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

SOURCE: 78 FR 22952, Apr. 17, 2013, unless otherwise noted.

EDITORIAL NOTE: Nomenclature changes to part 622 appear at 79 FR 57837, Sept. 26, 2014 and at 81 FR 32253, May 23, 2016.

### Subpart A—General Provisions

#### § 622.1 Purpose and scope.

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

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

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

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

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**TABLE 1 TO § 622.1—FMPs IMPLEMENTED UNDER PART 622**

FMP title	Responsible fishery management council(s)	Geographical area
FMP for Coastal Migratory Pelagic Resources .....	GMFMC/SAFMC .....	Gulf <sup>1 9</sup> , Mid-Atlantic <sup>1 9</sup> , South Atlantic <sup>1 9</sup> .
FMP for Coral, Coral Reefs, and Live/Hard Bottom Habitats of the South Atlantic Region.	SAFMC .....	South Atlantic. <sup>5</sup>
FMP for Coral and Coral reefs of the Gulf of Mexico .....	GMFMC .....	Gulf.
FMP for Corals and Reef Associated Plants and Invertebrates of Puerto Rico and the U.S. Virgin Islands.	CFMC .....	Caribbean.
FMP for the Dolphin and Wahoo Fishery of the Atlantic .....	SAFMC .....	Atlantic.
FMP for the Golden Crab Fishery of the South Atlantic Region ..	SAFMC .....	South Atlantic.
FMP for Pelagic Sargassum Habitat of the South Atlantic Region.	SAFMC .....	South Atlantic.
FMP for Queen Conch Resources of Puerto Rico and the U.S. Virgin Islands.	CFMC .....	Caribbean.
FMP for the Red Drum Fishery of the Gulf of Mexico .....	GMFMC .....	Gulf. <sup>1</sup>
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. <sup>1 3 4 7 10</sup>
FMP for Regulating Offshore Marine Aquaculture in the Gulf .....	GMFMC .....	Gulf.
FMP for the Shrimp Fishery of the Gulf of Mexico .....	GMFMC .....	Gulf. <sup>1</sup>
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. <sup>1 2 6 8</sup>
FMP for the Spiny Lobster Fishery of Puerto Rico and the U.S. Virgin Islands.	CFMC .....	Caribbean.
FMP for the Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic.	GMFMC/SAFMC .....	Gulf <sup>1</sup> , South Atlantic. <sup>1</sup>

<sup>1</sup> Regulated area includes adjoining state waters for purposes of data collection and quota monitoring.  
<sup>2</sup> Black sea bass and scup are not managed by the FMP or regulated by this part north of 35°15.19' N. lat., the latitude of Cape Hatteras Light, NC."  
<sup>3</sup> Regulated area includes adjoining state waters for Gulf red snapper harvested or possessed by a person aboard a vessel for which a Gulf red snapper IFQ vessel account has been established or possessed by a dealer with a Gulf IFQ dealer endorsement.  
<sup>4</sup> Regulated area includes adjoining state waters for Gulf groupers and tilefishes harvested or possessed by a person aboard a vessel for which an IFQ vessel account for Gulf groupers and tilefishes has been established or possessed by a dealer with a Gulf IFQ dealer endorsement.  
<sup>5</sup> Octocorals are managed by the FMP or regulated by this part only in the EEZ off North Carolina, South Carolina, and Georgia.  
<sup>6</sup> Nassau grouper in the South Atlantic EEZ and the Gulf EEZ are managed under the FMP.  
<sup>7</sup> Hogfish are managed by the FMP in the Gulf EEZ except south of 25°09' N. lat. off the west coast of Florida. Hogfish in the remainder of the Gulf EEZ south of 25°09' N. lat. off the west coast of Florida are managed under the FMP for the Snapper-Grouper Fishery of the South Atlantic Region.  
<sup>8</sup> Hogfish in the Gulf EEZ are managed under the FMP from the South Atlantic and Gulf of Mexico intercouncil boundary specified in § 600.105(c) and south of 25°09' N. lat. off the west coast of Florida. Hogfish in the remainder of the Gulf EEZ are managed under the FMP for the Reef Fish Resources of the Gulf of Mexico.  
<sup>9</sup> Cobia is managed by the FMP in the Gulf EEZ and in the South Atlantic EEZ south of a line extending due east from the Florida/Georgia border.  
<sup>10</sup> Certain provisions for the management of the private angling component of recreational red snapper in the Gulf EEZ have been delegated to the Gulf states, as specified in § 622.23.

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

EFFECTIVE DATE NOTE: Effective Oct. 13, 2022, at 87 FR 56214, Sept. 13, 2022, § 622.1 was amended by

- a. Revising paragraph (c); and
- b. In Table 1:
  - i. Removing the entry for “FMP for Corals and Reef Associated Plants and Invertebrates of Puerto Rico and the U.S. Virgin Islands”;
  - ii. Adding entries for “FMP for the Exclusive Economic Zone around Puerto Rico”, “FMP for the Exclusive Economic Zone around St. Croix”, and “FMP for the Exclusive Economic Zone around St. Thomas and St. John” in alphabetical order; and

- iii. Removing the entries for “FMP for Queen Conch Resources of Puerto Rico and the U.S. Virgin Islands”, “FMP for the Reef Fish Fishery of Puerto Rico and the U.S. Virgin Islands”, and “FMP for the Spiny Lobster Fishery of Puerto Rico and the U.S. Virgin Islands”.

For the convenience of the user, the added and revised text is set forth as follows:

**§ 622.1 Purpose and scope.**

\* \* \* \* \*

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

\* \* \* \* \*

TABLE 1 TO § 622.1—FMPs IMPLEMENTED UNDER PART 622

FMP title	Responsible fishery management council(s)	Geographical area
FMP for the Exclusive Economic Zone around Puerto Rico .....	CFMC .....	Caribbean.
FMP for the Exclusive Economic Zone around St. Croix .....	CFMC .....	Caribbean.
FMP for the Exclusive Economic Zone around St. Thomas and St. John .....	CFMC .....	Caribbean.

\* \* \* \* \*

**§ 622.2 Definitions and acronyms.**

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

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

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

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

*Allowable octocoral* means an erect, nonencrusting species of the subclass Octocorallia, except the seafans *Gorgonia flabellum* and *G. ventalina*, plus the attached substrate within 1 inch (2.54 cm) of an allowable octocoral. (NOTE: An erect, nonencrusting species of the subclass Octocorallia, except the seafans *Gorgonia flabellum* and *G. ventalina*, with attached substrate exceeding 1 inch (2.54 cm) is considered to

be live rock and not allowable octocoral.)

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

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

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

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

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

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

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

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

*Authorized statistical reporting agent* means:

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

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

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

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

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

*BRD* means bycatch reduction device.

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

*Buoy gear* means fishing gear that fishes vertically in the water column that consists of a single drop line suspended from a float, from which no more than 10 hooks can be connected between the buoy and the terminal end, and the terminal end contains a weight that is no more than 10 lb (4.5 kg). The drop line can be rope (hemp, manila, cotton or other natural fibers; nylon, polypropylene, spectra or other synthetic material) or monofilament, but must not be cable or wire. The gear is free-floating and not connected to other gear or the vessel. The drop line must be no greater than 2 times the depth of the water being fished. All hooks must be attached to the drop line no more than 30 ft (9.1 m) from the weighted terminal end. These hooks may be attached directly to the drop line; attached as snoods (defined as an

offshoot line that is directly spliced, tied or otherwise connected to the drop line), where each snood has a single terminal hook; or as gangions (defined as an offshoot line connected to the drop line with some type of detachable clip), where each gangion has a single terminal hook.

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

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

*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 queen conch* or *queen conch* means the species, *Strombus gigas*, 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* or *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 is subject to the requirements of the USCG to carry six or fewer passengers for hire and that engages in charter fishing at any time during the calendar year. A charter vessel with a commercial permit, as required under this

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part, is considered to be operating as a charter vessel when it carries a passenger who pays a fee or when there are more than three persons aboard, including operator and crew, except for a charter vessel with a commercial vessel permit for Gulf reef fish or South Atlantic snapper-grouper. A charter vessel that has a charter vessel permit for Gulf reef fish and a commercial vessel permit for Gulf reef fish or a charter vessel permit for South Atlantic snapper-grouper and a commercial permit for South Atlantic snapper-grouper (either a South Atlantic snapper-grouper unlimited permit or a 225-lb (102.1-kg) trip limited permit for South Atlantic snapper-grouper) is considered to be operating as a charter vessel when it carries a passenger who pays a fee or when there are more than four persons aboard, including operator and crew. A charter vessel that has a charter vessel permit for Gulf reef fish, a commercial vessel permit for Gulf reef fish, and a valid Certificate of Inspection (COI) issued by the USCG to carry passengers for hire will not be considered to be operating as a charter vessel provided—

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

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

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

- (1) Cobia, *Rachycentron canadum*.
- (2) King mackerel, *Scomberomorus cavalla*.
- (3) Spanish mackerel, *Scomberomorus maculatus*.

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

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

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

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

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

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

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

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

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

*Fish trap* means—

- (1) In the Caribbean EEZ, a trap and its component parts (including the lines and buoys), regardless of the construction material, used for or capable of taking finfish.
- (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

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taking finfish, except a trap historically used in the directed fishery for crustaceans (that is, blue crab, stone crab, and spiny lobster).

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

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

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

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

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

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

*GMFMC* means the Gulf of Mexico Fishery Management Council.

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

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

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

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

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

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

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

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

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

*HAPC* means habitat area of particular concern.

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

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

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

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

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

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

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

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

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

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

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

*IFQ* means individual fishing quota.

*Import* means—

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

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

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

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

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

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

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

*MAFMC* means the Mid-Atlantic Fishery Management Council.

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

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

*MPA* means marine protected area.

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

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

*Off Florida* means the waters in the Gulf and South Atlantic from 30°42'45.6" N. lat., which is a line directly east

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from the seaward terminus of the Georgia/Florida boundary, to 87°31'06" W. long., which is a line directly south from the Alabama/Florida boundary.

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) Brown shrimp, *Farfantepenaeus aztecus*.
- (2) Pink shrimp, *Farfantepenaeus duorarum*.
- (3) White shrimp, *Litopenaeus setiferus*.

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

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

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

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

*Recreational fishing* means, for the purpose of subpart R of this part only, fishing or fishing activities which result in the harvest of fish, none of

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which (or parts thereof) is sold, traded, or bartered.

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

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

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

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

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

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

*SAFMC* means the South Atlantic Fishery Management Council.

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

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

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

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

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

(1) Brown shrimp, *Farfantepenaeus aztecus*.

(2) White shrimp, *Litopenaeus setiferus*.

(3) Pink shrimp, *Farfantepenaeus duorarum*.

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

(5) Rock shrimp, *Sicyonia brevirostris*.

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

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

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

*SMZ* means special management zone.

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

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

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

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

*Tail length* means the lengthwise measurement of the entire tail (segmented portion), not including any protruding muscle tissue, of a spiny lobster along the top middorsal line (middle of the back) to the rearmost

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extremity. The measurement is made with the tail in a flat, straight position with the tip of the tail closed.

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

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

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

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

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

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

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

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

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

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

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

EFFECTIVE DATE NOTE: Effective Oct. 13, 2022, at 87 FR 56215, Sept. 13, 2022, § 622.2 was amended by

a. Removing the definitions of “Caribbean coral reef resource”, “Caribbean prohibited coral”, “Caribbean queen conch”, “Caribbean reef fish”, and “Caribbean spiny lobster or spiny lobster”;

b. Revising paragraph (1) in the definition for “Fish trap” and paragraph (1) in the definition for “Import”; and

c. Adding, in alphabetical order, the definition for “Spiny lobster”.

For the convenience of the user, the added and revised text is set forth as follows:

**§ 622.2 Definitions and acronyms.**

\* \* \* \* \*

*Fish Trap* \* \* \*

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

\* \* \* \* \*

*Import* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

**§ 622.3 Relation to other laws and regulations.**

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

(b) Except for regulations on allowable octocoral, Gulf and South Atlantic prohibited coral, and live rock, this part is intended to apply within the EEZ portions of applicable National Marine Sanctuaries and National Parks, unless the regulations governing such sanctuaries or parks prohibit their application. Regulations on

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allowable octocoral, Gulf and South Atlantic prohibited coral, and live rock do not apply within the EEZ portions of the following National Marine Sanctuaries and National Parks:

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

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

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

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

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

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

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

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

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

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

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

### § 622.4 Permits and fees—general.

This section contains general information about procedures related to permits. See also §§ 622.70, 622.220, and 622.470 regarding certain permit procedures unique to coral permits in the Gulf of Mexico, South Atlantic Region, and Puerto Rico and the U.S. Virgin Islands, respectively. See subpart F of this part for permit requirements re-

lated to aquaculture of species other than live rock. Permit requirements for specific fisheries, as applicable, are contained in subparts B through V of this part.

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

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

(ii) An applicant must provide the following:

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

(B) Vessel name and official number.

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

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

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

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

(G) If a sea bass pot will be used, the number, dimensions, and estimated cubic volume of the pots that will be

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used and the applicant's desired color code for use in identifying his or her vessel and buoys (white is not an acceptable color code).

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

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

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

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

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

(ii) An applicant must provide the following:

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

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

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

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

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

(b) *Change in application information.* The owner or operator of a vessel with a permit, a person with a coral permit, a person with an operator permit, or a dealer with a permit must notify the RA within 30 days after any change in the application information specified in paragraph (a) of this section or in §§ 622.70(b), 622.220(b), 622.400(b), or 622.470(b). The permit is void if any change in the information is not reported within 30 days.

(c) *Fees.* Unless specified otherwise, a fee is charged for each application for a permit, license, or endorsement submitted under this part, for each request for transfer or replacement of such permit, license, or endorsement,

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

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

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

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

(f) *Transfer—(1) Vessel permits, licenses, and endorsements and dealer permits.* A vessel permit, license, or endorsement or a dealer permit or endorsement issued under this part 622 is not transferable or assignable, except as provided in the permits sections of subparts B through V of this part, where applicable. A person who acquires a vessel or dealership who desires to conduct activities for which a permit, license, or endorsement is required must apply for a permit, license, or endorsement in accordance with the provisions of this section and other applicable sections of this part. If the acquired vessel or dealership is currently permitted, the application must be accompanied by the original permit and a copy of a signed bill of sale or equivalent acquisition papers. In those cases where a permit, license, or endorsement is transferable, the seller must sign the back of the permit, license, or

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endorsement and have the signed transfer document notarized.

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

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

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

(h) *Display.* A vessel permit, license, or endorsement issued under this part 622 must be carried on board the vessel. A dealer permit issued under this part

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

(i) *Sanctions and denials.* (1) A permit, license, or endorsement issued pursuant to this part 622 may be revoked, suspended, or modified, and a permit, license, or endorsement application may be denied, in accordance with the procedures governing enforcement-related permit sanctions and denials found at subpart D of 15 CFR part 904.

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

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

(k) *Replacement.* A replacement permit, license, or endorsement may be issued. An application for a replacement permit, license, or endorsement is not considered a new application. An application for a replacement operator

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permit must include two new photographs, as specified in paragraph (a)(2)(ii) of this section.

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

EFFECTIVE DATE NOTE: At 87 FR 56215, Sept. 13, 2022, § 622.4 was amended by revising the introductory text and paragraphs (b) and (f)(1), effective Oct. 13, 2022. For the convenience of the user, the revised text is set forth as follows:

**§ 622.4 Permits and fees—general.**

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

\* \* \* \* \*

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

\* \* \* \* \*

(f) \* \* \*

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

license, or endorsement and have the signed transfer document notarized.

\* \* \* \* \*

**§ 622.5 Recordkeeping and reporting—general.**

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

(a) *Collection of additional data and fish inspection.* In addition to data required to be reported as specified in subparts B through V of this part, 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 on request.

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

- (1) Name and official number of vessel and permit number, if applicable.
- (2) Length and tonnage.
- (3) Current home port.
- (4) Fishing areas.
- (5) Ports where fish were offloaded during the last year.
- (6) Type and quantity of gear.
- (7) Number of full- and part-time fishermen or crew members.

(c) *Dealers—(1) Permitted Gulf and South Atlantic dealers.* (i) A person issued a Gulf and South Atlantic dealer permit must submit a detailed electronic report of all fish first received for a commercial purpose within the time period specified in this paragraph

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

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

(iii) During catastrophic conditions only, the ACL monitoring program provides for use of paper-based components for basic required functions as a backup. The RA will determine when catastrophic conditions exist, the duration of the catastrophic conditions, and which participants or geographic areas are deemed affected by the catastrophic conditions. The RA will provide timely notice to affected participants via publication of notification in the FEDERAL REGISTER, NOAA weather radio, fishery bulletins, and other appropriate means and will authorize the affected participants' use of paper-based components for the duration of the catastrophic conditions. The paper forms will be available from NMFS. During catastrophic conditions, the RA has the authority to waive or modify reporting time requirements.

(iv) Gulf and South Atlantic dealers are not authorized to first receive Gulf reef fish, Gulf red drum, South Atlantic golden crab, South Atlantic snapper-grouper, South Atlantic wreckfish, South Atlantic rock shrimp, coastal migratory pelagic fish, spiny lobster, or Atlantic dolphin or wahoo from a federally permitted vessel if the required reports have not been submitted and received by NMFS according to the reporting requirements under this section. Delinquent reports automatically result in a Gulf and South Atlantic dealer becoming ineligible to first receive such fish, regardless of any notification to dealers by NMFS. Gulf and South Atlantic dealers who become ineligible to receive such fish due to delinquent reports are authorized to first receive such fish only after all required and delinquent reports have been submitted and received by NMFS according to the reporting requirements under this section.

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

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

EFFECTIVE DATE NOTE: At 87 FR 56215, Sept. 13, 2022, § 622.5 was amended by revising introductory text and paragraphs (a) and (b) introductory text, effective Oct. 13, 2022. For the convenience of the user, the revised text is set forth as follows:

**§ 622.5 Recordkeeping and reporting—general.**

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

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

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

\* \* \* \* \*

**§ 622.6 Vessel identification.**

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

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

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

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

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

(2) *Official number and color code.* The following vessels must display their official number as specified in paragraph (a)(1) of this section and, in addition, must display their assigned color code: A vessel for which a permit has been issued to fish with a sea bass pot, as required under § 622.170(a)(1); 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 RA. The color code must be displayed—

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

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

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

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

EFFECTIVE DATE NOTE: At 87 FR 56215, Sept. 13, 2022, § 622.6 was amended by revising the introductory text of paragraphs (a)(1) and (2), effective Oct. 13, 2022. For the convenience of the user, the revised text is set forth as follows:

**§ 622.6 Vessel identification.**

\* \* \* \* \*

(a) \* \* \*

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

\* \* \* \* \*

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

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codes required for vessels fishing in the EEZ around Puerto Rico, St. Croix, or St. Thomas and St. John are assigned by Puerto Rico or the U.S. Virgin Islands, as applicable. Color codes required in all other fisheries are assigned by the RA. The color code must be displayed—

\* \* \* \* \*

§ 622.7 Fishing years.

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

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

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

(1) Gulf migratory group king mackerel—(i) Southern zone—July 1 through June 30.

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

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

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

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

(c) Wreckfish—April 16 through April 15.

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

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

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

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

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

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

§ 622.8 Quotas—general.

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

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

(c) Reopening. When a species, sector or component has been closed based on a projection of the quota specified in this part, or the ACL specified in the applicable annual catch limits and accountability measures sections of subparts B through V of this part being reached and subsequent data indicate that the quota or ACL was not reached, the Assistant Administrator may file a

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notification to that effect with the Office of the Federal Register. Such notification may reopen the species, sector or component to provide an opportunity for the quota or ACL to be harvested.

[78 FR 22952, Apr. 17, 2013, as amended at 80 FR 22429, Apr. 22, 2015]

EFFECTIVE DATE NOTE: At 87 FR 56216, Sept. 13, 2022, § 622.8 was revised, effective Oct. 13, 2022. For the convenience of the user, the revised text is set forth as follows:

### § 622.8 Quotas—general.

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

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

(c) *Reopening.* When a species, species group, sector, or sector component has been closed based on a projection of the quota specified in this part, or the ACL specified in the applicable ACL and accountability measures sections of subparts B through U of this part being reached and subsequent data indicate that the quota or ACL was not reached, the Assistant Administrator may file a notification to that effect with the Office of the

Federal Register. Such notification may reopen the species, species group, sector, or sector component to provide an opportunity for the quota or ACL to be harvested.

### § 622.9 Prohibited gear and methods—general.

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

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

(b) *Chemicals and plants.* A toxic chemical may not be used or possessed in a coral area, 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 or possessed in the Gulf or South Atlantic EEZ. A fish trap deployed in the Gulf or South Atlantic EEZ may be disposed of in any appropriate manner by the Assistant Administrator or an authorized officer.

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

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

EFFECTIVE DATE NOTE: At 87 FR 56216, Sept. 13, 2022, § 622.9 was amended by revising the introductory text and paragraph (b), effective Oct. 13, 2022. For the convenience of the user, the revised text is set forth as follows:

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§ 622.9 Prohibited gear and methods—general.

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

\* \* \* \* \*

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

\* \* \* \* \*

§ 622.10 Landing fish intact—general.

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

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

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

(c) In the Gulf EEZ or Caribbean EEZ:

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

(i) For the purpose of this paragraph (c)(1), “bait” means—

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

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

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

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

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

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

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

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

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

EFFECTIVE DATE NOTE: At 87 FR 56216, Sept. 13, 2022, §622.10 was amended by revising the introductory text and paragraph (b), effective Oct. 13, 2022. For the convenience of the user, the revised text is set forth as follows:

§ 622.10 Landing fish intact—general.

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

\* \* \* \* \*

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

\* \* \* \* \*

§ 622.11 Bag and possession limits—general applicability.

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

(a) Applicability. (1) The bag and possession limits apply for species/species groups in or from the EEZ. Unless specified otherwise, bag limits apply to a person on a daily basis, regardless of the number of trips in a day. Unless specified otherwise, a person is limited to a single bag limit for a trip lasting longer than one calendar day. Unless specified otherwise, possession limits apply to a person on a trip after the first 24 hours of that trip. The bag and possession limits apply to a person who

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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 this part for the appropriate species/species group. The possession of a commercial vessel permit notwithstanding, the bag and possession limits apply when the vessel is operating as a charter vessel or headboat. A person who fishes in the EEZ may not combine a bag limit specified in subparts B through V of this part with a bag or possession limit applicable to state waters. A species/species group subject to a bag limit specified in subparts B through V of this part taken in the EEZ by a person subject to the bag limits may not be transferred at sea, regardless of where such transfer takes place, and such fish may not be transferred in the EEZ. The operator of a vessel that fishes in the EEZ is responsible for ensuring that the bag and possession limits specified in subparts B through V of this part are not exceeded.

(2) [Reserved]

(b) [Reserved]

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

EFFECTIVE DATE NOTE: At 87 FR 56216, Sept. 13, 2022, § 622.11 was revised, effective Oct. 13, 2022. For the convenience of the user, the revised text is set forth as follows:

### § 622.11 Bag and possession limits—general applicability.

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

(a) *Applicability.* (1) The bag and possession limits apply for a species or species group in or from the EEZ. Unless specified otherwise, bag limits apply to a person on a daily basis, regardless of the number of trips in a day. Unless specified otherwise, a person is limited to a single bag limit for a trip lasting longer than one calendar day. Unless specified otherwise, possession limits apply to a person on a trip after the first 24 hours of that trip. The bag and possession limits apply to a person who fishes in the EEZ in any manner, except a person on a vessel in the EEZ that has on board the commercial vessel permit required under this part for the appropriate species or species group. The possession of a commercial vessel permit notwithstanding, the bag and possession limits apply when the vessel is operating as a charter vessel or headboat. A person who fishes in the EEZ may not combine a bag

limit specified in subparts B through U of this part with a bag or possession limit applicable to state waters. A species or species group subject to a bag limit specified in subparts B through U of this part and taken in the EEZ by a person subject to the bag limits may not be transferred at sea, regardless of where such transfer takes place, and such fish may not be transferred in the EEZ. The operator of a vessel that fishes in the EEZ is responsible for ensuring that the bag and possession limits specified in subparts B through U of this part are not exceeded.

(2) [Reserved]

(b) [Reserved]

### § 622.12 Annual catch limits (ACLs) and accountability measures (AMs) for Caribbean island management areas/Caribbean EEZ.

(a) *Puerto Rico management area.* See appendix E of this part for specification of the Puerto Rico management area.

(1) *Queen conch.* See § 622.491 regarding seasonal and area closure provisions and ACL closure provisions applicable to queen conch.

(i) *Commercial ACL.* For the EEZ only, 0 lb (0 kg), round weight.

(ii) *Recreational ACL.* For the EEZ only, 0 lb (0 kg), round weight.

(2) *Reef fish.* Landings will be evaluated relative to the applicable ACL based on a moving multi-year average of landings, as described in the FMP. With the exceptions of goliath grouper, Nassau grouper, midnight parrotfish, blue parrotfish, and rainbow parrotfish, ACLs are based on the combined Caribbean EEZ and territorial landings for the Puerto Rico management area. As described in the FMP, for each species or species group in this paragraph (a)(2), any fishing season reduction required under paragraph (a)(2)(i) or (ii) of this section will be applied from September 30 backward, toward the beginning of the fishing year. If the length of the required fishing season reduction exceeds the time period of January 1 through September 30, any additional fishing season reduction will be applied from October 1 forward, toward the end of the fishing year.

(i) *Commercial sector.* If commercial landings, as estimated by the SRD, have exceeded the applicable species or species group commercial ACL, as specified in this paragraph (a)(2)(i), and

the combined commercial and recreational landings have exceeded the applicable combined commercial and recreational sector ACL (total ACL), as specified in paragraph (a)(2)(iii) of this section, the AA will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year, to reduce the length of the fishing season for the applicable species or species groups for the commercial sector that year by the amount necessary to ensure that commercial landings do not exceed the applicable commercial ACL for the species or species group. If NMFS determines that either the applicable commercial ACL or total ACL for a particular species or species group was exceeded because of enhanced data collection and monitoring efforts instead of an increase in catch of the species or species group, NMFS will not reduce the length of the commercial fishing season for the applicable species or species group the following fishing year. The commercial ACLs, in round weight, are as follows:

- (A) *Parrotfishes*—52,737 lb (23,915 kg).
- (B) *Snapper Unit 1*—284,685 lb (129,131 kg).
- (C) *Snapper Unit 2*—145,916 lb (66,186 kg).
- (D) *Snapper Unit 3*—345,775 lb (156,841 kg).
- (E) *Snapper Unit 4*—373,295 lb (169,324 kg).
- (F) *Groupers*—177,513 lb (80,519 kg).
- (G) *Angelfish*—8,984 lb (4,075 kg).
- (H) *Boxfish*—86,115 lb (39,061 kg).
- (I) *Goatfishes*—17,565 lb (7,967 kg).
- (J) *Grunts*—182,396 lb (82,733 kg).
- (K) *Wrasses*—54,147 lb (24,561 kg).
- (L) *Jacks*—86,059 lb (39,036 kg).
- (M) *Scups and porgies, combined*—24,739 lb (11,221 kg).
- (N) *Squirrelfish*—16,663 lb (7,558 kg).
- (O) *Surgeonfish*—7,179 lb (3,256 kg).
- (P) *Triggerfish and filefish, combined*—58,475 lb (26,524 kg).

(ii) *Recreational sector.* If recreational landings, as estimated by the SRD, have exceeded the applicable species or species group recreational ACL, as specified in this paragraph (a)(2)(ii), and the combined commercial and recreational landings have exceeded the applicable combined commercial and recreational sector ACL (total ACL), as

specified in paragraph (a)(2)(iii) of this section, the AA will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year, to reduce the length of the fishing season for the applicable species or species groups for the recreational sector that year by the amount necessary to ensure that recreational landings do not exceed the applicable species or species group recreational ACL. If NMFS determines that either the applicable recreational ACL or total ACL for a particular species or species group was exceeded because of enhanced data collection and monitoring efforts instead of an increase in catch of the species or species group, NMFS will not reduce the length of the fishing season for the applicable species or species group the following fishing year. The recreational ACLs, in round weight, are as follows:

- (A) *Parrotfishes*—15,263 lb (6,921 kg).
- (B) *Snapper Unit 1*—95,526 lb (43,330 kg).
- (C) *Snapper Unit 2*—34,810 lb (15,790 kg).
- (D) *Snapper Unit 3*—83,158 lb (37,720 kg).
- (E) *Snapper Unit 4*—28,509 lb (12,931 kg).
- (F) *Groupers*—77,213 lb (35,023 kg).
- (G) *Angelfish*—4,492 lb (2,038 kg).
- (H) *Boxfish*—4,616 lb (2,094 kg).
- (I) *Goatfishes*—362 lb (164 kg).
- (J) *Grunts*—5,028 lb (2,281 kg).
- (K) *Wrasses*—5,050 lb (2,291 kg).
- (L) *Jacks*—51,001 lb (23,134 kg).
- (M) *Scups and porgies, combined*—2,577 lb (1,169 kg).
- (N) *Squirrelfish*—3,891 lb (1,765 kg).
- (O) *Surgeonfish*—3,590 lb (1,628 kg).
- (P) *Triggerfish and filefish, combined*—21,929 lb (9,947 kg).

(iii) *Total ACLs.* The total ACLs (combined commercial and recreational ACL), in round weight, are as follows:

- (A) *Parrotfishes*—68,000 lb (30,844 kg).
- (B) *Snapper Unit 1*—380,211 lb (172,461 kg).
- (C) *Snapper Unit 2*—180,726 lb (81,976 kg).
- (D) *Snapper Unit 3*—428,933 lb (194,561 kg).
- (E) *Snapper Unit 4*—401,804 lb (182,255 kg).

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- (F) *Groupers*—254,726 lb (115,542 kg).
- (G) *Angelfish*—13,476 lb (6,113 kg).
- (H) *Boxfish*—90,731 lb (41,155 kg).
- (I) *Goatfishes*—17,927 lb (8,132 kg).
- (J) *Grunts*—187,424 lb (85,014 kg).
- (K) *Wrasses*—59,197 lb (26,851 kg).
- (L) *Jacks*—137,060 lb (62,169 kg).
- (M) *Scups and porgies, combined*—27,316 lb (kg).
- (N) *Squirrelfish*—20,554 lb (9,323 kg).
- (O) *Surgeonfish*—10,769 lb (4,885 kg).
- (P) *Triggerfish and filefish, combined*—80,404 lb (36,471 kg).

(3) *Spiny lobster*. Landings will be evaluated relative to the ACL based on a moving multi-year average of landings, as described in the FMP. The ACL is based on the combined Caribbean EEZ and territorial landings for the Puerto Rico management area. If landings, as estimated by the SRD, have exceeded the ACL, as specified in this paragraph (a)(3), the AA will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year, to reduce the length of the fishing season for spiny lobster that year by the amount necessary to ensure landings do not exceed the ACL. If NMFS determines the ACL was exceeded because of enhanced data collection and monitoring efforts instead of an increase in total catch, NMFS will not reduce the length of the fishing season the following fishing year. As described in the FMP, any fishing season reduction required as a result of this paragraph (a)(3) will be applied from September 30 backward, toward the beginning of the fishing year. If the length of the required fishing season reduction exceeds the time period of January 1 through September 30, any additional fishing season reduction will be applied from October 1 forward, toward the end of the fishing year. The ACL is 327,920 lb (148,742 kg), round weight.

(b) *St. Croix management area*. See appendix E of this part for specification of the St. Croix management area.

(1) *Queen conch*. See § 622.491 regarding seasonal and area closure provisions and ACL closure provisions applicable to queen conch. The ACL is 50,000 lb (22,680 kg), round weight.

(2) *Reef fish*. Landings will be evaluated relative to the applicable ACL based on a moving multi-year average

of landings, as described in the FMP. With the exception of goliath grouper, Nassau grouper, midnight parrotfish, blue parrotfish, and rainbow parrotfish, ACLs are based on the combined Caribbean EEZ and territorial landings for the St. Croix management area. If landings, as estimated by the SRD, have exceeded the applicable ACL for a species or species group, as specified in this paragraph (b)(2), the AA will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year, to reduce the length of the fishing season for the applicable species or species group that year by the amount necessary to ensure landings do not exceed the applicable ACL. If NMFS determines the ACL for a particular species or species group was exceeded because of enhanced data collection and monitoring efforts instead of an increase in total catch of the species or species group, NMFS will not reduce the length of the fishing season for the applicable species or species group the following fishing year. As described in the FMP, for each species or species group in this paragraph (b)(2), any fishing season reduction required as a result of this paragraph (b)(2) will be applied from September 30 backward, toward the beginning of the fishing year. If the length of the required fishing season reduction exceeds the time period of January 1 through September 30, any additional fishing season reduction will be applied from October 1 forward, toward the end of the fishing year. The ACLs, in round weight, are as follows:

- (i) *Parrotfishes*—240,000 lb (108,863 kg).
- (ii) *Snappers*—102,946 lb (46,696 kg).
- (iii) *Groupers*—30,435 lb (13,805 kg).
- (iv) *Angelfish*—305 lb (138 kg).
- (v) *Boxfish*—8,433 lb (3,825 kg).
- (vi) *Goatfishes*—3,766 lb (1,708 kg).
- (vii) *Grunts*—36,881 lb (16,729 kg).
- (viii) *Wrasses*—7 lb (3 kg).
- (ix) *Jacks*—15,489 lb (7,076 kg).
- (x) *Scups and porgies, combined*—4,638 lb (2,104 kg).
- (xi) *Squirrelfish*—121 lb (55 kg).
- (xii) *Surgeonfish*—33,603 lb (15,242 kg).
- (xiii) *Triggerfish and filefish, combined*—24,980 lb (11,331 kg).

(3) *Spiny lobster*. Landings will be evaluated relative to the ACL based on

a moving multi-year average of landings, as described in the FMP. The ACL is based on the combined Caribbean EEZ and territorial landings for the St. Croix management area. If landings, as estimated by the SRD, have exceeded the ACL, as specified in this paragraph (b)(3), the AA will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year, to reduce the length of the fishing season that year by the amount necessary to ensure landings do not exceed the ACL. If NMFS determines the ACL was exceeded because of enhanced data collection and monitoring efforts instead of an increase in total catch, NMFS will not reduce the length of the fishing season for the following fishing year. As described in the FMP, any fishing season reduction required as a result of this paragraph (b)(3) will be applied from September 30 backward, toward the beginning of the fishing year. If the length of the required fishing season reduction exceeds the time period of January 1 through September 30, any additional fishing season reduction will be applied from October 1 forward, toward the end of the fishing year. The ACL is 107,307 lb (48,674 kg), round weight.

(c) *St. Thomas/St. John management area*. See appendix E of this part for specification of the St. Thomas/St. John management area.

(1) *Queen conch*. See § 622.491 regarding seasonal and area closure provisions and ACL closure provisions applicable to queen conch. The ACL is 0 lb (0 kg), round weight, for the EEZ only.

(2) *Reef fish*. Landings will be evaluated relative to the applicable ACL based on a moving multi-year average of landings, as described in the FMP. With the exception of goliath grouper, Nassau grouper, midnight parrotfish, blue parrotfish, and rainbow parrotfish, ACLs are based on the combined Caribbean EEZ and territorial landings for St. Thomas/St. John management area. If landings, as estimated by the SRD, have exceeded the applicable ACL for a species or species group, as specified in this paragraph (c)(2), the AA will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year, to reduce

the length of the fishing season for the applicable species or species group that year by the amount necessary to ensure landings do not exceed the applicable ACL. If NMFS determines the ACL for a particular species or species group was exceeded because of enhanced data collection and monitoring efforts instead of an increase in total catch of the species or species group, NMFS will not reduce the length of the fishing season for the applicable species or species group the following fishing year. As described in the FMP, for each species or species group in this paragraph (c)(2), any fishing season reduction required as a result of this paragraph (c)(2) will be applied from September 30 backward, toward the beginning of the fishing year. If the length of the required fishing season reduction exceeds the time period of January 1 through September 30, any additional fishing season reduction will be applied from October 1 forward, toward the end of the fishing year. The ACLs, in round weight, are as follows:

- (i) *Parrotfishes*—42,500 lb (19,278 kg).
- (ii) *Snappers*—133,775 lb (60,679 kg).
- (iii) *Groupers*—51,849 lb (23,518 kg).
- (iv) *Angelfish*—7,897 lb (3,582 kg).
- (v) *Boxfish*—27,880 lb (12,646 kg).
- (vi) *Goatfishes*—320 lb (145 kg).
- (vii) *Grunts*—37,617 lb (17,063 kg).
- (viii) *Wrasses*—585 lb (265 kg).
- (ix) *Jacks*—52,907 lb (23,998 kg).
- (x) *Scups and porgies, combined*—21,819 lb (9,897 kg).
- (xi) *Squirrelfish*—4,241 lb (1,924 kg).
- (xii) *Surgeonfish*—29,249 lb (13,267 kg).
- (xiii) *Triggerfish and filefish, combined*—74,447 lb (33,769 kg).

(3) *Spiny lobster*. Landings will be evaluated relative to the ACL based on a moving multi-year average of landings, as described in the FMP. The ACL is based on the combined Caribbean EEZ and territorial landings for the St. Thomas/St. John management area. If landings, as estimated by the SRD, have exceeded the ACL, as specified in this paragraph (c)(3), the AA will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year, to reduce the length of the fishing season that year by the amount necessary to ensure landings do not exceed the ACL. If

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NMFS determines the ACL was exceeded because of enhanced data collection and monitoring efforts instead of an increase in total catch, NMFS will not reduce the length of the fishing season for the following fishing year. As described in the FMP, any fishing season reduction required as a result of this paragraph (c)(3) will be applied from September 30 backward, toward the beginning of the fishing year. If the length of the required fishing season reduction exceeds the time period of January 1 through September 30, any additional fishing season reduction will be applied from October 1 forward, toward the end of the fishing year. The ACL is 104,199 lb (47,264 kg), round weight.

(d) *Caribbean EEZ*. Landings will be evaluated relative to the applicable ACL based on a moving multi-year average of landings, as described in the FMPs. The ACLs are based on the combined Caribbean EEZ and territorial landings, throughout the Caribbean EEZ. If landings from the Caribbean EEZ for tilefish and aquarium trade species, as estimated by the SRD, have exceeded the applicable ACL, as specified in this paragraph (d), the AA will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year, to reduce the length of the fishing season for the applicable species or species groups that year by the amount necessary to ensure landings do not exceed the applicable ACL. If NMFS determines the applicable ACL was exceeded because of enhanced data collection and monitoring efforts instead of an increase in total catch, NMFS will not reduce the length of the fishing season for the following fishing year. As described in the FMPs, for each species or species group in this paragraph (d), any fishing season reduction required as a result of this paragraph (d) will be applied from September 30 backward, toward the beginning of the fishing year. If the length of the required fishing season reduction exceeds the time period of January 1 through September 30, any additional fishing season reduction will be applied from October 1 forward, toward the end of the fishing year. The ACLs, in round weight, are as follows:

(1) *Tilefish*—14,642 lb (6,641 kg).

(2) *Aquarium trade species*—8,155 lb (3,699 kg).

(e) *Closure provisions*—(1) *Restrictions applicable after a Puerto Rico closure*. (i) Restrictions applicable after a Puerto Rico commercial closure for reef fish species or species groups. During the closure period announced in the notification filed pursuant to paragraph (a)(2)(i) of this section, the commercial sector for species or species groups included in the notification is closed and such species or species groups in or from the Puerto Rico management area may not be purchased or sold. Harvest or possession of such species or species groups in or from the Puerto Rico management area is limited to the recreational bag and possession limits unless the recreational sector for the species or species group is closed and the restrictions specified in paragraph (e)(1)(iii) of this section apply.

(ii) Restrictions applicable after a Puerto Rico recreational closure for reef fish species or species groups. During the closure period announced in the notification filed pursuant to paragraph (a)(2)(ii) of this section, the recreational sector for species or species groups included in the notification is closed and the recreational bag and possession limits for such species or species groups in or from the Puerto Rico management area are zero. If the seasons for both the commercial and recreational sectors for such species or species groups are closed, the restrictions specified in paragraph (e)(1)(iii) of this section apply.

(iii) Restrictions applicable when both Puerto Rico commercial and Puerto Rico recreational sectors for reef fish species or species groups are closed. If the seasons for both the commercial and recreational sectors for a species or species group are closed, such species or species groups in or from the Puerto Rico management area may not be harvested, possessed, purchased, or sold, and the bag and possession limits for such species or species groups in or from the Puerto Rico management area are zero.

(iv) Restrictions applicable after a spiny lobster closure in Puerto Rico. During the closure period announced in

the notification filed pursuant to paragraph (a)(3) of this section, both the commercial and recreational sectors are closed. Spiny lobster in or from the Puerto Rico management area may not be harvested, possessed, purchased, or sold, and the bag and possession limits for spiny lobster in or from the Puerto Rico management area are zero.

(2) *Restrictions applicable after a St. Croix, St. Thomas/St. John, or Caribbean EEZ closure.* During the closure period announced in the notification filed pursuant to paragraph (b), (c), or (d) of this section, such species or species groups in or from the applicable management area of the Caribbean EEZ may not be harvested, possessed, purchased, or sold, and the bag and possession limits for such species or species groups in or from the applicable management area of the Caribbean EEZ are zero.

[82 FR 56918, Dec. 1, 2017]

EFFECTIVE DATE NOTE: At 87 FR 56216, Sept. 13, 2022, § 622.12 was removed, effective Oct. 13, 2022.

#### § 622.13 Prohibitions—general.

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

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

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

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

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

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

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

(g) Harvest or possess fish if the required charter vessel or headboat re-

ports have not been submitted in accordance with this part.

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

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

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

(k) Transfer—

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

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

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

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

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

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

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

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

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

(p) Except as allowed for king and Spanish mackerel and Gulf of Mexico

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and South Atlantic spiny lobster, possess undersized fish, fail to release undersized fish, or sell or purchase undersized fish, as specified in this part.

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

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

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

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

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

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

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

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

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

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

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

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

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

(dd) Make a false statement, oral or written, to an authorized officer regarding the installation, use, operation, or maintenance of a vessel moni-

toring system (VMS) unit or communication service provider.

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

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

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

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

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

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

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

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

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

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

(oo) Operate a vessel that fishes for or possesses Gulf of Mexico or South Atlantic spiny lobster in or from the EEZ with spiny lobster aboard in an amount exceeding the cumulative bag

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and possession limit, as specified in subpart R.

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

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

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

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

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

**§ 622.14 [Reserved]**

**§ 622.15 Notice regarding area closures to protect corals.**

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

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

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

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

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

**Subpart B—Reef Fish Resources of the Gulf of Mexico**

**§ 622.20 Permits and endorsements.**

(a) *Commercial vessels*—(1) *Commercial vessel permits*. For a person aboard a vessel to be eligible for exemption from

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

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

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

(C) A commercial vessel permit for Gulf reef fish that is not renewed or that is revoked will not be reissued. A permit is considered to be not renewed when an application for renewal is not