboard another vessel if such vessel has on board written consent of the trap owner, or if the trap owner is aboard and has documentation verifying his identification number and color code. An owner's written consent must specify the time period such consent is effective and the trap owner's gear identification number and color code.

(b) [Reserved]

(c) ***Spiny lobster*** —

(1) ***Construction specifications*** —

(i) ***Escape mechanisms.*** A spiny lobster trap used or possessed in the EEZ around St. Croix must contain on any vertical side or on the top a panel no smaller in diameter than the throat or entrance of the trap. The panel must be made of or attached to the trap by one of the following degradable materials:

(A) Untreated fiber of biological origin with a diameter not exceeding $^{1}/_{8}$-inch (3.2 mm). This includes, but is not limited to tyre palm, hemp, jute, cotton, wool, or silk.

(B) Ungalvanized or uncoated iron wire with a diameter not exceeding $^{1}/_{16}$-inch (1.6 mm), that is, 16-gauge wire.

(ii) [Reserved]

(2) ***Tending restrictions.*** A spiny lobster trap in the EEZ around St. Croix may be pulled or tended only by a person (other than an authorized officer) aboard the trap owner's vessel, or aboard another vessel if such vessel has on board written consent of the trap owner, or if the trap owner is aboard and has documentation verifying his identification number and color code. An owner's written consent must specify the time period such consent is effective and the trap owner's gear identification number and color code.

§ 622.476 Anchoring restrictions.

The owner or operator of any fishing vessel, recreational or commercial, that fishes for or possesses reef fish in or from the EEZ around St. Croix must ensure that the vessel uses only an anchor retrieval system that recovers the anchor by its crown, thereby preventing the anchor from dragging along the bottom during recovery. For a grapnel hook, this could include an incorporated anchor rode reversal bar that runs parallel along the shank, which allows the rode to reverse and slip back toward the crown. For a fluke- or plow-type anchor, a trip line consisting of a line from the crown of the anchor to a surface buoy is required.

§ 622.477 Prohibited gear and methods.

Also see § 622.9 for additional prohibited gear and methods that apply more broadly to multiple fisheries or in some cases all fisheries.

(a) ***Reef fish*** —

(1) ***Poisons.*** A poison, drug, or other chemical may not be used to fish for reef fish in the EEZ around St. Croix.

(2) ***Powerheads.*** A powerhead may not be used in the EEZ around St. Croix to harvest reef fish. The possession of a mutilated reef fish in or from the EEZ around St. Croix and a powerhead constitutes a rebuttable presumption of a violation of this paragraph (a)(2).

(3) ***Gillnets and trammel nets.*** A gillnet or trammel net may not be used in the EEZ around St. Croix to fish for reef fish. The possession of a reef fish in or from the EEZ around St. Croix and a gillnet or trammel net constitutes a rebuttable presumption of a violation of this paragraph (a)(3). A gillnet or trammel net used in the EEZ around St. Croix to fish for any other species must be tended at all times.

(b) [Reserved]

(c) ***Spiny lobster*** —

(1) ***Spears and hooks.*** A spear, hook, or similar device may not be used in the EEZ around St. Croix to harvest a spiny lobster. The possession of a speared, pierced, or punctured spiny lobster in or from the EEZ around St. Croix constitutes a rebuttable presumption of a violation of this paragraph (c)(1).

(2) ***Gillnets and trammel nets.*** A gillnet or trammel net may not be used in the EEZ around St. Croix to fish for spiny lobster. The possession of a spiny lobster in or from the EEZ around St. Croix and a gillnet or trammel net constitutes a rebuttable presumption of a violation of this paragraph (c)(2). A gillnet or trammel net used in the EEZ around St. Croix to fish for any other species must be tended at all times.

(d) [Reserved]

(e) ***Queen conch.*** In the EEZ around St. Croix, no person may harvest queen conch by diving while using a device that provides a continuous air supply from the surface.

§ 622.478 Prohibited species.

The harvest and possession restrictions of this section apply without regard to whether the species is harvested by a vessel operating under a commercial vessel permit. The operator of a vessel that fishes in the EEZ around St. Croix is responsible for the limit applicable to that vessel. Any of the following species caught in the EEZ around St. Croix must be released immediately with a minimum of harm.

(a) ***Reef fish.*** No person may fish for or possess the following reef fish species in or from the EEZ around St. Croix.

(1) Goliath grouper or Nassau grouper.

(2) Blue parrotfish, midnight parrotfish, or rainbow parrotfish.

(b)-(c) [Reserved]

(d) ***Coral, sea cucumber, and sea urchin.*** A coral, sea cucumber, or sea urchin may not be fished for or possessed in or from the EEZ around St. Croix. The taking of coral in the EEZ around St. Croix is not considered unlawful possession provided it is returned immediately to the sea in the general area of fishing.

(e) [Reserved]

§ 622.479 Area and seasonal closures.

(a) ***Closures applicable to specific areas*** —

(1) ***Mutton snapper spawning aggregation area.*** The mutton snapper spawning aggregation area is bounded by rhumb lines connecting, in order, the points listed in Table 1 to this paragraph (a).

(i) From March 1 through June 30, each year, fishing is prohibited in those parts of the mutton snapper spawning aggregation area that are in the EEZ around St. Croix.

(ii) Fishing with pots, traps, bottom longlines, gillnets or trammel nets is prohibited year-round in those parts of the mutton snapper spawning aggregation area that are in the EEZ around St. Croix.

Table 1 to § 622.479(a)—Mutton Snapper Spawning Aggregation Area

Point	North lat.	West long.
A	17°37.8'	64°53.0'
B	17°39.0'	64°53.0'
C	17°39.0'	64°50.5'
D	17°38.1'	64°50.5'
E	17°37.8'	64°52.5'
A	17°37.8'	64°53.0'

(2) ***Red hind spawning aggregation area east of St. Croix.*** The red hind spawning aggregation area east of St. Croix is bounded by rhumb lines connecting, in order, the points listed in Table 2 to this paragraph (a)(2).

(i) From December 1 through the last day of February, each year, fishing is prohibited in the red hind spawning aggregation area east of St. Croix.

(ii) Fishing with pots, traps, bottom longlines, gillnets or trammel nets is prohibited year-round in the red hind spawning aggregation area east of St. Croix.

Table 2 to § 622.479(a)(2)—Red Hind Spawning Aggregation Area East of St. Croix

Point	North lat.	West long.
A	17°50.2'	64°27.9'
B	17°50.1'	64°26.1'
C	17°49.2'	64°25.8'
D	17°48.6'	64°25.8'
E	17°48.1'	64°26.1'
F	17°47.5'	64°26.9'
A	17°50.2'	64°27.9'

(b) ***Seasonal closures applicable to specific species*** —

(1) ***Black, red, tiger, and yellowfin grouper closure.*** From February 1 through April 30, each year, no person may fish for or possess black, red, tiger, or yellowfin grouper in or from the EEZ around St. Croix. The prohibition on possession does not apply to such grouper harvested and landed ashore prior to the closure.

(2) ***Black, blackfin, silk, and vermilion snapper closure.*** From October 1 through December 31, each year, no person may fish for or possess black, blackfin, silk, or vermilion snapper in or from the EEZ around St. Croix. The prohibition on possession does not apply to such snapper harvested and landed ashore prior to the closure.

(3) ***Lane and mutton snapper closure.*** From April 1 through June 30, each year, no person may fish for or possess lane or mutton snapper in or from the EEZ around St. Croix. The prohibition on possession does not apply to such snapper harvested and landed ashore prior to the closure.

(4) ***Queen conch.*** No person may fish for or possess a queen conch in or from the EEZ around St. Croix, except from November 1 through May 31 in the area east of 64°34' W longitude, which includes Lang Bank.

§ 622.480 Annual catch limits (ACLs), annual catch targets (ACTs), and accountability measures (AMs).

(a) ***Reef fish.***

(1) The ACLs are as follows and given in round weight.

TABLE 1 TO § 622.480(a)(1)

Family	Stock or stock complex and species composition	ACL
Angelfishes	Angelfish—French angelfish, gray angelfish, queen angelfish	6,412 lb (2,908.4 kg).
Groupers	Grouper 3—coney,[1] graysby	13,529 lb (6,136.6 kg).
	Grouper 4—red hind,[1] rock hind	11,849 lb (5,374.6 kg).
	Grouper 5—black grouper, red grouper, tiger grouper, yellowfin grouper	701 lb (317.9 kg).
	Grouper 6—misty grouper	77 lb (34.9 kg).
Grunts	Grunts—bluestriped grunt, white grunt	27,169 lb (12,323.6 kg).
Parrotfishes	Parrotfish 2—princess parrotfish, queen parrotfish, redband parrotfish,	72,365 lb

[1] *Indicator stock.*

Family	Stock or stock complex and species composition	ACL
	redfin parrotfish, redtail parrotfish,[1] stoplight parrotfish,[1] striped parrotfish	(32,824.2 kg).
Snappers	Snapper 1—black snapper, blackfin snapper,[1] silk snapper,[1] vermilion snapper	61,455 lb (27,875.5 kg).
	Snapper 2—queen snapper	7,911 lb (3,588.3 kg).
	Snapper 3—gray snapper, lane snapper	14,156 lb (6,421 kg).
	Snapper 4—mutton snapper	8,513 lb (3,861.4 kg).
	Snapper 5—schoolmaster	22,879 lb (10,377.7 kg).
	Snapper 6—yellowtail snapper	15,670 lb (7,107.7 kg).
Squirrelfishes	Squirrelfish—longspine squirrelfish	3,514 (1,593.9 kg).
Surgeonfishes	Surgeonfish—blue tang, doctorfish, ocean surgeonfish	39,061 lb (17,717.7 kg).
Triggerfishes	Triggerfish—queen triggerfish	21,450 lb (9,729.5 kg).

[1] *Indicator stock.*

(2) At or near the beginning the fishing year, landings for each stock, stock complex, or indicator stock will be evaluated relative to the ACL based on a moving multi-year average of landings, as described in the FMP. If NMFS estimates that landings for a stock, stock complex, or indicator stock have exceeded the ACL specified in paragraph (a)(1) of this section for the stock or stock complex, the Assistant Administrator for NOAA Fisheries (AA) will file a notification with the Office of the Federal Register to reduce the length of the fishing season for the stock or stock complex within that fishing year by the amount necessary to prevent landings from exceeding the ACL for the stock or stock complex, unless NMFS determines that a fishing season reduction is not necessary based on the best scientific information available. If NMFS determines that the ACL for a particular stock or stock complex was exceeded because data collection or monitoring improved rather than because landings increased, NMFS will not reduce the length of the fishing season for the stock or stock complex. Any fishing season reduction required under this paragraph (a)(2) will be applied starting from September 30 and moving earlier toward the beginning of the fishing year. If the length of the

required fishing season reduction exceeds the time period of January 1 through September 30, any additional fishing season reduction will be applied starting from October 1 and moving later toward the end of the fishing year.

(b) ***Pelagic fish.*** The ACLs and ACTs are given in round weight.

(1) ***Dolphinfish.***

(i) ACL—86,633 lb (39,296 kg).

(ii) ACT—77,970 lb (35,366.5 kg).

(2) ***Wahoo.***

(i) ACL—27,260 lb (12,364.9 kg).

(ii) ACT—24,534 lb (11,128.4 kg).

(3) ***Pelagic fish AM application.*** At or near the beginning the fishing year, landings for the stock or stock complex will be evaluated relative to the ACT for the stock or stock complex based on a moving multi-year average of landings, as described in the FMP. If NMFS estimates that landings have exceeded the ACT specified in paragraph (b) of this section, NMFS in consultation with the Caribbean Fishery Management Council will determine appropriate corrective action.

(c) ***Spiny lobster.***

(1) The ACL is 137,254 lb (62,257 kg), round weight.

(2) At or near the beginning of the fishing year, NMFS will compare a 3 year average of available landings to the average ACLs effective during those same years, as described in the FMP. If NMFS estimates that average landings have exceeded the average ACLs, the AA will file a notification with the Office of the Federal Register to reduce the length of the fishing season for spiny lobster within that fishing year by the amount necessary to prevent average landings from exceeding the ACL for that fishing year, as specified in paragraph (c)(1) of this section. If NMFS determines that a fishing season reduction is not necessary based on the best scientific information available, or if NMFS determines the ACL exceedance was due to improved data collection or monitoring rather than from increased landings, NMFS will not reduce the length of the fishing season. Any fishing season reduction required under this paragraph (c)(2) will be applied starting from September 30 and moving earlier toward the beginning of the fishing year. If the length of the required fishing season reduction exceeds the time period of January 1 through September 30, any additional fishing season reduction will be applied starting from October 1 and moving later toward the end of the fishing year.

(d) [Reserved]

(e) ***Queen conch.***

(1) ACL—50,000 lb (22,679.6 kg), round weight.

(2) If NMFS estimates landings reach or are projected to reach the ACL specified in paragraph (e)(1) of this section, the AA will close the area east of 64°34' W longitude in the EEZ around St. Croix to the harvest and possession of queen conch by filing a notification of the closure with the Office of the Federal Register. During the closure period, no person may fish for or possess a queen conch in or from the area east of 64°34' W longitude in the EEZ around St. Croix.

(f) ***Closure provisions for reef fish, spiny lobster, and queen conch.*** The following restrictions apply during a fishing season closure for reef fish, spiny lobster, or queen conch in the EEZ around St. Croix. During the closure period announced in the notification filed pursuant to paragraph (a)(2), (c)(2), or (e)(2) of this section, such stock or stock complex in or from the EEZ around St. Croix may not be harvested, possessed, purchased, or sold, and the commercial trip limits and recreational bag and possession limits are zero.

[87 FR 56216, Sept. 13, 2022, as amended at 88 FR 16196, Mar. 16, 2023; 89 FR 34169, Apr. 30, 2024]

§ 622.481 Size limits.

All size limits in this section are minimum size limits unless specified otherwise. A fish not in compliance with its size limit in or from the EEZ around St. Croix may not be possessed, sold, or purchased, and must be released immediately with a minimum of harm. The operator of a vessel that fishes in the EEZ around St. Croix is responsible for ensuring that all species on board are in compliance with the size limits specified in this section. See § 622.10 regarding requirements for landing fish intact. See § 622.485(c)(2) regarding requirements for landing spiny lobster intact. See § 622.485(e) regarding requirements for landing queen conch with the meat and shell intact.

(a) ***Reef fish.***

(1) Yellowtail snapper—12 inches (30.5 cm), TL.

(2) Parrotfishes, except for redband parrotfish, and prohibited blue parrotfish, midnight parrotfish, or rainbow parrotfish—9 inches (22.9 cm), FL.

(3) Redband parrotfish—8 inches (20.3 cm), FL.

(b) [Reserved]

(c) ***Spiny lobster.*** 3.5 inches (8.9 cm), carapace length.

(d) [Reserved]

(e) ***Queen conch.***

(1) The minimum size limit is either 9 inches (22.9 cm) in length, that is, from the tip of the spire to the distal end of the shell, or $^{3}/_{8}$-inch (9.5 mm) in lip width at its widest point.

(2) A queen conch not in compliance with its size limit, as specified in paragraph (e)(1) of this section, in or from the EEZ around St. Croix, may not be possessed, sold, or purchased and must be released immediately with a minimum of harm. The operator of a vessel that fishes in the EEZ around St. Croix is responsible for ensuring that queen conch on board are in compliance with the size limit specified in paragraph (e)(1) this section.

§ 622.482 Commercial trip limits.

Commercial trip limits are limits on the amount of the applicable species that may be possessed on board or landed, purchased, or sold from a vessel per day. A person who fishes in the EEZ around St. Croix may not combine a trip limit specified in this section with any trip or possession limit applicable to state waters. A species subject to a trip limit specified in this section taken in the EEZ around St. Croix may not be transferred at sea, regardless of where such transfer takes place.

(a) ***Queen conch.*** (1) 200.

(2) The trip limits specified in paragraph (a)(1) of this section apply to a vessel that has at least one person on board with a valid commercial fishing license issued by Puerto Rico or the U.S. Virgin Islands. If no person on the vessel has a valid commercial fishing license issued by Puerto Rico or the U.S. Virgin Islands, the bag and possession limits specified in § 622.484(e) apply.

(b) [Reserved]

§ 622.483 Restrictions on sale or purchase.

(a) ***Reef fish.*** A live red hind or live mutton snapper in or from the EEZ around St. Croix may not be sold or purchased and used in the marine aquarium trade.

(b) [Reserved]

(c) ***Coral.***

(1) No person may sell or purchase a coral harvested in the EEZ around St. Croix.

(2) A coral that is sold in St. Croix will be presumed to have been harvested in the EEZ around St. Croix, unless it is accompanied by documentation showing that it was harvested elsewhere. Such documentation must contain:

(i) The information specified in subpart K of part 300 of this title for marking containers or packages of fish or wildlife that are imported, exported, or transported in interstate commerce.

(ii) The name and home port of the vessel, or the name and address of the individual harvesting the coral.

(iii) The port and date of landing the coral.

(iv) A statement signed by the person selling the coral attesting that, to the best of his or her knowledge, information, and belief, such coral was harvested from other than in the EEZ around St. Croix or the waters of Puerto Rico or the U.S. Virgin Islands.

§ 622.484 Bag and possession limits.

Section 622.11(a) provides the general applicability for bag and possession limits. However, § 622.11(a) notwithstanding, the bag limits of this section do not apply to a person who has a valid commercial fishing license issued by Puerto Rico or the U.S. Virgin Islands.

(a) ***Reef fish.***

(1) Groupers, parrotfishes, and snappers combined—5 per person per day or, if 3 or more persons are aboard, 15 per vessel per day; but not to exceed 2 parrotfish per person per day or 6 parrotfish per vessel per day.

(2) Angelfishes, grunts, squirrelfishes, surgeonfishes, and triggerfishes combined—5 per person per day or, if 3 or more persons are aboard, 15 per vessel per day, but not to exceed 1 surgeonfish per person per day or 4 surgeonfish per vessel per day.

(b) [Reserved]

(c) ***Spiny lobster.*** 3 per person per day, not to exceed 10 per vessel per day, whichever is less.

(d) [Reserved]

(e) ***Queen conch.*** 3 per person per day or, if more than 4 persons are aboard, 12 per vessel per day.

§ 622.485 Other harvest restrictions.

(a)-(b) [Reserved]

(c) ***Spiny lobster*** —

(1) ***Prohibition on harvest of egg-bearing spiny lobster.*** Egg-bearing spiny lobster in the EEZ around St. Croix must be returned to the water unharmed. An egg-bearing spiny lobster may be retained in a spiny lobster trap, provided the trap is returned immediately to the water. An egg-bearing spiny lobster may not be stripped, scraped, shaved, clipped, or in any other manner molested, in order to remove the eggs.

(2) ***Landing spiny lobster intact.***

(i) A spiny lobster in or from the EEZ around St. Croix must be maintained with head and carapace intact through offloading ashore.

(ii) The operator of a vessel that fishes in the EEZ around St. Croix is responsible for ensuring that spiny lobster on that vessel are maintained intact through offloading ashore, as specified in this section.

(d) [Reserved]

(e) ***Queen conch.***

(1) A queen conch in or from the EEZ around St. Croix must be maintained with meat and shell intact through offloading ashore.

(2) The operator of a vessel that fishes in the EEZ around St. Croix is responsible for ensuring that queen conch on that vessel are maintained intact through offloading ashore, as specified in this section.

§ 622.486 Spiny lobster import prohibitions.

(a) ***Minimum size limits for imported spiny lobster.*** Multiple minimum size limits apply to importation of spiny lobster into the United States—one that applies any place subject to the jurisdiction of the United States other than Puerto Rico or the U.S. Virgin Islands, and more restrictive minimum size limits that apply to Puerto Rico, St Croix, and St. Thomas and St. John, respectively.

(1) No person may import a spiny lobster with less than a 6-ounce (170-gram) tail weight into St. Croix. For the purposes of paragraph (a) of this section, a 6-ounce (170-gram) tail weight is defined as a tail that weighs 5.9-6.4 ounces (167-181 grams). If the documentation accompanying an imported spiny lobster, including but not limited to product packaging, customs entry forms, bills of lading, brokerage forms, or commercial invoices, indicates that the product does not satisfy the minimum tail-weight, the person importing such spiny lobster has the burden to prove that such spiny lobster does satisfy the minimum tail-weight requirement or that such spiny lobster has a tail length of 6.2 inches (15.75 cm) or greater or that such spiny lobster has or had a carapace length of 3.5 inches (8.89 cm) or greater. If the imported product itself does not satisfy the minimum tail-weight requirement, the person importing such spiny lobster has the burden to prove that such spiny lobster has a tail length of 6.2 inches (15.75 cm) or greater or that such spiny lobster has or had a carapace length of 3.5 inches (8.89 cm) or greater. If the burden is satisfied, such spiny lobster will be considered to be in compliance with the minimum 6-ounce (170-gram) tail-weight requirement.

(2) See § 622.409 regarding the minimum size limit that applies to spiny lobster imported into any place subject to the jurisdiction of the United States other than Puerto Rico or the U.S. Virgin Islands.

(3) See subparts S and U of this part for the minimum size limits that apply to spiny lobster imported into Puerto Rico and St. Thomas and St. John, respectively.

(b) ***Additional spiny lobster import prohibitions*** —

(1) ***Prohibition related to tail meat.*** No person may import into any place subject to the jurisdiction of the United States spiny lobster tail meat that is not in whole tail form with the exoskeleton attached.

(2) ***Prohibitions related to egg-bearing spiny lobster.*** No person may import into any place subject to the jurisdiction of the United States spiny lobster with eggs attached or spiny lobster from which eggs or pleopods (swimmerets) have been removed or stripped. Pleopods are the first five pairs of abdominal appendages.

§ 622.487 Adjustment of management measures.

In accordance with the framework procedure of the Fishery Management Plan for the EEZ around St Croix, the RA may establish or modify the following items.

(a) ***Standard open framework procedures.*** Re-specify maximum sustainable yield (MSY), optimum yield (OY), overfishing limit (OFL), maximum fishing mortality threshold (MFMT), minimum stock size threshold (MSST), acceptable biological catch (ABC), ACL, ACT, sustainable yield level, and other related management reference points and status determination criteria; establish or revise rebuilding plans; revise AMs; modify reporting or monitoring requirements, and time or area closures and closure procedures.

(b) ***Abbreviated open framework procedures.*** Gear or vessel marking requirements, maintaining fish in a specific condition, size limits, commercial trip limits, recreational bag and possession limits, changes to the length of an established closed season of no more than 1 day, and gear modifications to address conservation issues including responding to interactions with species listed under the Endangered Species Act or protected under the Marine Mammal Protection Act.

Subpart U—FMP for the EEZ around St. Thomas and St. John

Source: 87 FR 56217, Sept. 13, 2022 unless otherwise noted.

§ 622.505 Management area.

The management area is the EEZ around St. Thomas and St. John bounded by rhumb lines connecting the following points and geographic instructions in order:

TABLE 1 TO § 622.505

Point	North lat.	West long.
A (intersects with the international and EEZ boundary)	19°37'29"	65°20'57"
From Point A proceed along the international and EEZ boundary southeasterly to Point G		
G	18°03'03"	64°38'03"
D	18°01'16.9636"	64°57'38.817"
C	18°13'59.0606"	65°05'33.058"
From Point C proceed along the 3-nautical mile territorial boundary around St. Thomas and St. John northerly to Point B		
B	18°25'46.3015"	65°06'31.866"
A (intersects with the international and EEZ boundary)	19°37'29"	65°20'57"

§ 622.506 Definitions.

In addition to the definitions and acronyms in § 622.2, the terms and acronyms used in this subpart have the following meanings:

Coral means any or all species, or a part thereof, of coral occurring in the EEZ around St. Thomas and St. John, including any or all species, or a part thereof, of soft corals and gorgonians in Order Alcyonacea; sea pens and sea pensies in Order Pennatulacea; black corals in Order Antipatharia; and stony corals in Order Scleractinia; and, within Order Anthoatheacata, fire corals in Family Milleporidae and lace corals in Family Stylasteridae.

Coral reef resource means any or all species, or a part thereof, of coral, sea cucumber, and sea urchin.

Pelagic fish means any or all species, or a part thereof, as follows:

TABLE 1 TO § 622.506

Class or family	Scientific name	English common name
Dolphinfishes—Coryphaenidae	*Coryphaena hippurus*	Dolphinfish.

Class or family	Scientific name	English common name
Mackerels and tunas—Scombridae	*Acanthocybium solandri*	Wahoo.

Queen conch means the species *Lobatus gigas,* or a part thereof.

Reef fish means any or all species, or a part thereof, as follows:

TABLE 2 TO § 622.506

Class or family	Scientific name	English common name
Angelfishes—Pomacanthidae	*Pomacanthus paru*	French angelfish.
	Pomacanthus arcuatus	Gray angelfish.
	Holacanthus ciliaris	Queen angelfish.
Groupers—Serranidae	*Mycteroperca bonaci*	Black grouper.
	Cephalopholis fulva	Coney.
	Epinephelus itajara	Goliath grouper.
	Hyporthodus mystacinus	Misty grouper.
	Epinephelus striatus	Nassau grouper.
	Epinephelus morio	Red grouper.
	Epinephelus guttatus	Red hind.
	Mycteroperca tigris	Tiger grouper.
	Hyporthodus flavolimbatus	Yellowedge grouper.
	Mycteroperca venenosa	Yellowfin grouper.
	Mycteroperca interstitialis	Yellowmouth grouper.
Grunts—Haemulidae	*Haemulon sciurus*	Bluestriped grunt.
	Haemulon album	Margate.
	Haemulon plumierii	White grunt.
Jacks—Carangidae	*Caranx crysos*	Blue runner.
Parrotfishes—Scaridae	*Scarus coeruleus*	Blue parrotfish.
	Scarus coelestinus	Midnight parrotfish.
	Scarus taeniopterus	Princess parrotfish.
	Scarus vetula	Queen parrotfish.
	Scarus guacamaia	Rainbow parrotfish.
	Sparisoma aurofrenatum	Redband parrotfish.
	Sparisoma rubripinne	Redfin parrotfish.
	Sparisoma chrysopterum	Redtail parrotfish.
	Sparisoma viride	Stoplight parrotfish.
	Scarus iseri	Striped parrotfish.

Class or family	Scientific name	English common name
Porgies—Sparidae	*Calamus bajonado*	Jolthead porgy.
	Calamus calamus	Saucereye porgy.
	Archosargus rhomboidalis	Sea bream.
	Calamus penna	Sheepshead porgy.
Snappers—Lutjanidae	*Apsilus dentatus*	Black snapper.
	Lutjanus buccanella	Blackfin snapper.
	Lutjanus synagris	Lane snapper.
	Lutjanus analis	Mutton snapper.
	Etelis oculatus	Queen snapper.
	Lutjanus vivanus	Silk snapper.
	Rhomboplites aurorubens	Vermilion snapper.
	Ocyurus chrysurus	Yellowtail snapper.
Surgeonfishes—Acanthuridae	*Acanthurus coeruleus*	Blue tang.
	Acanthurus chirurgus	Doctorfish.
	Acanthurus tractus	Ocean surgeonfish.
Triggerfishes—Balistidae	*Balistes vetula*	Queen triggerfish.
Wrasses—Labridae	*Lachnolaimus maximus*	Hogfish.

Sea cucumber means any or all species, or a part thereof, in Class Holothuroidea and occurring in the EEZ of St. Thomas and St. John.

Sea urchin means any or all species of sea urchin, or a part thereof, in Class Echinoidea and occurring in the EEZ of St. Thomas and St. John.

Spiny lobster trap means a trap and its component parts, including the lines and buoys, used for or capable of taking spiny lobster and meeting the spiny lobster trap construction specifications of this subpart.

§ 622.507 [Reserved]

§ 622.508 Vessel identification.

See § 622.6 for vessel identification requirements applicable to this subpart.

§ 622.509 Gear identification.

(a) ***Reef fish*** —

(1) ***Fish traps and associated buoys.*** All fish traps used or possessed in the EEZ around St. Thomas and St. John must display the official number specified for the vessel by Puerto Rico or the U.S. Virgin Islands. A fish trap that is fished individually, rather than tied together in a trap line, must have at least one buoy attached that floats on the surface. Fish traps that are tied together in a trap line must have at least one buoy that floats at the surface attached at each end of the trap line. All buoys must display the official number and color code assigned to the vessel by Puerto Rico or the U.S. Virgin Islands, whichever is applicable.

(2) ***Presumption of ownership of fish traps.*** A fish trap in the EEZ around St. Thomas and St. John will be presumed to be the property of the most recently documented owner. This presumption will not apply with respect to such traps that are lost or sold if the owner reports the loss or sale within 15 days to the RA.

(3) ***Disposition of unmarked fish traps or buoys.*** An unmarked fish trap or buoy deployed in the EEZ around St. Thomas and St. John is illegal and may be disposed of in any appropriate manner by the Assistant Administrator or an authorized officer.

(b) [Reserved]

(c) ***Spiny lobster*** —

(1) ***Spiny lobster traps and associated buoys.*** All spiny lobster traps used or possessed in the EEZ around St. Thomas and St. John must display the official number specified for the vessel by Puerto Rico or the U.S. Virgin Islands. A spiny lobster trap that is fished individually, rather than tied together in a trap line, must have at least one buoy attached that floats on the surface. Spiny lobster traps that are tied together in a trap line must have at least one buoy that floats at the surface attached at each end of the trap line. All buoys must display the official number and color code assigned to the vessel by Puerto Rico or the U.S. Virgin Islands, whichever is applicable.

(2) ***Presumption of ownership of spiny lobster traps.*** A spiny lobster trap in the EEZ around St. Thomas and St. John will be presumed to be the property of the most recently documented owner. This presumption will not apply with respect to such traps that are lost or sold if the owner reports the loss or sale within 15 days to the RA.

(3) ***Disposition of unmarked spiny lobster traps or buoys.*** An unmarked spiny lobster trap or buoy deployed in the EEZ around St. Thomas and St. John is illegal and may be disposed of in any appropriate manner by the Assistant Administrator or an authorized officer.

§ 622.510 Trap construction specifications and tending restrictions.

(a) ***Reef fish*** —

(1) ***Construction specifications*** —

(i) ***Minimum mesh size.*** A bare-wire fish trap used or possessed in the EEZ around St. Thomas and St. John that has hexagonal mesh openings must have a minimum mesh size of 1.5 inches (3.8 cm) in the smallest dimension measured between centers of opposite strands. A bare-wire fish trap used or possessed in the EEZ around St. Thomas and St. John that has other than hexagonal mesh openings or a fish trap of other than bare wire, such as coated wire or plastic, used or possessed in the EEZ around St. Thomas and St. John, must have a minimum mesh size of 2 inches (5.1 cm) in the smallest dimension measured between centers of opposite strands.

(ii) ***Escape mechanisms.*** A fish trap used or possessed in the EEZ around St. Thomas and St. John must have a panel located on one side of the trap, excluding the top, bottom, and side containing the trap entrance. The opening covered by the panel must measure not less than 8 by 8 inches (20.3 by 20.3 cm). The mesh size of the panel may not be smaller than the mesh size of the trap. The panel must be attached to the trap with untreated jute twine with a diameter not exceeding $^{1}/_{8}$-inch (3.2 mm). An access door may serve as the panel, provided it is on an appropriate side, it is hinged only at its bottom, its only other fastening is untreated jute

twine with a diameter not exceeding 1/8-inch (3.2 mm), and such fastening is at the top of the door so that the door will fall open when such twine degrades. Jute twine used to secure a panel may not be wrapped or overlapped.

(2) ***Tending restrictions.*** A fish trap in the EEZ around St. Thomas and St. John may be pulled or tended only by a person (other than an authorized officer) aboard the fish trap owner's vessel, or aboard another vessel if such vessel has on board written consent of the trap owner, or if the trap owner is aboard and has documentation verifying his identification number and color code. An owner's written consent must specify the time period such consent is effective and the trap owner's gear identification number and color code.

(b) [Reserved]

(c) ***Spiny lobster*** —

(1) ***Construction specifications*** —

(i) ***Escape mechanisms.*** A spiny lobster trap used or possessed in the EEZ around St. Thomas and St. John must contain on any vertical side or on the top a panel no smaller in diameter than the throat or entrance of the trap. The panel must be made of or attached to the trap by one of the following degradable materials:

(A) Untreated fiber of biological origin with a diameter not exceeding 1/8-inch (3.2 mm). This includes, but is not limited to tyre palm, hemp, jute, cotton, wool, or silk.

(B) Ungalvanized or uncoated iron wire with a diameter not exceeding 1/16-inch (1.6 mm), that is, 16-gauge wire.

(ii) [Reserved]

(2) ***Tending restrictions.*** A spiny lobster trap in the EEZ around St. Thomas and St. John may be pulled or tended only by a person (other than an authorized officer) aboard the trap owner's vessel, or aboard another vessel if such vessel has on board written consent of the trap owner, or if the trap owner is aboard and has documentation verifying his identification number and color code. An owner's written consent must specify the time period such consent is effective and the trap owner's gear identification number and color code.

§ 622.511 Anchoring restrictions.

The owner or operator of any fishing vessel, recreational or commercial, that fishes for or possesses reef fish in or from the EEZ around St. Thomas and St. John must ensure that the vessel uses only an anchor retrieval system that recovers the anchor by its crown, thereby preventing the anchor from dragging along the bottom during recovery. For a grapnel hook, this could include an incorporated anchor rode reversal bar that runs parallel along the shank, which allows the rode to reverse and slip back toward the crown. For a fluke- or plow-type anchor, a trip line consisting of a line from the crown of the anchor to a surface buoy is required.

§ 622.512 Prohibited gear and methods.

Also see § 622.9 for additional prohibited gear and methods that apply more broadly to multiple fisheries or in some cases all fisheries.

(a) ***Reef fish*** —

(1) ***Poisons.*** A poison, drug, or other chemical may not be used to fish for reef fish in the EEZ around St. Thomas and St. John.

(2) ***Powerheads.*** A powerhead may not be used in the EEZ around St. Thomas and St. John to harvest reef fish. The possession of a mutilated reef fish in or from the EEZ around St. Thomas and St. John and a powerhead constitutes a rebuttable presumption of a violation of this paragraph (a)(2).

(3) ***Gillnets and trammel nets.*** A gillnet or trammel net may not be used in the EEZ around St. Thomas and St. John to fish for reef fish. The possession of a reef fish in or from the EEZ around St. Thomas and St. John and a gillnet or trammel net constitutes a rebuttable presumption of a violation of this paragraph (a)(3). A gillnet or trammel net used in the EEZ around St. Thomas and St. John to fish for any other species must be tended at all times.

(b) [Reserved]

(c) ***Spiny lobster*** —

(1) ***Spears and hooks.*** A spear, hook, or similar device may not be used in the EEZ around St. Thomas and St. John to harvest a spiny lobster. The possession of a speared, pierced, or punctured spiny lobster in or from the EEZ around St. Thomas and St. John constitutes a rebuttable presumption of a violation of this paragraph (c)(1).

(2) ***Gillnets and trammel nets.*** A gillnet or trammel net may not be used in the EEZ around St. Thomas and St. John to fish for spiny lobster. The possession of a spiny lobster in or from the EEZ around St. Thomas and St. John and a gillnet or trammel net constitutes a rebuttable presumption of a violation of this paragraph (c)(2). A gillnet or trammel net used in the EEZ around St. Thomas and St. John to fish for any other species must be tended at all times.

§ 622.513 Prohibited species.

The harvest and possession restrictions of this section apply without regard to whether the species is harvested by a vessel operating under a commercial vessel permit. The operator of a vessel that fishes in the EEZ around St. Thomas and St. John is responsible for the limit applicable to that vessel. Any of the following species caught in the EEZ around St. Thomas and St. John must be released immediately with a minimum of harm.

(a) ***Reef fish.*** No person may fish for or possess the following reef fish species in or from the EEZ around St. Thomas and St. John.

(1) Goliath grouper or Nassau grouper.

(2) Blue parrotfish, midnight parrotfish, or rainbow parrotfish.

(b)-(c) [Reserved]

(d) ***Coral, sea cucumber, and sea urchin.*** A coral, sea cucumber, or sea urchin may not be fished for or possessed in or from the EEZ around St. Thomas and St. John. The taking of coral in the EEZ around St. Thomas and St. John is not considered unlawful possession provided it is returned immediately to the sea in the general area of fishing.

(e) ***Queen conch.*** No person may fish for or possess queen conch in or from the EEZ around St. Thomas and St. John.

§ 622.514 Area and seasonal closures.

(a) *Closures applicable to specific areas* —

(1) ***Grammanik Bank.*** The Grammanik Bank is bounded by rhumb lines connecting, in order, the points listed in Table 1 to this paragraph (a)(1).

(i) From February 1 through April 30, each year, no person may fish for or possess any species of fish, except highly migratory species, in or from the Grammanik Bank. The prohibition on possession does not apply to such fish harvested and landed ashore prior to the closure. For the purpose of this paragraph (a)(1)(i), *fish* means finfish, mollusks, crustaceans, and all other forms of marine animal and plant life other than marine mammals and birds. *Highly migratory species* means bluefin, bigeye, yellowfin, albacore, and skipjack tunas; swordfish; sharks (listed in appendix A to part 635 of this title); and white marlin, blue marlin, sailfish, and longbill spearfish.

(ii) Fishing with pots, traps, bottom longlines, gillnets or trammel nets is prohibited year-round in the Grammanik Bank.

TABLE 1 TO § 622.514(a)(1)—GRAMMANIK BANK

Point	North lat.	West long.
A	18°11.898'	64°56.328'
B	18°11.645'	64°56.225'
C	18°11.058'	64°57.810'
D	18°11.311'	64°57.913'
A	18°11.898'	64°56.328'

(2) ***Hind Bank Marine Conservation District (MCD).*** The Hind Bank MCD is bounded by rhumb lines connecting, in order, the points listed in Table 2 to this paragraph (a)(2). Fishing for any species and anchoring by fishing vessels is prohibited year-round in those parts of the Hind Bank MCD that are in the EEZ around St. Thomas and St. John.

TABLE 2 TO § 622.514(a)(2)—HIND BANK MCD

Point	North lat.	West long.
A	18°13.2'	65°06.0'
B	18°13.2'	64°59.0'
C	18°11.8'	64°59.0'
D	18°10.7'	65°06.0'

Point	North lat.	West long.
A	18°13.2'	65°06.0'

(b) ***Seasonal closures applicable to specific species*** —

(1) ***Black, red, tiger, yellowedge, and yellowfin grouper closure.*** From February 1 through April 30, each year, no person may fish for or possess black, red, tiger, yellowedge, or yellowfin grouper in or from the EEZ around St. Thomas and St. John. The prohibition on possession does not apply to such grouper harvested and landed ashore prior to the closure.

(2) ***Black, blackfin, silk, and vermilion snapper closure.*** From October 1 through December 31, each year, no person may fish for or possess black, blackfin, silk, or vermilion snapper in or from the EEZ around St. Thomas and St. John. The prohibition on possession does not apply to such snapper harvested and landed ashore prior to the closure.

(3) ***Lane and mutton snapper closure.*** From April 1 through June 30, each year, no person may fish for or possess lane or mutton snapper in or from the EEZ around St. Thomas and St. John. The prohibition on possession does not apply to such snapper harvested and landed ashore prior to the closure.

§ 622.515 Annual catch limits (ACLs), annual catch targets (ACTs), and accountability measures (AMs).

(a) ***Reef fish.***

(1) The following ACLs are as follows and given in round weight.

TABLE 1 TO § 622.515(a)(1)

Family	Stock or stock complex and species composition	ACL
Angelfishes	Angelfish—French angelfish, gray angelfish,[1] queen angelfish	18,297 lb (8,299.3 kg).
Groupers	Grouper 3—coney, red hind[1]	65,030 lb (29,497.1 kg).
	Grouper 4—black grouper, red grouper, tiger grouper, yellowfin grouper	2,254 lb (1,022.3 kg).
	Grouper 5—misty grouper, yellowedge grouper, yellowmouth grouper	390 lb (176.9 kg).
Grunts	Grunts 1—bluestriped grunt, white grunt[1]	30,581 lb

[1] *Indicator stock.*

Family	Stock or stock complex and species composition	ACL
		(13,871.3 kg).
	Grunts 2—margate	2,319 lb (1,051.8 kg).
Jacks	Jacks—blue runner	44,665 lb (20,259.7 kg).
Parrotfishes	Parrotfish 2—princess parrotfish, queen parrotfish, redband parrotfish, redfin parrotfish, redtail parrotfish[1], stoplight parrotfish,[1] striped parrotfish	60,026 lb (27,227.3 kg).
Porgies	Porgies—jolthead porgy, saucereye porgy,[1] sea bream, sheepshead porgy	29,039 lb (13,171.8 kg).
Snappers	Snapper 1—black snapper, blackfin snapper,[1] silk snapper, vermilion snapper	20,090 lb (9,112.6 kg).
	Snapper 2—queen snapper	568 lb (257.6 kg).
	Snapper 3—lane snapper, mutton snapper[1]	30,784 lb (13,963.3 kg).
	Snapper 4—yellowtail snapper	88,952 lb (40,347.9 kg).
Surgeonfishes	Surgeonfish—blue tang, doctorfish,[1] ocean surgeonfish	22,630 lb (10,264.7 kg).
Triggerfishes	Triggerfish—queen triggerfish	97,670 lb (44,302.3 kg).
Wrasses	Wrasses—hogfish	2,951 lb (1,338.5 kg).

[1] *Indicator stock.*

(2) At or near the beginning of the fishing year, landings for each stock, stock complex, or indicator stock will be evaluated relative to the ACL based on a moving multi-year average of landings, as described in the FMP. If NMFS estimates that landings for a stock, stock complex, or indicator stock have exceeded the ACL specified in paragraph (a)(1) of this section for the stock or stock complex, the Assistant Administrator for NOAA Fisheries (AA) will file a notification with the Office of the Federal Register to reduce the length of the fishing season for the stock or stock complex within that fishing year by the amount necessary to prevent landings from exceeding the ACL for the stock or stock

complex, unless NMFS determines that a fishing season reduction is not necessary based on the best scientific information available. If NMFS determines that the ACL for a particular stock or stock complex was exceeded because data collection or monitoring improved rather than because landings increased, NMFS will not reduce the length of the fishing season for the stock or stock complex. Any fishing season reduction required under this paragraph (a)(2) will be applied starting from September 30 and moving earlier toward the beginning of the fishing year. If the length of the required fishing season reduction exceeds the time period of January 1 through September 30, any additional fishing season reduction will be applied starting from October 1 and moving later toward the end of the fishing year.

(b) ***Pelagic fish.*** The ACLs and ACTs are given in round weight.

(1) ***Dolphinfish.***

(i) ACL—9,778 lb (4,435.2 kg).

(ii) ACT—8,800 lb (3,991.6 kg).

(2) ***Wahoo.***

(i) ACL—6,879 lb (3,120.2 kg).

(ii) ACT—6,191 lb (2,808.1 kg).

(3) ***Pelagic fish AM application.*** At or near the beginning the fishing year, landings for the stock or stock complex will be evaluated relative to the ACT for the stock or stock complex based on a moving multi-year average of landings, as described in the FMP. If NMFS estimates that landings have exceeded the ACT specified in paragraph (b) of this section, NMFS in consultation with the Caribbean Fishery Management Council will determine appropriate corrective action.

(c) ***Spiny lobster.***

(1) The ACL is 133,207 lb (60,422 kg), round weight.

(2) At or near the beginning of the fishing year, NMFS will compare a 3 year average of available landings to the average ACLs effective during those same years, as described in the FMP. If NMFS estimates that average landings have exceeded the average ACLs, the AA will file a notification with the Office of the Federal Register to reduce the length of the fishing season for spiny lobster within that fishing year by the amount necessary to prevent average landings from exceeding the ACL for that fishing year, as specified in paragraph (c)(1) of this section. If NMFS determines that a fishing season reduction is not necessary based on the best scientific information available, or if NMFS determines the ACL exceedance was due to improved data collection or monitoring rather than from increased landings, NMFS will not reduce the length of the fishing season. Any fishing season reduction required under this paragraph (c)(2) will be applied starting from September 30 and moving earlier toward the beginning of the fishing year. If the length of the required fishing season reduction exceeds the time period of January 1 through September 30, any additional fishing season reduction will be applied starting from October 1 and moving later toward the end of the fishing year.

(d)-(e) [Reserved]

(f) ***Closure provisions for reef fish and spiny lobster.*** The following restrictions apply during a fishing season closure for reef fish or spiny lobster in the EEZ around St. Thomas and St. John. During the closure period announced in the notification filed pursuant to paragraph (a)(2) or (c)(2) of this section, such stock or stock complex in or from the EEZ around St. Thomas and St. John may not be harvested, possessed, purchased, or sold, and the bag and possession limits for such stock or stock complex are zero.

[87 FR 56217, Sept. 13, 2022, as amended at 88 FR 16196, Mar. 16, 2023; 89 FR 34170, Apr. 30, 2024]

§ 622.516 Size limits.

All size limits in this section are minimum size limits unless specified otherwise. A fish not in compliance with its size limit in or from the EEZ around St. Thomas and St. John may not be possessed, sold, or purchased, and must be released immediately with a minimum of harm. The operator of a vessel that fishes in the EEZ around St. Thomas and St. John is responsible for ensuring that all species on board are in compliance with the size limits specified in this section. See § 622.10 regarding requirements for landing fish intact. See § 622.520(c)(2) regarding requirements for landing spiny lobster intact.

(a) ***Reef fish.***

(1) Yellowtail snapper—12 inches (30.5 cm), TL.

(2) [Reserved]

(b) [Reserved]

(c) ***Spiny lobster.*** 3.5 inches (8.9 cm), carapace length.

§ 622.517 [Reserved]

§ 622.518 Restrictions on sale or purchase.

(a) ***Reef fish.*** A live red hind or live mutton snapper in or from the EEZ around St. Thomas and St. John may not be sold or purchased and used in the marine aquarium trade.

(b) [Reserved]

(c) ***Coral.***

(1) No person may sell or purchase a coral harvested in the EEZ around St. Thomas and St. John.

(2) A coral that is sold in St. Thomas or St. John will be presumed to have been harvested in the EEZ around St. Thomas and St. John, unless it is accompanied by documentation showing that it was harvested elsewhere. Such documentation must contain:

(i) The information specified in subpart K of part 300 of this title for marking containers or packages of fish or wildlife that are imported, exported, or transported in interstate commerce.

(ii) The name and home port of the vessel, or the name and address of the individual harvesting the coral.

(iii) The port and date of landing the coral.

(iv) A statement signed by the person selling the coral attesting that, to the best of his or her knowledge, information, and belief, such coral was harvested from other than in the EEZ around St. Thomas and St. John, or the waters of Puerto Rico or the U.S. Virgin Islands.

§ 622.519 Bag and possession limits.

Section 622.11(a) provides the general applicability for bag and possession limits. However, § 622.11(a) notwithstanding, the bag limits of this section do not apply to a person who has a valid commercial fishing license issued by Puerto Rico or the U.S. Virgin Islands.

(a) ***Reef fish.***

(1) Groupers, parrotfishes, and snappers combined—5 per person per day or, if 3 or more persons are aboard, 15 per vessel per day; but not to exceed 2 parrotfish per person per day or 6 parrotfish per vessel per day.

(2) Angelfishes, grunts, jacks, porgies, surgeonfishes, triggerfishes, and wrasses combined—5 per person per day or, if 3 or more persons are aboard, 15 per vessel per day, but not to exceed 1 surgeonfish per person per day or 4 surgeonfish per vessel per day.

(b) [Reserved]

(c) ***Spiny lobster.*** 3 per person per day, not to exceed 10 per vessel per day, whichever is less.

§ 622.520 Other harvest restrictions.

(a)-(b) [Reserved]

(c) Spiny lobster—

(1) ***Prohibition on harvest of egg-bearing spiny lobster.*** Egg-bearing spiny lobster in the EEZ around St. Thomas and St. John must be returned to the water unharmed. An egg-bearing spiny lobster may be retained in a spiny lobster trap, provided the trap is returned immediately to the water. An egg-bearing spiny lobster may not be stripped, scraped, shaved, clipped, or in any other manner molested, in order to remove the eggs.

(2) ***Landing spiny lobster intact.***

(i) A spiny lobster in or from the EEZ around St. Thomas and St. John must be maintained with head and carapace intact through offloading ashore.

(ii) The operator of a vessel that fishes in the EEZ around St. John and St. Thomas is responsible for ensuring that spiny lobster on that vessel are maintained intact through offloading ashore, as specified in this section.

§ 622.521 Spiny lobster import prohibitions.

(a) ***Minimum size limits for imported spiny lobster.*** Multiple minimum size limits apply to importation of spiny lobster into the United States—one that applies any place subject to the jurisdiction of the United States other than Puerto Rico or the U.S. Virgin Islands, and more restrictive minimum size limits that apply to Puerto Rico, St. Croix, and St. Thomas and St. John, respectively.

(1) No person may import a spiny lobster with less than a 6-ounce (170-gram) tail weight into St. Thomas or St. John. For the purposes of paragraph (a) of this section, a 6-ounce (170-gram) tail weight is defined as a tail that weighs 5.9-6.4 ounces (167-181 grams). If the documentation accompanying an imported spiny lobster, including but not limited to product packaging, customs entry forms, bills of lading, brokerage forms, or commercial invoices, indicates that the product does not satisfy the minimum tail-weight, the person importing such spiny lobster has the burden to prove

that such spiny lobster does satisfy the minimum tail-weight requirement or that such spiny lobster has a tail length of 6.2 inches (15.75 cm) or greater or that such spiny lobster has or had a carapace length of 3.5 inches (8.89 cm) or greater. If the imported product itself does not satisfy the minimum tail-weight requirement, the person importing such spiny lobster has the burden to prove that such spiny lobster has a tail length of 6.2 inches (15.75 cm) or greater or that such spiny lobster has or had a carapace length of 3.5 inches (8.89 cm) or greater. If the burden is satisfied, such spiny lobster will be considered to be in compliance with the minimum 6-ounce (170-gram) tail-weight requirement.

(2) See § 622.409 regarding the minimum size limit that applies to spiny lobster imported into any place subject to the jurisdiction of the United States other than Puerto Rico or the U.S. Virgin Islands.

(3) See subparts S and T of this part for the minimum size limits that apply to spiny lobster imported into Puerto Rico and St. Croix, respectively.

(b) ***Additional spiny lobster import prohibitions*** —

(1) ***Prohibition related to tail meat.*** No person may import into any place subject to the jurisdiction of the United States spiny lobster tail meat that is not in whole tail form with the exoskeleton attached.

(2) ***Prohibitions related to egg-bearing spiny lobster.*** No person may import into any place subject to the jurisdiction of the United States spiny lobster with eggs attached or spiny lobster from which eggs or pleopods (swimmerets) have been removed or stripped. Pleopods are the first five pairs of abdominal appendages.

§ 622.522 Adjustment of management measures.

In accordance with the framework procedure of the Fishery Management Plan for the EEZ around St. Thomas and St. John, the RA may establish or modify the following items.

(a) ***Standard open framework procedures.*** Re-specify maximum sustainable yield (MSY), optimum yield (OY), overfishing limit (OFL), maximum fishing mortality threshold (MFMT), minimum stock size threshold (MSST), acceptable biological catch (ABC), ACL, ACT, sustainable yield level, and other related management reference points and status determination criteria; establish or revise rebuilding plans; revise AMs; modify reporting or monitoring requirements, and time or area closures and closure procedures.

(b) ***Abbreviated open framework procedures.*** Gear or vessel marking requirements, maintaining fish in a specific condition, size limits, commercial trip limits, recreational bag and possession limits, changes to the length of an established closed season of no more than 1 day, and gear modifications to address conservation issues including responding to interactions with species listed under the Endangered Species Act or protected under the Marine Mammal Protection Act.

Appendix A to Part 622—Species Tables

Table 1 to Appendix A to Part 622—Gulf of Mexico Reef Fish

Balistidae—Triggerfishes

Gray triggerfish, *Balistes capriscus*

Carangidae—Jacks

Greater amberjack, *Seriola dumerili*

Lesser amberjack, *Seriola fasciata*

Almaco jack, *Seriola rivoliana*

Banded rudderfish, *Seriola zonata*

Labridae—Wrasses

Hogfish, *Lachnolaimus maximus*

Lutjanidae—Snappers

Queen snapper, *Etelis oculatus*

Mutton snapper, *Lutjanus analis*

Blackfin snapper, *Lutjanus buccanella*

Red snapper, *Lutjanus campechanus*

Cubera snapper, *Lutjanus cyanopterus*

Gray (mangrove) snapper, *Lutjanus griseus*

Lane snapper, *Lutjanus synagris*

Silk snapper, *Lutjanus vivanus*

Yellowtail snapper, *Ocyurus chrysurus*

Wenchman, *Pristipomoides aquilonaris*

Vermilion snapper, *Rhomboplites aurorubens*

Malacanthidae—Tilefishes

Goldface tilefish, *Caulolatilus chrysops*

Blueline tilefish, *Caulolatilus microps*

Tilefish, *Lopholatilus chamaeleonticeps*

Serranidae—Groupers

Speckled hind, *Epinephelus drummondhayi*

Yellowedge grouper, *Epinephelus flavolimbatus*

Goliath grouper, *Epinephelus itajara*

Red grouper, *Epinephelus morio*

Warsaw grouper, *Epinephelus nigritus*

Snowy grouper, *Epinephelus niveatus*

Black grouper, *Mycteroperca bonaci*

Yellowmouth grouper, *Mycteroperca interstitialis*

Gag, *Mycteroperca microlepis*

Scamp, *Mycteroperca phenax*

Yellowfin grouper, *Mycteroperca venenosa*

TABLE 2 TO APPENDIX A TO PART 622—SOUTH ATLANTIC SNAPPER-GROUPER

Balistidae—Triggerfishes
Gray triggerfish, *Balistes capriscus*
Carangidae—Jacks
Bar jack, *Caranx ruber*
Greater amberjack, *Seriola dumerili*
Lesser amberjack, *Seriola fasciata*
Almaco jack, *Seriola rivoliana*
Ephippidae—Spadefishes
Spadefish, *Chaetodipterus faber*
Haemulidae—Grunts
Margate, *Haemulon album*
Tomtate, *Haemulon aurolineatum*
Sailor's choice, *Haemulon parra*
White grunt, *Haemulon plumierii*
Labridae—Wrasses
Hogfish, *Lachnolaimus maximus*
Lutjanidae—Snappers
Queen snapper, *Etelis oculatus*
Mutton snapper, *Lutjanus analis*
Blackfin snapper, *Lutjanus buccanella*
Red snapper, *Lutjanus campechanus*
Cubera snapper, *Lutjanus cyanopterus*
Gray snapper, *Lutjanus griseus*
Lane snapper, *Lutjanus synagris*
Silk snapper, *Lutjanus vivanus*
Yellowtail snapper, *Ocyurus chrysurus*
Vermilion snapper, *Rhomboplites aurorubens*
Malacanthidae—Tilefishes
Blueline tilefish, *Caulolatilus microps*
Golden tilefish, *Lopholatilus chamaeleonticeps*
Sand tilefish, *Malacanthus plumieri*
Percichthyidae—Temperate basses
Wreckfish, *Polyprion americanus*

Serranidae—Groupers
Rock hind, *Epinephelus adscensionis*
Graysby, *Epinephelus cruentatus*
Speckled hind, *Epinephelus drummondhayi*
Yellowedge grouper, *Epinephelus flavolimbatus*
Coney, *Epinephelus fulvus*
Red hind, *Epinephelus guttatus*
Goliath grouper, *Epinephelus itajara*
Red grouper, *Epinephelus morio*
Misty grouper, *Epinephelus mystacinus*
Warsaw grouper, *Epinephelus nigritus*
Snowy grouper, *Epinephelus niveatus*
Nassau grouper, *Epinephelus striatus*
Black grouper, *Mycteroperca bonaci*
Yellowmouth grouper, *Mycteroperca interstitialis*
Gag, *Mycteroperca microlepis*
Scamp, *Mycteroperca phenax*
Yellowfin grouper, *Mycteroperca venenosa*
Serranidae—Sea Basses:
Black sea bass, *Centropristis striata*
Sparidae—Porgies
Jolthead porgy, *Calamus bajonado*
Saucereye porgy, *Calamus calamus*
Whitebone porgy, *Calamus leucosteus*
Knobbed porgy, *Calamus nodosus*
Red porgy, *Pagrus pagrus*
Scup, *Stenotomus chrysops*
The following species are designated as ecosystem component species:
Cottonwick, *Haemulon melanurum*
Bank sea bass, *Centropristis ocyurus*
Rock sea bass, *Centropristis philadelphica*
Longspine porgy, *Stenotomus caprinus*
Ocean triggerfish, *Canthidermis sufflamen*

Table 3 to Appendix A to Part 622—Atlantic Dolphin and Wahoo

Dolphin, *Coryphaena equiselis or Coryphaena hippurus*

Wahoo, *Acanthocybium solandri*

The following species are designated as ecosystem component species:

Bullet mackerel, *Auxis rochei*

Frigate mackerel, *Auxis thazard*

[87 FR 56236, Sept. 13, 2022]

Appendix B to Part 622—Gulf Areas

Table 1 of Appendix B to Part 622—Seaward Coordinates of the Longline and Buoy Gear Restricted Area

Point number and reference location[1]	North lat.	West long.
1 Seaward limit of State and Federal Reef Fish Management Boundary north of Dry Tortugas	24°48.0'	82°48.0'
2 North of Rebecca Shoal	25°07.5'	82°34.0'
3 Off Sanibel Island—Offshore	26°26.0'	82°59.0'
4 West of Egmont Key	27°30.0'	83°21.5'
5 Off Anclote Keys—Offshore	28°10.0'	83°45.0'
6 Southeast corner of Florida Middle Ground	28°11.0'	84°00.0'
7 Southwest corner of Florida Middle Ground	28°11.0'	84°07.0'
8 West corner of Florida Middle Ground	28°26.6'	84°24.8'
9 Northwest corner of Florida Middle Ground	28°42.5'	84°24.8'
10 South of Carrabelle	29°05.0'	84°47.0'
11 South of Cape St. George	29°02.5'	85°09.0'
12 South of Cape San Blas lighted bell buoy—20 fathoms	29°21.0'	85°30.0'
13 South of Cape San Blas lighted bell buoy—50 fathoms	28°58.7'	85°30.0'
14 De Soto Canyon	30°06.0'	86°55.0'
15 South of Pensacola	29°46.0'	87°19.0'
16 South of Perdido Bay	29°29.0'	87°27.5'
17 East of North Pass of Mississippi River	29°14.5'	88°28.0'
18 East of South Pass of Mississippi River	29°04.0'	88°49.7' at State and Federal Reef Fish Management Boundary
Then westerly along the seaward limit of the State and Federal Reef Fish Management Boundary to:		

[1] *Nearest identifiable landfall, boundary, navigational aid, or submarine area.*

Point number and reference location[1]	North lat.	West long.
19 South of Southwest Pass of Mississippi River	28°45.8'	89°29.5'
20 Northwest tip of Mississippi Canyon	28°38.5'	90°08.5'
21 West side of Mississippi Canyon	28°34.5'	89°59.5'
22 South of Timbalier Bay	28°22.5'	90°02.5'
23 South of Terrebonne Bay	28°10.5'	90°31.5'
24 South of Freeport	27°58.0'	95°00.0'
25 Off Matagorda Island	27°43.0'	96°02.0'
26 Off Aransas Pass	27°30.0'	96°23.5'
27 Northeast of Port Mansfield	27°00.0'	96°39.0'
28 East of Port Mansfield	26°44.0'	96°37.5'
29 Northeast of Port Isabel	26°22.0'	96°21.0'
30 U.S. and Mexico EEZ boundary	26°00.5'	96°24.5'
Then westerly along U.S. and Mexico EEZ boundary to seaward limit of the State and Federal Reef Fish Management Boundary		

[1] *Nearest identifiable landfall, boundary, navigational aid, or submarine area.*

Table 2 of Appendix B to Part 622—Seaward Coordinates of the Stressed Area

Point number and reference location[1]	North lat.	West long.
1 Seaward limit of State and Federal Reef Fish Management Boundary northeast of Dry Tortugas	24°45.5'	82°41.5'
2 North of Marquesas Keys	24°48.0'	82°06.5'
3 Off Cape Sable	25°15.0'	82°02.0'
4 Off Sanibel Island—Inshore	26°26.0'	82°29.0'
5 Off Sanibel Island—Offshore	26°26.0'	82°59.0'
6 West of Egmont Key	27°30.0'	83°21.5'
7 Off Anclote Keys—Offshore	28°10.0'	83°45.0'
8 Off Anclote Keys—Inshore	28°10.0'	83°14.0'
9 Off Deadman Bay	29°38.0'	84°00.0'
10 Seaward limit of State and Federal Reef Fish Management Boundary east of Cape St. George	29°35.5'	84°38.6'

[1] *Nearest identifiable landfall, boundary, navigational aid, or submarine area.*

Point number and reference location[1]	North lat.	West long.
Then westerly along the seaward limit of State and Federal Reef Fish Management Boundary to:		
11 Seaward limit of State and Federal Reef Fish Management Boundary south of Cape San Blas	29°32.2'	85°27.1'
12 Southwest of Cape San Blas	29°30.5'	85°52.0'
13 Off St. Andrew Bay	29°53.0'	86°10.0'
14 De Soto Canyon	30°06.0'	86°55.0'
15 South of Florida and Alabama border	29°34.5'	87°38.0'
16 Off Mobile Bay	29°41.0'	88°00.0'
17 South of Alabama and Mississippi border	30°01.5'	88°23.7'
18 Horn and Chandeleur Islands	30°01.5'	88°39.8' at State and Federal Reef Fish Management Boundary
Then southerly along the seaward limit of State and Federal Reef Fish Management Boundary to:		
19 Seaward limit of State and Federal Reef Fish Management Boundary off Chandeleur Islands	29°50.8'	88°39.07' at State and Federal Reef Fish Management Boundary
20 Chandeleur Islands	29°35.5'	88°37.0'
21 Seaward limit of State and Federal Reef Fish Management Boundary off North Pass of Mississippi River	29°21.0'	88°54.43' at State and Federal Reef Fish Management Boundary
Then southerly and westerly along the seaward limit of State and Federal Reef Fish Management Boundary to:		
22 Seaward limit of State and Federal Reef Fish Management Boundary off Southwest Pass of Mississippi River	29°01.3'	89°34.67' at State and Federal Reef Fish Management Boundary
23 Seaward limit of the State and Federal Reef Fish Management Boundary west of Mississippi River	29°5.24' at State and Federal Reef Fish Management Boundary	89°41.0'
Then westerly along the seaward limit of the State and Federal Reef Fish Management Boundary to:		
24 Seaward limit of State and Federal Reef Fish Management Boundary south of Grand Isle	29°3.03' at State and Federal Reef Fish Management Boundary	89°56.0'

[1] *Nearest identifiable landfall, boundary, navigational aid, or submarine area.*

Point number and reference location[1]	North lat.	West long.
25 Quick flashing horn buoy south of Isles Dernieres	28°32.5'	90°42.0'
26 Southeast of Calcasieu Pass	29°10.0'	92°37.0'
27 South of Sabine Pass—10 fathoms	29°09.0'	93°41.0'
28 South of Sabine Pass—30 fathoms	28°21.5'	93°28.0'
29 East of Aransas Pass	27°49.0'	96°19.5'
30 East of Baffin Bay	27°12.0'	96°51.0'
31 Northeast of Port Mansfield	26°46.5'	96°52.0'
32 Northeast of Port Isabel	26°21.5'	96°35.0'
33 U.S. and Mexico EEZ boundary	26°00.5'	96°36.0'
Then westerly along U.S. and Mexico EEZ boundary to seaward limit of the State and Federal Reef Fish Management Boundary		

[1] *Nearest identifiable landfall, boundary, navigational aid, or submarine area.*

[85 FR 20614, Apr. 14, 2020, as amended at 85 FR 36165, June 15, 2020]

Appendix C to Part 622—Fish Length Measurements

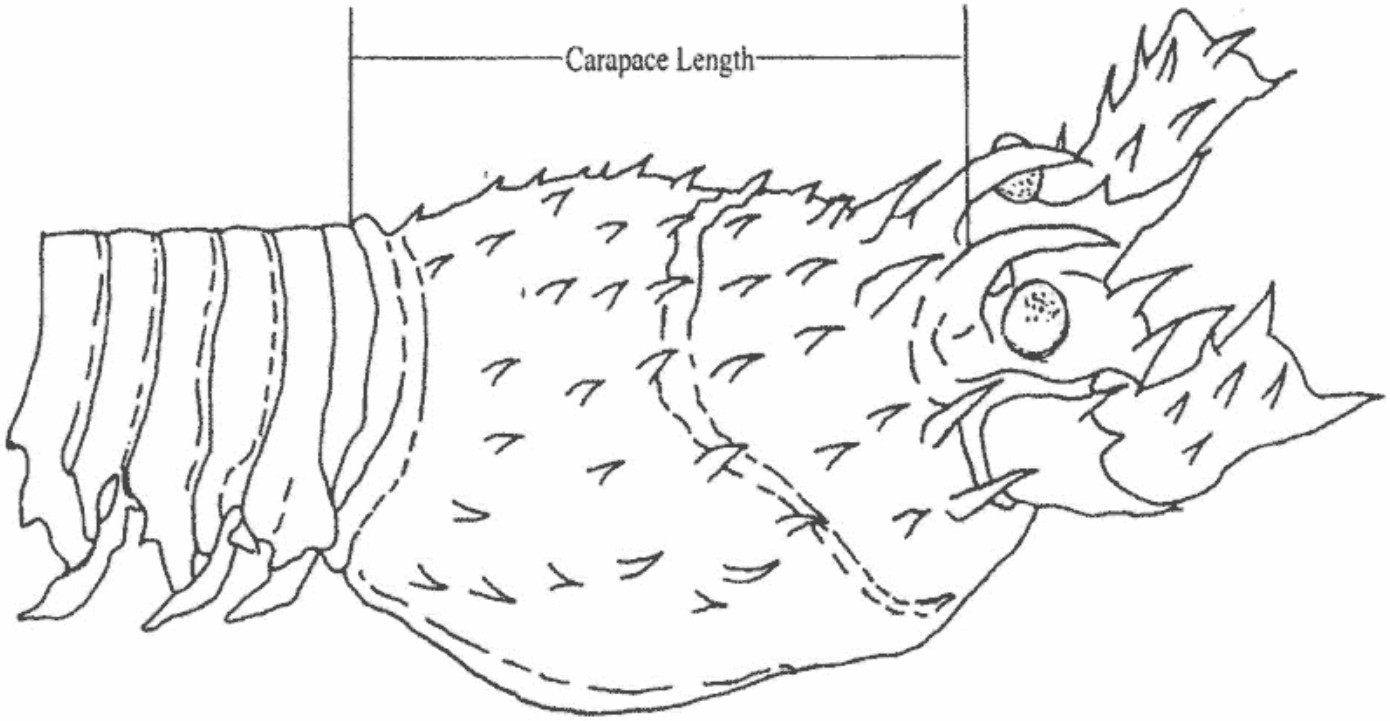

Figure 1 of Appendix C to Part 622--Carapace Length

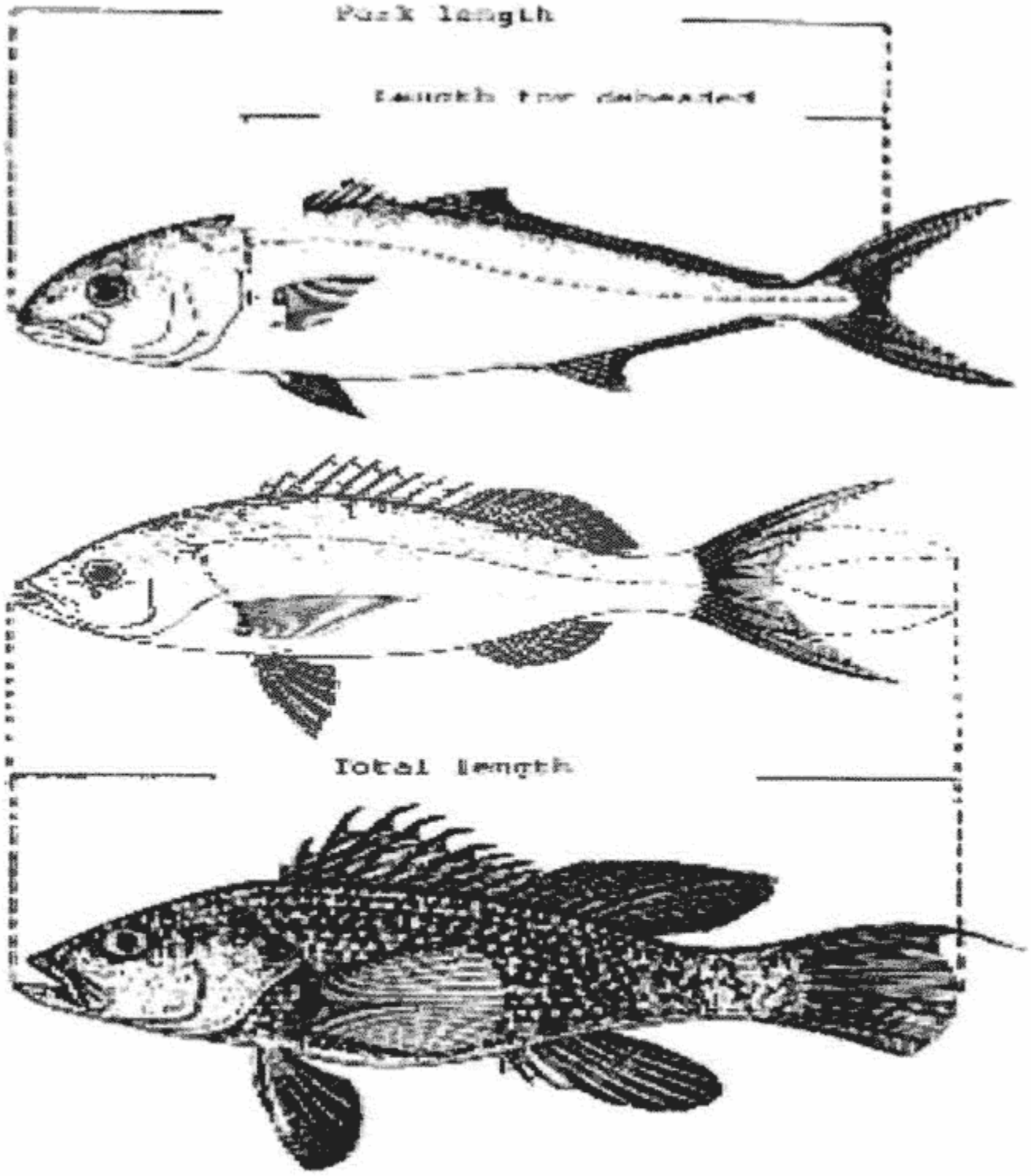

Figure 2. Appendix C to Part 622–
Illustration of length measurements.

Appendix D to Part 622—Specifications for Certified BRDs

A. ***Extended Funnel.***

1. ***Description.*** The extended funnel BRD consists of an extension with large-mesh webbing in the center (the large-mesh escape section) and small-mesh webbing on each end held open by a semi-rigid hoop. A funnel of small-mesh webbing is placed inside the extension to form a passage for shrimp to the cod end. It also creates an area of reduced water flow to allow for fish escapement through the large mesh. One side of the funnel is extended vertically to form a lead panel and area of reduced water flow. There are two sizes of extended funnel BRDs, a standard size and an inshore size for small trawls.

2. ***Minimum Construction and Installation Requirements for Standard Size.***

(a) ***Extension Material.*** The small-mesh sections used on both sides of the large-mesh escape section are constructed of $1^{5}/_{8}$ inch (4.13 cm), No. 30 stretched mesh, nylon webbing. The front section is 120 meshes around by $6^{1}/_{2}$ meshes deep. The back section is 120 meshes around by 23 meshes deep.

(b) ***Large-Mesh Escape Section.*** The large-mesh escape section is constructed of 8 to 10 inch (20.3 to 25.4 cm), stretched mesh, webbing. This section is cut on the bar to form a section that is 15 inches (38.1 cm) in length by 95 inches (241.3 cm) in circumference. The leading edge is attached to the $6^{1}/_{2}$-mesh extension section and the rear edge is attached to the 23-mesh extension section.

(c) ***Funnel.*** The funnel is constructed of $1^{1}/_{2}$ inch (3.81 cm), stretched mesh, No. 30 depth-stretched and heat-set polyethylene webbing. The circumference of the leading edge is 120 meshes and the back edge is 78 meshes. The short side of the funnel is 34 to 36 inches (86.4 to 91.4 cm) long and the opposite side of the funnel extends an additional 22 to 24 inches (55.9 to 61.0 cm). The circumference of the leading edge of the funnel is attached to the forward small-mesh section three meshes forward of the large-mesh escape section and is evenly sewn, mesh for mesh, to the small-mesh section. The after edge of the funnel is attached to the after small-mesh section at its top and bottom eight meshes back from the large-mesh escape panel. Seven meshes of the top and seven meshes of the bottom of the funnel are attached to eight meshes at the top and bottom of the small-mesh section, such eight meshes being located immediately adjacent to the top and bottom centers of the small-mesh section on the side of the funnel's extended side. The extended side of the funnel is sewn at its top and bottom to the top and bottom of the small-mesh section, extending at an angle toward the top and bottom centers of the small-mesh section.

(d) ***Semi-Rigid Hoop.*** A 30-inch (76.2-cm) diameter hoop constructed of plastic-coated trawl cable, swaged together with a $^{3}/_{8}$-inch (9.53-mm) micropress sleeve, is installed five meshes behind the trailing edge of the large-mesh escape section. The extension webbing must be laced to the ring around the entire circumference and must be equally distributed on the hoop, that is, 30 meshes must be evenly attached to each quadrant.

(e) ***Installation.*** The extended funnel BRD is attached 8 inches (20.3 cm) behind the posterior edge of the TED. If it is attached behind a soft TED, a second semi-rigid hoop, as prescribed in paragraph A.2.(d), must be installed in the front section of the BRD extension webbing at the leading edge of the funnel. The cod end of the trawl net is attached to the trailing edge of the BRD.

3. ***Minimum Construction and Installation Requirements for Inshore Size.***

(a) ***Extension Material.*** The small-mesh sections used on both sides of the large-mesh escape section are constructed of $1^{3}/_{8}$ inch (3.5 cm), No. 18 stretched mesh, nylon webbing. The front section is 120 meshes around by $6^{1}/_{2}$ meshes deep. The back section is 120 meshes around by 23 meshes deep.

(b) ***Large-Mesh Escape Section.*** The large-mesh escape section is constructed of 8 to 10 inch (20.3 to 25.4 cm), stretched mesh, webbing. This section is cut on the bar to form a section that is 15 inches (38.1 cm) by 75 inches (190.5 cm) in circumference. The leading edge is attached to the $6^{1}/_{2}$-mesh extension section and the rear edge is attached to the 23-mesh extension section.

(c) ***Funnel.*** The funnel is constructed of $1^{3}/_{8}$ inch (3.5 cm), stretched mesh, No. 18 depth-stretched and heat-set polyethylene webbing. The circumference of the leading edge is 120 meshes and the back edge is 78 meshes. The short side of the funnel is 30 to 32 inches (76.2 to 81.3 cm) long and the opposite side of the funnel extends an additional 20 to 22 inches (50.8 to 55.9 cm). The circumference of the leading edge of the funnel is attached to the forward small-mesh section three meshes forward of the large-mesh escape section and is evenly sewn, mesh for mesh, to the small-mesh section. The after edge of the funnel is attached to the after small-mesh section at its top and bottom eight meshes back from the large-mesh escape panel. Seven meshes of the top and seven meshes of the bottom of the funnel are attached to eight meshes at the top and bottom of the small-mesh section, such eight meshes being located immediately adjacent to the top and bottom centers of the small-mesh section on the side of the funnel's extended side. The extended side of the funnel is sewn at its top and bottom to the top and bottom of the small-mesh section, extending at an angle toward the top and bottom centers of the small-mesh section.

(d) ***Semi-Rigid Hoop.*** A 24-inch (61.0-cm) diameter hoop constructed of plastic-coated trawl cable, swaged together with a $^{3}/_{8}$-inch (9.53-mm) micropress sleeve, is installed five meshes behind the trailing edge of the large mesh section. The extension webbing must be laced to the ring around the entire circumference and must be equally distributed on the hoop, that is, 30 meshes must be evenly attached to each quadrant.

(e) ***Installation.*** The extended funnel BRD is attached 8 inches (20.3 cm) behind the posterior edge of the TED. If it is attached behind a soft TED, a second semi-rigid hoop, as prescribed in paragraph A.3.(d), must be installed in the front section of the BRD extension webbing at the leading edge of the funnel. The cod end of the trawl net is attached to the trailing edge of the BRD.

B. ***Expanded Mesh.*** The expanded mesh BRD is constructed and installed exactly the same as the standard size extended funnel BRD, except that one side of the funnel is not extended to form a lead panel.

C. ***Fisheye.***

1. ***Description.*** The fisheye BRD is a cone-shaped rigid frame constructed from aluminum or steel rod of at least $^{1}/_{4}$ inch (6.35-mm) diameter, which is inserted into the cod end to form an escape opening.

2. ***Minimum Construction and Installation Requirements.*** The fisheye has a minimum escape opening dimension of 5 inches (12.7 cm) and a minimum total escape opening area of 36 in^2 (91.4 cm^2). When the fisheye BRD is installed, no part of the lazy line attachment system (*i.e.,* any mechanism,

such as elephant ears or choker straps, used to attach the lazy line to the cod end) may overlap the fisheye escape opening when the fisheye is installed aft of the attachment point of the cod end retrieval system.

(a) In the Gulf EEZ, the fisheye BRD must be installed at the top center of the cod end of the trawl to create an opening in the trawl facing in the direction of the mouth of the trawl no further forward than 9 ft (2.7 m) from the cod end drawstring (tie-off rings).

(b) In the South Atlantic EEZ, the fisheye BRD must be installed at the top center of the cod end of the trawl to create an escape opening in the trawl facing the direction of the mouth of the trawl no further forward than 11 ft (3.4 m) from the cod end tie-off rings.

D. ***Gulf fisheye.***

1. ***Description.*** The Gulf fisheye is a cone-shaped rigid frame constructed from aluminum or steel rod of at least $^{1}/_{4}$ inch (6.35-mm) diameter, which is inserted into the top center of the cod end, and is offset not more than 15 meshes perpendicular to the top center of the cod end to form an escape opening.

2. ***Minimum Construction and Installation Requirements.*** The Gulf fisheye has a minimum escape opening dimension of 5 inches (12.7 cm) and a minimum total escape opening area of 36 in^2 (91.4 cm^2). To be used in the South Atlantic EEZ, the Gulf fisheye BRD must be installed in the cod end of the trawl to create an escape opening in the trawl, facing in the direction of the mouth of the trawl, no less than 8.5 ft (2.59 m) and no further forward than 12.5 ft (3.81 m) from the cod end tie-off rings, and may be offset no more than 15 meshes perpendicular to the top center of the cod end. When the Gulf fisheye BRD is installed, no part of the lazy line attachment system (*i.e.,* any mechanism, such as elephant ears or choker straps, used to attach the lazy line to the cod end) may overlap the fisheye escape opening when the fisheye is installed aft of the attachment point of the cod end retrieval system.

E. ***Jones-Davis.***

1. ***Description.*** The Jones-Davis BRD is similar to the expanded mesh and the extended funnel BRDs except that the fish escape openings are windows cut around the funnel rather than large-mesh sections. In addition, a webbing cone fish deflector is installed behind the funnel.

2. ***Minimum Construction and Installation Requirements.*** The Jones-Davis BRD must contain all of the following.

(a) ***Webbing extension.*** The webbing extension must be constructed from a single piece of $1^{5}/_{8}$-inch (3.5-cm) stretch mesh number 30 nylon 42 meshes by 120 meshes. A tube is formed from the extension webbing by sewing the 42-mesh side together.

(b) ***28-inch (71.1-cm) cable hoop.*** A single hoop must be constructed of $^{1}/_{2}$-inch (1.3-cm) steel cable 88 inches (223.5 cm) in length. The cable must be joined at its ends by a 3-inch (7.6-cm) piece of $^{1}/_{2}$-inch (1.3-cm) aluminum pipe and pressed with a $^{3}/_{8}$-inch (0.95-cm) die to form a hoop. The inside diameter of this hoop must be between 27 and 29 inches (68.6 and 73.7 cm). The hoop must be attached to the extension webbing $17^{1}/_{2}$ meshes behind the leading edge. The extension webbing must be quartered and attached in four places around the hoop, and every other mesh must be attached all the way around the hoop using number 24 twine or larger. The hoop must be laced with $^{3}/_{8}$-inch (0.95-cm) polypropylene or polyethylene rope for chaffing.

(c) ***24-inch (61.0-cm) hoop.*** A single hoop must be constructed of either number 60 twine 80 inches (203.2 cm) in length or $^{3}/_{8}$-inch (0.95-cm) steel cable $75^{1}/_{2}$ inches (191.8 cm) in length. If twine is used, the twine must be laced in and out of the extension webbing 39 meshes behind the leading edge, and the ends must be tied together. If cable is used, the cable must be joined at its ends by a 3-inch (7.6-cm) piece of $^{3}/_{8}$-inch (0.95-cm) aluminum pipe and pressed together with a $^{1}/_{4}$-inch (0.64-cm) die to form a hoop. The inside diameter of this hoop must be between 23 and 25 inches (58.4 and 63.4 cm). The hoop must be attached to the extension webbing 39 meshes behind the leading edge. The extension webbing must be quartered and attached in four places around the hoop, and every other mesh must be attached all the way around the hoop using number 24 twine or larger. The hoop must be laced with $^{3}/_{8}$-inch (0.95-cm) polypropylene or polyethylene rope for chaffing.

(d) ***Funnel.*** The funnel must be constructed from four sections of $1^{1}/_{2}$-inch (3.8-cm) heat-set and depth-stretched polypropylene or polyethylene webbing. The two side sections must be rectangular in shape, $29^{1}/_{2}$ meshes on the leading edge by 23 meshes deep. The top and bottom sections are $29^{1}/_{2}$ meshes on the leading edge by 23 meshes deep and tapered 1 point 2 bars on both sides down to 8 meshes across the back. The four sections must be sewn together down the 23-mesh edge to form the funnel.

(e) ***Attachment of the funnel in the webbing extension.*** The funnel must be installed two meshes behind the leading edge of the extension starting at the center seam of the extension and the center mesh of the funnel's top section leading edge. On the same row of meshes, the funnel must be sewn evenly all the way around the inside of the extension. The funnel's top and bottom back edges must be attached one mesh behind the 28-inch (71.1-cm) cable hoop (front hoop). Starting at the top center seam, the back edge of the top funnel section must be attached four meshes each side of the center. Counting around 60 meshes from the top center, the back edge of the bottom section must be attached 4 meshes on each side of the bottom center. Clearance between the side of the funnel and the 28-inch (71.1-cm) cable hoop (front hoop) must be at least 6 inches (15.2 cm) when measured in the hanging position.

(f) ***Cutting the escape openings.*** The leading edge of the escape opening must be located within 18 inches (45.7 cm) of the posterior edge of the turtle excluder device (TED) grid. The area of the escape opening must total at least 864 in^2 (5,574.2 cm^2). Two escape openings 10 meshes wide by 13 meshes deep must be cut 6 meshes apart in the extension webbing, starting at the top center extension seam, 3 meshes back from the leading edge and 16 meshes to the left and to the right (total of four openings). The four escape openings must be double selvaged for strength.

(g) ***Alternative Method for Constructing the Funnel and Escape Openings.*** The following method for constructing the funnel and escape openings may be used instead of the method described in paragraphs F.2.d., F.2.e., and F.2.f. of this section. With this alternative method, the funnel and escape openings are formed by cutting a flap in each side of the extension webbing; pushing the flaps inward; and attaching the top and bottom edges along the bars of the extension webbing to form the v-shape of the funnel. Minimum requirements applicable to this method include: The funnel's top and bottom back edges must be attached one mesh behind the 28-inch (71.1-cm) cable hoop (front hoop); clearance between the side of the funnel and the 28-inch (71.1-cm) cable hoop (front hoop) must be at least 6 inches (15.2 cm) when measured in the hanging position; the leading edge of the escape opening must be located within 18 inches (45.7 cm) of the posterior edge of the turtle excluder device (TED) grid; and, the area of the escape opening must total at least 864 in^2 (5,574.2 cm^2). To construct the funnel and

escape openings using this method, begin $3^{1}/_{2}$ meshes from the leading edge of the extension, at the top center seam, count over 18 meshes on each side, and cut 13 meshes toward the back of the extension. Turn parallel to the leading edge, and cut 26 meshes toward the bottom center of the extension. Next, turn parallel to the top center seam, and cut 13 meshes forward toward the leading edge, creating a flap of webbing 13 meshes by 26 meshes by 13 meshes. Lengthen the flap to 18 meshes by adding a $4^{1}/_{2}$-mesh by 26-mesh rectangular section of webbing to the 26-mesh edge. Attach the 18-mesh edges to the top and bottom of the extension by sewing 2 bars of the extension to 1 mesh on the flap in toward the top center and bottom center of the extension, forming the exit opening and the funnel. Connect the two flaps together in the center with a 7-inch piece of number 42 twine to allow adequate clearance for fish escapement between the flaps and the side openings. On each side, sew a 6-mesh by $10^{1}/_{2}$-mesh section of webbing to 6 meshes of the center of the 26-mesh cut on the extension and 6 meshes centered between the 13-mesh cuts $3^{1}/_{2}$ meshes from the leading edge. This forms two 10-mesh by 13-mesh openings on each side.

(h) ***Cone fish deflector.*** The cone fish deflector is constructed of 2 pieces of $1^{5}/_{8}$-inch (4.13-cm) polypropylene or polyethylene webbing, 40 meshes wide by 20 meshes in length and cut on the bar on each side forming a triangle. Starting at the apex of the two triangles, the two pieces must be sewn together to form a cone of webbing. The apex of the cone fish deflector must be positioned within 10-14 inches (25.4-35.6 cm) of the posterior edge of the funnel.

(i) ***11-inch (27.9-cm) cable hoop for cone deflector.*** A single hoop must be constructed of $^{5}/_{16}$-inch (0.79-cm) or $^{3}/_{8}$-inch (0.95-cm) cable $34^{1}/_{2}$ inches (87.6 cm) in length. The ends must be joined by a 3-inch (7.6-cm) piece of $^{3}/_{8}$-inch (0.95-cm) aluminum pipe pressed together with a $^{1}/_{4}$-inch (0.64-cm) die. The hoop must be inserted in the webbing cone, attached 10 meshes from the apex and laced all the way around with heavy twine.

(j) ***Installation of the cone in the extension.*** The cone must be installed in the extension 12 inches (30.5 cm) behind the back edge of the funnel and attached in four places. The midpoint of a piece of number 60 twine 4 ft (1.22 m) in length must be attached to the apex of the cone. This piece of twine must be attached to the 28-inch (71.1-cm) cable hoop at the center of each of its sides; the points of attachment for the two pieces of twine must be measured 20 inches (50.8 cm) from the midpoint attachment. Two 8-inch (20.3-cm) pieces of number 60 twine must be attached to the top and bottom of the 11-inch (27.9-cm) cone hoop. The opposite ends of these two pieces of twine must be attached to the top and bottom center of the 24-inch (61-cm) cable hoop; the points of attachment for the two pieces of twine must be measured 4 inches (10.2 cm) from the points where they are tied to the 11-inch (27.9-cm) cone hoop.

F. ***Modified Jones-Davis.***

1. ***Description.*** The Modified Jones-Davis BRD is a variation to the alternative funnel construction method of the Jones-Davis BRD except the funnel is assembled by using depth-stretched and heat-set polyethylene webbing instead of the flaps formed from the extension webbing. In addition, no hoops are used to hold the BRD open.

2. ***Minimum Construction and Installation Requirements.*** The Modified Jones-Davis BRD must contain all of the following.

(a) ***Webbing extension.*** The webbing extension must be constructed from a single rectangular piece of $1^{5}/_{8}$-inch (4.1-cm) stretch mesh number 30 nylon with dimensions of $39^{1}/_{2}$ meshes by 150 meshes. A tube is formed from the extension webbing by sewing the $39^{1}/_{2}$-mesh-sides together.

(b) ***Funnel.*** The funnel must be constructed from two sections of $1^{5}/_{8}$-inch (4.1-cm) heat-set and depth-stretched polypropylene or polyethylene webbing. The two side sections must be rectangular in shape, 25 meshes on the leading edge by 21 meshes deep. The 25-mesh leading edge of each polyethylene webbing section must be sewn evenly two meshes in from the front of the extension webbing starting 25 meshes from the top center on each side. The 21-mesh edge must be sewn to the extension webbing on a 9-bar and 1-mesh angle in the top and bottom, forming a V-shape funnel.

(c) ***Cutting the escape opening.*** The leading edge of the escape openings must be located within 18 inches (45.7 cm) of the posterior edge of the turtle excluder device (TED) grid. The area of the escape opening must total at least 635 in^2 (4,097 cm^2). Two escape openings, 6 meshes wide by 12 meshes deep, must be cut 4 meshes apart in the extension webbing, starting at the top center extension seam, 7 meshes back from the leading edge, and 30 meshes to the left and to the right (total of four openings). The four escape openings must be double selvaged for strength.

(d) ***Cone fish deflector.*** The cone fish deflector is constructed of 2 pieces of $1^{5}/_{8}$-inch (4.1-cm) polypropylene or polyethylene webbing, 40 meshes wide by 20 meshes in length and cut on the bar on each side forming a triangle. Starting at the apex of the two triangles, the two pieces must be sewn together to form a cone of webbing. The apex of the cone fish deflector must be positioned within 12 inches (30.5 cm) of the posterior edge of the funnel.

(e) ***11-inch (27.9-cm) cable hoop for cone deflector.*** A single hoop must be constructed of $^{5}/_{16}$-inch (0.79-cm) or $^{3}/_{8}$-inch (0.95-cm) cable $34^{1}/_{2}$ inches (87.6 cm) in length. The ends must be joined by a 3-inch (7.6-cm) piece of $^{3}/_{8}$-inch (0.95-cm) aluminum pipe pressed together with a $^{1}/_{4}$-inch (0.64-cm) die. The hoop must be inserted in the webbing cone, attached 10 meshes from the apex and laced all the way around with heavy twine.

(f) ***Installation of the cone in the extension.*** The apex of the cone must be installed in the extension within 12 inches (30.5 cm) behind the back edge of the funnel and attached in four places. The midpoint of a piece of number 60 twine (or at least 4-mesh wide strip of number 21 or heavier webbing) 3 ft (1.22 m) in length must be attached to the apex of the cone. This piece of twine or webbing must be attached within 5 meshes of the aft edge of the funnel at the center of each of its sides. Two 12-inch (30.5-cm) pieces of number 60 (or heavier) twine must be attached to the top and bottom of the 11-inch (27.9-cm) cone hoop. The opposite ends of these two pieces of twine must be attached to the top and bottom center of the extension webbing to keep the cone from inverting into the funnel.

G. [Reserved]

H. ***Cone Fish Deflector Composite Panel.***

1. ***Description.*** The Cone Fish Deflector Composite Panel BRD is a variation to the alternative funnel construction method of the Jones-Davis BRD, except the funnel is assembled by using depth-stretched and heat-set polyethylene webbing with square mesh panels on the inside instead of the flaps formed from the extension webbing. In addition, no hoops are used to hold the BRD open.

2. ***Minimum Construction and Installation Requirements.*** The Cone Fish Deflector Composite Panel BRD must contain all of the following:

(a) ***Webbing extension.*** The webbing extension must be constructed from a single rectangular piece of $1^{1}/_{2}$-inch to $1^{3}/_{4}$-inch (3.8-cm to 4.5-cm) stretch mesh with dimensions of $24^{1}/_{2}$ meshes by 150 to 160 meshes. A tube is formed from the extension webbing piece by sewing the $24^{1}/_{2}$-mesh sides together. The leading edge of the webbing extension must be attached no more than 4 meshes from the posterior edge of the TED grid.

(b) ***Funnel.*** The V-shaped funnel consists of two webbing panels attached to the extension along the leading edge of the panels. The top and bottom edges of the panels are sewn diagonally across the extension toward the center to form the funnel. The panels are 2-ply in design, each with an inner layer of $1^{1}/_{2}$-inch to $1^{5}/_{8}$-inch (3.8-cm to 4.1-cm) heat-set and depth-stretched polyethylene webbing and an outer layer constructed of no larger than 2-inch (5.1-cm) square mesh webbing (1-inch bar). The inner webbing layer must be rectangular in shape, 36 meshes on the leading edge by 20 meshes deep. The 36-mesh leading edges of the polyethylene webbing should be sewn evenly to 24 meshes of the extension webbing $1^{1}/_{2}$ meshes from and parallel to the leading edge of the extension starting 12 meshes up from the bottom center on each side. Alternately sew 2 meshes of the polyethylene webbing to 1 mesh of the extension webbing then 1 mesh of the polyethylene webbing to 1 mesh of the extension webbing toward the top. The bottom 20-mesh edges of the polyethylene layers are sewn evenly to the extension webbing on a 2 bar 1 mesh angle toward the bottom back center forming a v-shape in the bottom of the extension webbing. The top 20-mesh edges of the polyethylene layers are sewn evenly along the bars of the extension webbing toward the top back center. The square mesh layers must be rectangular in shape and constructed of no larger than 2-inch (5.1-cm) webbing that is 18 inches (45.7 cm) in length on the leading edge. The depth of the square mesh layer must be no more than 2 inches (5.1 cm) less than the 20 mesh side of the inner polyethylene layer when stretched taught. The 18-inch (45.7-cm) leading edge of each square mesh layer must be sewn evenly to the 36-mesh leading edge of the polyethylene section and the sides are sewn evenly (in length) to the 20-mesh edges of the polyethylene webbing. This will form a v-shape funnel using the top of the extension webbing as the top of the funnel and the bottom of the extension webbing as the bottom of the funnel.

(c) ***Cutting the escape opening.*** There are two escape openings on each side of the funnel. The leading edge of the escape openings must be located on the same row of meshes in the extension webbing as the leading edge of the composite panels. The lower openings are formed by starting at the first attachment point of the composite panels and cutting 9 meshes in the extension webbing on an even row of meshes toward the top of the extension. Next, turn 90 degrees and cut 15 points on an even row toward the back of the extension webbing. At this point turn and cut 18 bars toward the bottom front of the extension webbing. Finish the escape opening by cutting 6 points toward the original starting point. The top escape openings start 5 meshes above and mirror the lower openings. Starting at the leading edge of the composite panel and 5 meshes above the lower escape opening, cut 9 meshes in the extension on an even row of meshes toward the top of the extension. Next, turn 90 degrees, and cut 6 points on an even row toward the back of the extension webbing. Then cut 18 bars toward the bottom back of the extension. To complete the escape opening, cut 15 points forward toward the original starting point. The area of each escape opening must total at least 212 in^2 (1,368 cm^2). The four escape openings must be double selvaged for strength.

(d) ***Cone fish deflector.*** The cone fish deflector is constructed of 2 pieces of $1^{5}/_{8}$-inch (4.1-cm) polypropylene or polyethylene webbing, 40 meshes wide by 20 meshes in length and cut on the bar on each side forming a triangle. Starting at the apex of the two triangles, the two pieces must be sewn together to form a cone of webbing. The apex of the cone fish deflector must be positioned within 12 inches (30.5 cm) of the posterior edge of the funnel.

(e) ***11-inch (27.9-cm) cable hoop for cone deflector.*** A single hoop must be constructed of $^{5}/_{16}$-inch (0.79-cm) or $^{3}/_{8}$-inch (0.95-cm) cable $34^{1}/_{2}$ inches (87.6 cm) in length. The ends must be joined by a 3-inch (7.6-cm) piece of $^{3}/_{8}$-inch (0.95-cm) aluminum pipe pressed together with a $^{1}/_{4}$-inch (0.64-cm) die. The hoop must be inserted in the webbing cone, attached 10 meshes from the apex and laced all the way around with heavy twine.

(f) ***Installation of the cone in the extension.*** The apex of the cone must be installed in the extension within 12 inches (30.5 cm) behind the back edge of the funnel and attached in four places. The midpoint of a piece of number 60 twine (or at least 4-mesh wide strip of number 21 or heavier webbing) 3 ft (1.22 m) in length must be attached to the apex of the cone. This piece of twine or webbing must be attached within 5 meshes of the aft edge of the funnel at the center of each of its sides. Two 12-inch (30.5-cm) pieces of number 60 (or heavier) twine must be attached to the top and bottom of the 11-inch (27.9-cm) cone hoop. The opposite ends of these two pieces of twine must be attached to the top and bottom center of the extension webbing to keep the cone from inverting into the funnel.

I. ***Square Mesh Panel (SMP) Composite Panel***

1. ***Description.*** The SMP is a panel of square mesh webbing placed in the top of the cod end to provide finfish escape openings.

2. ***Minimum Construction and Installation Requirements.*** The SMP Composite Panel BRD must contain all of the following:

(a) ***Webbing extension.*** The webbing extension must be constructed from a single rectangular piece of $1^{1}/_{2}$-inch to $1^{3}/_{4}$-inch (3.8-cm to 4.5-cm) stretch mesh with dimensions of $24^{1}/_{2}$ meshes by 150 to 160 meshes. A tube is formed from the extension webbing piece by sewing the $24^{1}/_{2}$-mesh sides together. The leading edge of the webbing extension must be attached no more than 4 meshes from the posterior edge of the TED grid.

(b) ***Funnel.*** The V-shaped funnel consists of two webbing panels attached to the extension along the leading edge of the panels. The top and bottom edges of the panels are sewn diagonally across the extension toward the center to form the funnel. The panels are 2-ply in design, each with an inner layer of $1^{1}/_{2}$-inch to $1^{5}/_{8}$-inch (3.8-cm to 4.1-cm) heat-set and depth-stretched polyethylene webbing and an outer layer constructed of no larger than 2-inch (5.1-cm) square mesh webbing (1-inch bar). The inner webbing layer must be rectangular in shape, 36 meshes on the leading edge by 20 meshes deep. The 36-mesh leading edges of the polyethylene webbing should be sewn evenly to 24 meshes of the extension webbing $1^{1}/_{2}$ meshes from and parallel to the leading edge of the extension starting 12 meshes up from the bottom center on each side. Alternately sew 2 meshes of the polyethylene webbing to 1 mesh of the extension webbing then 1 mesh of the polyethylene webbing to 1 mesh of the extension webbing toward the top. The bottom 20-mesh edges of the polyethylene layers are sewn evenly to the extension webbing on a 2 bar 1 mesh angle toward the bottom back center forming a v-shape in the bottom of the extension webbing. The top 20-mesh edges of the polyethylene layers are sewn evenly along the bars of the extension webbing toward the top back center. The square mesh

layers must be rectangular in shape and constructed of no larger than 2-inch (5.1-cm) webbing that is 18 inches (45.7 cm) in length on the leading edge. The depth of the square mesh layer must be no more than 2 inches (5.1 cm) less than the 20 mesh side of the inner polyethylene layer when stretched taught. The 18-inch (45.7-cm) leading edge of each square mesh layer must be sewn evenly to the 36-mesh leading edge of the polyethylene section and the sides are sewn evenly (in length) to the 20-mesh edges of the polyethylene webbing. This will form a v-shape funnel using the top of the extension webbing as the top of the funnel and the bottom of the extension webbing as the bottom of the funnel.

(c) ***Cutting the escape opening.*** There are two escape openings on each side of the funnel. The leading edge of the escape openings must be located on the same row of meshes in the extension webbing as the leading edge of the composite panels. The lower openings are formed by starting at the first attachment point of the composite panels and cutting 9 meshes in the extension webbing on an even row of meshes toward the top of the extension. Next, turn 90 degrees and cut 15 points on an even row toward the back of the extension webbing. At this point turn and cut 18 bars toward the bottom front of the extension webbing. Finish the escape opening by cutting 6 points toward the original starting point. The top escape openings start 5 meshes above and mirror the lower openings. Starting at the leading edge of the composite panel and 5 meshes above the lower escape opening, cut 9 meshes in the extension on an even row of meshes toward the top of the extension. Next, turn 90 degrees, and cut 6 points on an even row toward the back of the extension webbing. Then cut 18 bars toward the bottom back of the extension. To complete the escape opening, cut 15 points forward toward the original starting point. The area of each escape opening must total at least 212 in^2 (1,368 cm^2). The four escape openings must be double selvaged for strength.

(d) ***SMP.*** The SMP is constructed from a single piece of square mesh webbing with a minimum dimension of 5 squares wide and 12 squares in length with a minimum mesh size of 3-inch (76-mm) stretched mesh. The maximum twine diameter of the square mesh is number 96 twine (4 mm).

(e) ***Cutting the SMP escape opening.*** The escape opening is a rectangular hole cut in the top center of the cod end webbing. The posterior edge of the escape opening must be placed no farther forward that 8 ft (2.4 m) from the cod end drawstring (tie-off rings). The width of the escape opening, as measured across the cod end, must be four cod end meshes per square of the SMP (*i.e.,* a cut of 20 cod end meshes for a SMP that is 5 meshes wide). The stretched mesh length of the escape opening must be equal to the total length of the SMP. No portion of the SMP escape opening may be covered with additional material or netting such as chaffing webbing, which might impede or prevent fish escapement.

(f) ***Installation of the SMP.*** The SMP must be attached to the edge of the escape opening evenly around the perimeter of the escape opening cut with heavy twine.

Appendix E to Part 622—Caribbean Island/Island Group Management Areas

Table 1 of Appendix E to Part 622—*Coordinates of the Puerto Rico Management Area.*

The Puerto Rico management area is bounded by rhumb lines connecting, in order, the following points.

Point	North latitude	West longitude
A (intersects with the International/EEZ boundary)	19°37'29"	65°20'57"
B	18°25'46.3015"	65°06'31.866"
From Point B, proceed southerly along the 3-nautical mile Territorial boundary of the St. Thomas/St. John island group to Point C		
C	18°13'59.0606"	65°05'33.058"
D	18°01'16.9636"	64°57'38.817"
E	17°30'00.000"	65°20'00.1716"
F	16°02'53.5812"	65°20'00.1716"
From Point F, proceed southwesterly, then northerly, then easterly, and finally southerly along the International/EEZ boundary to Point A		
A (intersects with the International/EEZ boundary)	19°37'29"	65°20'57"

Table 2 of Appendix E to Part 622—*Coordinates of the St. Croix Management Area.*

The St. Croix management area is bounded by rhumb lines connecting, in order, the following points.

Point	North latitude	West longitude
G	18°03'03"	64°38'03"
From Point G, proceed easterly, then southerly, then southwesterly along the International/EEZ boundary to Point F		
F	16°02'53.5812"	65°20'00.1716"
E	17°30'00.000"	65°20'00.1716"
D	18°01'16.9636"	64°57'38.817"
G	18°03'03"	64°38'03"

Table 3 of Appendix E to Part 622—*Coordinates of the St. Thomas/St. John Management Area.*

The St. Thomas/St. John management area is bounded by rhumb lines connecting, in order, the following points.

Point	North latitude	West longitude
A (intersects with the International/EEZ boundary)	19°37'29"	65°20'57"
From Point A, proceed southeasterly along the International/EEZ boundary to Point G		
G	18°03'03"	64°38'03"
D	18°01'16.9636"	64°57'38.817"
C	18°13'59.0606"	65°05'33.058"
From Point C, proceed northerly along the 3-nautical mile Territorial boundary of the St. Thomas/St. John island group to Point B		
B	18°25'46.3015"	65°06'31.866"
A (intersects with the International/EEZ boundary)	19°37'29"	65°20'57"

[78 FR 33258, June 4, 2013]

Appendix F to Part 622—Specifications for Sea Turtle Release Gear and Handling Requirements

A. *Sea Turtle Release Gear*

1. ***Long-handled line clipper or cutter.*** Line cutters are intended to cut fishing line as close as possible to the hook, and assist in removing line from an entangled sea turtle to minimize any remaining gear upon release. One long-handled line clipper or cutter and one set of replacement blades are required to be on board. The minimum design standards are as follows:

   (a) ***A protected and secured cutting blade.*** The cutting blade(s) must be capable of cutting 2.0 to 2.1-mm (0.078 to 0.083-inch) diameter monofilament line (approximately 400 to 450-lb test strength) or polypropylene multistrand material, known as braided or tarred mainline, and the cutting blade must be maintained in working order. The cutting blade must be curved, recessed, contained in a holder, or otherwise designed to facilitate its safe use so that direct contact between the cutting surface and the sea turtle or the user is prevented. The cutting instrument must be securely attached to an extended reach handle and the blade(s) must be easily replaceable during a trip if necessary. The extra set of replacement blades must meet these standards and be carried on board to replace all cutting surfaces on the line cutter or clipper.

   (b) ***An extended reach handle.*** The line cutter blade must be securely fastened to an extended reach handle or pole with a minimum length equal to or greater than 150 percent of the freeboard, or a minimum length of 6 ft (1.8 m), whichever is greater. The extended reach handle may break down into sections for storage, but it is not required. There is no restriction on the type of material used to construct this handle as long as it is sturdy and facilitates the secure attachment of the cutting blade.

2. ***Long-handled dehooker for internal hooks.*** One long-handled dehooker to remove internal hooks from sea turtles that cannot be brought on board is required on the vessel. It should also be used to engage an unattached hook when a sea turtle is entangled but not hooked, and line is being removed. The design must shield the point of the hook and prevent the hook from re-engaging during the removal process. The minimum design standards are as follows:

   (a) ***Hook removal device.*** The dehooker must be constructed of $^{3}/_{16}$-inch (4.8-mm) to $^{5}/_{16}$-inch (7.9-mm) diameter 316L or 304L stainless steel and have a dehooking end no larger than $1^{7}/_{8}$ inches (4.8 cm) outside diameter. The dehooker must securely engage and control the leader while shielding the point to prevent the hook from re-engaging during removal. It may not have any unprotected terminal points (including blunt ones), as these could cause injury to the esophagus during hook removal. The dehooker must be of a size appropriate to secure the range of hook sizes and styles used on the vessel.

   (b) ***Extended reach handle.*** The dehooking end that secures the fishhook must be securely fastened to an extended reach handle or pole with a minimum length equal to or greater than 150 percent of the freeboard, or a minimum of 6 ft (1.8 m), whichever is greater. The extended reach handle may break down into sections for storage, but it is not required. The handle must be sturdy and strong enough to facilitate the secure attachment of the dehooking end.

3. ***Long-handled dehooker for external hooks.*** One long-handled dehooker to remove external hooks from sea turtles that cannot be brought on board is required on the vessel. The long-handled dehooker for internal hooks described in paragraph A.2. of this appendix may be used to comply with this requirement. The minimum design standards are as follows:

   (a) ***Hook removal device.*** A long-handled dehooker must be constructed of $^{3}/_{16}$-inch (4.8-mm) to $^{5}/_{16}$-inch (7.9-mm) diameter 316L or 304L stainless steel and have a dehooking end no larger than $1^{7}/_{8}$ inches (4.8 cm) outside diameter. The dehooking end that secures the fishhook must be blunt with all edges rounded. The dehooker must be of a size appropriate to secure the range of hook sizes and styles used on the vessel.

   (b) ***Extended reach handle.*** The handle must be a minimum length equal to the freeboard of the vessel or 6 ft (1.8 m), whichever is greater. The extended reach handle may break down into sections for storage, but it is not required.

4. ***Long-handled device to pull an "inverted V".*** One long-handled device to pull an "inverted V" is required on board. This tool is used to pull an "inverted V" in the fishing line when implementing the "inverted V" dehooking technique, as described in the 2019 version of the document titled "Careful Release Protocols for Sea Turtle Release with Minimal Injury," for dehooking and disentangling sea turtles. A long-handled J-style dehooker as described in paragraph A.3. of this appendix may be used to comply with this requirement. The minimum design standards are as follows:

   (a) ***Hook end.*** This device, such as a standard boat hook or gaff must be constructed of stainless steel or aluminum; if a long-handled J-style dehooker is used to comply with this requirement, it must be constructed of 316L or 304L stainless steel. The semicircular or "J" shaped hook end must be securely attached to the handle to allow the hook end to engage and pull an "inverted V" in the fishing line. A gaff or any other tool with a sharp point is to be used only for holding fishing lines and must never contact the sea turtle.

(b) ***Extended reach handle.*** The handle must have a minimum length equal to the freeboard of the vessel or must be at least 6 ft (1.8 m) in length, whichever is greater. The extended reach handle may break down into sections for storage, but it is not required. The handle must be sturdy and strong enough to facilitate the secure attachment of the hook end.

5. ***Net or hoist.*** One approved net or hoist is required on board. These devices are to be used to facilitate safe handling of sea turtles by allowing them to be brought on board for fishing gear removal, without causing further injury to the animal. Sea turtles must not be brought on board without the use of a net or hoist. There must be no sharp edges or burrs on the hoop or frame, or where the hoop or frame attaches to the handle. There is no requirement for the hoop or frame to be circular as long as it meets the applicable minimum specifications. In this appendix, bar measure means the non-stretched distance between a side knot and a bottom knot of a net mesh; also known as the square mesh measurement. The types and minimum design standards for approved nets and hoists are as follows:

(a) ***Dip net*** —

(i) ***Size of the net.*** The dip net must have a sturdy net hoop or frame of at least 31 inches (78.7 cm) inside diameter and a bag depth of at least 38 inches (96.5 cm) to accommodate sea turtles up to 3 ft (0.9 m) in carapace (shell) length. The bag mesh size must not exceed 3 inches (7.6 cm), bar measure. The net hoop or frame must be made of a rigid material strong enough to facilitate the sturdy attachment of the net.

(ii) ***Extended reach handle.*** The dip net hoop or frame must be securely fastened to an extended reach handle or pole with a minimum length equal to or greater than 150 percent of the freeboard, or at least 6 ft (1.8 m) in length, whichever is greater. The handle and net must be able to support a minimum of 100 lb (45.4 kg) without breaking or significant bending or distortion. The extended reach handle may break down into sections for storage, but it is not required.

(b) ***Collapsible hoop net*** —

(i) ***Size of the net.*** The collapsible hoop net must have a sturdy net hoop of at least 31 inches (78.7 cm) inside diameter and a bag depth of at least 38 inches (96.5 cm) to accommodate sea turtles up to 3 ft (0.9 m) in carapace (shell) length. The bag mesh size must not exceed 3 inches (7.6 cm), bar measure. The net hoop must be strong enough to facilitate the sturdy attachment of the net.

(ii) ***Extended reach handle.*** The collapsible hoop net must be securely fastened with rope(s) or other line(s) connected to the hoop with a minimum length equal to or greater than 150 percent of the freeboard, or at least 6 ft (1.8 m) in length, whichever is greater. The rope(s) and net must be able to support a minimum of 100 lb (45.4 kg) without breaking or significant distortion.

(c) ***Small hoist*** —

(i) ***Size of the hoist.*** The sea turtle hoist must have a sturdy net hoop or frame of at least 31 inches (78.7 cm) inside diameter to accommodate sea turtles up to 3 ft (0.9 m) in carapace (shell) length. The net mesh size must not exceed 3 inches (7.6 cm), bar measure. If polyvinyl chloride, or PVC, pipe is used to construct the hoist, the pipe fittings

must be glued together and a minimum strength of Schedule 40 pipe must be used. The hoist hoop or frame must be made of a rigid material strong enough to facilitate the sturdy attachment of the net.

(ii) ***Extended reach handle.*** The sea turtle hoist must be securely fastened with ropes or other lines connected to the hoop or frame with a minimum length equal to or greater than 150 percent of the freeboard, or at least 6 ft (1.8 m) in length, whichever is greater. The ropes and hoist hoop or frame must be able to support a minimum of 100 lb (45.4 kg) without breaking or significant distortion.

6. ***Cushion or support device.*** A standard automobile tire free of exposed steel belts, a boat cushion, or any other comparable cushioned and elevated surface, is required for supporting a sea turtle in an upright orientation while the sea turtle is on board. The cushion or support device must be appropriately sized to fully support a range of sea turtle sizes. Any life-saving device that would be used to support a sea turtle on board must be dedicated for that purpose and in addition to all minimum human safety at sea requirements.

7. ***Short-handled dehooker for internal hooks.*** One short-handled dehooker for removing internal hooks is required on board. This dehooker is designed to remove internal hooks from sea turtles brought on board. This dehooker can also be used on external hooks. The minimum design standards are as follows:

(a) ***General.*** The dehooker must allow the hook to be secured and the hook point shielded without re-engaging during the removal process. It may not have any unprotected terminal points, including blunt ones, as this could cause injury to the esophagus during hook removal. A sliding plastic bite block must be permanently installed around the shaft to protect the beak and facilitate hook removal in case a sea turtle bites down on the dehooker. The dehooker must be of a size appropriate to secure the range of hook sizes and styles used on the vessel.

(b) ***Specifications.*** The dehooker must be constructed of 316L or 304L stainless steel. The shaft must be $^{3}/_{16}$ inch (4.8-mm) to $^{5}/_{16}$ inch (7.9-mm) in diameter. The shaft must be 16 to 24 inches (40.6 cm to 60.7 cm) long, with approximately a 4 to 6-inch (10.2 to 15.2-cm) long tube T-handle, wire loop handle, or similar. The bite block must be constructed of a $^{3}/_{4}$ to 1-inch (1.9 to 2.5-cm) inside diameter high impact rated, rigid plastic cylinder (*e.g.,* Schedule 80 PVC) that is 4 to 6 inches (10.2 to 15.2 cm) long to allow for 5 inches (12.7 cm) of slide along the shaft. The dehooking end must be no larger than $1^{7}/_{8}$ inches (4.8 cm) outside diameter.

8. ***Short-handled dehooker for external hooks.*** One short-handled dehooker for external hooks is required on board. This dehooker is designed to remove external hooks from sea turtles brought on board. The short-handled dehooker for internal hooks required to comply with paragraph A.7. of this appendix may be used to comply with this requirement. The minimum design standards are as follows:

(a) ***Fixed handle dehooker*** —

(i) ***General.*** The dehooking end that secures the fishhook must be blunt and all edges rounded. The dehooker must be of a size appropriate to secure the range of hook sizes and styles used on the vessel.

(ii) ***Specifications.*** The dehooker must be constructed of 316L or 304L stainless steel. The shaft must be $^{3}/_{16}$ inch (4.8-mm) to $^{5}/_{16}$ inch (7.9-mm) in diameter. The shaft must be 16 to 24 inches (40.6 to 60.7 cm) long with approximately a 4 to 6-inch (10.2 to 15.2-cm) long tube T-handle, wire loop handle, or similar.

(b) ***Squeeze handle dehooker*** —

(i) ***General.*** The dehooking end that secures the fishhook must be blunt and all edges rounded. The dehooker must be able to secure the range of hook sizes and styles used on the vessel. This dehooker secures a fishhook for removal by squeezing the handles together using one hand to grab and pull the hook into notches at the top of the shaft of the dehooker.

(ii) ***Specifications.*** The dehooker must be constructed of 316L or 304L stainless steel. The overall length must be a minimum of 11 inches (27.9 cm) long.

9. ***Long-nose or needle-nose pliers.*** One pair of long-nose or needle-nose pliers is required on board. Required long-nose or needle-nose pliers can be used to remove hooks from the sea turtle's flesh or for removing hooks from the front of the mouth. They can also hold PVC splice couplings in place, when used as mouth gags. The minimum design standards are as follows: The long-nose or needle-nose pliers must be a minimum of 11 inches (27.9 cm) in length. It is recommended that the pliers be constructed of stainless steel or other corrosion resistant metal material.

10. ***Bolt cutters.*** One pair of bolt cutters is required on board. Required bolt cutters may be used to cut off the eye or barb of a hook to facilitate the hook removal without causing further injury to the sea turtle. They should also be used to cut off as much of the hook as possible, when the remainder of the hook cannot be removed. The minimum design standards are as follows: The bolt cutters must be a minimum of 14 inches (35.6 cm) in total length, with blades that are a minimum of 4 inches (10.2 cm) long and $2^{1}/_{4}$ inches (5.7 cm) wide, when closed. Required bolt cutters must be able to cut hard metals, such as stainless or carbon steel hooks, up to $^{1}/_{4}$-inch (6.4-mm) wire diameter, and they must be capable of cutting through the hooks used on the vessel.

11. ***Monofilament line cutters.*** One pair of monofilament line cutters is required on board. Required monofilament line cutters must be used to remove fishing line entangling a sea turtle, or to cut fishing line as close to the eye of the hook as possible if the hook is swallowed or if the hook cannot be removed. The minimum design standards are as follows: The monofilament line cutters must be a minimum of 6 inches (15.2 cm) in length. The blades must be a minimum of 1 inch (2.5 cm) in length and $^{5}/_{8}$ inches (1.6 cm) wide, when closed.

12. ***Mouth openers or mouth gags.*** Required mouth openers and mouth gags are used to open sea turtle mouths, and to keep them open when removing internal hooks from sea turtles brought on board. They must allow access to the hook or line without causing further injury to the sea turtle. Design standards are included in the item descriptions. At least two of the seven different types of mouth openers or mouth gags described in paragraphs A.12.(a) through (g) of this appendix are required.

(a) ***A block of hard wood.*** A block of hard wood of a type that does not splinter (*e.g.,* maple) with rounded and smoothed edges, or a wooden-handled brush with the bristles removed. The dimensions must be a minimum of 10 inches (25.4 cm) by $^{3}/_{4}$ inch (1.9 cm) by $^{3}/_{4}$ inch (1.9 cm).

(b) ***A set of three canine mouth gags.*** A set of canine mouth gags must include one of each of the following sizes: small—5 inches (12.7 cm), medium—6 inches (15.2 cm), and large—7 inches (17.8 cm). They must be constructed of stainless steel.

(c) ***A set of two sturdy dog chew bones.*** Required canine chews must be constructed of durable nylon or thermoplastic polymer, and strong enough to withstand biting without splintering. To accommodate a variety of sea turtle beak sizes, a set must include one large ($5^{1}/_{2}$ to 8 inches (14 cm to 20.3 cm) in length), and one small ($3^{1}/_{2}$ to $4^{1}/_{2}$ inches (8.9 cm to 11.4 cm) in length) canine chew bones.

(d) ***A set of two rope loops covered with protective tubing.*** A required set consists of two 3-ft (0.9-m) lengths of poly braid rope ($^{3}/_{8}$-inch (9.5-mm) diameter suggested), each covered with an 8-inch (20.3-cm) long section of $^{1}/_{2}$-inch (1.3-cm) to $^{3}/_{4}$-inch (1.9-cm) diameter light duty garden hose or similar flexible tubing, and each rope tied into a loop.

(e) ***A hank of rope.*** A length of soft braided or twisted nylon rope a minimum of $^{3}/_{16}$-inch (4.8-mm) diameter must be folded to create a hank, or looped bundle, of rope. The rope must create a hank of 2 to 4 inches (5.1 cm to 10.2 cm) in thickness.

(f) ***A set of four PVC splice couplings.*** A required set must consist of the following Schedule 40 PVC splice coupling sizes: 1 inch (2.5 cm), $1^{1}/_{4}$ inch (3.2 cm), $1^{1}/_{2}$ inch (3.8 cm), and 2 inches (5.1 cm). PVC splice couplings are held in a sea turtle's mouth with the needle-nose pliers.

(g) ***A large avian oral speculum.*** The avian oral speculum must be 9 inches (22.9 cm) long, and constructed of $^{3}/_{16}$-inch (4.8-mm) wire diameter 304 stainless steel. The wire must be covered with 8 inches (20.3 cm) of clear vinyl tubing ($^{5}/_{16}$-inch (7.9-mm) outside diameter, $^{3}/_{16}$-inch (4.8-mm) inside diameter), friction tape, or similar to pad the surface.

B. ***Sea turtle handling requirements.*** Any sea turtle incidentally captured during fishing operations must be handled, and release gear must be used, in accordance with the NMFS careful handling, resuscitation, and release protocols as specified in this appendix, in the 2019 version of the NMFS document titled, “Careful Release Protocols for Sea Turtle Release with Minimal Injury”, or on the NMFS sea turtle handling and release guidelines placard.

1. ***Sea turtles brought on board.*** When practicable, both active and inactive (comatose) sea turtles must be brought on board the vessel without causing further injury to the animal, using a net or hoist as specified in paragraph A.5. of this appendix. Release gear specified in paragraphs A.6. through A.12. of this appendix must be used to remove fishing gear from sea turtles. All sea turtles up to 3 ft (0.9 m) carapace (shell) length must be brought on board to remove fishing gear if sea conditions allow.

(a) Place a sea turtle upright on its bottom shell on a cushion or support device, as specified in paragraph A.6. of this appendix, to immobilize it and facilitate gear removal. Then, determine if the fishing gear can be removed without causing further injury. All externally embedded hooks should be removed, unless hook removal would result in further injury to the sea turtle. No attempt to remove a hook should be made if it has been swallowed and the insertion point of the hook is not clearly visible, or if it is determined that removal would result in further injury to the sea turtle.

(b) If a hook cannot be removed, remove as much line as possible from the sea turtle and the hook using monofilament cutters as specified in paragraph A.11. of this appendix, and as much of the hook as possible should be removed before releasing the sea turtle, using bolt cutters as specified in paragraph A.10. of this appendix.

(c) If a hook can be removed, an effective technique may be to cut off the barb or the eye of the hook using bolt cutters, and then to slide the hook out. When the hook is visible in the mouth, a mouth opener or mouth gag, as specified in paragraph A.12. of this appendix, may facilitate

opening the sea turtle's mouth and keeping the mouth open. Short-handled dehookers for internal hooks, or long-nose or needle-nose pliers, as specified in paragraphs A.7. and A.8. of this appendix, respectively, should be used to remove visible hooks from the mouth that have not been swallowed on boated sea turtles, as appropriate.

(d) If a sea turtle appears comatose or inactive, follow the NMFS resuscitation protocols to attempt revival before its release. As much gear as possible must be removed from the sea turtle without causing further injury prior to its release.

(e) ***Sea turtle resuscitation.*** Resuscitation must be attempted on any sea turtle that is comatose or appears inactive by the following methods:

(i) Place the sea turtle upright on its bottom shell and elevate its hindquarters at least 6 inches (15.2 cm) to drain any water from the sea turtle for a period of at least 4 hours and up to 24 hours. The amount of the elevation depends on the size of the sea turtle; greater elevations are needed for larger sea turtles.

(ii) Periodically rock the sea turtle gently from left to right by holding the outer edge of the shell (carapace) and lift one side about 3 inches (7.6 cm), and then alternate to the other side.

(iii) The sea turtle being resuscitated must be shaded and kept damp or moist. Do not put the sea turtle into a container holding water. A water-soaked towel placed over the head, shell, and flippers is the most effective method to keep a sea turtle moist.

(iv) Gently touch the corner of the eye and pinch the tail (reflex test) periodically to see if there is a response indicating the sea turtle may be recovering.

(f) ***Sea turtle release.*** A sea turtle that is actively moving or determined to be dead as described in paragraph B.1.(g) of this appendix must be released. Release the sea turtle when fishing gear is not in use to avoid recapturing the sea turtle. Place the engine gear in neutral position, and then lower the sea turtle into the water from a low part on the vessel, in an area where the sea turtle is unlikely to be recaptured or injured by vessels.

(g) A sea turtle is determined to be dead if the muscles are stiff (*rigor mortis*) and/or the flesh has begun to rot; otherwise the sea turtle is determined to be comatose or inactive, and resuscitation attempts are necessary as specified in paragraph B.1.(e).

(h) A sea turtle that fails to respond to the reflex test or fails to move within 4 hours (up to 24 hours if possible) must be returned to the water in the same manner as that for an actively moving sea turtle.

2. ***Sea turtles that cannot be brought on board.*** If a sea turtle is too large, or is hooked or entangled in a manner that prevents bringing the sea turtle on board safely and without causing further injury, release gear specified in paragraph A. of this appendix must be used to remove the maximum amount of fishing gear from the sea turtle, or to remove as much line as possible from the sea turtle or from a hook that cannot be removed prior to releasing the sea turtle.

(a) A non-boated sea turtle should be brought close to the boat. Then, determine whether the hook can be removed without causing further injury to the sea turtle. All externally embedded hooks should be removed, unless hook removal would result in further injury to the sea turtle. No attempt should be made to remove a hook if it has been swallowed and the insertion point is not clearly visible, or if it is determined that removal would result in further injury.

(b) If the hook cannot be removed or if the sea turtle is only entangled, remove as much line as possible prior to its release using a long-handled line cutter or monofilament line cutters specified in paragraphs A.1. and A.11. of this appendix.

(c) If the hook can be removed, it must be removed using the appropriate dehooker or other hook removal device specified in paragraph A. of this appendix. Without causing further injury, as much gear as possible must be removed from the sea turtle prior to its release.

3. ***Other sea turtle requirements.*** Any sea turtle taken incidentally while fishing, regardless of whether the sea turtle is alive or dead, or whether it is brought on board, must not be consumed, sold, landed, offloaded, transshipped, or kept below deck.

C. ***Incorporation by reference.*** The standards required in paragraphs A. and B. of this appendix are incorporated by reference into this appendix with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. All approved material is available for inspection at the National Marine Fisheries Service, Southeast Regional Office, 263 13th Ave. South, St. Petersburg, FL 33701, phone: 727-824-5301, website: *https://www.fisheries.noaa.gov/southeast/endangered-species-conservation/sea-turtle-and-smalltooth-sawfish-release-gear-protocols,* and is available from the sources listed below. It is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email *fedreg.legal@nara.gov* or go to *www.archives.gov/federal-register/cfr/ibr-locations.html.*

1. U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Southeast Fisheries Science Center, 75 Virginia Beach Drive, Miami, FL 33149.

(a) Careful Release Protocols for Sea Turtle Release with Minimal Injury, NOAA Technical Memorandum NMFS-SEFSC-735, Stokes, L., and Bergmann, C. (Editors), 2019.

(b) [Reserved]

2. U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Southeast Regional Office, 263 13th Ave. South, St. Petersburg, FL 33701.

(a) Sea Turtle Handling/Release Guidelines: Quick Reference for Hook and Line Fisheries, English, Spanish, Vietnamese, Revised April 2019.

(b) [Reserved]

[84 FR 67238, Dec. 9, 2019]

Appendix G to Part 622—Coastal Migratory Pelagics Zone Illustrations

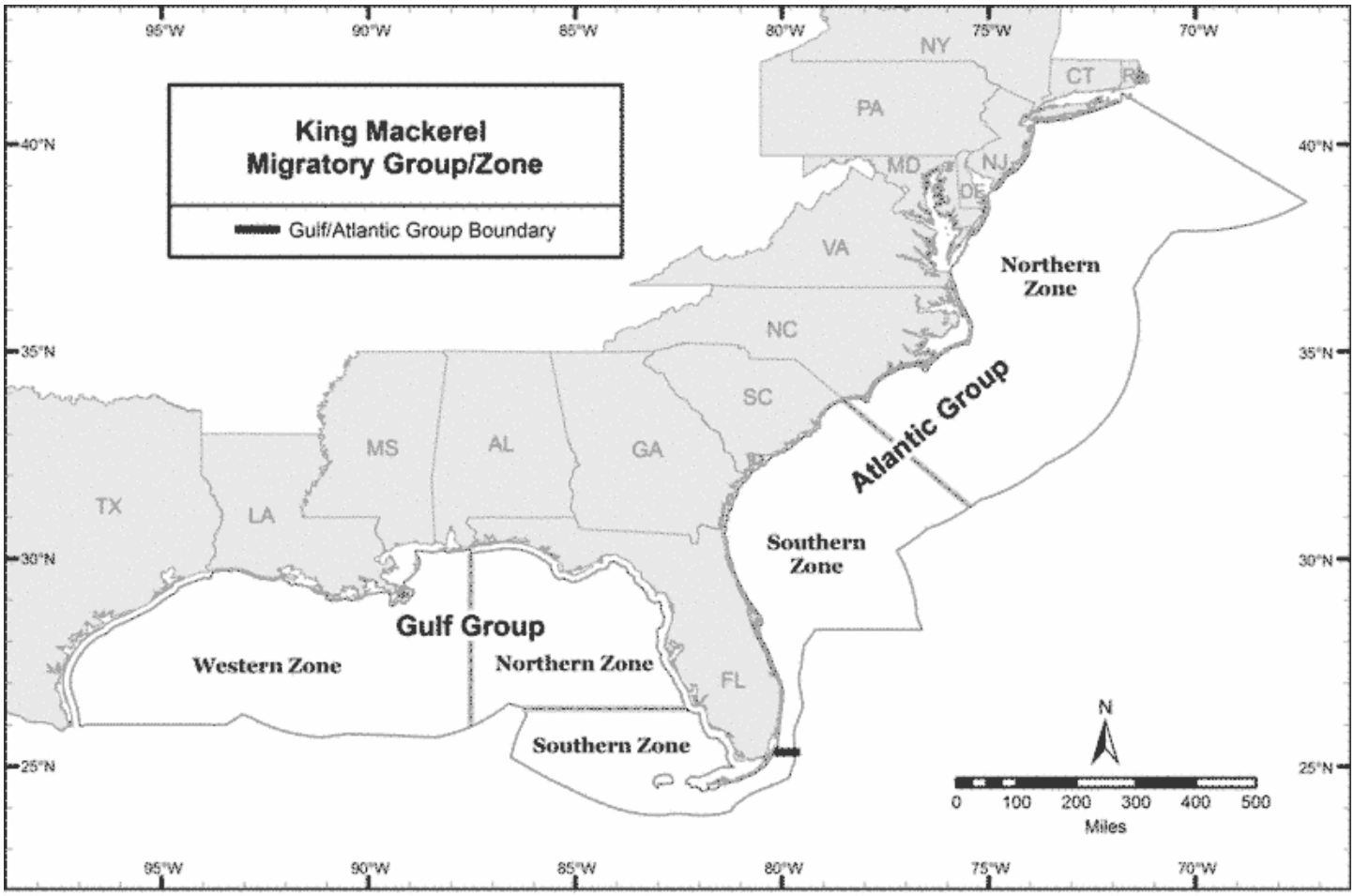

Figure 1 of Appendix G to Part 622--King Mackerel

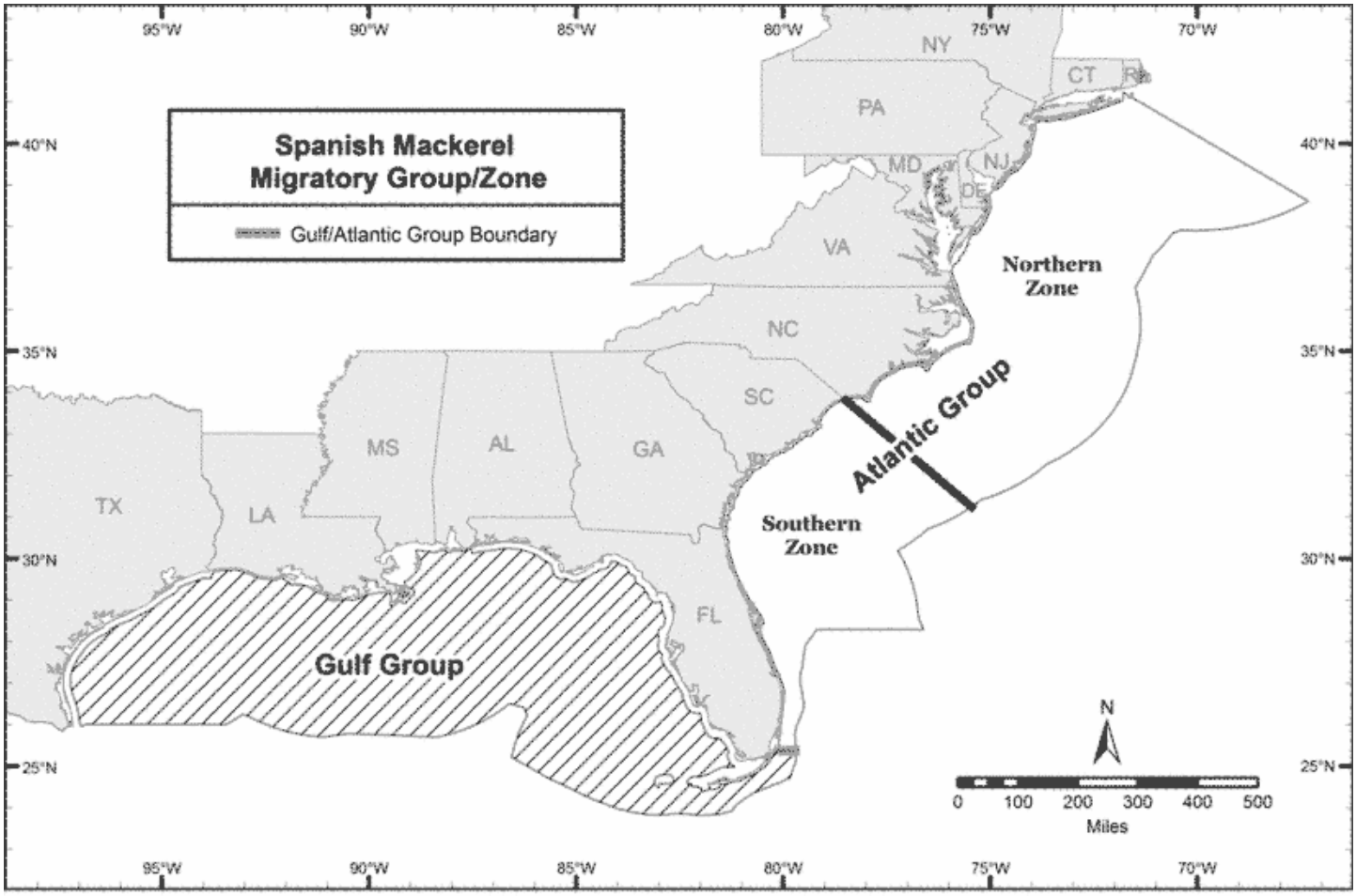

Figure 2 of Appendix G to Part 622--Spanish Mackerel

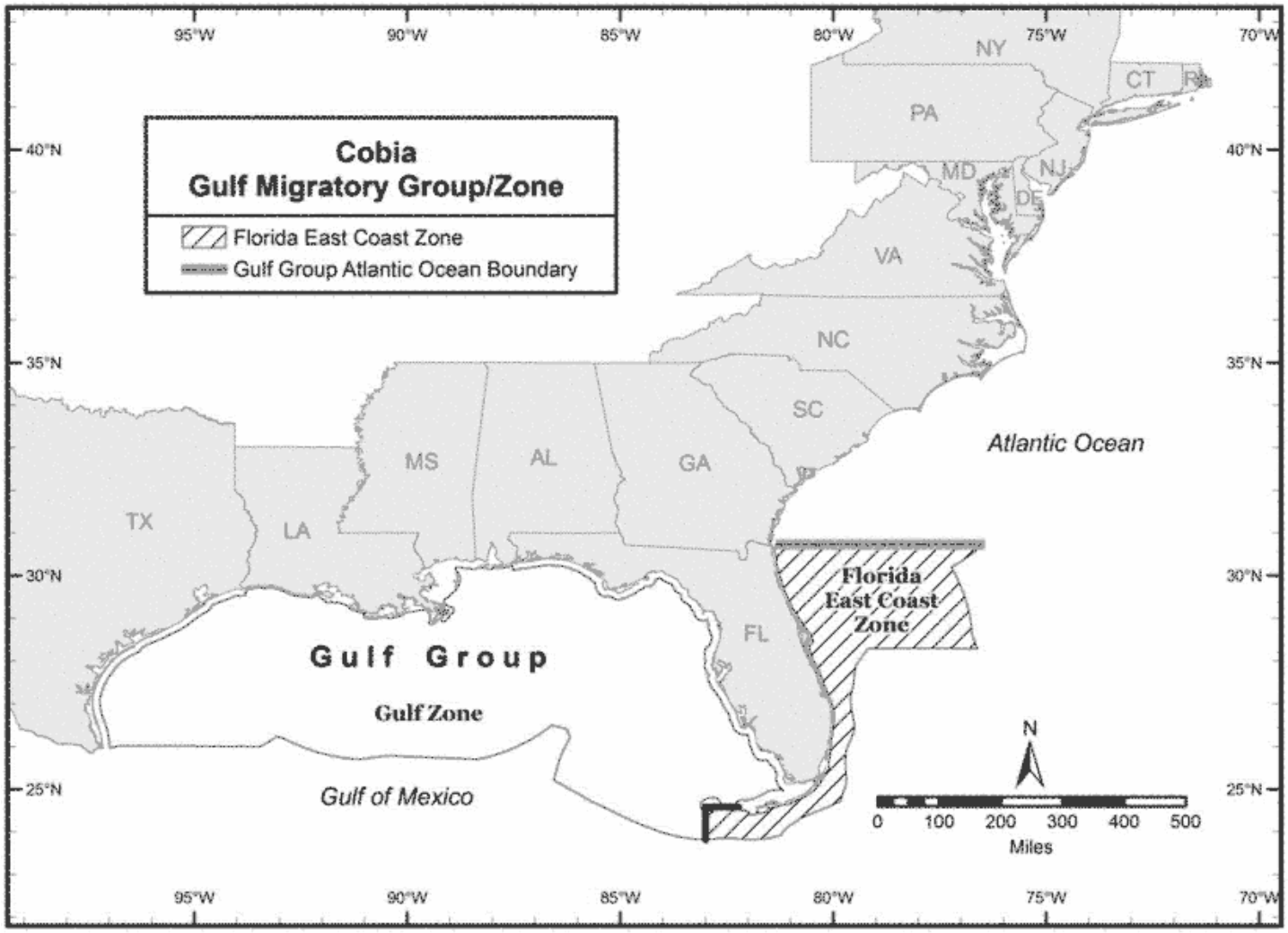

Figure 3 of Appendix G to Part 622--Cobia

[82 FR 17400, Apr. 11, 2017, as amended at 84 FR 4737, Feb. 19, 2019]