

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 OF MEXICO, 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 § 622.270;

A. Revise paragraph (a) (1).

B. Revise paragraph (a) (2)

C. Revise paragraph (b) (1).

D. Remove and reserve paragraph (c).

The revisions read as follows:

§ 622.270 Permits.

(a) * * *

(1) For a person aboard a vessel to be eligible for exemption from the bag and possession limits for dolphin or wahoo in or from the Atlantic EEZ or to sell such dolphin or wahoo, a commercial vessel permit for Atlantic dolphin and wahoo must be issued to the vessel and must be on board, except as provided in paragraph (a) (2) of this section.

(2) The provisions of paragraph (a) (1) of this section notwithstanding, a fishing vessel, except a vessel operating as a charter vessel or headboat, that does not have a commercial

Commented [SS1]: Commercial vessel permits

Commented [SS2]: Action 10, Preferred Alternative 3. Removed reference to DW comm operator card that was in this para (a) (1).

vessel permit for Atlantic dolphin and wahoo but has a Federal commercial vessel permit in any other fishery, is exempt from the bag and possession limits for dolphin and wahoo and may sell dolphin and wahoo, subject to the trip and geographical limits specified in § 622.278(a)(3). (A charter vessel/headboat permit is not a commercial vessel permit.)

Commented [SS3]: updated this citation in the trip limits section

* * * * *

(b) * * *

Commented [SS4]: Charter vessel/headboat permits

(1) For a person aboard a vessel that is operating as a charter vessel or headboat to fish for or possess Atlantic dolphin or wahoo, in or from the Atlantic EEZ, a valid charter vessel/headboat permit for Atlantic dolphin and wahoo must have been issued to the vessel and must be on board.

Commented [SS5]: Action 10, Preferred Alternative 2. Remove reference to DW CH/HB operator card that was in this para (b)(1).

* * * * *

3. In § 622.272, revise paragraph (a)(1) and (a)(2) to read as follows:

§ 622.272 Authorized gear.

(a) * * *

(1) *Authorized gear.* Except as allowed in paragraph (a)(2) of this section, the following are the only authorized gear types in the fisheries for dolphin and wahoo in the Atlantic EEZ: Automatic reel, bandit gear, handline, pelagic longline, rod and reel, and spearfishing gear (including powerheads). A person aboard a vessel in the Atlantic EEZ that has on board

Commented [SS6]: Added exception to allow for addition of trap/pot/buoy gear for Action 9. The rest of the text in (a)(1) is the same as current.

gear types other than authorized gear types may not possess a dolphin or wahoo.

(2) *Trap, pot, and buoy gear authorization.* A vessel in the Atlantic EEZ that possesses both a valid Federal commercial permit for Atlantic dolphin and wahoo and any Federal commercial permit(s) required that allow a vessel to fish using trap, pot, or buoy gear or that is in compliance with the permitting requirements for the spiny lobster fishery of the Gulf of Mexico and South Atlantic as described at § 622.400, is authorized to retain both dolphin and wahoo harvested by rod and reel while in possession of trap, pot, or buoy gear. See § 622.278(a)(2)(ii) for the amount of dolphin that may be retained under the commercial trip limits as described in this paragraph (a)(2). See § 622.278(a)(1)(ii) for the amount of wahoo that may be retained under the commercial trip limits as described in this paragraph (a)(2).

(b) [Reserved]

4. In § 622.277, revise paragraph (a)(1)(i) and paragraph (a)(2)(i) to read as follows:

§ 622.277 Bag and possession limits.

(a) * * *

(1) * * *

(i) In the Atlantic EEZ--10, not to exceed 48 per vessel, whichever is less, except on board a headboat, 10 per paying

Commented [SS7]: This paragraph, (2), is part of Action 9, preferred alternatives 2, 2b, and preferred alternative 3. The specific trip limits are described in 622.278 (a) (1) and (a) (2).

Commented [SS8]: Dolphin and wahoo

Commented [SS9]: Dolphin

Commented [SS10]: Action 11, Preferred Alternative 2 and 2d. 10/48. Note the headboat limit per paying passenger does not change as a result of Action 11.

passenger.

* * * * *

(2) * * *

(i) In the Atlantic EEZ - 1

* * * * *

5. Revise § 622.278(a) to read as follows:

§ 622.278 Commercial trip limits.

(a) *Trip-limited permits*--(1) *Atlantic wahoo.* (i) When using the fishing gear for wahoo and as authorized under § 622.272(a) (1), the trip limit for wahoo in or from the Atlantic EEZ is 500 lb (227 kg). This trip limit applies to a vessel that has a Federal commercial permit for Atlantic dolphin and wahoo, provided that the vessel is not operating as a charter vessel or headboat.

(ii) When using the fishing gear for wahoo and as authorized and permitted as described under § 622.272(a) (2), the trip limit for wahoo in or from the Atlantic EEZ is 500 lb (227 kg). The trip limit in this paragraph (a) (1) (ii) may not be combined with the trip limit specified in paragraph (a) (1) (i) of this section.

(iii) See § 622.280(b) (1) for the limitations regarding wahoo after the ACL is reached.

(2) *Atlantic dolphin.* (i) Once 75 percent of the ACL specified in § 622.280(a) (1) (i) is reached, the trip limit is

Commented [SS11]: Wahoo

Commented [SS12]: Action 12, Preferred Alternative 2.

Commented [SS13]: as a general note within the bag limits section 622.277. the bag limits related to harvest in the Bahamas do not change from DW 10 so those limits would be greater than what is proposed here in DW10.

Commented [SS14]: current trip limit, no change

Commented [SS15]: Action 9, Preferred Alt 3

Commented [SS16]: this paragraph (i) are the current trip limits for dolphin without the exception of Action 9. This is unchanged.

4,000 lb (1,814 kg), round weight. When the conditions in this paragraph (a) (3) (i) have been met, the Assistant Administrator will implement this trip limit by filing a notification with the Office of the Federal Register. This trip limit applies to a vessel that has a Federal commercial permit for Atlantic dolphin and wahoo, provided that the vessel is not operating as a charter vessel or headboat.

(ii) When using the fishing gear for dolphin and as authorized and permitted as described under § 622.272(a) (2), the trip limit for dolphin in or from the Atlantic EEZ is 500 lb (227 kg), gutted weight. The trip limit in this paragraph (a) (2) (ii) may not be combined with the trip limit specified in paragraph (a) (2) (i) of this section.

(iii) See § 622.280(a) (1) for the limitations regarding dolphin after the ACL is reached.

(3) *Vessels without a Federal dolphin and wahoo commercial permit.* The trip limit for a vessel that does not have a Federal commercial vessel permit for Atlantic dolphin and wahoo but has a Federal commercial vessel permit in any other fishery is 200 lb (91 kg) of dolphin and wahoo, combined, provided that all fishing on and landings from that trip are north of 39° N. lat. (A charter vessel/headboat permit is not a commercial vessel permit.)

(b) [Reserved]

Commented [SS17]: Action 9, Preferred Alt 2, 2b

Commented [SS18]: Note that this ACL closure applies to both (i) and (ii). This is the current commercial AM.

Commented [SS19]: paragraph (3) is the current trip limit for non-DW permitted vessels. I just moved it from paragraph (2) to (3) based on reorganizing this section.

Commented [SS20]: No DW commercial permit in this para. As noted, limits in both paras (1) and (2) apply in part to vessels with the DW comm permit

6. In § 622.280;

A. Revise the first sentence of paragraph (a) (1) (i).

B. Revise paragraph (a) (2).

C. Add paragraph (a) (3).

D. Revise the first sentence of paragraph (b) (1) (i).

E. Revise paragraph (b) (2).

The revisions read as follows:

§ 622.280 Annual catch limits (ACLs) and accountability measures

(AMs) .

(a) * * *

Commented [SS21]: Atlantic dolphin

(1) * * *

Commented [SS22]: dolphin commercial sector

(i) If commercial landings for Atlantic dolphin, as estimated by the SRD, reach or are projected to reach the commercial ACL of 1,719,953 lb (780,158 kg), round weight, the AA will file a notification with the Office of the Federal Register to close the commercial sector for the remainder of the fishing year. * * *

Commented [SS23]: Action 3, Preferred Alt 3.

* * * * *

(2) *Recreational sector.* If the total ACL specified in paragraph (a) (3) of this section is exceeded in a fishing year, then during the following fishing year, the AA will file a notification with the Office of the Federal Register to reduce the length of the recreational fishing season by the amount necessary to ensure that the recreational ACL is not exceeded

Commented [SS24]: Action 5, Preferred Alternative 5.

Commented [SS25]: Action 6, Preferred Alternative 2.

during the fishing year following the total ACL overage.

However, the recreational fishing season will not be reduced in the following fishing year if NMFS determines, based on the best scientific information available, that the reduction in the recreational fishing season is unnecessary. The recreational ACL is 22,850,811 lb (10,364,954 kg), round weight.

Commented [SS26]: Action 3, Preferred Alternative 3.

(3) *Total ACL.* The total ACL, commercial and recreation ACLs combined, for Atlantic dolphin, is 24,570,764 lb (11,145,111 kg), round weight.

Commented [SS27]: Action 1, Preferred Alt 2

(b) * * *

Commented [SS28]: Atlantic wahoo

(1) * * *

Commented [SS29]: Commercial sector

(i) If commercial landings for Atlantic wahoo, as estimated by the SRD, reach or are projected to reach the commercial ACL of 86,559 lb (39,263 kg), round weight, the AA will file a notification with the Office of the Federal Register to close the commercial sector for the remainder of the fishing year. * *

Commented [SS30]: Action 4, Preferred Alt 4.

* * * * *

(2) As described in the FMP, if average annual recreational landings, when determined using 3-year geometric mean, exceed the recreational ACL of 2,798,744 lb (1,269,489 kg), round weight, then in the following fishing year, the AA will file a notification with the Office of the Federal Register to reduce the length of the recreational fishing season by the amount

Commented [SS31]: Recreational sector for wahoo

Commented [SS32]: Action 7. Preferred Alternative 2 and 2b.

Commented [SS33]: Action 4, Preferred Alternative 4. Wahoo recreational ACL

necessary to ensure that the recreational ACL is not exceeded during the fishing year following the recreational ACL overage determination. However, the length of the recreational fishing season will not be reduced in the following fishing year if NMFS determines, based on the best scientific information available, that the reduction in the recreational fishing season is unnecessary.

Commented [SS34]: Action 8. Preferred Alternative 2