

For the reasons set out in the preamble, 50 CFR part 622 is proposed to be amended as follows:

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

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

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

2. In § 622.2, the definition for "charter vessel" is revised to read as follows:

§ 622.2 Definitions and acronyms.

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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 § 622.4(a)(2), is considered to be operating as a charter vessel when it carries a passenger who pays a fee or when there are more than three persons aboard, including operator and crew, 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.

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3. In § 622.4, paragraph (a)(2)(vi) is revised to read as follows:

Comment [AC1]: If the Council selects Action 2 Alt 3 as the preferred.

§ 622.4 Permits and fees.

(a) * * *

(2) * * *

(vi) South Atlantic snapper-grouper. For a person aboard a vessel to be eligible for exemption from the bag limits for South Atlantic snapper-grouper (except for blue runner) in or from the South Atlantic EEZ, to sell South Atlantic snapper-grouper (except for blue runner) in or from the South Atlantic EEZ, to engage in the directed fishery for tilefish in the South Atlantic EEZ, to use a longline to fish for South Atlantic snapper-grouper in the South Atlantic EEZ, or to use a sea bass pot in the South Atlantic EEZ between 35°15.19' N. lat. (due east of Cape Hatteras Light, NC) and 28°35.1' N. lat. (due east of the NASA Vehicle Assembly Building, Cape Canaveral, FL), a commercial vessel permit for South Atlantic snapper-grouper must have been issued to the vessel and must be on board. For a person on board a vessel to be eligible for exemption from the bag limits for blue runner in or from the South Atlantic EEZ, or to sell blue runner in or from the South Atlantic EEZ, a commercial vessel permit for South Atlantic snapper-grouper or a commercial vessel permit for Spanish mackerel must have been issued to the vessel and must be onboard. A vessel with longline gear and more than 200 lb (90.7 kg) of tilefish on

Comment [AC2]: If the Council selects Action 5, alt 4, as the preferred, "except for blue runner" would be added to this paragraph.

Comment [AC3]: If the Council selects Action 5, Alt 3, then the vessel is required to have a commercial vessel permit for SA S-G or a commercial Spanish mackerel permit.

board is considered to be in the directed fishery for tilefish. It is a rebuttable presumption that a fishing vessel with more than 200 lb (90.7 kg) of tilefish on board harvested such tilefish in the EEZ. See § 622.18 for limitations on the use, transfer, and renewal of a commercial vessel permit for South Atlantic snapper-grouper.

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4. In § 622.39, an introductory paragraph is added to paragraph (d)(1), and paragraphs (d)(1)(ii), (d)(1)(v) and (d)(1)(viii) are revised to read as follows:

§ 622.39 Bag and possession limits.

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(d) * * *

(1) Bag limits. No snapper-grouper may be retained by the captain or crew of a vessel operating as a charter vessel or headboat. The bag limit for such captain and crew is zero.

Comment [AC4]: If the Council selects Action 3 Alt 3 as the preferred.

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(ii) Grouper and tilefish, combined--3. Within the 3-fish aggregate bag limit:

Comment [AC5]: If the Council selects Action 3 Alt 2 as the preferred, the retention restriction for captain and crew for grouper and tilefish species would be removed.

(A) No more than one fish may be gag or black grouper, combined;

(B) No more than one fish per vessel may be a snowy grouper;

(C) No more than one fish may be a golden tilefish; and
(D) No goliath grouper or Nassau grouper may be retained.

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(v) Vermilion snapper--5.

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(viii) South Atlantic snapper-grouper, combined--20.

However, excluded from this 20-fish bag limit are tom-tate,
ecosystem component species (specified in Table 4 of Appendix A
to part 622), and those specified in paragraphs (d)(1)(i)
through (vii) and paragraphs (d)(1)(ix) and (x) of this section.

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5. In § 622.41, paragraph (d)(1) is revised to read as follows:

§ 622.41 Species specific limitations.

* * * * *

(d) * * *

(1) Authorized gear. Subject to the gear restrictions specified in § 622.31, the following are the only gear types authorized in a directed fishery for snapper-grouper in the South Atlantic EEZ: bandit gear, bottom longline, buoy gear, handline, rod and reel, sea bass pot, spearfishing gear, and gillnets for blue runner only.

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Comment [AC6]: If the Council selects Action 3, Alt 2, as the preferred, the retention restriction for captain and crew for vermillion snapper would be removed.

Comment [AC7]: If the Council selects Action 5, Alt 2 as the preferred, blue runner would be removed from the 20-fish aggregate snapper-grouper bag limit.

Comment [AC8]: If the Council selects Action 5, Alt 3, as the preferred, gillnets for blue runner only would be added here.

6. In § 622.45, the first sentence in paragraph (d)(1) is revised to read as follows:

§ 622.45 Restrictions on sale/purchase.

* * * * *

(d) * * *

(1) A South Atlantic snapper-grouper harvested or possessed in the EEZ on board a vessel that does not have a valid commercial permit for South Atlantic snapper-grouper, as required under § 622.4(a)(2)(vi), ~~(except for blue runner, as specified in § 622.4(a)(2)(vi))~~ or a South Atlantic snapper-grouper harvested in the EEZ and possessed under the bag limits specified in § 622.39(d), may not be sold or purchased. * * *

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7. In § 622.49, ~~paragraph (b)(19) is removed and reserved,~~ and an introductory paragraph is added to paragraph (b) to read as follows:

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

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(b) South Atlantic snapper-grouper. ~~The ACLs and ACTs contained in paragraph (b) of this section may be changed on an annual basis. If NMFS determines a change in an ACL or ACT for a specific species for a specific fishing year is warranted~~

Comment [AC9]: If the Council selects Action 5, alt 4, as the preferred, "except for blue runner" would be included in this paragraph.

Comment [AC10]: If the Council selects Action 5, Alt 3, as the preferred, blue runner would be an exception for this requirement because you could also have a commercial Spanish mackerel permit, as specified in 622.4(a)(2)(vi).

Comment [AC11]: If the Council selects Action 5 Alt 2 as the preferred, the blue runner ACLs would be removed.

based on the best scientific information available, the AA will file a notification with the Office of the Federal Register to announce the new ACL or ACT for that fishing year. * * *

Comment [AC12]: Action 4, Alt 2 is the preferred.

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8. In Appendix A to part 622, Table 4 is revised to read as follows:

Appendix A to part 622--Species Tables

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Table 4 of Appendix A to Part 622--South Atlantic Snapper-Grouper

Balistidae--Triggerfishes

Gray triggerfish, Balistes capriscus

Carangidae--Jacks

Comment [AC13]: If the Council selects Action 5 Alt 2 as the preferred, blue runner would be removed from table 4 in appendix A.

Bar jack, Caranx ruber

Greater amberjack, Seriola dumerili

Lesser amberjack, Seriola fasciata

Almaco jack, Seriola rivoliana

Banded rudderfish, Seriola zonata

Ephippidae--Spadefishes

Spadefish, Chaetodipterus faber

Haemulidae--Grunts

Margate, Haemulon album

Tomtate, Haemulon aurolineatum

Sailor's choice, Haemulon parrai

White grunt, Haemulon plumieri

Labridae--Wrasses

Hogfish, Lachnolaimus maximus

Lutjanidae--Snappers

Black snapper, Apsilus dentatus

Queen snapper, Etelis oculatus

Mutton snapper, Lutjanus analis

Blackfin snapper, Lutjanus buccanella

Red snapper, Lutjanus campechanus

Cubera snapper, Lutjanus cyanopterus

Gray snapper, Lutjanus griseus

Mahogany snapper, Lutjanus mahogoni

Dog snapper, Lutjanus jocu

Lane snapper, Lutjanus synagris

Silk snapper, Lutjanus vivanus

Yellowtail snapper, Ocyurus chrysurus

Vermilion snapper, Rhomboplites aurorubens

Malacanthidae--Tilefishes

Blueline tilefish, Caulolatilus microps

Golden tilefish, Lopholatilus chamaeleonticeps

Sand tilefish, Malacanthus plumieri

Percichthyidae--Temperate basses

Wreckfish, Polyprion americanus

Serranidae--Groupers

Rock hind, Epinephelus adscensionis

Graysby, Epinephelus cruentatus

Speckled hind, Epinephelus drummondhayi

Yellowedge grouper, Epinephelus flavolimbatus

Coney, Epinephelus fulvus

Red hind, Epinephelus guttatus

Goliath grouper, Epinephelus itajara

Red grouper, Epinephelus morio

Misty grouper, Epinephelus mystacinus

Warsaw grouper, Epinephelus nigritus

Snowy grouper, Epinephelus niveatus

Nassau grouper, Epinephelus striatus

Black grouper, Mycteroperca bonaci

Yellowmouth grouper, Mycteroperca interstitialis

Gag, Mycteroperca microlepis

Scamp, Mycteroperca phenax

Yellowfin grouper, Mycteroperca venenosa

Serranidae--Sea Basses

Black sea bass, Centropristis striata

Sparidae--Porgies

Grass porgy, Calamus arctifrons

Jolthead porgy, Calamus bajonado

Saucereye porgy, Calamus calamus

Whitebone porgy, Calamus leucosteus

Knobbed porgy, Calamus nodosus

Red porgy, Pagrus pagrus

Scup, Stenotomus chrysops

The following species are designated as ecosystem component species:

Cottonwick, Haemulon melanurum

Bank sea bass, Centropristis ocyurus

Rock sea bass, Centropristis philadelphica

Longspine porgy, Stenotomus caprinus

Ocean triggerfish, Canthidermis sufflamen

Schoolmaster, Lutjanus apodus

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