

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 902

50 CFR Parts 622, 638, 641, 642, 645, 646, 647, 653, 658, 659, 669, and 670

[Docket No. 960313071-6169-022; I.D. 050996D]

RIN 0648-AI20

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

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

ACTION: Interim final rule; request for comments.

SUMMARY: NMFS is consolidating eleven CFR parts into one new CFR part. The new part contains regulations implementing management measures contained in the fishery management plans (FMPs) for the following domestic fisheries in the Caribbean, Gulf of Mexico, and South Atlantic: Caribbean coral, Caribbean reef fish, Caribbean spiny lobster, Gulf red drum, Gulf reef fish, Gulf shrimp, Gulf and South Atlantic coastal migratory pelagics, Gulf and South Atlantic corals, South Atlantic red drum, South Atlantic snapper-grouper, and South Atlantic

shrimp. This interim final rule reorganizes management measures into a logical and cohesive order, removes duplicative and outdated provisions, and makes changes to improve readability and clarity and to achieve uniformity in regulatory language. This interim final rule also amends references to Paperwork Reduction Act (PRA) information-collection requirements to reflect the consolidation; revises the existing, approved collections of information related to submissions of permit applications to make them less burdensome; and makes revisions to existing approved collections of information related to reporting requirements to improve uniformity of regulatory language. The intended effect of this interim final rule is to make the regulations more concise, better organized, more uniform among fisheries, and thereby easier for the public to use. This action is part of the President's Regulatory Reinvention Initiative.

DATES: Interim final rule effective July 1, 1996. Written comments on the interim final rule must be received on or before August 2, 1996.

ADDRESSES: Requests for and comments on the interim final rule must be sent to the Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702. Comments regarding burden-hour estimates or other aspects of the collection-of-

information requirements contained in this rule should be sent to Edward E. Burgess, Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702, and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503 (Attention: NOAA Desk Officer).

FOR FURTHER INFORMATION CONTACT: Perry Allen or Rod Dalton, NMFS, 813-570-5326.

SUPPLEMENTARY INFORMATION:

Background

In March 1995, President Clinton issued a directive to Federal agencies regarding their responsibilities under his Regulatory Reinvention Initiative. This initiative is part of the National Performance Review and calls for comprehensive regulatory reform. The President directed all agencies to undertake a review of all their regulations, with an emphasis on eliminating or modifying those that are obsolete, duplicative, or otherwise in need of reform. This interim final rule is intended to carry out the President's directive with respect to those regulations implementing the following FMPs for domestic fisheries in the Caribbean, Gulf of Mexico, and South Atlantic. These FMPs were prepared under the Magnuson Act by the Caribbean, Gulf of Mexico, and/or South Atlantic Fishery Management Councils (CFMC, GMFMC, SAFMC, respectively).

FMP title	Responsible council(s)	Geographical area
Atlantic Coast Red Drum FMP	SAFMC	Mid-Atlantic and South Atlantic.
FMP for Coastal Migratory Pelagic Resources	GMFMC/SAFMC	Gulf, ¹ Mid-Atlantic ^{1,2} and South Atlantic. ^{1,3}
FMP for Coral and Coral Reefs of the Gulf of Mexico	GMFMC	Gulf.
FMP for Coral, Coral Reefs, and Live/Hard Bottom Habitats of the South Atlantic Region.	SAFMC	South Atlantic.
FMP for Corals and Reef Associated Plants and Invertebrates of Puerto Rico and the U.S. Virgin Islands.	CFMC	Caribbean.
FMP for the Red Drum Fishery of the Gulf of Mexico	GMFMC	Gulf. ¹
FMP for the Reef Fish Fishery of Puerto Rico and the U.S. Virgin Islands.	CFMC	Caribbean.
FMP for the Reef Fish Resources of the Gulf of Mexico ...	GMFMC	Gulf. ¹
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. ^{1,4}
FMP for the Spiny Lobster Fishery of Puerto Rico and the U.S. Virgin Islands.	CFMC	Caribbean.

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

² Only king and Spanish mackerel are managed under the FMP in the Mid-Atlantic.

³ Bluefish are not managed under the FMP in the South Atlantic.

⁴ Bank, rock, and black sea bass and scup are not managed by the FMP north of 35°15.3' N. lat., the latitude of Cape Hatteras Light, NC.

Consolidation of Regulations Into One CFR Part (50 CFR Part 622)

Currently, regulations implementing the FMPs for Caribbean coral, Caribbean reef fish, Caribbean spiny lobster, Gulf red drum, Gulf reef fish, Gulf shrimp,

Gulf and South Atlantic coastal migratory pelagics, Gulf and South Atlantic corals, South Atlantic red drum, South Atlantic snapper-grouper, and South Atlantic shrimp appear in eleven separate parts of title 50 of the

CFR. NMFS, through this rulemaking, removes the eleven parts (50 CFR parts 638, 641, 642, 645, 646, 647, 653, 658, 659, 669, and 670) and consolidates the regulations contained therein into one new part (50 CFR part 622). This

consolidated regulation provides the public with a single reference source for the Federal marine fisheries regulations specific to the Caribbean, Gulf of Mexico, and South Atlantic. The restructuring of the eleven parts into a single part results in one set of regulations that is more concise, clearer, and easier to use than the eleven separate parts. General regulations pertaining to all fisheries, formerly at 50 CFR part 620, have also been restructured and consolidated and now appear in 50 CFR part 600. Many provisions in these general fisheries regulations apply to the fisheries in the EEZ in the Caribbean, Gulf of Mexico, and South Atlantic.

Reorganization and Elimination of Regulations

In new part 622, NMFS has reorganized the consolidated management measures in a more logical and cohesive order. Because portions of the existing regulations contain identical or nearly identical provisions, similar measures have been combined and restructured. Sections relating to purpose and scope, definitions, relation to other laws, vessel identification, prohibitions, facilitation of enforcement, penalties, and specifically authorized activities, in each of the eleven existing parts have been combined into single, respective sections in part 622. For example, whereas the existing regulations contain eleven, nearly identical purpose and scope sections, part 622 contains a single purpose and scope section that addresses all applicable fisheries. As a result of this consolidation effort, NMFS removed numerous duplicative provisions from the regulations.

Throughout part 622, types of management measures and provisions common to multiple fisheries are grouped together under a single section heading, e.g., minimum sizes for all fisheries are located in a single section. Within sections, information or requirements of general applicability are stated in an introductory paragraph to minimize duplication; any aspects unique to a particular fishery are addressed in subsequent paragraphs within the section. Paragraph headings have been added for ease in identifying measures, and regulatory language has been revised to improve clarity and consistency. No substantive changes were made to the regulations by this reorganization, or by the removal of duplicative provisions.

Changes To Improve Uniformity Among Regulations

In the Southeast Region, many fishermen and dealers participate in multiple fisheries. Making regulatory requirements among fisheries more consistent simplifies the overall management regime, enhances the ability of all parties, including NMFS personnel, to understand and remember regulations, and improves compliance. As part of this regulatory consolidation process, NMFS has standardized regulatory provisions among fisheries where it was possible to do so without significant change in regulatory impact or adverse impact on effective management. The changes involved and the rationale and expected impacts are discussed below. NMFS invites comment on these changes.

Permits and Fees

A person applying for a permit for a fishery in which a fish trap or sea bass pot will be used is required, under existing regulations, to indicate the desired color code for identifying buoys that are attached to traps/pots. The current regulations for the Gulf reef fish fishery explicitly state that white is not an acceptable color code, and white has not been accepted as a color code in other trap/pot fisheries. White is not acceptable because buoys are white. Therefore, a white color code would be indistinguishable from a buoy that has no color code and would frustrate enforcement. This rule makes the explicit statement in the reef fish regulations applicable to all trap/pot fisheries and merely provides advance notification to the permit applicant, of the existing policy—there is no additional regulatory effect.

Existing regulations require that the Director, Southeast Region, NMFS (Regional Director) be notified within 15 days of any change in pertinent information provided with a permit application. This rule extends the time period to 30 days and is, therefore, less restrictive.

The option for a vessel permit for king or Spanish mackerel to be transferred upon sale of the vessel and for the new owner to fish under the preceding owner's permit for up to 60 days is deleted in this rule. This complies with the intent of the Gulf of Mexico and South Atlantic Fishery Management Councils that only owners who have documented their permit eligibility be allowed to participate in the fishery. The change is necessary to achieve consistent transfer provisions among fisheries. This does not alter the existing

requirement that all new owners apply for a permit.

Recordkeeping and Reporting

Changes have been made to achieve consistency regarding deadlines for submission of required reports by commercial vessel owners or operators. This rule requires that all such reports be postmarked not later than 7 days after the end of each trip. Deadlines for submission in the current regulations are couched in various terms, such as "transmitted" and "received," and, for Gulf reef fish, in terms of "on a monthly basis (or more frequently, if requested by the Science and Research Director)." The Science and Research Director currently requires submission of required reports by commercial vessel owners and operators on a trip basis in all fisheries where such reports are required. Regulations for the snapper-grouper fishery specify a deadline of postmarked not later than the third day after sale of fish, and the king and Spanish mackerel regulations contain no submission deadline. This added deadline clarifies an implied but unspecified deadline for king and Spanish mackerel, but has no immediate impact on fishermen because no vessels are currently selected to submit reports in the king and Spanish mackerel fishery. For snapper-grouper, the new deadline is expected to be less restrictive on average.

This rule standardizes requirements for submission of required reports for charter vessel and headboat owners or operators to achieve consistency with the Gulf reef fish requirements. The reporting deadline for charter vessels established by this rule is not later than 7 days after the end of the reporting period. Current regulations for snapper-grouper charter vessels and headboats require submission on a periodic basis, as specified by the Science and Research Director; for coastal migratory pelagic charter vessels and headboats, weekly submission is required but no deadline is specified. The new deadlines make the requirements consistent among fisheries and provide needed specificity. The new requirements are generally less burdensome than existing requirements.

This rule clarifies that the deadline for submission of Gulf reef fish and snapper-grouper dealer reports is 5 days after the end of the month, unless modified by the Science and Research Director. Current regulations are less specific, requiring submission as specified by the Science and Research Director for Gulf reef fish dealers and at monthly intervals, or more frequently, if requested, for snapper-grouper dealers.

This rule requires submission of negative reports (no fish received) for snapper-grouper and coastal migratory pelagics dealers, if selected to report. This is a minimal reporting burden expected to occur infrequently, but enhances enforceability of reporting requirements. This requirement has been approved by OMB under OMB control number 0648-0016.

This rule adds a provision allowing a dealer reporting South Atlantic snapper-grouper, other than wreckfish, to report via facsimile (fax). This is a less restrictive alternative provided for the convenience of dealers.

The requirement to make fish available for inspection by the Science and Research Director or an authorized officer is applied to participants in the Caribbean reef fish and Caribbean spiny lobster fisheries. This standardizes the requirement among all fisheries regulated by this part and will improve enforceability. Additional burden associated with this change is minimal since access to fish is all that is required.

This rule provides a requirement for a charter vessel owner or operator in the coastal migratory pelagics fishery, who has not been selected to submit logbooks, to provide verbal responses to seven, simple questions, if selected for an interview. This standardizes the requirement among all fisheries regulated by this part that have a charter vessel sector. This is a less burdensome alternative for obtaining information on an as-needed basis compared to selecting the entity to report on a continuing basis under authority in the current regulations.

This rule authorizes the Science and Research Director to select for reporting a snapper-grouper vessel that operates in state waters adjoining the EEZ without a Federal permit. This standardizes the requirement among fisheries and is necessary to ensure comprehensive data collection essential for fisheries management. The purpose and scope section of the existing snapper-grouper regulations states that recordkeeping and reporting requirements apply in the EEZ and adjoining state waters. The existing snapper-grouper regulations require the owner or operator of a permitted vessel, charter vessel, or headboat operating in adjoining state waters to report, if selected. The change imposed by this interim final rule applies that same requirement to an owner or operator of an unpermitted vessel operating in adjoining state waters. This is necessary to ensure that all sources of fishing effort and fishing mortality affecting the managed stock are properly accounted

for in the Federal management regime. NMFS is unaware of any snapper-grouper vessels that operate exclusively in state waters, and, therefore, are not permitted. Accordingly, this authorization should have no immediate effect on fishermen and would not impose an additional reporting burden.

Vessel and Gear Identification

This rule standardizes most vessel and gear identification requirements among fisheries; provides less restrictive marking requirements for vessels 25 ft (7.6 m) or less in length in all fisheries; and makes changes in marking requirements to achieve consistency, e.g., simply requires numbers and color codes on buoys to be easily distinguished, located, and identified, versus the current differing requirements regarding size of such markings in various fisheries. These changes: (1) Enhance consistency; (2) address prior complaints from small vessel owners regarding difficulty of complying with marking requirements; (3) relieve restrictions; and (4) will not impair enforcement.

The rule also requires that, in the South Atlantic snapper-grouper fishery, a valid identification tag issued by the Regional Director be attached to each sea bass pot on board a vessel with a Federal permit. Current regulations require this only for pots used or possessed in the EEZ; the revised language requires pots on board a vessel with a Federal permit to have the tag attached while in state waters also. This change makes this aspect of trap marking requirements consistent in the Gulf and South Atlantic and will enhance enforceability. NMFS is not aware of any vessels with Federal snapper-grouper permits that fish exclusively in state waters; therefore, this change is not expected to impose an additional burden. That is, if such vessels fish in Federal waters, the pots would have to be tagged while in Federal waters under current regulations. The change would simply require that tags remain on the trap while in state waters.

Prohibited Gear and Methods

Use of explosives is prohibited currently for most fisheries because of the obvious detrimental impacts on nontarget fishery resources and habitat. To achieve consistency, this rule prohibits the use of explosives in the Gulf shrimp fishery and makes explicit the implied prohibition in the current coral regulations. NMFS is unaware of any use of explosives in these fisheries; therefore, this change is preventative

and results in no additional regulatory burden on current fishery participants.

Landing Fish Intact

For all fisheries for which fish must be landed intact, this rule allows such fish to be gilled and scaled, in addition to being eviscerated as allowed under current regulations. Currently only the Gulf reef fish regulations allow such fish to be gilled and scaled. This change would achieve consistency among fisheries, lessen existing restrictions, and not impair the effectiveness of other management measures for which the intact requirement was established.

Limitations on Fish Traps, Sea Bass Pots, and Spiny Lobster Traps

Current regulations require that, in the Caribbean reef fish fishery, a trap owner's written authorization for another person to pull or tend his traps must specify the time period for such authorization. To achieve consistency, provide for effective management and enforcement, and protect the owner's interests, this rule adds the same requirement to the Caribbean spiny lobster fishery.

Specifically Authorized Activities

Current regulations for all fisheries being consolidated by this rule provide for the appropriate authority to authorize, for the acquisition of information and data, activities that are otherwise prohibited. In addition, under the Gulf and South Atlantic coral regulations, the Regional Director may issue a permit for an individual to take or possess prohibited coral when such prohibited coral will be used for a scientific, educational, or restoration purpose. New regulations at 50 CFR 600.745, entitled "Scientific research activity, exempted fishing, and exempted educational activity," cover activities that are otherwise prohibited and the take of prohibited coral for a scientific, educational, or restoration purpose. Accordingly, 50 CFR 600.745 is referred to in the consolidated regulations in lieu of including these provisions.

Delegation of Authority

Under NOAA Administrative Order 205-11, 7.01, dated December 17, 1990, the Under Secretary for Oceans and Atmosphere has delegated to the Assistant Administrator for Fisheries, NOAA (AA), the authority to sign material for publication in the Federal Register.

Classification

This action has been determined to be not significant for purposes of E.O. 12866.

Paperwork Reduction Act

This rule contains collection-of-information requirements subject to the PRA.

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

Approved Collection-of-Information Requirements

The following collection-of-information requirements have already been approved by OMB under the following control numbers:

a. *0648-0013*—Dealer reports estimated at 0.085 hours per response. Dealer recordkeeping estimated at 0.667 hours per response. Trip interviews estimated at 0.167 hours per response.

b. *0648-0016*—Vessel reports: (1) Commercial vessel logbook reports estimated at 0.18 hours per response, (2) charter vessel logbook reports estimated at 0.20 hours per response, and (3) headboat logbook reports estimated at 0.20 hours per response. Coral reports: (1) Reports for individuals permitted to harvest prohibited coral, allowable octocoral, or live rock or deposit live rock estimated at 0.25 hours per response, and (2) advance notification of aquacultured live rock harvest estimated at 0.033 hours per response. Negative reports for fishermen and dealers are estimated at 0.033 and 0.050 hours per response, respectively.

c. *0648-0205*—Vessel permits estimated at 0.33 hours per response. Dealer permits estimated at 0.83 hours per response. Coral permits estimated at 0.25 hours per response.

d. *0648-0262*—Wreckfish share transfers estimated at 0.25 hours per response.

e. *0648-0305*—Gear identification requirements estimated at 0.33 hours per response.

f. *0648-0306*—Vessel identification requirements estimated at 0.75 hours per response.

The estimated response times include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collections of information.

Revision of Approved Collection-of-Information Requirements

This rule revises existing collection-of-information requirements regarding submissions of applications for coral permits, vessel permits, and dealer permits. The collections of information associated with such applications are currently approved under OMB Control No. 0648-0205. In accordance with the President's Reporting Frequency Reduction Project, this rule reduces the frequency with which an applicant must apply for renewal of a coral, vessel, or dealer permit. Specifically, an applicant must apply only every other year in lieu of annually. A permit will continue to be issued for a 1-year period but will be automatically renewed for a second year, provided a vessel owner/operator or dealer has met the specific requirements for the permit, all required reports have been submitted, and the permit is not subject to sanction or denial. An applicant will be given a timely opportunity to correct any deficiency before a permit expires. This revision relieves a restriction regarding the frequency of responses required. The public reporting burdens for the approved collections, in terms of estimated time required per response, are unchanged by this revision. Send comments regarding burden estimates, or any other aspect of the data requirements, including suggestions for reducing the burden, to NMFS and OMB (see **ADDRESSES**).

The changes necessary to achieve more uniform reporting requirements, discussed above under "Recordkeeping and reporting", have been approved by OMB under the approved collections of information listed above.

Section 3507(c)(B)(i) of the PRA requires that agencies inventory and display a current control number assigned by the Director, OMB, for each agency information collection. Section 902.1(b) identifies the location of NOAA regulations for which OMB approval numbers have been issued. Because this interim final rule codifies many recordkeeping and reporting requirements, 15 CFR 902.1(b) is revised to reference correctly the new sections resulting from the consolidation.

Administrative Procedure Act

This interim final rule consolidates 11 sets of regulations for the fisheries of the Caribbean, Gulf of Mexico, and South Atlantic into one comprehensive rule; reorganizes management measures in logical order; eliminates language that was duplicated among the various existing rules; and makes minor changes in certain regulatory provisions to

provide a regulatory regime that is more consistent among all fisheries and less complex. While some of these minor changes may be of the type for which 5 U.S.C. 553 requires notice and opportunity for comment, to do so in this instance would be impractical and contrary to the public interest. The consolidation for the fisheries of the Caribbean, Gulf of Mexico, and South Atlantic is just one component of a comprehensive consolidation and restructuring of all of NMFS' fisheries regulations. That consolidation will be effective on July 1, 1996, and the Caribbean, Gulf of Mexico, and South Atlantic consolidation must be effective on that date as well or regulatory gaps and public confusion will result. The majority of changes in the Caribbean, Gulf of Mexico, and South Atlantic consolidation, including most of those that change existing rights or obligations, have neutral or less restrictive regulatory effects. Those few changes that result in greater restrictions or obligations are not likely to have any immediate effect for the reasons stated in the preamble. None of the changes are expected to increase regulatory burden significantly. Accordingly, the AA, under 5 U.S.C. 553(b)(3)(B), for good cause finds that providing advance notice and opportunity for public comment is impractical and contrary to the public interest. Public comment is invited for 30 days. If any significant, unforeseen regulatory effects are identified during public comment, appropriate changes will be made in the final rule. For the same reasons, the AA, under 5 U.S.C. 553(d)(3), for good cause waives the requirement to delay for 30 days the effectiveness of this rule.

List of Subjects*15 CFR Part 902*

Reporting and recordkeeping requirements.

50 CFR Part 622

Fisheries, Fishing, Puerto Rico, Reporting and recordkeeping requirements, Virgin Islands.

50 CFR Parts 638, 641, 642, 645, 646, 653, and 658

Fisheries, Fishing, Reporting and recordkeeping requirements.

50 CFR Parts 647 and 659

Fisheries, Fishing.

50 CFR Parts 669 and 670

Fisheries, Fishing, Puerto Rico, Reporting and recordkeeping requirements, Virgin Islands.

Dated: June 20, 1996.
 Henry R. Beasley,
 Acting Assistant Administrator for Fisheries,
 National Marine Fisheries Service.

For the reasons set out in the preamble, 15 CFR chapter IX and 50 CFR chapter VI are amended as follows:

15 CFR CHAPTER IX

PART 902—NOAA INFORMATION COLLECTION REQUIREMENTS UNDER THE PAPERWORK REDUCTION ACT: OMB CONTROL NUMBERS

1. The authority citation for part 902 continues to read as follows:

Authority: 44 U.S.C. 3501 *et seq.*

2. In § 902.1, paragraph (b) table, in the entries for 50 CFR in the left column, in numerical order, the entries “638.4”, “638.5”, “638.6”, “638.27”, “641.5”, “641.6”, “641.10”, “642.4”, “642.5”, “642.6”, “645.4”, “645.6”, “646.4”, “646.5”, “646.6”, “646.10”, “653.5”, “658.5”, “658.6”, “669.6”, “670.6”, and “670.23” and their corresponding OMB control numbers in the right column are removed, and new entries “622.4”, “622.5”, “622.6”, “622.15”, “622.41(a)”, and “622.45(a)” and their corresponding OMB control numbers are added in numerical order to read as follows:

§ 902.1 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

* * * * *
 (b) * * *

CFR part or section where the information collection requirement is located	Current OMB control number (all numbers begin with 0648—)
* * * * *	* * * * *
50 CFR	
* * * * *	* * * * *
622.4	–0205.
622.5	–0013, and –0016.
622.6	–0305, and –0306.
622.15	–0262.
622.41(a)	–0016 and –0305.
622.45(a)	–0013.
* * * * *	* * * * *

50 CFR CHAPTER VI

3. Part 622 is added to read as follows:

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

Subpart A—General Provisions

- Sec.
- 622.1 Purpose and scope.
- 622.2 Definitions and acronyms.
- 622.3 Relation to other laws and regulations.
- 622.4 Permits and fees.
- 622.5 Recordkeeping and reporting.
- 622.6 Vessel and gear identification.
- 622.7 Prohibitions.

Subpart B—Effort Limitations

- 622.15 Wreckfish individual transferable quota (ITQ) system.
- 622.16 Red snapper individual transferable quota (ITQ) system.

Subpart C—Management Measures

- 622.30 Fishing years.
- 622.31 Prohibited gear and methods.
- 622.32 Prohibited and limited-harvest species.

- 622.33 Caribbean EEZ seasonal and/or area closures.
- 622.34 Gulf EEZ seasonal and/or area closures.
- 622.35 South Atlantic EEZ seasonal and/or area closures.
- 622.36 Seasonal harvest limitations.
- 622.37 Minimum sizes.
- 622.38 Landing fish intact.
- 622.39 Bag and possession limits.
- 622.40 Limitations on traps and pots.
- 622.41 Species specific limitations.
- 622.42 Quotas.
- 622.43 Closures.
- 622.44 Commercial trip limits.
- 622.45 Restrictions on sale/purchase.
- 622.46 Prevention of gear conflicts.
- 622.47 Gulf groundfish trawl fishery.
- 622.48 Adjustment of management measures.

Appendix A to Part 622—Species Tables
 Appendix B to Part 622—Gulf Areas
 Appendix C to Part 622—Fish Length Measurements

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

Subpart A—General Provisions

§ 622.1 Purpose and scope.

(a) The purpose of this part is to implement the FMPs prepared under the Magnuson 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, or South Atlantic EEZ, 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:

TABLE 1.—FMPs IMPLEMENTED UNDER PART 622

FMP title	Responsible fishery management council(s)	Geographical area
Atlantic Coast Red Drum FMP	SAFMC	Mid-Atlantic and South Atlantic.
FMP for Coastal Migratory Pelagic Resources	GMFMC/SAFMC	Gulf, ¹ Mid-Atlantic ^{1,2} and South Atlantic. ^{1,3}
FMP for Coral and Coral Reefs of the Gulf of Mexico	GMFMC	Gulf.
FMP for Coral, Coral Reefs, and Live/Hard Bottom Habitats of the South Atlantic Region.	SAFMC	South Atlantic.
FMP for Corals and Reef Associated Plants and Invertebrates of Puerto Rico and the U.S. Virgin Islands.	CFMC	Caribbean.
FMP for the Red Drum Fishery of the Gulf of Mexico	GMFMC	Gulf. ¹
FMP for the Reef Fish Fishery of Puerto Rico and the U.S. Virgin Islands.	CFMC	Caribbean.
FMP for the Reef Fish Resources of the Gulf of Mexico ...	GMFMC	Gulf. ¹
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. ^{1,4}
FMP for the Spiny Lobster Fishery of Puerto Rico and the U.S. Virgin Islands.	CFMC	Caribbean.

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

² Only king and Spanish mackerel are managed under the FMP in the Mid-Atlantic.

³ Bluefish are not managed under the FMP in the South Atlantic.

⁴ Bank, rock, and black sea bass and scup are not managed by the FMP or regulated by this part north of 35°15.3' N. lat., the latitude of Cape Hatteras Light, NC.

§ 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:

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.

Aquacultured live rock means live rock that is harvested under a Federal aquacultured live rock permit, as required under § 622.4(a)(3)(iii).

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.

Buoy gear means fishing gear consisting of a float and one or more weighted lines suspended therefrom, generally long enough to reach the bottom. A hook or hooks (usually 6 to 10) are on the lines at or near the end. The float and line(s) drift freely and are retrieved periodically to remove catch and rebait hooks.

Carapace length means the straight-line distance from the orbital notch inside the orbital spine, in a line parallel to the lateral rostral sulcus, to the posterior margin of the cephalothorax. (See Figure 1 in Appendix C of this part.)

Caribbean means the Caribbean Sea around Puerto Rico and the U.S. Virgin Islands.

Caribbean coral reef resource means one or more of the species, or a part thereof, listed in Table 1 in Appendix A of this part, whether living or dead.

Caribbean prohibited coral means, in the Caribbean; a gorgonian, that is, a Caribbean coral reef resource of the Class Anthozoa, Subclass Octocorallia,

Order Gorgonacea; a live rock; or a stony coral, that is, a Caribbean coral reef resource of the Class Hydrozoa (fire corals and hydrocorals) or of the Class Anthozoa, Subclass Hexacorallia, Orders Scleractinia (stony corals) and Antipatharia (black corals); or a part thereof.

Caribbean reef fish means one or more of the species, or a part thereof, listed in Table 2 in Appendix A of this part.

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

CFMC means the Caribbean Fishery Management Council.

Charter vessel means a vessel less than 100 gross tons (90.8 mt) that meets the requirements of the USCG to carry six or fewer passengers for hire and that carries a passenger for hire at any time during the calendar year. A charter vessel with a commercial permit, as required under § 622.4(a)(2), 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.

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

- (1) Bluefish, *Pomatomus saltatrix* (Gulf of Mexico only).
- (2) Cero, *Scomberomorus regalis*.
- (3) Cobia, *Rachycentron canadum*.
- (4) Dolphin, *Coryphaena hippurus*
- (5) King mackerel, *Scomberomorus cavalla*.
- (6) Little tunny, *Euthynnus alletteratus*.
- (7) Spanish mackerel, *Scomberomorus maculatus*.

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.

Drift gillnet, for the purposes of this part, means a gillnet, other than a run-around gillnet, that is unattached to the ocean bottom, whether or not 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.

(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 or a crustacean trap (that is, a type of trap historically used in the directed fishery for blue crab, stone 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, and spiny lobster).

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.)

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.

HAPC means habitat area of particular concern.

Headboat means a vessel that holds a valid Certificate of Inspection issued by the USCG to carry passengers for hire. A headboat with a commercial vessel permit, as required under § 622.4(a)(2), is considered to be operating as a headboat when it carries a passenger who pays a fee or—

(1) 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 Certificate of Inspection; or

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

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

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 and Spanish mackerel, 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 and Spanish mackerel are divided into migratory groups—the Atlantic migratory group and the Gulf migratory group. The boundaries between these groups are as follows:

(1) *King mackerel*—(i) *Summer separation*. From April 1 through October 31, the boundary separating the Gulf and Atlantic migratory groups of king mackerel is 25°48' N. lat., which is a line directly west from the Monroe/ Collier County, FL, boundary to the outer limit of the EEZ.

(ii) *Winter separation*. From November 1 through March 31, the boundary separating the Gulf and Atlantic migratory groups of king mackerel is 29°25' N. lat., which is a line directly east from the Volusia/ Flagler County, FL boundary to the outer limit of the EEZ.

(2) *Spanish mackerel*. The boundary separating the Gulf and Atlantic migratory groups of Spanish mackerel is 25°20.4' N. lat., which is a line directly east from the Dade/Monroe County, FL, boundary to the outer limit of the EEZ.

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, Mississippi, and Alabama means the waters in the Gulf other than off Florida and off Texas.

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.

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.

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 Director (RD), for the purposes of this part, means the Director, Southeast Region, NMFS (see Table 1 of § 600.502 of this chapter).

Run-around gillnet means a gillnet with a float line 1,000 yd (914 m) or less in length 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.

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

- (1) Brown shrimp, *Penaeus aztecus*.
- (2) Pink shrimp, *Penaeus duorarum*.
- (3) Rock shrimp, *Sicyonia brevirostris*.
- (4) Royal red shrimp, *Pleoticus robustus*.
- (5) Seabob shrimp, *Xiphopenaeus kroyeri*.

(6) White shrimp, *Penaeus setiferus*.
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 snapper-grouper means one or more of the species, or a part thereof, listed in Table 4 in Appendix A of this part.

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.

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.

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.

§ 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) and (c) 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) Everglades National Park (36 CFR 7.45).

(2) Looe Key National Marine Sanctuary (15 CFR part 937).

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

(4) Key Largo Coral Reef National Marine Sanctuary (15 CFR part 929).

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

(6) Gray's Reef National Marine Sanctuary (15 CFR Part 938).

(7) Monitor Marine Sanctuary (15 CFR part 924).

(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 Gulf or 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.

§ 622.4 Permits and fees.

(a) *Permits required.* To conduct activities in fisheries governed in this part, valid Federal permits are required as follows:

(1) *Charter vessel/headboat permits.* For a person aboard a vessel that is operating as a charter vessel or headboat to fish for or possess coastal migratory pelagic fish, Gulf reef fish, or South Atlantic snapper-grouper in or from the EEZ, a charter vessel/headboat permit for coastal migratory pelagic fish, Gulf reef fish, or South Atlantic snapper-grouper, respectively, 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.

(2) *Commercial vessel permits and endorsements—(i) Fish traps in the Gulf.* For a person to possess or use a fish trap in the EEZ in the Gulf of Mexico, a commercial vessel permit for Gulf reef fish with a fish trap endorsement must have been issued to the vessel and must be on board. See paragraph (n) of this section regarding a moratorium on fish trap endorsements.

(ii) *Gillnets for king mackerel in the Florida west coast subzone.* For a person aboard a vessel to use a run-around gillnet for king mackerel in the Florida west coast subzone (see § 622.42(c)(1)(i)(A)(3)), a commercial vessel permit for king and Spanish mackerel with a gillnet endorsement must have been issued to the vessel and must be on board. See paragraph (o) of

this section for restrictions on addition or deletion of a gillnet endorsement.

(iii) [Reserved]

(iv) *King and Spanish mackerel.* For a person aboard a vessel to be eligible for exemption from the bag limits and to fish under a quota for king or Spanish mackerel in or from the Gulf, Mid-Atlantic, or South Atlantic EEZ, a commercial vessel permit for king and Spanish mackerel must have been issued to the vessel and must be on board. To obtain or renew a commercial vessel permit for king and Spanish mackerel, at least 10 percent of the applicant's earned income must have been derived from commercial fishing, that is, sale of fish harvested from the applicant's vessels, during one of the 3 calendar years preceding the application.

(v) *Gulf reef fish.* For a person aboard a vessel to be eligible for exemption from the bag limits, to fish under a quota, or to sell Gulf reef fish 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. To obtain or renew a commercial vessel permit for Gulf reef fish, more than 50 percent of the applicant's earned income must have been derived from commercial fishing, that is, sale of fish harvested from the applicant's vessels, or from charter or headboat operations during either of the 2 calendar years preceding the application. See paragraph (m) of this section regarding a moratorium on commercial vessel permits for Gulf reef fish and paragraph (m)(3) of this section for a limited exception to the earned income requirement for a permit.

(vi) *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 engage in the directed fishery for 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 north of 28°35.1' N. lat. (due east of the NASA Vehicle Assembly Building, Cape Canaveral, FL), a commercial vessel permit for South Atlantic snapper-grouper must have been issued to the vessel and must be on board. A vessel with longline gear and more than 200 lb (90.7 kilograms) of tilefish aboard is considered to be in the directed fishery for tilefish. It is a rebuttable presumption that a fishing vessel with more than 200 lb of tilefish aboard harvested such tilefish in the EEZ. To obtain or renew a commercial vessel permit for South Atlantic snapper-grouper, more than 50 percent

of the applicant's earned income must have been derived from commercial fishing, that is, sale of fish harvested from the applicant's vessels, or from charter or headboat operations; or gross sales of fish harvested from the owner's, operator's, corporation's, or partnership's vessels must have been greater than \$20,000, during one of the 3 calendar years preceding the application.

(vii) *Wreckfish.* For a person aboard a vessel to fish for wreckfish in the South Atlantic EEZ, possess wreckfish in or from the South Atlantic EEZ, offload wreckfish from the South Atlantic EEZ, or sell wreckfish in or from the South Atlantic EEZ, a commercial vessel permit for wreckfish 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 § 622.15 for information on wreckfish shareholders.)

(3) *Coral permits—(i) 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.

(ii) *Allowable octocoral.* For an individual to take or possess allowable octocoral in the Gulf or 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.

(iii) *Aquacultured live rock.* For a person to take or possess aquacultured live rock in the Gulf or 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.

(iv) *Prohibited coral.* A Federal permit may be issued to take or possess Gulf and South Atlantic prohibited coral or Caribbean 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.

(v) *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:

(A) Landing in Florida fish or other marine organisms taken with an allowable chemical in a coral area.

(B) Landing allowable octocoral in Florida.

(C) Landing live rock in Florida.

(vi) *Wild live rock permits.* A Federal permit is required for a vessel to take or possess wild live rock in or from the Gulf EEZ. To be eligible for a wild live rock vessel permit, the current owner of the vessel for which the permit is requested must have had the required Florida permit and endorsements for live rock on or before February 3, 1994, and a record of landings of live rock on or before February 3, 1994, as documented on trip tickets received by the Florida Department of Environmental Protection before March 15, 1994. For landings other than in Florida, equivalent state permits/endorsements, if required, and landing records may be substituted for the Florida permits/endorsements and trip tickets. An owner will not be issued permits in numbers exceeding the number of vessels for which the owning entity had the requisite reported landings. An owner of a permitted vessel may transfer the vessel permit to another vessel owned by the same person by returning the existing permit with an application for a vessel permit for the replacement vessel. No wild live rock vessel permits will be issued after the quota for wild live rock in the Gulf, as specified in § 622.42(b)(2), is reached or after December 31, 1996.

(4) *Dealer permits.* For a dealer to receive Gulf reef fish, South Atlantic snapper-grouper, or wreckfish harvested from the Gulf or South Atlantic EEZ, a dealer permit for Gulf reef fish, South Atlantic snapper-grouper, or wreckfish, respectively, must have been issued to the dealer. 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.* Application forms for all permits are available from the RD. Completed application forms and all required supporting documents must be submitted to the RD 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) *Coral permits.* (i) 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.

(ii) An applicant must provide the following:

(A) Name, address, telephone number, and other identifying information of the applicant.

(B) Name and address of any affiliated company, institution, or organization.

(C) Information concerning vessels, harvesting gear/methods, or fishing areas, as specified on the application form.

(D) Any other information that may be necessary for the issuance or administration of the permit.

(E) 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—

(1) Provides accurate coordinates of the proposed harvesting site so that it can be located using LORAN or Global Positioning System equipment;

(2) Shows the site on a chart in sufficient detail to determine its size and allow for site inspection;

(3) 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;

(4) Describes the naturally occurring bottom habitat at the site; and

(5) Specifies the type and origin of material to be deposited on the site and how it will be distinguishable from the naturally occurring substrate.

(2) *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.

(3) *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 paragraph (a)(2) of this section have been met.

(G) If a fish trap or sea bass pot will be used, the number, dimensions, and estimated cubic volume of the traps/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).

(c) *Change in application information.* The owner or operator of a vessel with a permit or a dealer with a permit must notify the RD 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 and for each fish trap or sea bass pot

identification tag required under § 622.6(b)(1)(i). The amount of each fee is calculated in accordance with the procedures of the NOAA Finance Handbook, available from the RD, 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 fish trap/sea bass pot identification tags.

(e) *Initial issuance.* (1) The RD 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 RD will notify the applicant of the deficiency. If the applicant fails to correct the deficiency within 30 days of the date of the RD's letter of notification, the application will be considered abandoned.

(f) *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 the vessel or dealership is sold.

(g) *Transfer.* A vessel permit or endorsement or dealer permit issued under this section is not transferable or assignable, except as provided in paragraph (m) of this section for a commercial vessel permit for Gulf reef fish or as provided in paragraph (n) of this section for a fish trap endorsement. A person who acquires a vessel or dealership who desires to conduct activities for which a permit or endorsement is required must apply for a permit or endorsement in accordance with the provisions of this section. 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.

(h) *Renewal.* Although a permit required by this section is issued on an annual basis, an application for permit renewal is required only every 2 years. In the interim years, a permit is renewed automatically (without application) for a vessel owner or dealer who has met the specific requirements for the requested permit, who has submitted all reports required under the Magnuson Act, and who is not subject to a permit sanction or denial under paragraph (j) of this section. An owner or dealer whose permit is expiring will be mailed a notification by the RD approximately 2 months prior to expiration of the current permit. That notification will advise the status of the renewal of the permit. That

is, the notification will advise that the renewed permit will be issued without further action by the owner or dealer, that the permit is not eligible for automatic renewal, or that a new application is required. A notification that a permit is not eligible for automatic renewal will specify the reasons and will provide an opportunity for correction of any deficiencies. A notification that a new application is required will include a preprinted renewal application. An automatically renewed permit will be mailed by the RD approximately 1 month prior to expiration of the old permit. A vessel owner or dealer who does not receive a notification of status of renewal of a permit by 45 days prior to expiration of the current permit must contact the RD.

(i) *Display.* A vessel permit or endorsement issued under this section must be carried on board the vessel. A dealer permit issued under this section, 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 reef fish harvested from the Gulf EEZ. The operator of a vessel must present the permit 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.

(j) *Sanctions and denials.* A permit or endorsement issued pursuant to this section may be revoked, suspended, or modified, and a permit 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.

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

(l) *Replacement.* A replacement permit or endorsement may be issued. An application for a replacement permit or endorsement 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.

(m) *Moratorium on commercial vessel permits for Gulf reef fish.* This paragraph (m) is effective through December 31, 2000.

(1) Except for an application for renewal of an existing commercial vessel permit for Gulf reef fish, or as provided in paragraphs (m)(2) and (3) of this section, no applications for such commercial vessel permits will be accepted.

(2) An owner of a permitted vessel may transfer the commercial vessel

permit for Gulf reef fish to another vessel owned by the same entity by returning the existing permit to the RD with an application for a commercial vessel permit for the replacement vessel.

(3) An owner whose earned income qualified for the commercial vessel permit for Gulf reef fish may transfer that permit to the owner of another vessel or to the new owner when he or she sells the permitted vessel. The owner of a vessel that is to receive the transferred permit must return the existing permit to the RD with an application for a commercial vessel permit for Gulf reef fish for his or her vessel. Such new owner may receive a commercial vessel permit for Gulf reef fish for that vessel, and renew it for the first calendar year after obtaining it, without meeting the earned income requirement of paragraph (a)(2)(v) of this section. However, to renew the commercial vessel permit for the second calendar year after the transfer, the new owner must meet that earned income requirement not later than the first calendar year after the permit transfer takes place.

(4) 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 RD within 1 year of the expiration date of the permit.

(n) *Moratorium on endorsements for fish traps in the Gulf.* The provisions of this paragraph (n) are effective through February 7, 1997.

(1) A fish trap endorsement will not be issued or renewed unless the current owner of the commercially permitted vessel for which the endorsement is requested has a record of landings of Gulf reef fish from fish traps in the Gulf EEZ during 1991 or 1992, as reported on fishing vessel logbooks received by the SRD on or before November 19, 1992. An owner will not be issued fish trap endorsements for vessels in numbers exceeding the number of vessels for which the owning entity had the requisite reported landings in 1991 or 1992.

(2) An owner of a vessel with a fish trap endorsement may transfer the endorsement to another vessel owned by the same entity by returning the existing endorsement with an application for an endorsement for the replacement vessel.

(3) A fish trap endorsement is not transferable upon change of ownership of a vessel with such endorsement, except as follows:

(i) Such endorsement is transferable when the change of ownership of the permitted vessel is from one to another

of the following: Husband, wife, son, daughter, brother, sister, mother, or father.

(ii) In the event that a vessel with a fish trap endorsement has a change of ownership that is directly related to the disability or death of the owner, the RD may issue such endorsement, temporarily or permanently, with the commercial vessel permit for Gulf reef fish that is issued for the vessel under the new owner. Such new owner will be the person specified by the owner or his/her legal guardian, in the case of a disabled owner, or by the will or executor/administrator of the estate, in the case of a deceased owner. (Change of ownership of a vessel with a commercial vessel permit for Gulf reef fish upon disability or death of an owner is considered a purchase of a permitted vessel and paragraph (m)(3) of this section applies regarding a commercial vessel permit for Gulf reef fish for the vessel under the new owner.)

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

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

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

(o) *Endorsements for the use of gillnets for king and Spanish mackerel in the Florida west coast subzone.* Other paragraphs of this section notwithstanding—

(1) An owner of a vessel that has a commercial vessel permit for king and Spanish mackerel may add or delete a gillnet endorsement on a permit by returning to the RD the vessel's existing permit with a written request for addition or deletion of the gillnet endorsement. Such request must be postmarked or hand delivered during June, each year.

(2) A gillnet endorsement may not be added or deleted from July 1 through May 31 each year, any renewal of the permit during that period notwithstanding. From July 1 through May 31, a permitted vessel that is sold, if permitted by the new owner for king and Spanish mackerel, will receive a permit with or without the gillnet endorsement as was the case for the vessel under the previous owner. From July 1 through May 31, the initial commercial vessel permit for king and Spanish mackerel issued for a vessel new to the fishery will be issued without a gillnet endorsement.

§ 622.5 Recordkeeping and reporting.

Participants in fisheries governed in this part are required to keep records and report as follows.

(a) *Commercial vessel owners and operators*—(1) *Requirements by species*—(i) *Coastal migratory pelagic fish.* The owner or operator of a vessel that fishes for or lands coastal migratory pelagic fish for sale in or from the Gulf or South Atlantic EEZ or adjoining state waters, or whose vessel is issued a commercial permit for king and Spanish mackerel, as required under § 622.4(a)(2)(iv), 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.

(ii) *Gulf reef fish.* The owner or operator of a vessel for which a commercial permit for Gulf reef fish has been issued, as required under § 622.4(a)(2)(v), 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 and must submit such record as specified in paragraph (a)(2) of this section.

(iii) *Gulf shrimp.* 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.

(iv) *South Atlantic snapper-grouper.* (A) The owner or operator of a vessel for which a commercial permit for South Atlantic snapper-grouper has been issued, as required under § 622.4(a)(2)(vi), 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)(2) of this section.

(B) The wreckfish shareholder under § 622.15, or operator of a vessel for which a commercial permit for wreckfish has been issued, as required under § 622.4(a)(2)(vii), 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.

(C) The wreckfish shareholder under § 622.15, or operator of a vessel for which a commercial permit for wreckfish has been issued, as required under § 622.4(a)(2)(vii), must make available to an authorized officer upon request all records of offloadings, purchases, or sales of wreckfish.

(2) *Reporting deadline.* Completed fishing records required by paragraphs (a)(1)(i), (ii), and (iv) 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) *Coastal migratory pelagic fish, reef fish, and snapper-grouper.* The owner or operator of a vessel for which a charter vessel/headboat permit for coastal migratory pelagic fish, Gulf reef fish, or South Atlantic snapper-grouper has been issued, as required under § 622.4(a)(1), or whose vessel fishes for or lands such coastal migratory pelagic fish, reef fish, or snapper-grouper in or from state waters adjoining the Gulf or South Atlantic EEZ, who is selected to report by the SRD must maintain a fishing record for each trip, or a portion of such trips as specified by the SRD, on forms provided by the SRD and must submit such record as specified in paragraph (b)(2) of this section.

(2) *Reporting deadlines*—(i) *Charter vessels.* Completed fishing records required by paragraph (b)(1) of this section for charter vessels must be

submitted to the SRD weekly, postmarked not later than 7 days after the end of each week (Sunday). Information to be reported is indicated on the form and its accompanying instructions.

(ii) *Headboats*. Completed fishing records required by paragraph (b)(1) of this section for headboats 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.

(c) *Dealers*—(1) *Coastal migratory pelagic fish*. (i) A person who purchases coastal migratory pelagic fish from a fishing vessel, or person, that fishes for or lands such fish in or from the EEZ or adjoining state waters who is selected to report by the SRD must submit information on forms provided by the SRD. This information must be submitted to the SRD at monthly intervals, postmarked not later than 5 days after the end of each month. Reporting frequency and reporting deadlines may be modified upon notification by the SRD. If no coastal migratory pelagic fish were received during a calendar month, a report so stating must be submitted on one of the forms, in accordance with the instructions on the form, and must be postmarked not later than 5 days after the end of the month. The information to be reported is as follows:

(A) Dealer's or processor's name and address.

(B) County where fish were landed.

(C) Total poundage of each species received during that month, or other requested interval.

(D) Average monthly price paid for each species.

(E) Proportion of total poundage landed by each gear type.

(ii) *Alternate SRD*. For the purposes of paragraph (c)(1)(i) of this section, 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 (see Table 1 of § 600.502 of this chapter), or a designee.

(2) *Gulf red drum*. A dealers or processor who purchases red drum harvested from the Gulf who is selected to report by the SRD must report to the SRD such information as the SRD may request and in the form and manner as the SRD may require. The information required to be submitted must include, but is not limited to, the following:

(i) Dealer's or processor's name and address.

(ii) State and county where red drum were landed.

(iii) Total poundage of red drum received during the reporting period, by each type of gear used for harvest.

(3) *Gulf reef fish*. A person who purchases Gulf reef fish from a fishing vessel, or person, that fishes for or lands such fish in or from the EEZ or adjoining state waters must maintain records and submit information as follows:

(i) A dealer must maintain at his/her principal place of business a record of Gulf reef fish that he/she receives. The record must contain the name of each fishing vessel from which reef fish were received and the date, species, and quantity of each receipt. A dealer must retain such record for at least 1 year after receipt date and must provide such record for inspection upon the request of an authorized officer or the SRD.

(ii) When requested by the SRD, a dealer must provide information from his/her record of Gulf reef fish received the total poundage of each species received during the month, average monthly price paid for each species by market size, and proportion of total poundage landed by each gear type. This information must be provided on forms available from the SRD and must be submitted to the SRD at monthly intervals, postmarked not later than 5 days after the end of the month. Reporting frequency and reporting deadlines may be modified upon notification by the SRD. If no reef fish were received during a calendar month, a report so stating must be submitted on one of the forms, postmarked not later than 5 days after the end of the month.

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

(4) *Gulf shrimp*. 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:

(i) 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.

(ii) Amount of shrimp received by species and size category for each receipt.

(iii) Exvessel value, by species and size category, for each receipt.

(5) *South Atlantic snapper-grouper*. (i) A person who purchases South Atlantic snapper-grouper that were harvested from the EEZ or from adjoining state waters and who is selected to report by the SRD and a dealer who has been issued a dealer permit for wreckfish, as required under § 622.4(a)(4), must provide information on receipts of South Atlantic snapper-grouper and prices paid, by species, on forms available from the SRD. The required information must be submitted to the SRD at monthly intervals, postmarked not later than 5 days after the end of the month. Reporting frequency and reporting deadlines may be modified upon notification by the SRD. If no South Atlantic snapper-grouper were received during a calendar month, a report so stating must be submitted on one of the forms, postmarked not later than 5 days after the end of the month. However, during complete months encompassed by the wreckfish spawning-season closure (that is, February and March), a wreckfish dealer is not required to submit a report stating that no wreckfish were received.

(ii) A dealer reporting South Atlantic snapper-grouper other than wreckfish may submit the information required in paragraph (c)(5)(i) of this section via facsimile (fax).

(iii) A dealer who has been issued a dealer permit for wreckfish, as required under § 622.4(a)(4), must make available to an authorized officer upon request all records of offloadings, purchases, or sales of wreckfish.

(d) *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 RD 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 RD. Specific reporting requirements will be provided with the permit. This reporting requirement is waived for aquacultured live rock that is landed in Florida.

(e) *Additional data and inspection.* 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 parts thereof available for inspection by the SRD or an authorized officer upon request.

(f) *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 paragraph (a) or (b) of this section 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.

§ 622.6 Vessel and gear identification.

(a) *Vessel identification*—(1) *Applicability*—(i) *Official number.* A vessel for which a permit has been issued under § 622.4, and a vessel that fishes for or possesses shrimp in the Gulf EEZ, must display its official number—

(A) 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.

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

(C) 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.

(ii) *Official number and color code.* The following vessels must display their official number as specified in paragraph (a)(1)(i) of this section and, in addition, must display their assigned color code: A vessel for which a fish trap endorsement has been issued, as required under § 622.4(a)(2)(i); a vessel for which a permit has been issued to fish with a sea bass pot, as required under § 622.4(a)(2)(vi); a vessel in the commercial Caribbean reef fish fishery fishing with traps; and a vessel in the Caribbean spiny lobster fishery. Color codes required for the Caribbean reef

fish fishery and Caribbean spiny lobster fishery are assigned by Puerto Rico or the U.S. Virgin Islands, whichever is applicable; color codes required in all other fisheries are assigned by the RD. The color code must be displayed—

(A) 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.

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

(C) 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.

(2) *Duties of operator.* The operator of a vessel specified in paragraph (a)(1) 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.

(b) *Gear identification*—(1) *Traps or pots*—(i) *Caribbean EEZ.* A fish trap or spiny lobster trap used or possessed in the Caribbean EEZ must display the official number specified for the vessel by Puerto Rico or the U.S. Virgin Islands so as to be easily identified.

(ii) *Gulf and South Atlantic EEZ.* A fish trap used or possessed in the Gulf EEZ and a sea bass pot used or possessed in the South Atlantic EEZ, or a fish trap or sea bass pot on board a vessel with a commercial permit for Gulf reef fish or South Atlantic snapper-grouper, must have a valid identification tag issued by the RD attached.

(2) *Buoys.* A buoy must display the assigned number and color code so as to be easily distinguished, located, and identified as follows—

(i) *Caribbean EEZ.* Each buoy must display the official number and color code specified for the vessel by Puerto Rico or the U.S. Virgin Islands, whichever is applicable.

(ii) *Gulf and South Atlantic EEZ.* Each buoy must display the number and color code assigned by the RD. In the Gulf EEZ, a buoy must be attached to each trap, or each end trap if traps are connected by a line. In the South Atlantic EEZ, buoys are not required to be used, but, if used, each buoy must display the number and color code.

(c) *Presumption of ownership.* A Caribbean spiny lobster trap, a fish trap,

or 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 traps and pots that are lost or sold if the owner reports the loss or sale within 15 days to the RD.

(d) *Unmarked traps, pots, or buoys.* An unmarked Caribbean spiny lobster trap, a fish trap, a sea bass pot, or a buoy deployed in the EEZ is illegal and may be disposed of in any appropriate manner by the Assistant Administrator or an authorized officer.

§ 622.7 Prohibitions.

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 is required under § 622.4 without such permit.

(b) Falsify information on a permit application or submitted with such application, as specified in § 622.4(b).

(c) Fail to display a permit or endorsement, as specified in § 622.4(i).

(d) Falsify or fail to maintain, submit, or provide information required to be maintained, submitted, or provided, as specified in § 622.5 (a) through (f).

(e) Fail to make a fish, or parts thereof, available for inspection, as specified in § 622.5(e).

(f) Falsify or fail to display and maintain vessel and gear identification, as specified in § 622.6 (a) and (b).

(g) Fail to comply with any requirement or restriction regarding ITQ coupons, as specified in § 622.15(c)(3), (c)(5), (c)(6), or (c)(7).

(h) Possess wreckfish as specified in § 622.15(c)(4), receive wreckfish except as specified in § 622.15(c)(7), or offload a wreckfish except as specified in § 622.15 (d)(3) and (d)(4).

(i) Transfer—

(1) A wreckfish, as specified in § 622.15(d)(1);

(2) A limited-harvest species, as specified in § 622.32(c) introductory text;

(3) A species/species group subject to a bag limit, as specified § 622.39(a)(1);

(4) South Atlantic snapper-grouper from a vessel with unauthorized gear on board, as specified in § 622.41(d)(2)(iii); or

(5) A species subject to a commercial trip limit, as specified in § 622.44 introductory text.

(j) Use or possess prohibited gear or methods or possess fish in association with possession or use of prohibited gear, as specified in § 622.31.

(k) 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, or molest or strip eggs from a Caribbean spiny lobster, as specified in § 622.32.

(l) 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 § 622.33, § 622.34, or § 622.35, or as may be specified under § 622.46 (b) or (c).

(m) Harvest, possess, offload, sell, or purchase fish in excess of the seasonal harvest limitations, as specified in § 622.36.

(n) Except as allowed under § 622.37(c) (2) and (3) for king and Spanish mackerel, possess undersized fish, fail to release undersized fish, or sell or purchase undersized fish, as specified in § 622.37.

(o) Fail to maintain a fish intact through offloading ashore, as specified in § 622.38.

(p) Exceed a bag or possession limit, as specified in § 622.39.

(q) 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 § 622.40.

(r) Fail to comply with the species-specific limitations, as specified in § 622.41.

(s) Fail to comply with the restrictions that apply after closure of a fishery, as specified in § 622.43.

(t) Possess on board a vessel or land, purchase, or sell fish in excess of the commercial trip limits, as specified in § 622.44.

(u) Fail to comply with the restrictions on sale/purchase, as specified in § 622.45.

(v) Interfere with fishing or obstruct or damage fishing gear or the fishing vessel of another, as specified in § 622.46(a).

Subpart B—Effort Limitations

§ 622.15 Wreckfish individual transferable quota (ITQ) system.

The provisions of this section apply to wreckfish in or from the South Atlantic EEZ.

(a) *Percentage shares.* (1) 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 have been assigned. Each person has been notified by the RD of his or her percentage share and shareholder certificate number.

(2) All or a portion of a person's percentage shares may be transferred to another person. Transfer of shares must be reported on a form available from the RD. The RD will confirm, in writing, each transfer of shares. The effective date of each transfer is the confirmation date provided by the RD. The confirmation date will normally be not later than 3 working days after receipt of a properly completed transfer form. A fee is charged for each transfer of shares. The amount of the fee is calculated in accordance with the procedures of the NOAA Finance Handbook, available from the RD, for determining the administrative costs of each special product or service provided by NOAA to non-Federal recipients. The fee may not exceed such costs and is specified with each transfer form. The appropriate fee must accompany each transfer form.

(b) *Lists of wreckfish shareholders and permitted vessels.* Annually, on or about March 1, the RD 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. Annually by April 15, the RD will provide each dealer who holds a dealer permit for wreckfish, as required under § 622.4(a)(4), with a list of vessels for which wreckfish permits have been issued, as required under § 622.4(a)(2)(vii). Annually, by April 15, the RD will provide each wreckfish shareholder with a list of dealers who have been issued dealer permits for wreckfish. From April 16 through January 14, updated lists will be provided when required. Updated lists may be obtained at other times or by a person who is not a wreckfish shareholder or wreckfish dealer permit holder by written request to the RD.

(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 RD 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 RD through February 15. Thus, the ITQs will be in terms of eviscerated weight of wreckfish.

(2) The RD 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—

(i) In an amount exceeding the total of the ITQ coupons on board the vessel;

(ii) That does not have on board a commercial vessel permit for wreckfish, as required under § 622.4(a)(2)(vii); or

(iii) That does not have on board logbook forms for that fishing trip, as required under § 622.5(a)(1)(iv)(B).

(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 § 622.5(a)(1)(iv)(B) 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. A wreckfish may be transferred only to a dealer who holds a dealer permit for wreckfish, as required under § 622.4(a)(4).

(7) A dealer may receive a wreckfish only from a vessel for which a commercial permit for wreckfish has been issued, as required under § 622.4(a)(2)(vii). 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 dealer reports required by § 622.5(c)(5)(i).

(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 may be offloaded from a fishing vessel only between 8 a.m. and 5 p.m., local time.

(4) If a wreckfish is to be offloaded at a location other than a fixed facility of a dealer who holds a dealer permit for wreckfish, as required under § 622.4(a)(4), the wreckfish shareholder or the vessel operator must advise the NMFS, Office of Enforcement, Southeast Region, St. Petersburg, FL, by telephone (1-800-853-1964), of the location not less than 24 hours prior to offloading.

§ 622.16 Red snapper individual transferable quota (ITQ) system.

The ITQ system established by this section will remain in effect through March 31, 2000, during which time NMFS and the GMFMC will evaluate the effectiveness of the system. Based on the evaluation, the system may be modified, extended, or terminated.

(a) *Percentage shares.* (1) Initial percentage shares of the annual quota of red snapper are assigned to persons in accordance with the procedure specified in Amendment 8 to the Fishery Management Plan for the Reef Fish Fishery of the Gulf of Mexico (FMP) and in paragraphs (c)(1) through (c)(4) of this section. Each person is notified by the RD of his or her initial percentage shares. If additional shares become available to NMFS, such as by forfeiture pursuant to subpart F of 15 CFR part 904 for rule violations, such shares will be proportionately reissued to shareholders based on their shares as of November 1, after the additional shares become available. If NMFS is required to issue additional shares, such as may be required in the resolution of disputes, existing shares will be proportionately reduced. This reduction of shares will be based on shares as of November 1 after the required addition of shares.

(2) All or a portion of a person's percentage shares may be transferred to another person who is a U.S. citizen or permanent resident alien. (See paragraph (c)(5) of this section for restrictions on the transfer of shares in

the initial months under the ITQ system.) Transfer of shares must be reported on a form available from the RD. The RD will confirm, in writing, the registration of each transfer. The effective date of each transfer is the confirmation date provided by the RD. The confirmation of registration date will normally be not later than 3 working days after receipt of a properly completed transfer form. However, reports of share transfers received by the RD from November 1 through December 31 will not be recorded or confirmed until after January 1. A fee is charged for each transfer of percentage shares. 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 provided by NOAA to non-Federal recipients. The fee may not exceed such costs and is specified with each transfer form. The appropriate fee must accompany each transfer form.

(3) On or about January 1 each year, the RD will provide each red snapper shareholder with a list of all red snapper shareholders and their percentage shares, reflecting share transfers as indicated on properly completed transfer forms received through October 31. Updated lists may be obtained at other times, and by persons who are not red snapper shareholders, by written request to the RD.

(b) *ITQs.* (1) Annually, as soon after November 15 as the following year's red snapper quota is established, the RD will calculate each red snapper shareholder's ITQ in terms of eviscerated weight. Each ITQ is the product of the red snapper quota, in round weight, for the ensuing fishing year, the factor for converting round weight to eviscerated weight, and each red snapper shareholder's percentage share, reflecting share transfers reported on forms received by the RD through October 31.

(2) The RD will provide each red snapper 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. If the transfer is by sale, the seller must enter the sale price on the coupon.

(4) Except when the red snapper bag limit applies, red snapper in or from the EEZ or on board a vessel that has been issued a commercial permit for Gulf reef fish, as required under § 622.4(a)(2)(v), may not be possessed in an amount, in eviscerated weight, exceeding the total

of ITQ coupons on board. (See § 622.39(a) for applicability of the bag limit.)

(5) Prior to termination of a trip, the operator's signature and the date signed must be written in ink on the "Vessel" part of ITQ coupons totaling at least the eviscerated weight of the red snapper on board. An owner or operator of a vessel must separate the "Vessel" part of each such coupon, enter thereon the permit number of the dealer to whom the red snapper are transferred, and submit the "Vessel" parts with the logbook forms for that fishing trip. An owner or operator of a vessel must make available to an authorized officer all ITQ coupons in his or her possession upon request.

(6) Red snapper harvested from the EEZ or possessed by a vessel with a commercial permit for Gulf reef fish, as required under § 622.4(a)(2)(v), may be transferred only to a dealer with a Gulf reef fish permit, as required under § 622.4(a)(4). The "Fish House" part of each ITQ coupon must be given to such dealer, or the agent or employee of such dealer, in amounts totaling at least the eviscerated weight of the red snapper transferred to that dealer.

(7) A dealer with a Gulf reef fish permit may receive red snapper only from a vessel that has on board a commercial permit for Gulf reef fish. A dealer, or the agent or employee of a dealer, must receive the "Fish House" part of ITQ coupons totaling at least the eviscerated weight of the red snapper received. Immediately upon receipt of red snapper, the dealer, or the agent or employee of the dealer, must enter the permit number of the vessel received from and date and sign each such "Fish House" part. The dealer must submit all such parts as required by paragraph (d)(6) of this section. A dealer, agent, or employee must make available to an authorized officer all ITQ coupons in his or her possession upon request.

(c) *Procedures for implementation—*
(1) *Initial shareholders.* The following persons are initial shareholders in the red snapper ITQ system:

(i) Either the owner or operator of a vessel with a valid permit on August 29, 1995, provided such owner or operator had a landing of red snapper during the period 1990 through 1992. If the earned income of an operator was used to qualify for the permit that is valid on August 29, 1995, such operator is the initial shareholder rather than the owner. In the case of an owner, the term "person" includes a corporation or other legal entity; and

(ii) A historical captain. A historical captain means an operator who meets all of the following qualifications:

(A) From November 6, 1989, through 1993, fished solely under verbal or written share agreements with an owner, and such agreements provided for the operator to be responsible for hiring the crew, who was paid from the share under his or her control.

(B) Landed from that vessel at least 5,000 lb (2,268 kg) of red snapper per year in 2 of the 3 years 1990, 1991, and 1992.

(C) Derived more than 50 percent of his or her earned income from commercial fishing, that is, sale of the catch, in each of the years 1989 through 1993.

(D) Landed red snapper prior to November 7, 1989.

(2) *Initial shares.* (i) Initial shares are apportioned to initial shareholders based on each shareholder's average of the top 2 years' landings in 1990, 1991, and 1992. However, no person who is an initial shareholder under paragraph (c)(1) of this section will receive an initial percentage share that will amount to less than 100 lb (45.36 kg), round weight, of red snapper (90 lb (41 kg), eviscerated weight).

(ii) The percentage shares remaining after the minimum shares have been calculated under paragraph (c)(2)(i) of this section are apportioned based on each remaining shareholder's average of the top 2 years' landings in 1990, 1991, and 1992. In a case where a landing is associated with an owner and a historical captain, such landing is apportioned between the owner and historical captain in accordance with the share agreement in effect at the time of the landing.

(iii) The determinations of landings of red snapper during the period 1990 through 1992 and historical captain status are made in accordance with the data collected under Amendment 9 to the FMP. Those data identify each red snapper landing during the period 1990 through 1992. Each landing is associated with an owner and, when an operator's earned income was used to qualify for the vessel permit at the time of the landing, with such operator. Where appropriate, a landing is also associated with a historical captain. However, a red snapper landings record during that period that is associated solely with an owner may be retained by that owner or transferred as follows:

(A) An owner of a vessel with a valid commercial permit for Gulf reef fish on August 29, 1995, who transferred a vessel permit to another vessel owned by him or her will retain the red snapper landings record for the previous vessel.

(B) An owner of a vessel with a valid commercial permit for Gulf reef fish on

August 29, 1995, will retain the landings record of a permitted vessel if the vessel had a change of ownership to another entity without a substantive change in control of the vessel. It will be presumed that there was no substantive change in control of a vessel if a successor in interest received at least a 50 percent interest in the vessel as a result of the change of ownership whether the change of ownership was—

(1) From a closely held corporation to its majority shareholder;

(2) From an individual who became the majority shareholder of a closely held corporation receiving the vessel;

(3) Between closely held corporations with a common majority shareholder; or

(4) From one to another of the following: Husband, wife, son, daughter, brother, sister, mother, or father.

(C) In other cases of transfer of a permit through change of ownership of a vessel, an owner of a vessel with a valid commercial permit for Gulf reef fish on August 29, 1995, will receive credit for the landings record of the vessel before his or her ownership only if there is a legally binding agreement for transfer of the landings record.

(iv) Requests for transfers of landings records must be submitted to the RD and must be postmarked not later than December 14, 1995. The RD may require documentation supporting such request. After considering requests for transfers of landings records, the RD will advise each initial shareholder or applicant of his or her tentative allocation of shares.

(3) *Notification of status.* The RD will advise each owner, operator, and historical captain for whom NMFS has a record of a red snapper landing during the period 1990 through 1992, including those who submitted such record under Amendment 9 to the FMP, of his or her tentative status as an initial shareholder and the tentative landings record that will be used to calculate his or her initial share.

(4) *Appeals.* (i) A special advisory panel, appointed by the GMFMC to function as an appeals board, will consider written requests from persons who contest their tentative status as an initial shareholder, including historical captain status, or tentative landings record. In addition to considering written requests, the board may allow personal appearances by such persons before the board.

(ii) The panel is only empowered to consider disputed calculations or determinations based on documentation submitted under Amendment 9 to the FMP regarding landings of red snapper during the period 1990 through 1992, including transfers of such landings records, or regarding historical captain

status. In addition, the panel may consider applications and documentation of landings not submitted under Amendment 9 if, in the board's opinion, there is justification for the late application and documentation. The board is not empowered to consider an application from a person who believes he or she should be eligible because of hardship or other factors.

(iii) A written request for consideration by the board must be submitted to the RD, postmarked not later than December 27, 1995, and must contain documentation supporting the allegations that form the basis for the request.

(iv) The board will meet as necessary to consider each request that is submitted in a timely manner. Members of the appeals board will provide their individual recommendations for each appeal to the GMFMC, which will in turn submit its recommendation to the RD. The board and the GMFMC will recommend whether the eligibility criteria, specified in Amendment 8 to the FMP and paragraphs (c)(1) and (c)(2) of this section, were correctly applied in each case, based solely on the available record including documentation submitted by the applicant. The GMFMC will also base its recommendation on the recommendations of the board. The RD will decide the appeal based on the above criteria and the available record, including documentation submitted by the applicant and the recommendation of the GMFMC. The RD will notify the appellant of his decision and the reason therefor, in writing, normally within 45 days of receiving the GMFMC's recommendation. The RD's decision will constitute the final administrative action by NMFS on an appeal.

(v) Upon completion of the appeal process, the RD will issue share certificates to initial shareholders.

(5) *Transfers of shares.* The following restrictions apply to the transfer of shares:

(i) The transfer of shares is prohibited through September 30, 1996.

(ii) From October 1, 1996, through September 30, 1997, shares may be transferred only to other persons who are initial shareholders and are U.S. citizens or permanent resident aliens.

(d) *Exceptions/additions to general measures.* Other provisions of this part notwithstanding—

(1) Management of the red snapper ITQ system extends to adjoining state waters in the manner stated in paragraphs (d)(2) and (d)(3) of this section.

(2) For a dealer to receive red snapper harvested from state waters adjoining

the Gulf EEZ by or possessed on board a vessel with a commercial permit for Gulf reef fish, the dealer permit for Gulf reef fish specified in § 622.4(a)(4) must have been issued to the dealer.

(3) A copy of the dealer's permit must accompany each vehicle that is used to pick up from a fishing vessel red snapper from adjoining state waters harvested by or possessed on board a vessel with a commercial permit for Gulf reef fish.

(4) As a condition of a commercial vessel permit for Gulf reef fish, without regard to where red snapper are harvested or possessed, a vessel with such permit must comply with the red snapper ITQ requirements of paragraph (b) of this section; may not transfer or receive red snapper at sea; and must maintain red snapper with head and fins intact through landing, and the exceptions to that requirement contained in § 622.38(d) do not apply to red snapper. Red snapper may be eviscerated, gilled, and scaled but must otherwise be maintained in a whole condition.

(5) As a condition of a dealer permit for Gulf reef fish, as required under § 622.4(a)(4) or under paragraph (d)(2) of this section, without regard to where red snapper are harvested or possessed, a permitted dealer must comply with the red snapper ITQ requirements of paragraph (b) of this section.

(6) In any month that a red snapper is received, a dealer must submit the report required under § 622.5(c)(3)(ii). The "Fish House" parts of red snapper individual transferable coupons, received during the month in accordance with paragraph (b) of this section, must be submitted to the SRD with the report.

(7) It is unlawful for a person to do any of the following:

(i) Receive red snapper from a fishing vessel without a dealer permit for Gulf reef fish.

(ii) Fail to carry a copy of the dealer's permit, as specified in paragraph (d)(3) of this section.

(iii) Fail to comply with a condition of a permit, as specified in paragraph (d)(4) or (d)(5) of this section.

(iv) Fail to report red snapper received, as specified in paragraph (d)(6) of this section.

Subpart C—Management Measures

§ 622.30 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 § 622.39(c)(1) is January 1 through December 31. The following fishing years apply only for the king and Spanish mackerel quotas specified in § 622.42(c):

(1) *Gulf migratory group king mackerel*—July 1 through June 30.

(2) *All other migratory groups of king and Spanish mackerel*—April 1 through March 31.

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

§ 622.31 Prohibited gear and methods.

In addition to the prohibited gear/methods specified in this section, see §§ 622.33, 622.34, and 622.35 for seasonal/area prohibited gear/methods and § 622.41 for species specific authorized and unauthorized gear/methods.

(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 § 622.4, 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, and a chemical, plant, or plant-derived toxin may not be used to harvest a Caribbean coral reef resource in the Caribbean EEZ.

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

(d) *Gillnets*. A gillnet that has a float line that is more than 1,000 yd (914 m) in length or a drift gillnet may not be used in the Gulf, Mid-Atlantic, or South Atlantic EEZ to fish for king or Spanish mackerel; in the Gulf or South Atlantic EEZ to fish for coastal migratory pelagic fish, other than bluefish; or in the Gulf EEZ to fish for bluefish. A vessel in, or having fished on a trip in, the Gulf, Mid-Atlantic, or South Atlantic EEZ with such a gillnet or a drift gillnet on board may not have on board on that trip any of the indicated fish.

(e) *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.

(f) *Poisons*. (1) A poison, drug, or other chemical may not be used to fish for Caribbean reef fish in the Caribbean EEZ.

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

(3) A poison may not be used to fish for South Atlantic snapper-grouper in the South Atlantic EEZ.

(g) *Power-assisted tools*. A power-assisted tool may not be used in the Caribbean EEZ to take a Caribbean coral reef resource or in the Gulf or South Atlantic EEZ to take allowable octocoral, prohibited coral, or live rock.

(h) *Powerheads*. A powerhead may not be used in the Caribbean EEZ to harvest Caribbean reef fish or in the EEZ off South Carolina to harvest South Atlantic snapper-grouper. The possession of a mutilated Caribbean reef fish in or from the Caribbean EEZ, or a mutilated South Atlantic snapper-grouper in or from the EEZ off South Carolina, and a powerhead is *prima facie* evidence that such fish was harvested by a powerhead.

(i) *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.

(j) *Sea bass pots*. 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.

(k) *Spears and hooks*. A spear, hook, or similar device may not be used in the Caribbean EEZ to harvest a Caribbean spiny lobster. The possession of a speared, pierced, or punctured Caribbean spiny lobster in or from the Caribbean EEZ is *prima facie* evidence of violation of this section.

§ 622.32 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.* Prohibited species, by geographical area, are as follows:

(1) *Caribbean.* (i) Caribbean prohibited coral may not be fished for or possessed in or from the Caribbean EEZ. The taking of Caribbean prohibited coral in the Caribbean EEZ is not considered unlawful possession provided it is returned immediately to the sea in the general area of fishing.

(ii) Foureye, banded, and longsnout butterflyfish; jewfish; Nassau grouper; and seahorses may not be harvested or possessed in or from the Caribbean EEZ. Such fish caught in the Caribbean EEZ must be released immediately with a minimum of harm.

(iii) Egg-bearing spiny lobster in the Caribbean EEZ must be returned to the water unharmed. An egg-bearing spiny lobster may be retained in a 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) *Gulf.* (i) Gulf and South Atlantic 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.

(ii) Jewfish may not be harvested or possessed in or from the Gulf EEZ.

(iii) Red drum may not be harvested or possessed in or from the Gulf EEZ. Red drum caught in the Gulf EEZ must be released immediately with a minimum of harm.

(3) *Mid-Atlantic.* Red drum may not be harvested or possessed in or from the Mid-Atlantic EEZ south of a line extending in a direction of 115° from true north commencing at a point at 40°29.6' N. lat., 73°54.1' W. long., such point being the intersection of the New Jersey/New York boundary with the 3-nm line denoting the seaward limit of state waters. Red drum caught in such portion of the Mid-Atlantic EEZ must be released immediately with a minimum of harm.

(4) *South Atlantic.* (i) Gulf and 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.

(ii) Jewfish and Nassau grouper may not be harvested or possessed in or from the South Atlantic EEZ. Jewfish and Nassau 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.

(iii) Red drum may not be harvested or possessed in or from the South Atlantic EEZ. Red drum caught in the South Atlantic EEZ must be released immediately with a minimum of harm.

(iv) Wild live rock may not be harvested or possessed in the South Atlantic EEZ.

(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) *Cobia.* No person may possess more than two cobia per day in or from the Gulf or South Atlantic EEZ, regardless of the number of trips or duration of a trip.

(2) *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.

(3) *Speckled hind and warsaw grouper.* The possession of speckled hind and warsaw grouper in or from the South Atlantic EEZ is limited to one of each per vessel per trip.

§ 622.33 Caribbean EEZ seasonal and/or area closures.

(a) *Mutton snapper spawning aggregation area.* From March 1 through June 30, each year, fishing is prohibited in the area bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
A	17°37.9'	64°52.6'
B	17°38.2'	64°52.1'
C	17°38.3'	64°51.8'
D	17°38.1'	64°51.4'
A	17°37.9'	64°52.6'

(b) *Red hind spawning aggregation areas.* From December 1 through February 28, each year, fishing is prohibited in the following three areas.

Each area is bounded by rhumb lines connecting, in order, the points listed.

(1) *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'

(2) *South of St. Thomas.*

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'
A	18°13.2'	65°06.0'

(3) *West of Puerto Rico.*

Point	North lat.	West long.
A	18°11.0'	67°25.5'
B	18°11.0'	67°20.4'
C	18°08.0'	67°20.4'
D	18°08.0'	67°25.5'
A	18°11.0'	67°25.5'

§ 622.34 Gulf EEZ seasonal and/or area closures.

(a) *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 § 622.4(a)(2), 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 § 622.39(b) and, for Gulf reef fish for which no bag limit is specified in § 622.39(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'

(b) *Florida middle grounds HAPC.* Fishing with a bottom longline, bottom trawl, dredge, pot, or trap is prohibited

year round in the area bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
A	28°42.5'	84°24.8'
B	28°42.5'	84°16.3'
C	28°11.0'	84°00.0'
D	28°11.0'	84°07.0'
E	28°26.6'	84°24.8'
A	28°42.5'	84°24.8'

(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 § 622.39(b)(1) and, for Gulf reef fish for which no bag limit is specified in § 622.39(b)(1), 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, and shown in Figures 1 and 2, in Appendix B of this part.

(d) *Riley's Hump seasonal closure.* From May 1 through June 30, each year, fishing is prohibited in the following area bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
A	24°32.2'	83°08.7'
B	24°32.2'	83°05.2'
C	24°28.7'	83°05.2'
D	24°28.7'	83°08.7'
A	24°32.2'	83°08.7'

(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 46-38.001, Florida Administrative Code. Geographical coordinates of the points referred to in this paragraph (e) are as follows:

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"

Point	North lat.	West long.
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.

(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.

(f) *Southwest Florida seasonal trawl closure.* From January 1 to 1 hour after 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:

Point	North lat.	West long.
B ¹	26°16.0'	81°58.5'
C	26°00.0'	82°04.0'

Point	North lat.	West long.
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.

(g) *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, and shown in Figures 3 and 4, 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.

(3) A fish trap may not be used in the stressed area. A fish trap used in the stressed area will be considered unclaimed or abandoned property and may be disposed of in any appropriate manner by the Assistant Administrator (including an authorized officer).

(h) *Texas closure.* (1) From 30 minutes after sunset on May 15 to 30 minutes after 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 Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico, the RD 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.

(i) *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:

Point	North lat.	West long.
N ¹	25°52.9'	81°37.9'
F	25°50.7'	81°51.3'
G ²	24°40.1'	82°26.7'
H ³	24°34.7'	82°35.2'
P ⁴	24°35.0'	81°08.0'

¹ Coon Key Light.
² New Ground Rocks Light.
³ Rebecca Shoal Light.
⁴ Marquesas Keys.

(2) The provisions of paragraph (i)(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 (i)(2)(i) of this section, to point G, as specified in paragraph (i)(1) of this section.

(3) 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 (i)(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 (i)(2)(i) of this section.

(j) *West and East Flower Garden Banks HAPC.* Fishing with a bottom longline, bottom trawl, dredge, pot, or trap is prohibited year-round in the HAPC. The West and East Flower Garden Banks are geographically centered at 27°52'14.21" N. lat., 93°48'54.79" W. long. and 27°55'07.44" N. lat., 93°36'08.49" W. long., respectively. The HAPC extends from these centers to the 50-fathom (300-ft) (91.4-m) isobath.

(k) *Wild live rock area closures.* No person may harvest or possess wild live rock in the Gulf EEZ—

(1) North and west of a line extending in a direction of 235° from true north from a point at the mouth of the Suwannee River at 29°17.25' N. lat., 83°09.9' W. long. (the Levy/Dixie County, FL boundary); or

(2) South of 25°20.4' N. lat. (due west from the Monroe/Collier County, FL boundary).

§ 622.35 South Atlantic EEZ seasonal and/or area closures.

(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) *Longline closed 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 § 622.39(d)(1), 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) *Oculina Bank HAPC.* The Oculina Bank HAPC 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. In the Oculina Bank HAPC:

(1) Fishing with a bottom longline, bottom trawl, dredge, pot, or trap is prohibited.

(2) A fishing vessel may not anchor, use an anchor and chain, or use a grapple and chain.

(3) No fishing for South Atlantic snapper-grouper is allowed, and South Atlantic snapper-grouper may not be retained, in or from the HAPC. South Atlantic snapper-grouper taken incidentally in the HAPC by hook-and-line gear must be released immediately

by cutting the line without removing the fish from the water.

(d) *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 (d)(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 (d)(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 all trawl nets with a mesh size less than 4 inches (10.2 cm), as measured between the centers of opposite knots when pulled taut, are stowed below deck while transiting the closed area. For the purpose of this paragraph, a vessel is in transit when it is on a direct and continuous course through a closed area.

(e) *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°56.4' N. lat.; on the south by 30°55.2' N. lat.; on the east by 81°15.4' W. long.; and on the west by 81°16.5' W. long.

(xiii) *Artificial Reef—C* is bounded on the north by 30°51.4' N. lat.; on the south by 30°50.1' N. lat.; on the east by 81°09.1' W. long.; and on the west by 81°10.4' W. long.

(xiv) *Artificial Reef—G* is bounded on the north by 30°59.1' N. lat.; on the south by 30°57.8' N. lat.; on the east by 80°57.7' W. long.; and on the west by 80°59.2' W. long.

(xv) *Artificial Reef—F* is bounded on the north by 31°06.6' N. lat.; on the south by 31°05.6' N. lat.; on the east by 81°11.4' W. long.; and on the west by 81°13.3' W. long.

(xvi) *Artificial Reef—J* is bounded on the north by 31°36.7' N. lat.; on the south by 31°35.7' N. lat.; on the east by

80°47.0' W. long.; and on the west by 80°48.1' W. long.

(xvii) *Artificial Reef—L* is bounded on the north by 31°46.2' N. lat.; on the south by 31°45.1' N. lat.; on the east by 80°35.8' 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°50.3' N. lat.; on the east by 80°46.0' W. long.; and on the west by 80°47.2' 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.

(2) The use of a sea bass pot or a bottom longline is prohibited in each of the SMZs. The following additional restrictions apply in the indicated SMZs:

(i) In SMZs specified in paragraphs (e)(1) (i) through (xviii) and (e)(1) (xxii) through (xxix) of this section, the use of a gillnet or a trawl is prohibited; and fishing may be conducted only with hand-held hook-and-line gear (including a manual, electric, or hydraulic rod and reel) and spearfishing gear.

(ii) In SMZs specified in paragraphs (e)(1) (xix) and (xx) of this section, a hydraulic or electric reel that is permanently affixed to the vessel is prohibited when fishing for South Atlantic snapper-grouper.

(iii) In the SMZs specified in paragraphs (e)(1) (xix) and (xxi) of this section, the use of spearfishing gear is prohibited.

(iv) In the SMZs specified in paragraphs (e)(1)(i) through (x) and (e)(1) (xxii) through (xxix) of this section, a powerhead may not be used to take South Atlantic snapper-grouper. Possession of a powerhead and a mutilated South Atlantic snapper-grouper in one of the specified SMZs, or after having fished in one of the SMZs, constitutes *prima facie* evidence that such fish was taken with a powerhead in the SMZ.

§ 622.36 Seasonal harvest limitations.

The following limitations apply in the South Atlantic EEZ:

(a) *Greater amberjack spawning season.* During April, each year, south of 28°35.1' N. lat. (due east of the NASA Vehicle Assembly Building, Cape Canaveral, FL), the possession of greater amberjack in or from the EEZ on board a vessel that has a commercial permit for South Atlantic snapper-grouper is limited to three per person during a single day, regardless of the number of trips or the duration of a trip.

(b) *Mutton snapper spawning season.* During May and June, each year, the possession of mutton snapper in or from the EEZ on board a vessel that has a commercial permit for South Atlantic snapper-grouper is limited to 10 per person during a single day, regardless of the number of trips or the duration of a trip.

(c) *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.

§ 622.37 Minimum sizes.

Except for undersized king and Spanish mackerel allowed in paragraphs (c)(2) and (3) of this section, a fish smaller than its minimum size, as specified in this section, in or from the Caribbean, Gulf, South Atlantic, and/or Mid-Atlantic EEZ, as appropriate, may not be possessed, sold, or purchased. An undersized fish 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 no smaller than the minimum size limits specified in this section.

(a) *Caribbean reef fish*: Yellowtail snapper—12 inches (30.5 cm), TL.

(b) *Caribbean spiny lobster*—3.5 inches (8.9 cm), carapace length.

(c) *Coastal migratory pelagic fish*. (1) Cobia in the Gulf or South Atlantic—33 inches (83.8 cm), fork length.

(2) King mackerel in the Gulf, South Atlantic, or Mid-Atlantic—20 inches (30.5 cm), fork length, except that a vessel fishing under a quota for king mackerel specified in § 622.42(c)(1) may possess undersized king mackerel in quantities not exceeding 5 percent, by weight, of the king mackerel on board.

(3) 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 § 622.42(c)(2) may possess undersized Spanish mackerel in quantities not exceeding 5 percent, by weight, of the Spanish mackerel on board.

(d) *Gulf reef fish*. (1) Black sea bass and lane and vermilion snappers—8 inches (20.3 cm), TL.

(2) Gray, mutton, and yellowtail snappers—12 inches (30.5 cm), TL.

(3) Red snapper—

(i) Effective through December 31, 1997—15 inches (38.1 cm), TL;

(ii) Effective January 1, 1998—16 inches (40.6 cm), TL.

(4) Black, red, Nassau, and yellowfin groupers and gag—20 inches, (50.8 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 § 622.39(b)(1)(i) and 36 inches (91.4 cm), fork length, for a fish taken by a person not subject to the bag limit.

(e) *South Atlantic snapper-grouper*.

(1) Black sea bass and lane snapper—8 inches (20.3 cm), TL.

(2) Vermilion snapper—10 inches (25.4 cm), TL, for a fish taken by a person subject to the bag limit specified in § 622.39(d)(1)(v) and 12 inches (30.5 cm), TL, for a fish taken by a person not subject to the bag limit.

(3) Blackfin, cubera, dog, gray, mahogany, queen, silk, and yellowtail snappers; schoolmaster; and red porgy—12 inches (30.5 cm), TL.

(4) Gray triggerfish in the South Atlantic EEZ off Florida—12 inches (30.5 cm), TL.

(5) Hogfish—12 inches (30.5 cm), fork length.

(6) Mutton snapper—16 inches (40.6 cm), TL.

(7) Black, red, yellowfin, and yellowmouth grouper; scamp; gag; and red snapper—20 inches (50.8 cm), TL.

(8) Greater amberjack—28 inches (71.1 cm), fork length, for a fish taken by a person subject to the bag limit specified in § 622.39(d)(1)(i) and 36 inches (91.4 cm), fork length, or, if the head is removed, 28 inches (71.1 cm), measured from the center edge at the deheaded end to the fork of the tail, for a fish taken by a person not subject to the bag limit. (See Figure 2 in Appendix C of this part for deheaded fish length measurement.)

(f) *Gulf shrimp*. White shrimp harvested in the EEZ are subject to the minimum-size landing and possession limits of Louisiana when possessed within the jurisdiction of that State.

§ 622.38 Landing fish intact.

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.

(a) The following must be maintained with head and fins intact: A cobia in or from the Gulf or South Atlantic EEZ; a king mackerel or Spanish mackerel in or from the Gulf, Mid-Atlantic, or South Atlantic EEZ; a South Atlantic snapper-grouper in or from the South Atlantic EEZ; a yellowtail snapper in or from the Caribbean EEZ; and, except as specified in paragraphs (c), (d), and (e) of this section, a finfish in or from the Gulf EEZ. Such fish may be eviscerated, gilled, and scaled, but must otherwise be maintained in a whole condition.

(b) A Caribbean spiny lobster in or from the Caribbean EEZ must be maintained with head and carapace intact.

(c) Shark, swordfish, and tuna species are exempt from the requirements of paragraph (a) of this section.

(d) In the Gulf EEZ:

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

(i) For the purpose of this paragraph (d)(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 in³ (7.6 cm³) 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 (d)(1)(i) of this section notwithstanding, a finfish or part thereof possessed in or landed from the Gulf 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.

(e) In the South Atlantic EEZ, a greater amberjack on or offloaded ashore from a vessel that has a permit specified in § 622.4(a)(2)(vi) may be deheaded and eviscerated, but must otherwise be maintained in a whole condition through offloading ashore.

§ 622.39 Bag and possession limits.

(a) *Applicability*. (1) The bag and possession limits apply for species/species groups listed in this section in or from the EEZ. Bag limits apply to a person on a daily basis, regardless of the number of trips in a day. 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 aboard a vessel in the EEZ that has on board the commercial vessel permit required under § 622.4(a)(2) for the appropriate species/species group. However, see § 622.32 for limitations on taking prohibited and limited-harvest species. The limitations in § 622.32 apply without regard to whether the species is harvested by a vessel operating under a commercial vessel permit or by a person subject to the bag limits. 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 this section with a bag or possession limit applicable to state waters. A species/species group subject to a bag limit specified in this section 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.

(2) Paragraph (a)(1) of this section 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 § 622.34(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.

(b) *Gulf reef fish*—(1) *Bag limits*. (i) Greater amberjack—3.

(ii) Groupers, combined, excluding jewfish—5.

(iii) Red snapper—5.

(iv) Snappers, combined, excluding red, lane, and vermilion snapper—10.

(2) *Possession limits*. 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.

(c) *King and Spanish mackerel*—(1) *Bag limits*. (i) Atlantic migratory group king mackerel—

(A) Mid-Atlantic and South Atlantic, other than off Florida—3.

(B) Off Florida—2, which is the daily bag limit specified by Florida for its waters (Rule 46–12.004(1), Florida Administrative Code). If Florida changes its limit, the bag limit specified in this paragraph (c)(1)(i)(B) will be changed to

conform to Florida's limit, provided such limit does not exceed 5.

(ii) Gulf migratory group king mackerel—2.

(iii) Atlantic migratory group Spanish mackerel—10.

(iv) Gulf migratory group Spanish mackerel—

(A) Off Louisiana, Mississippi, and Alabama—10.

(B) Off Florida—10, which is the daily bag limit specified by Florida for its waters (Rule 46–23.005(1), Florida Administrative Code). If Florida changes its limit, the bag limit specified in this paragraph (c)(1)(iv)(B) will be changed to conform to Florida's limit, provided such limit does not exceed 10.

(C) Off Texas—7, which is the daily bag limit specified by Texas for its waters (Rule 31–65.72(c)(4)(A), Texas Administrative Code). If Texas changes its limit, the bag limit specified in this paragraph (c)(1)(iv)(C) will be changed to conform to Texas' limit, provided such limit does not exceed 10.

(2) *Possession limits*. 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.

(d) *South Atlantic snapper-grouper*—(1) *Bag limits*. (i) Greater amberjack—3.

(ii) Groupers, combined, excluding jewfish and Nassau grouper, and tilefishes—5.

(iii) Hogfish in the South Atlantic off Florida—5.

(iv) Snappers, combined, excluding cubera snapper measuring 30 inches (76.2 cm), TL, or larger, in the South Atlantic off Florida, and excluding vermilion snapper—10, of which no more than 2 may be red snapper. (See § 622.32(c)(2) for limitations on cubera snapper measuring 30 inches (76.2 cm), TL, or larger, in or from the South Atlantic EEZ off Florida.)

(v) Vermilion snapper—10.

(2) *Possession limits*. 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.

(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.

(3) *Longline bag limits*. Other provisions of this paragraph (d) 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 paragraph (d)(1) of this section, and to zero for all other South Atlantic snapper-grouper. For the purpose of this paragraph (d)(3), 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.

§ 622.40 Limitations on traps and pots.

(a) *Tending*—(1) *Caribbean EEZ*. A fish trap or Caribbean spiny lobster trap in the Caribbean EEZ may be pulled or tended only by a person (other than an authorized officer) aboard the fish trap or spiny lobster 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.

(2) *Gulf EEZ*. A fish trap in the Gulf EEZ may be pulled or tended only by a person (other than an authorized officer) aboard the vessel with the fish trap endorsement to fish such trap or aboard another vessel if such vessel has on board written consent of the owner or operator of the vessel so endorsed. Such written consent is valid solely for the removal of fish traps from the EEZ, and harvest of fish incidental to such removal, when vessel or equipment breakdown prevents the vessel with the fish trap endorsement from retrieving its traps.

(3) *South Atlantic EEZ*. 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) *Escape mechanisms*—(1) *Caribbean EEZ*. (i) A fish trap used or possessed in the Caribbean EEZ must have a panel located on each of two sides of the trap, excluding the top, bottom, and side containing the trap entrance. The opening covered by a panel must measure not less than 8 by 8 inches (20.3 by 20.3 cm). The mesh size of a panel may not be smaller than

the mesh size of the trap. A panel must be attached to the trap with untreated jute twine with a diameter not exceeding $\frac{1}{8}$ inch (3.2 mm). An access door may serve as one of the panels, 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 $\frac{1}{8}$ 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.

(ii) A spiny lobster trap used or possessed in the Caribbean EEZ 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 $\frac{1}{8}$ 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 $\frac{1}{16}$ inch (1.6 mm), that is, 16 gauge wire.

(2) *Gulf EEZ*. A fish trap used or possessed in the Gulf EEZ must have at least two escape windows on each of two sides, excluding the bottom (a total of four escape windows), that are 2 by 2 inches (5.1 by 5.1 cm) or larger. In addition, a fish trap must have a panel or access door located opposite each side of the trap that has a funnel. The opening covered by each panel or access door must be 144 in² (929 cm²) or larger, with one dimension of the area equal to or larger than the largest interior axis of the trap's throat (funnel) with no other dimension less than 6 inches (15.2 cm). The hinges and fasteners of each panel or access door must be constructed of one of the following degradable materials:

(i) Untreated jute string with a diameter not exceeding $\frac{3}{16}$ inch (4.8 mm) that is not wrapped or overlapped.

(ii) Magnesium alloy, time float releases (pop-up devices) or similar magnesium alloy fasteners.

(3) *South Atlantic EEZ*. (i) A sea bass pot that is used or possessed in the South Atlantic EEZ north of 28°35.1' N. lat. (due east of the NASA Vehicle Assembly Building, Cape Canaveral, FL) is required to have 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) Untreated hemp, jute, or cotton string with a diameter not exceeding $\frac{3}{16}$ inch (4.8 mm).

(B) Magnesium alloy, timed float releases (pop-up devices) or similar magnesium alloy fasteners.

(C) Ungalvanized or uncoated iron wire with a diameter not exceeding $\frac{1}{16}$ inch (1.6 mm), that is, 16 gauge wire.

(ii) [Reserved]

(c) *Construction requirements and mesh sizes*—(1) *Caribbean EEZ*. A bare-wire fish trap used or possessed in the EEZ 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 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, must have a minimum mesh size of 2.0 inches (5.1 cm) in the smallest dimension measured between centers of opposite strands.

(2) *Gulf EEZ*. A fish trap used or possessed in the Gulf EEZ must meet all of the following mesh size requirements (based on centerline measurements between opposite wires or netting strands):

(i) A minimum of 2 in² (12.9 cm²) opening for each mesh.

(ii) One-inch (2.5-cm) minimum length for the shortest side.

(iii) Minimum distance of 1 inch (2.5 cm) between parallel sides of rectangular openings, and 1.5 inches (3.8 cm) between parallel sides of square openings and of mesh openings with more than four sides.

(iv) One and nine-tenths inches (4.8 cm) minimum distance for diagonal measures of mesh.

(3) *South Atlantic EEZ*. (i) 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):

(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) [Reserved]

(d) *Area-specific restrictions*—(1) *Gulf EEZ*. In the Gulf EEZ, a fish trap may be pulled or tended only from official sunrise to official sunset. The operator of a vessel from which a fish trap is deployed in the Gulf EEZ must retrieve all the vessel's fish traps and return them to port on each trip. A fish trap

that is not returned to port on a trip, and its attached line and buoy, may be disposed of in any appropriate manner by the Assistant Administrator or an authorized officer. The owner of such trap and/or the operator of the responsible vessel is subject to appropriate civil penalties. A buoy that floats on the surface must be attached to each fish trap, or to each end trap of traps that are connected by a line, used in the Gulf EEZ. The maximum allowable size for a fish trap fished in the Gulf EEZ shoreward of the 50-fathom (91.4-m) isobath is 33 ft³ (0.9 m³) in volume. Fish trap volume is determined by measuring the external dimensions of the trap, and includes both the enclosed holding capacity of the trap and the volume of the funnel(s) within those dimensions. There is no size limitation for fish traps fished seaward of the 50-fathom (91.4-m) isobath. The maximum number of traps that may be assigned to, possessed, or fished in the Gulf EEZ by a vessel is 100.

(2) *South Atlantic EEZ*. 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.

§ 622.41 Species specific limitations.

(a) *Aquacultured live rock*. In the Gulf or South Atlantic EEZ:

(1) Aquacultured live rock may be harvested only under a permit, as required under § 622.4(a)(3)(iii), 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) In the Gulf EEZ, must be distinguishable, geologically or otherwise (for example, be indelibly marked or tagged), from the naturally occurring substrate.

(G) In the South Atlantic EEZ, 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. In addition, the following activities are prohibited in the South Atlantic: 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)(3), chipping means breaking up reefs, ledges, or rocks into fragments, usually by means of a chisel and hammer.

(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 Law Enforcement Office, Southeast Area, St. Petersburg, FL, telephone (813) 570-5344:

(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) *Caribbean reef fish*. A marine aquarium fish may be harvested in the Caribbean EEZ only by a hand-held dip net or by a hand-held slurp gun. For the purposes of this paragraph, a hand-held slurp gun is a device that rapidly draws seawater containing fish into a self-contained chamber, and a marine aquarium fish is a Caribbean reef fish that is smaller than 5.5 inches (14.0 cm), TL.

(c) *King and Spanish mackerel*—(1) *Prohibited gear*. (i) In addition to the gear restrictions specified in § 622.31, fishing gear is prohibited for use in the Gulf, Mid-Atlantic, and South Atlantic

EEZ for migratory groups of king and Spanish mackerel as follows:

(A) King mackerel, Gulf migratory group—all gear other than hook and line and run-around gillnet.

(B) Spanish mackerel, Gulf and Atlantic migratory groups—purse seines.

(ii) Except for the purse seine incidental catch allowance specified in paragraph (c)(3) of this section, a vessel in the EEZ in the area of a migratory group or having fished in the EEZ in such area with prohibited gear on board may not possess any of the species for which that gear is prohibited.

(2) *Gillnets*—(i) *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 the EEZ, or having fished on a trip in the EEZ, with a gillnet on board that has a mesh size less than 4.75 inches (12.1 cm), stretched mesh, may possess on that trip an incidental catch of king mackerel that does not exceed 10 percent, by number, of the total lawfully possessed Spanish mackerel on board.

(ii) *Spanish mackerel*. The minimum allowable mesh size for a gillnet used to fish in the Gulf, Mid-Atlantic, or South Atlantic EEZ for Spanish mackerel is 3.5 inches (8.9 cm), stretched mesh. A vessel in the EEZ, or having fished on a trip in the 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.

(3) *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 paragraph (c)(1)(i)(B) of this section, or, in the case of king mackerel from the Atlantic migratory group, in violation of a closure effected in accordance with § 622.43(a), 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 § 622.42(c) and are subject to the prohibition of sale under § 622.43(a)(3)(iii).

(d) *South Atlantic snapper-grouper*—(1) *Authorized gear*. Subject to the gear restrictions specified in § 622.31, the following are the only gear types

authorized in directed fishing for snapper-grouper in the South Atlantic EEZ:

(i) Vertical hook-and-line gear, including a hand-held rod or a rod attached to a vessel ("bandit" gear), in either case, with a manual, electric, or hydraulic reel.

(ii) Spearfishing gear.

(iii) Bottom longline.

(iv) Sea bass pot.

(2) *Unauthorized gear*. All gear types other than those specified in paragraph (d)(1) of this section are unauthorized gear and the following possession and transfer limitations apply.

(i) 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.

(ii) Except as specified in paragraph (d)(3) 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:

(A) South Atlantic snapper-grouper species for which a bag limit is specified in § 622.39(d)(1)—the bag limit.

(B) All other South Atlantic snapper-grouper—zero.

(iii) 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.

(iv) No vessel may receive at sea any South Atlantic snapper-grouper from a vessel with unauthorized gear on board, as specified in paragraph (d)(2)(iii) of this section.

(3) *Use of 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 on a trip with a sink net on board, may retain otherwise legal South Atlantic snapper-grouper taken on that trip with vertical hook-and-line gear or a sea bass pot. For the purpose of this paragraph (d)(3), 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.

§ 622.42 Quotas.

Quotas apply for the fishing year for each species or species group. Except for the quotas for Gulf and South Atlantic coral, the quotas include species harvested from state waters adjoining the EEZ. Quotas for species

managed under this part are as follows. (See § 622.32 for limitations on taking prohibited and limited-harvest species. The limitations in § 622.32 apply without regard to whether the species is harvested by a vessel operating under a commercial vessel permit or by a person subject to the bag limits.)

(a) *Gulf reef fish*. Quotas apply to persons who fish under commercial vessel permits for Gulf reef fish, as required under § 622.4(a)(2)(v).

(1) Red snapper—3.06 million lb (1.39 million kg), round weight.

(2) Deep-water groupers, that is, yellowedge grouper, misty grouper, warsaw grouper, snowy grouper, speckled hind, and, after the quota for shallow-water grouper is reached, scamp, combined—1.6 million lb (0.7 million kg), round weight.

(3) Shallow-water groupers, that is, all groupers other than deep-water groupers and jewfish, including scamp before the quota for shallow-water groupers is reached, combined—9.8 million lb (4.4 million kg), round weight.

(b) *Gulf and South Atlantic coral*—(1) *Allowable octocoral*. The quota for all persons who harvest allowable octocoral in the Gulf and South Atlantic EEZ is 50,000 colonies. A colony is a continuous group of coral polyps forming a single unit.

(2) *Wild live rock in the Gulf*. The quota for all persons who harvest wild live rock in the Gulf EEZ is 500,000 lb (226,796 kg). Commencing with the fishing year that begins January 1, 1997, the quota is zero.

(c) *King and Spanish mackerel*. King and Spanish mackerel quotas apply to persons who fish under commercial vessel permits for king and Spanish mackerel, as required under § 622.4(a)(2)(iv). A fish is counted against the quota for the area where it is caught when it is first sold.

(1) *Migratory groups of king mackerel*—(i) *Gulf migratory group*. The quota for the Gulf migratory group of king mackerel is 2.50 million lb (1.13 million kg). The Gulf migratory group is divided into eastern and western zones separated by 87°31'06" W. long., which is a line directly south from the Alabama/Florida boundary. Quotas for the eastern and western zones are as follows:

(A) *Eastern zone*—1.73 million lb (0.78 million kg), which is further divided into quotas as follows:

(1) *Florida east coast subzone*—865,000 lb (392,357 kg).

(2) *Florida west coast subzone*—865,000 lb (392,357 kg), which is further divided into quotas by gear types as follows:

(i) 432,500 lb (196,179 kg) for vessels fishing with hook-and-line gear.

(ii) 432,500 lb (196,179 kg) for vessels fishing with run-around gillnets.

(3) The Florida east coast subzone is that part of the eastern zone north of 25°20.4' N. lat., which is a line directly east from the Dade/Monroe County, FL, boundary, and the Florida west coast subzone is that part of the eastern zone south and west of 25°20.4' N. lat.

(B) *Western zone*—0.77 million lb (0.35 million kg).

(ii) *Atlantic migratory group*. The quota for the Atlantic migratory group of king mackerel is 2.70 million lb (1.22 million kg). No more than 0.4 million lb (0.18 million kg) may be harvested by purse seines.

(2) *Migratory groups of Spanish mackerel*—(i) *Gulf migratory group*. The quota for the Gulf migratory group of Spanish mackerel is 4.90 million lb (2.22 million kg).

(ii) *Atlantic migratory group*. The quota for the Atlantic migratory group of Spanish mackerel is 4.70 million lb (2.13 million kg).

(d) *Royal red shrimp in the Gulf*. The quota for all persons who harvest royal red shrimp in the Gulf is 392,000 lb (177.8 mt), tail weight.

(e) *South Atlantic snapper-grouper, excluding wreckfish*. The quotas apply to persons who are not subject to the bag limits. (See § 622.39(a)(1) for applicability of the bag limits.)

(1) *Snowy grouper*—344,508 lb (156,266 kg), gutted weight, that is, eviscerated but otherwise whole.

(2) *Golden tilefish*—1,001,663 lb (454,347 kg), gutted weight, that is, eviscerated but otherwise whole.

(f) *Wreckfish*. The quota for wreckfish applies to wreckfish shareholders, or their employees, contractors, or agents, and is 2 million lb (907,185 kg), round weight. See § 622.15 for information on the wreckfish shareholder under the ITQ system.

§ 622.43 Closures.

(a) *General*. When a quota specified in § 622.42 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 following closure restrictions apply:

(1) *Gulf reef fish*. The bag and possession limits specified in § 622.39(b) apply to all harvest in the Gulf EEZ of the indicated species, and the sale or purchase of the indicated species taken from the Gulf EEZ is prohibited.

(2) *Gulf and South Atlantic coral*—(i) *Allowable octocoral*. Allowable

octocoral may not be harvested or possessed in the Gulf or South Atlantic EEZ and the sale or purchase of allowable octocoral in or from the Gulf or South Atlantic EEZ is prohibited.

(ii) *Wild live rock in the Gulf*. Wild live rock may not be harvested or possessed in the Gulf EEZ and the sale or purchase of wild live rock in or from the Gulf EEZ is prohibited.

(3) *King and Spanish mackerel*. The closure provisions of this paragraph (a)(3) do not apply to Atlantic migratory group Spanish mackerel, which are managed under the commercial trip limits specified in § 622.44(b) in lieu of the closure provisions of this section.

(i) A person aboard a vessel for which a commercial permit for king and Spanish mackerel has been issued, as required under § 622.4(a)(2)(iv), may not fish for king or Spanish mackerel in the EEZ or retain fish in or from the EEZ under a bag or possession limit specified in § 622.39(c) for the closed species, migratory group, zone, subzone, or gear type, except as provided for under paragraph (a)(3)(ii) of this section.

(ii) A person aboard a vessel for which the permit indicates both commercial king and Spanish mackerel and charter vessel/headboat for coastal migratory pelagic fish may continue to retain fish under a bag and possession limit specified in § 622.39(c), provided the vessel is operating as a charter vessel or headboat.

(iii) The sale or purchase of king or Spanish mackerel of the closed species, migratory group, zone, subzone, or gear type is prohibited, including such king or Spanish mackerel taken under the bag limits.

(4) *Royal red shrimp in the Gulf*. 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.

(5) *South Atlantic snapper-grouper, excluding wreckfish*. There are no closure provisions for South Atlantic snapper grouper, other than for wreckfish. Golden tilefish and snowy grouper, for which there are quotas, are managed under the commercial trip limits specified in § 622.44(a) in lieu of the closure provisions of this section.

(6) *Wreckfish*. Wreckfish in or from the South Atlantic EEZ may not be retained, and the sale or purchase of wreckfish taken from the South Atlantic EEZ is prohibited.

(b) *Exception to prohibition on sale/purchase*. (1) The prohibition on sale/purchase during a closure for Gulf reef fish, king and Spanish mackerel, royal red shrimp, or wreckfish in paragraph (a)(1), (a)(3)(iii), (a)(4), or (a)(6) of this section does not apply to the indicated

species that were harvested, landed ashore, and bartered, traded, or sold prior to the effective date of the closure and were held in cold storage by a dealer or processor.

(2) The prohibition on sale/purchase during a closure for allowable octocoral or wild live rock in paragraph (a)(2)(i) or (a)(2)(ii) of this section does not apply to allowable octocoral or wild live rock that was harvested and landed ashore prior to the effective date of the closure.

§ 622.44 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. For fisheries governed by this part, commercial trip limits apply as follows:

(a) *King mackerel.* Commercial trip limits are established for Gulf migratory group king mackerel in the eastern zone as follows. (See § 622.42(c)(1)(i) for specification of the eastern zone and § 622.42(c)(1)(i)(A)(3) for specifications of the subzones in the eastern zone.)

(1) *Florida east coast subzone.* In the Florida east coast subzone, king mackerel in or from the EEZ may be possessed on board or landed from a vessel for which a commercial permit for king and Spanish mackerel has been issued, as required under § 622.4(a)(2)(iv)—

(i) From November 1, each fishing year, until 75 percent of the subzone's fishing year quota of king mackerel has been harvested—in amounts not exceeding 50 king mackerel per day.

(ii) From the date that 75 percent of the subzone's fishing year quota of king mackerel has been harvested until a closure of the Florida east coast subzone has been effected under § 622.43(a)—in amounts not exceeding 25 king mackerel per day. However, if 75 percent of the subzone's quota has not been harvested by March 1, the vessel limit remains at 50 king mackerel per day until the subzone's quota is filled or until March 31, whichever occurs first.

(2) *Florida west coast subzone—(i) Gillnet gear.* (A) In the Florida west coast subzone, king mackerel in or from the EEZ may be possessed on board or landed from a vessel for which a commercial permit with a gillnet

endorsement has been issued, as required under § 622.4(a)(2)(ii), from July 1, each fishing year, until a closure of the Florida west coast subzone's fishery for vessels fishing with run-around gillnets has been effected under § 622.43(a)—in amounts not exceeding 25,000 lb (11,340 kg) per day.

(B) In the Florida west coast subzone:

(1) 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 permit for king and Spanish mackerel with a gillnet endorsement.

(2) King mackerel from the west coast subzone landed by a vessel for which such commercial permit with endorsement has been issued will be counted against the run-around gillnet quota of § 622.42(c)(1)(i)(A)(2)(ii).

(3) 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 such commercial permit with endorsement has been issued.

(ii) *Hook-and-line gear.* In the Florida west coast subzone, king mackerel in or from the EEZ may be possessed on board or landed from a vessel with a commercial permit for king and Spanish mackerel, as required by § 622.4(a)(2)(iv), and operating under the hook-and-line gear quota in § 622.42(c)(1)(i)(A)(2)(i):

(A) From July 1, each fishing year, until 75 percent of the subzone's hook-and-line gear quota has been harvested—in amounts not exceeding 125 king mackerel per day.

(B) From the date that 75 percent of the subzone's hook-and-line gear quota has been harvested until a closure of the west coast subzone's hook-and-line fishery has been effected under § 622.43(a)—in amounts not exceeding 50 king mackerel per day.

(3) *Notice of trip limit changes.* The Assistant Administrator, by filing a notification of trip limit change with the Office of the Federal Register, will effect the trip limit changes specified in paragraphs (a)(1) and (a)(2)(ii) of this section when the requisite harvest level has been reached or is projected to be reached.

(b) *Spanish mackerel.* (1) Commercial trip limits are established for Atlantic migratory group Spanish mackerel as follows:

(i) North of 30°42'45.6" N. lat., which is a line directly east from the Georgia/Florida boundary, 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 king and Spanish mackerel has been issued, as

required under § 622.4(a)(2)(iv), in amounts exceeding 3,500 lb (1,588 kg).

(ii) South of 30°42'45.6" N. lat., 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 king and Spanish mackerel has been issued, as required under § 622.4(a)(2)(iv)—

(A) From April 1 through November 30, in amounts exceeding 1,500 lb (680 kg).

(B) From December 1 until 75 percent of the adjusted quota is taken, in amounts as follows:

(1) Mondays, Wednesdays, and Fridays—unlimited.

(2) Tuesdays and Thursdays—not exceeding 1,500 lb (680 kg).

(3) Saturdays and Sundays—not exceeding 500 lb (227 kg).

(C) After 75 percent of the adjusted quota is taken until 100 percent of the adjusted quota is taken, in amounts not exceeding 1,000 lb (454 kg).

(D) After 100 percent of the adjusted quota is taken through the end of the fishing year, in amounts not exceeding 500 lb (227 kg).

(2) For the purpose of paragraph (b)(1)(ii) of this section, the adjusted quota is 4.45 million lb (2.02 million kg). The adjusted quota is the quota for Atlantic migratory group Spanish mackerel reduced by an amount calculated to allow continued harvests 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. 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 is reached or is 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) *Golden tilefish and snowy grouper.* A person who fishes in the South Atlantic EEZ on a trip and who is not subject to the bag limits may not exceed the following trip limits. (See § 622.39(a) for applicability of the bag limits.)

(1) Golden tilefish (round weight or gutted weight, that is, eviscerated but otherwise whole):

(i) Until the fishing year quota specified in § 622.42(e)(2) is reached, 5,000 lb (2,268 kg).

(ii) After the fishing year quota specified in § 622.42(e)(2) is reached, 300 lb (136 kg).

(2) Snowy grouper (round weight or gutted weight, that is, eviscerated but otherwise whole):

(i) Until the fishing year quota specified in § 622.42(e)(1) is reached, 2,500 lb (1,134 kg).

(ii) After the fishing year quota specified in § 622.42(e)(1) is reached, 300 lb (136 kg).

(d) *Gulf wild live rock*. Until the quota for wild live rock from the Gulf EEZ is reached in 1996, a daily vessel limit of twenty-five 5-gallon (19-L) buckets, or volume equivalent (16.88 ft³ (478.0 L)), applies to the harvest or possession of wild live rock in or from the Gulf EEZ, regardless of the number or duration of trips.

§ 622.45 Restrictions on sale/purchase.

In addition to restrictions on sale/purchase related to closures, as specified in § 622.43 (a) and (b), restrictions on sale and/or purchase apply as follows.

(a) *Caribbean coral reef resource*. (1) No person may sell or purchase a Caribbean prohibited coral harvested in the Caribbean EEZ.

(2) A Caribbean prohibited coral that is sold in Puerto Rico or the U.S. Virgin Islands will be presumed to have been harvested in the Caribbean EEZ, 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 Caribbean prohibited coral.

(iii) The port and date of landing the Caribbean prohibited coral.

(iv) A statement signed by the person selling the Caribbean prohibited coral attesting that, to the best of his or her knowledge, information, and belief, such Caribbean prohibited coral was harvested other than in the Caribbean EEZ or the waters of Puerto Rico or the U.S. Virgin Islands.

(b) *Caribbean reef fish*. A live red hind or live mutton snapper in or from the Caribbean EEZ may not be sold or purchased and used in the marine aquarium trade.

(c) *Gulf reef fish*. (1) 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 § 622.4(a)(2)(v), or a Gulf reef fish possessed under the bag limits specified in § 622.39(b), may not be sold or purchased.

(2) A Gulf reef fish harvested on board a vessel that has a valid commercial permit for Gulf reef fish may be sold only to a dealer who has a valid permit for Gulf reef fish, as required under § 622.4(a)(4).

(3) A Gulf reef fish harvested in the EEZ may be purchased by a dealer who has a valid permit for Gulf reef fish, as required under § 622.4(a)(4), only from a vessel that has a valid commercial permit for Gulf reef fish.

(d) *South Atlantic snapper-grouper*.

(1) A person may sell South Atlantic snapper-grouper harvested in the EEZ only to a dealer who has a valid permit for South Atlantic snapper-grouper, as required under § 622.4(a)(4).

(2) A person may purchase South Atlantic snapper-grouper harvested in the EEZ only from a vessel that has a valid commercial permit for South Atlantic snapper-grouper, as required under § 622.4(a)(2)(iv), or from a person who has a valid commercial license to sell fish in the state where the purchase occurs.

(3) Except for the sale or purchase of South Atlantic snapper-grouper harvested by a vessel that has a valid commercial permit for South Atlantic snapper-grouper, the sale or purchase of such fish is limited to the bag limits specified in § 622.39(d)(1).

(4) A warsaw grouper or speckled hind in or from the South Atlantic EEZ may not be sold or purchased.

(e) *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 that was harvested and landed prior to January 1, 1996.

§ 622.46 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 FMP for the Shrimp Fishery of the Gulf of Mexico, the RD 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.

(c) In accordance with the procedures and restrictions of the FMP for Coastal Migratory Pelagic Resources, when the RD determines that a conflict exists in the king mackerel fishery between hook-and-line and gillnet fishermen in the South Atlantic EEZ off the east coast of Florida between 27°00.6' N. lat. and 27°50.0' N. lat., the RD may prohibit or restrict the use of hook-and-line and/or gillnets in all or a portion of that area. Necessary prohibitions or restrictions will be published in the Federal Register.

§ 622.47 Gulf groundfish trawl fishery.

Gulf groundfish trawl fishery 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 in the Gulf groundfish trawl fishery 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 closure.

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

§ 622.48 Adjustment of management measures.

In accordance with the framework procedures of the applicable FMPs, the RD may establish or modify the following management measures:

(a) *Caribbean coral reef resources*. Species for which management measures may be specified; prohibited species; harvest limitations, including quotas, trip, or daily landing limits; gear restrictions; closed seasons or areas; and marine conservation districts.

(b) *Caribbean reef fish*. Size limits, closed seasons or areas, fish trap mesh size, and the threshold level for overfishing.

(c) *Coastal migratory pelagic fish*. For cobia or for migratory groups of king or Spanish mackerel: MSY, TAC, quotas, bag limits, size limits, vessel trip limits, closed seasons or areas, gear restrictions, and initial permit requirements.

(d) *Gulf reef fish*. (1) For species or species groups: Target dates for

rebuilding overfished species, TAC, bag limits, size limits, vessel trip limits, closed seasons or areas, gear restrictions, and quotas.

(2) SMZs and the gear restrictions applicable in each.

(e) *Gulf royal red shrimp*. MSY, OY, and TAC.

(f) *South Atlantic snapper-grouper and wreckfish*. For species or species groups: Target dates for rebuilding overfished species, MSY, ABC, TAC, quotas, trip limits, bag limits, minimum sizes, gear restrictions (ranging from regulation to complete prohibition), and seasonal or area closures.

Appendix A to Part 622—Species Tables

Table 1 of Appendix A to Part 622—Caribbean Coral Reef Resources

I. Sponges—Phylum Porifera

A. Demosponges—Class Demospongiae

Aphimedon compressa, Erect rope sponge

Chondrilla nucula, Chicken liver sponge

Cynachirella alloclada

Geodia neptuni, Potato sponge

Haliclona sp., Finger sponge

Myriastria sp.

Niphates digitalis, Pink vase sponge

N. erecta, Lavender rope sponge

Spinosella polificera

S. vaginalis

Tethya crypta

II. Coelenterates—Phylum Coelenterata

A. Hydrocorals—Class Hydrozoa

1. Hydroids—Order Athecatae

Family Milleporidae

Millepora spp., Fire corals

Family Stylasteridae

Stylaster roseus, Rose lace corals

B. Anthozoans—Class Anthozoa

1. Soft corals—Order Alcyonacea

Family Anthothelidae

Erythropodium caribaeorum, Encrusting gorgonian

Iciligorgia schrammi, Deepwater sea fan

Family Briaridae

Briareum asbestinum, Corky sea finger

Family Clavulariidae

Carijoa riisei

Telesto spp.

2. Gorgonian corals—Order Gorgonacea

Family Ellisellidae

Ellisella spp., Sea whips

Family Gorgoniidae

Gorgonia flabellum, Venus sea fan

G. mariae, Wide-mesh sea fan

G. ventalina, Common sea fan

Pseudopterogorgia acerosa, Sea plume

P. albatrossae

P. americana, Slimy sea plume

P. bipinnata, Bipinnate plume

P. rigida

Pterogorgia anceps, Angular sea whip

P. citrina, Yellow sea whip

Family Plexauridae

Eunicea calyculata, Warty sea rod

E. clavigera

E. fusca, Doughnut sea rod

E. knighti

E. laciniata

E. laxispica

E. mammosa, Swollen-knob

E. succinea, Shelf-knob sea rod

E. touneforti

Muricea atlantica

M. elongata, Orange spiny rod

M. laxa, Delicate spiny rod

M. muricata, Spiny sea fan

M. pinnata, Long spine sea fan

Muriceopsis sp.

M. flavida, Rough sea plume

M. sulphurea

Plexaura flexuosa, Bent sea rod

P. homomalla, Black sea rod

Plexaurella dichotoma, Slit-pore sea rod

P. fusifera

P. grandiflora

P. grisea

P. nutans, Giant slit-pore

Pseudoplexaura crucis

P. flagellosa

P. porosa, Porous sea rod

P. wagnaari

3. Hard Corals—Order Scleractinia

Family Acroporidae

Acropora cervicornis, Staghorn coral

A. palmata, Elkhorn coral

A. prolifera, Fused staghorn

Family Agaricidae

Agaricia agaricities, Lettuce leaf coral

A. fragilis, Fragile saucer

A. lamarcki, Lamarck's sheet

A. tenuifolia, Thin leaf lettuce

Leptoseris cucullata, Sunray lettuce

Family Astrocoeniidae

Stephanocoenia michelinii, Blushing star

Family Caryophyllidae

Eusmilia fastigiata, Flower coral

Tubastrea aurea, Cup coral

Family Faviidae

Cladocora arbuscula, Tube coral

Colpophyllia natans, Boulder coral

Diploria clivosa, Knobby brain coral

D. labyrinthiformis, Grooved brain

D. strigosa, Symmetrical brain

Favia fragum, Golfball coral

Manicina areolata, Rose coral

M. mayori, Tortugas rose coral

Montastrea annularis, Boulder star coral

M. cavernosa, Great star coral

Solenastrea bournoni, Smooth star coral

Family Meandrinidae

Dendrogyra cylindrus, Pillar coral

Dichocoenia stellaris, Pancake star

D. stokesi, Elliptical star

Meandrina meandrites, Maze coral

Family Mussidae

Isophyllastrea rigida, Rough star coral

Isophyllia sinuosa, Sinuous cactus

Mussa angulosa, Large flower coral

Mycetophyllia aliciae, Thin fungus coral

M. danae, Fat fungus coral

M. ferox, Grooved fungus

M. lamarckiana, Fungus coral

Scolymia cubensis, Artichoke coral

S. lacera, Solitary disk

Family Oculinidae

Oculina diffusa, Ivory bush coral

Family Pocilloporidae

Madracis decactis, Ten-ray star coral

M. mirabilis, Yellow pencil

Family Poritidae

Porites astreoides, Mustard hill coral

P. branneri, Blue crust coral

P. divaricata, Small finger coral

P. porites, Finger coral

Family Rhizangiidae

Astrangia solitaria, Dwarf cup coral

Phyllangia americana, Hidden cup coral

Family Siderastreaeidae

Siderastrea radians, Lesser starlet

S. siderea, Massive starlet

4. Black Corals—Order Antipatharia

Antipathes spp., Bushy black coral

Stichopathes spp., Wire coral

5. Anemones—Order Actiniaria

Aiptasia tagetes, Pale anemone

Bartholomea annulata, Corkscrew

anemone

Condylactis gigantea, Giant pink-tipped

anemone

Hereractis lucida, Knobby anemone

Lebrunia spp., Staghorn anemone

Stichodactyla helianthus, Sun anemone

6. Colonial Anemones—Order Zoanthidea

Zoanthus spp., Sea mat

7. False Corals—Order Corallimorpharia

Discosoma spp. (formerly *Rhodactis*), False

coral

Ricordia florida, Florida false coral

III. Annelid Worms—Phylum Annelida

A. Polychaetes—Class Polychaeta

Family Sabellidae, Feather duster worms

Sabellastarte spp., Tube worms

S. magnifica, Magnificent duster

Family Serpulidae

Spirobranchus giganteus, Christmas tree

worm

IV. Mollusks—Phylum Mollusca

A. Gastropods—Class Gastropoda

Family Elysiidae

Tridachia crispata, Lettuce sea slug

Family Olividae

Oliva reticularis, Netted olive

Family Ovulidae

Cyphoma gibbosum, Flamingo tongue

Family Ranellidae

Charonia tritonis, Atlantic triton trumpet

Family Strombidae, Winged conchs

Strombus spp. (except Queen conch, *S.*

gigas)

B. Bivalves—Class Bivalvia

Family Limidae

Lima spp., Fileclams

L. scabra, Rough fileclam

Family Spondylidae

Spondylus americanus, Atlantic thorny

oyster

C. Cephalopods—Class Cephalopoda

1. Octopuses—Order Octopoda

Family Octopodidae

Octopus spp. (except the Common octopus,

O. vulgaris)

V. Arthropods—Phylum Arthropoda

A. Crustaceans—Subphylum Crustacea

1. Decapods—Order Decapoda

Family Alpheidae

Alpheaus armatus, Snapping shrimp

Family Diogenidae

Paguristes spp., Hermit crabs

P. cadenati, Red reef hermit

Family Grapsidae

Percnon gibbesi, Nimble spray crab

Family Hippolytidae

Lysmata spp., Peppermint shrimp

Thor amboinensis, Anemone shrimp

Family Majidae, Coral crabs

Mithrax spp., Clinging crabs

M. cinctimanus, Banded clinging

M. sculptus, Green clinging

Stenorhynchus seticornis, Yellowline

arrow

Family Palaemonida

Periclimenes spp., Cleaner shrimp

- Family Squillidae, Mantis crabs
Gonodactylus spp.
Lysiosquilla spp.
- Family Stenopodidae, Coral shrimp
Stenopus hispidus, Banded shrimp
S. scutellatus, Golden shrimp
- VI. Bryozoans—Phylum Bryozoa
- VII. Echinoderms—Phylum Echinodermata
- A. Feather stars—Class Crinoidea
Analcidometra armata, Swimming crinoid
Davidaster spp., Crinoids
Nemaster spp., Crinoids
- B. Sea stars—Class Asteroidea
Astropecten spp., Sand stars
Linckia guildingii, Common comet star
Ophidiaster guildingii, Comet star
Oreaster reticulatus, Cushion sea star
- C. Brittle and basket stars—Class Ophiuroidea
Astrophyton muricatum, Giant basket star
Ophiocoma spp., Brittlestars
Ophioderma spp., Brittlestars
O. rubicundum, Ruby brittlestar
- D. Sea Urchins—Class Echinoidea
Diadema antillarum, Long-spined urchin
Echinometra spp., Purple urchin
Euclidaris tribuloides, Pencil urchin
Lytechinus spp., Pin cushion urchin
Triploneustes ventricosus, Sea egg
- E. Sea Cucumbers—Class Holothuroidea
Holothuria spp., Sea cucumbers
- VIII. Chordates—Phylum Chordata
- A. Tunicates—Subphylum Urochordata
- IX. Green Algae—Phylum Chlorophyta
Caulerpa spp., Green grape algae
Halimeda spp., Watercress algae
Penicillus spp., Neptune's brush
Udotea spp., Mermaid's fan
Ventricaria ventricosa, Sea pearls
- X. Red Algae—Phylum Rhodophyta
- XI. Sea grasses—Phylum Angiospermae
Halodule wrightii, Shoal grass
Halophila spp., Sea vines
Ruppia maritima, Widgeon grass
Syringodium filiforme, Manatee grass
Thalassia testudinum, Turtle grass
- Table 2 of Appendix A to Part 622—
Caribbean Reef Fish
- Acanthuridae—Surgeonfishes
Ocean surgeonfish, *Acanthurus bahianus*
Doctorfish, *Acanthurus chirurgus*
Blue tang, *Acanthurus coeruleus*
- Antennariidae—Frogfishes
Frogfish, *Antennarius* spp.
- Apogonidae—Cardinalfishes
Flamefish, *Apogon maculatus*
Conchfish, *Astrapogon stellatus*
- Aulostomidae—Trumpetfishes
Trumpetfish, *Aulostomus maculatus*
- Balistidae—Leatherjackets
Scrawled filefish, *Aluterus scriptus*
Queen triggerfish, *Balistes vetula*
Whitespotted filefish, *Cantherhines macrocerus*
Ocean triggerfish, *Canthidermis sufflamen*
Black durgon, *Melichthys niger*
Sargassum triggerfish, *Xanthichthys rigens*
- Blenniidae—Combtooth blennies
Redlip blenny, *Ophioblennius atlanticus*
- Bothidae—Lefteye flounders
Peacock flounder, *Bothus lunatus*
- Carangidae—Jacks
Yellow jack, *Caranx bartholomaei*
Blue runner, *Caranx crysos*
Horse-eye jack, *Caranx latus*
Black jack, *Caranx lugubris*
Bar jack, *Caranx ruber*
Greater amberjack, *Seriola dumerili*
Almaco jack, *Seriola rivoliana*
- Chaetodontidae—Butterflyfishes
Longsnout butterflyfish, *Chaetodon aculeatus*
Four-eye butterflyfish, *Chaetodon capistratus*
Spotfin butterflyfish, *Chaetodon ocellatus*
Banded butterflyfish, *Chaetodon striatus*
- Cirrihitidae—Hawkfishes
Redspotted hawkfish, *Amblycirrhitus pinos*
- Dactylopteridae—Flying gurnards
Flying gurnard, *Dactylopterus volitans*
- Ephippidae—Spadefishes
Atlantic spadefish, *Chaetodipterus faber*
- Gobiidae—Gobies
Neon goby, *Gobiosoma oceanops*
Rusty goby, *Priolepis hipoliti*
- Grammatidae—Basslets
Royal gramma, *Gramma loreto*
- Haemulidae—Grunts
Porkfish, *Anisotremus virginicus*
Margate, *Haemulon album*
Tomtate, *Haemulon aurolineatum*
French grunt, *Haemulon flavolineatum*
White grunt, *Haemulon plumieri*
Bluestriped grunt, *Haemulon sciurus*
- Holocentridae—Squirrelfishes
Squirrelfish, *Holocentrus adscensionis*
Longspine squirrelfish, *Holocentrus rufus*
Blackbar soldierfish, *Myripristis jacobus*
Cardinal soldierfish, *Plectrypops retrospinis*
- Labridae—Wrasses
Spanish hogfish, *Bodianus rufus*
Creole wrasse, *Clepticus parrae*
Yellowcheek wrasse, *Halichoeres cyanocephalus*
Yellowhead wrasse, *Halichoeres garnoti*
Clown wrasse, *Halichoeres maculipinna*
Puddingwife, *Halichoeres radiatus*
Pearly razorfish, *Hemipteronotus novacula*
Green razorfish, *Hemipteronotus splendens*
Hogfish, *Lachnolaimus maximus*
Bluehead wrasse, *Thalassoma bifasciatum*
- Lutjanidae—Snappers
Black snapper, *Apsilus dentatus*
Queen snapper, *Etelis oculatus*
Mutton snapper, *Lutjanus analis*
Schoolmaster, *Lutjanus apodus*
Blackfin snapper, *Lutjanus buccanella*
Gray snapper, *Lutjanus griseus*
Dog snapper, *Lutjanus jocu*
Mahogany snapper, *Lutjanus mahogani*
Lane snapper, *Lutjanus synagris*
Silk snapper, *Lutjanus vivanus*
Yellowtail snapper, *Ocyurus chrysurus*
Wenchman, *Pristipomoides aquilonaris*
Vermilion snapper, *Rhomboplites aurorubens*
- Malacanthidae—Tilefishes
Blackline tilefish, *Caulolatilus cyanops*
Sand tilefish, *Malacanthus plumieri*
- Mullidae—Goatfishes
Yellow goatfish, *Mulloidichthys martinicus*
Spotted goatfish, *Pseudupeneus maculatus*
- Muraenidae—Morays
Chain moray, *Echidna catenata*
Green moray, *Gymnothorax funebris*
Goldentail moray, *Gymnothorax miliaris*
- Ogcocephalidae—Batfishes
Batfish, *Ogcocephalus* spp.
- Ophichthidae—Snake eels
Goldspotted eel, *Myrichthys ocellatus*
- Opistognathidae—Jawfishes
Yellowhead jawfish, *Opistognathus aurifrons*
Dusky jawfish, *Opistognathus whitehursti*
- Ostraciidae—Boxfishes
Spotted trunkfish, *Lactophrys bicaudalis*
Honeycomb cowfish, *Lactophrys polygona*
Scrawled cowfish, *Lactophrys quadricornis*
Trunkfish, *Lactophrys trigonus*
Smooth trunkfish, *Lactophrys triquetra*
- Pomacanthidae—Angelfishes
Cherubfish, *Centropyge argi*
Queen angelfish, *Holacanthus ciliaris*
Rock beauty, *Holacanthus tricolor*
Gray angelfish, *Pomacanthus arcuatus*
French angelfish, *Pomacanthus paru*
- Pomacentridae—Damsel-fishes
Sergeant major, *Abudefduf saxatilis*
Blue chromis, *Chromis cyanea*
Sunshinefish, *Chromis insolata*
Yellowtail damselfish, *Microspathodon chrysurus*
Dusky damselfish, *Pomacentrus fuscus*
Beaugregory, *Pomacentrus leucostictus*
Bicolor damselfish, *Pomacentrus partitus*
Threespot damselfish, *Pomacentrus planifrons*
- Priacanthidae—Bigeyes
Bigeye, *Priacanthus arenatus*
Glasseye snapper, *Priacanthus cruentatus*
- Scaridae—Parrotfishes
Midnight parrotfish, *Scarus coelestinus*
Blue parrotfish, *Scarus coeruleus*
Striped parrotfish, *Scarus croicensis*
Rainbow parrotfish, *Scarus guacamaia*
Princess parrotfish, *Scarus taeniopterus*
Queen parrotfish, *Scarus vetula*
Redband parrotfish, *Sparisoma aurofrenatum*
Redtail parrotfish, *Sparisoma chrysopterus*
Redfin parrotfish, *Sparisoma rubripinne*
Stoptlight parrotfish, *Sparisoma viride*
- Sciaenidae—Drums
High-hat, *Equetus acuminatus*
Jackknife-fish, *Equetus lanceolatus*
Spotted drum, *Equetus punctatus*
- Scorpaenidae—Scorpionfishes
Serranidae—Sea basses
Rock hind, *Epinephelus adscensionis*
Graysby, *Epinephelus cruentatus*
Yellowedge grouper, *Epinephelus flavolimbatus*
Coney, *Epinephelus fulvus*
Red hind, *Epinephelus guttatus*
Jewfish, *Epinephelus itajara*
Red grouper, *Epinephelus morio*
Misty grouper, *Epinephelus mystacinus*
Nassau Grouper, *Epinephelus striatus*
Butter hamlet, *Hypoplectrus unicolor*
Swissguard basslet, *Liopropoma rubre*
Yellowfin grouper, *Mycteroperca venenosa*
Tiger grouper, *Mycteroperca tigris*
Creole-fish, *Paranthias furcifer*
Greater soapfish, *Rypticus saponaceus*
Orangeback bass, *Serranus annularis*
Lantern bass, *Serranus baldwini*
Tobaccofish, *Serranus tabacarius*
Harlequin bass, *Serranus tigrinus*
Chalk bass, *Serranus tortugarum*
- Soleidae—Soles
Caribbean tonguefish, *Symphurus arawak*
- Sparidae—Porgies
Sea bream, *Archosargus rhomboidalis*
Jolthead porgy, *Calamus bajonado*
Sheepshead porgy, *Calamus penna*
Pluma, *Calamus pennatula*
- Syngnathidae—Pipefishes

- Seahorses, *Hippocampus spp.*
- Pipefishes, *Syngnathus spp.*
- Synodontidae—Lizardfishes
- Sand diver, *Synodus intermedius*
- Tetraodontidae—Puffers
- Sharpnose puffer, *Canthigaster rostrata*
- Porcupinefish, *Diodon hystrix*
- Table 3 of Appendix A to Part 622—Gulf Reef Fish
- Balistidae—Triggerfishes
- Gray triggerfish, *Balistes capricus*
- Queen triggerfish, *Balistes vetula*
- Carangidae—Jacks
- Greater amberjack, *Seriola dumerili*
- Lesser amberjack, *Seriola fasciata*
- Almaco jack, *Seriola rivoliana*
- Banded rudderfish, *Seriola zonata*
- Haemulidae—Grunts
- Tomtate, *Haemulon aurolineatum*
- White grunt, *Haemulon plumieri*
- Pigfish, *Orthopristis chrysoptera*
- Labridae—Wrasses
- Hogfish, *Lachnolaimus maximus*
- Lutjanidae—Snappers
- Queen snapper, *Etelis oculatus*
- Mutton snapper, *Lutjanus analis*
- Schoolmaster, *Lutjanus apodus*
- Blackfin snapper, *Lutjanus buccanella*
- Red snapper, *Lutjanus campechanus*
- Cubera snapper, *Lutjanus cyanopterus*
- Gray (mangrove) snapper, *Lutjanus griseus*
- Dog snapper, *Lutjanus jocu*
- Mahogany snapper, *Lutjanus mahogoni*
- 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*
- Blackline tilefish, *Caulolatilus cyanops*
- Anchor tilefish, *Caulolatilus intermedius*
- Blueline tilefish, *Caulolatilus microps*
- Tilefish, *Lopholatilus chamaeleonticeps*
- Serranidae—Sea Basses and Groupers
- Bank sea bass, *Centropristis ocyurus*
- Rock sea bass, *Centropristis philadelphica*
- Black sea bass, *Centropristis striata*
- Dwarf sand perch, *Diplectrum bivittatum*
- Sand perch, *Diplectrum formosum*
- Rock hind, *Epinephelus adscensionis*
- Speckled hind, *Epinephelus drummondhayi*
- Yellowedge grouper, *Epinephelus flavolimbatus*
- Red hind, *Epinephelus guttatus*
- Jewfish, *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*
- Sparidae—Porgies
- Grass porgy, *Calamus arctifrons*
- Jolthead porgy, *Calamus bajonado*
- Knobbed porgy, *Calamus nodosus*
- Littlehead porgy, *Calamus proidens*
- Pinfish, *Lagodon rhomboides*
- Red porgy, *Pagrus*
- Table 4 of Appendix A to Part 622—South Atlantic Snapper-Grouper
- Balistidae—Triggerfishes
- Gray triggerfish, *Balistes capricus*
- Queen triggerfish, *Balistes vetula*
- Ocean triggerfish, *Canthidermis sufflamen*
- Carangidae—Jacks
- Yellow jack, *Caranx bartholomaei*
- Blue runner, *Caranx crysos*
- Crevalle jack, *Caranx hippos*
- Bar jack, *Caranx ruber*
- Greater amberjack, *Seriola dumerili*
- Lesser amberjack, *Seriola fasciata*
- Almaco jack, *Seriola rivoliana*
- Banded rudderfish, *Seriola zonata*
- Ephippidae—Spadefishes
- Spadefish, *Chaetodipterus faber*
- Haemulidae—Grunts
- Black margate, *Anisotremus surinamensis*
- Porkfish, *Anisotremus virginicus*
- Margate, *Haemulon album*
- Tomtate, *Haemulon aurolineatum*
- Smallmouth grunt, *Haemulon chrysgyreum*
- French grunt, *Haemulon flavolineatum*
- Spanish grunt, *Haemulon macrostomum*
- Cottonwick, *Haemulon melanurum*
- Sailors choice, *Haemulon parrai*
- White grunt, *Haemulon plumieri*
- Blue stripe grunt, *Haemulon sciurus*
- Labridae—Wrasses
- Hogfish, *Lachnolaimus maximus*
- Puddingwife, *Halichoeres radiatus*
- Lutjanidae—Snappers
- Black snapper, *Apsilus dentatus*
- Queen snapper, *Etelis oculatus*
- Mutton snapper, *Lutjanus analis*
- Schoolmaster, *Lutjanus apodus*
- Blackfin snapper, *Lutjanus buccanella*
- Red snapper, *Lutjanus campechanus*
- Cubera snapper, *Lutjanus cyanopterus*
- Gray snapper, *Lutjanus griseus*
- Mahogany snapper, *Lutjanus mahogoni*
- Dog snapper, *Lutjanus jocu*
- 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—Sea Basses and Groupers
- Bank sea bass, *Centropristis ocyurus*
- Rock sea bass, *Centropristis philadelphica*
- Black sea bass, *Centropristis striata*
- Rock hind, *Epinephelus adscensionis*
- Graysby, *Epinephelus cruentatus*
- Speckled hind, *Epinephelus drummondhayi*
- Yellowedge grouper, *Epinephelus flavolimbatus*
- Coney, *Epinephelus fulvus*
- Red hind, *Epinephelus guttatus*
- Jewfish, *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*
- Tiger grouper, *Mycteroperca tigris*
- Yellowfin grouper, *Mycteroperca venenosa*
- Sparidae—Porgies
- Sheepshead, *Archosargus probatocephalus*
- Grass porgy, *Calamus arctifrons*
- Jolthead porgy, *Calamus bajonado*
- Saucereye porgy, *Calamus*
- Whitebone porgy, *Calamus leucosteus*
- Knobbed porgy, *Calamus nodosus*
- Red porgy, *Pagrus*
- Longspine porgy, *Stenotomus caprinus*
- Scup, *Stenotomus chrysops*

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 No. and reference location ¹	North lat.	West long.
1 Seaward limit of Florida's waters 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'

TABLE 1 OF APPENDIX B TO PART 622.—SEAWARD COORDINATES OF THE LONGLINE AND BUOY GEAR RESTRICTED AREA—
Continued

Point No. and reference location ¹	North lat.	West long.
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 the Mississippi River	29°14.5'	88°28.0'
18 South of Southwest Pass of the Mississippi River	28°46.5'	89°26.0'
19 Northwest tip of Mississippi Canyon	28°38.5'	90°08.5'
20 West side of Mississippi Canyon	28°34.5'	89°59.5'
21 South of Timbalier Bay	28°22.5'	90°02.5'
22 South of Terrebonne Bay	28°10.5'	90°31.5'
23 South of Freeport	27°58.0'	95°00.0'
24 Off Matagorda Island	27°43.0'	96°02.0'
25 Off Aransas Pass	27°30.0'	96°23.5'
26 Northeast of Port Mansfield	27°00.0'	96°39.0'
27 East of Port Mansfield	26°44.0'	96°37.5'
28 Northeast of Port Isabel	26°22.0'	96°21.0'
29 U.S./Mexico EEZ boundary	26°00.5'	96°24.5'
Thence westerly along U.S./Mexico EEZ boundary to the seaward limit of Texas' waters.		

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 No. and reference location ¹	North lat.	West long.
1 Seaward limit of Florida's waters 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 Florida's waters east of Cape St. George	29°35.5'	84°38.6'
Thence westerly along the seaward limit of Florida's waters to:		
11 Seaward limit of Florida's waters 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/Alabama border	29°34.5'	87°38.0'
16 Off Mobile Bay	29°41.0'	88°00.0'
17 South of Alabama/Mississippi border	30°01.5'	88°23.7'
18 Horn/Chandeleur Islands	30°01.5'	88°40.5'
19 Chandeleur Islands	29°35.5'	88°37.0'
20 Seaward limit of Louisiana's waters off North Pass of the Mississippi River	29°16.3'	89°00.0'
Thence southerly and westerly along the seaward limit of Louisiana's waters to:		
21 Seaward limit of Louisiana's waters off Southwest Pass of the Mississippi River	28°57.3'	89°28.2'
22 Southeast of Grand Isle	29°09.0'	89°47.0'
23 Quick flashing horn buoy south of Isles Dernieres	28°32.5'	90°42.0'
24 Southeast of Calcasieu Pass	29°10.0'	92°37.0'
25 South of Sabine Pass—10 fathoms	29°09.0'	93°41.0'
26 South of Sabine Pass—30 fathoms	28°21.5'	93°28.0'
27 East of Aransas Pass	27°49.0'	96°19.5'
28 East of Baffin Bay	27°12.0'	96°51.0'
29 Northeast of Port Mansfield	26°46.5'	96°52.0'
30 Northeast of Port Isabel	26°21.5'	96°35.0'
31 U.S./Mexico EEZ boundary	26°00.5'	96°36.0'
Thence westerly along U.S./Mexico EEZ boundary to the seaward limit of Texas' waters.		

¹ Nearest identifiable landfall, boundary, navigational aid, or submarine area.

Appendix C to Part 622—Fish Length Measurements

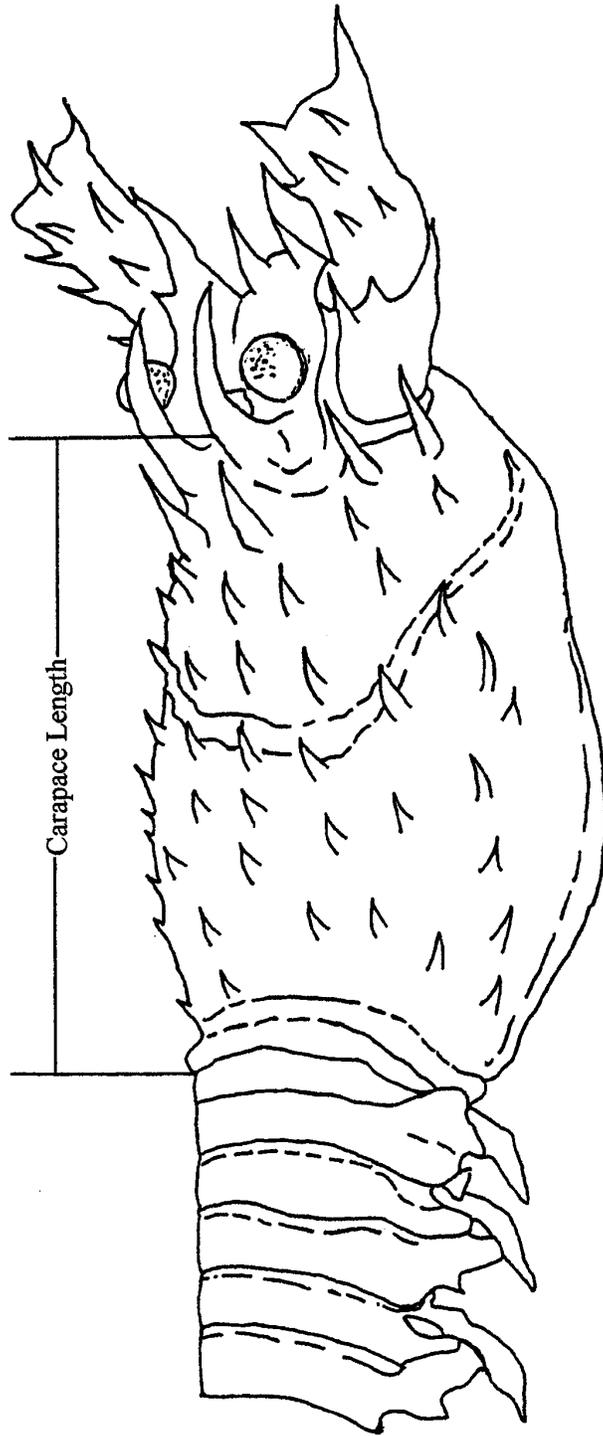
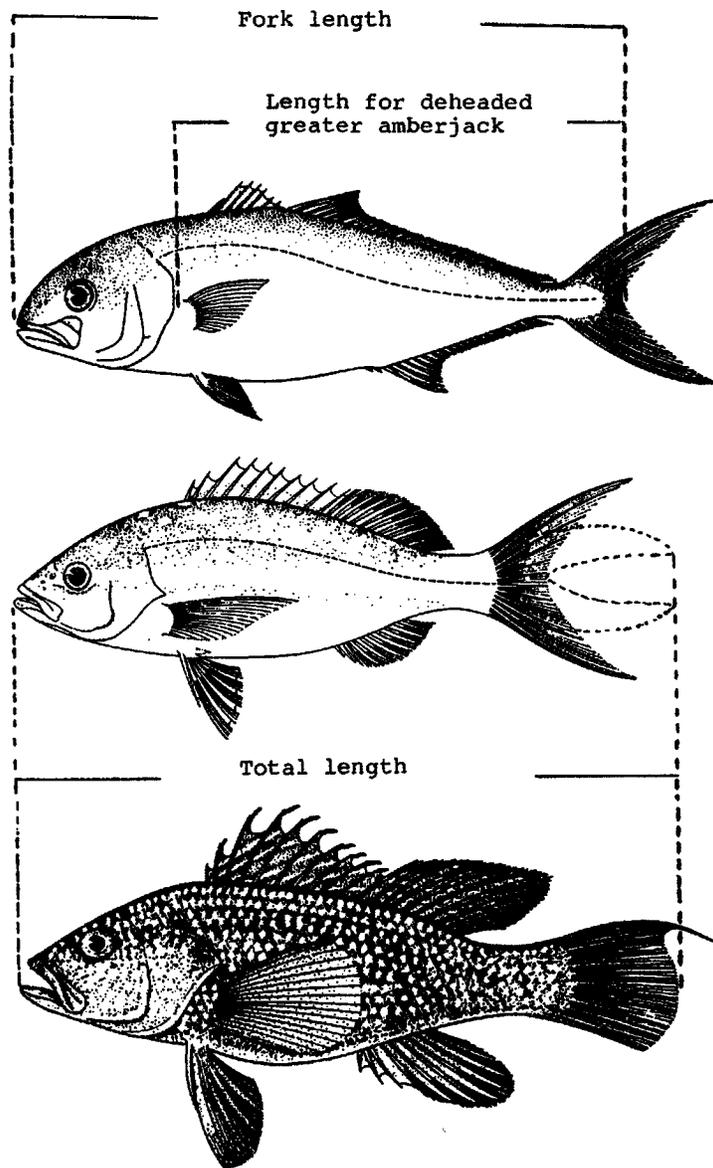


Figure 1 of Appendix C to Part 622—Carapace Length



**PARTS 638, 641, 642, 645, 646, 647,
653, 658, 659, 669, AND 670—
[REMOVED]**

4. Under the authority of 16 U.S.C.
1801 *et seq.*, parts 638, 641, 642, 645,
646, 647, 653, 658, 659, 669, and 670 are
removed.

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