

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 § 622.370, paragraphs (a)(1) and (a)(3) are revised to read as follows:

§ 622.370 Permits.

(a) * * *

(1) King mackerel. For a person aboard a vessel to be eligible for exemption from the bag limits, to fish under a quota, or to sell king mackerel in or from the Gulf, Mid-Atlantic, or South Atlantic EEZ, a commercial vessel permit for king mackerel must have been issued to the vessel and must be on board. See § 622.371 regarding a limited access system applicable to commercial vessel permits for king mackerel and transfers of permits under the limited access system.

* * * * *

(3) Spanish mackerel. For a person aboard a vessel to be eligible for exemption from the bag limits, to fish under a quota, or to sell Spanish mackerel in or from the Gulf, Mid-Atlantic, or South Atlantic EEZ, a commercial vessel permit for Spanish mackerel must

Comment [AC1]: The earned income qualification requirements have been removed from these paragraphs per Action3 Gulf and SA preferred alt 2.

have been issued to the vessel and must be on board.

* * * * *

§ 622.371 [Amended]

3. In § 622.371, remove paragraphs (c), (d), and (e), and redesignate paragraph (f) as paragraph (c).

Comment [AC2]: The paragraphs containing the earned income qualification requirement exemptions have been removed per Action3 Gulf and SA preferred alt 2.

4. In § 622.386, paragraph (a) is revised and paragraphs (b) and (c) are added to read as follows:

§ 622.386 Restrictions on sale/purchase.

(a) King and Spanish mackerel. A king or Spanish mackerel harvested or possessed in the EEZ on board a vessel that does not have a valid commercial vessel permit for king mackerel, as required under § 622.370(a)(1), or a valid commercial vessel permit for Spanish mackerel, as required under § 622.370(a)(3), or a king or Spanish mackerel harvested in the EEZ and possessed under the bag limits specified in § 622.382, may not be sold or purchased, except for a vessel operating as a charter vessel or headboat that has a valid Federal charter vessel/headboat permit for Gulf coastal migratory pelagic fish, as required under § 622.370(b)(1), and also has a valid commercial vessel permit for king mackerel or Spanish mackerel, as required under § 622.370(a)(1).

Comment [AC3]: Per the August Gulf Council meeting: Action 1, pref alt 2, option b

(b) Cut-off (damaged) king or Spanish mackerel. A person may not sell or purchase a cut-off (damaged) king or Spanish mackerel that does not comply with the minimum size limits specified in § 622.380(b)

or (c), respectively, or that is in excess of the trip limits specified in § 622.385(a) or (b), respectively.

(c) State-permitted tournaments. King or Spanish mackerel harvested in a state-permitted tournament in the South Atlantic, Mid-Atlantic, or the Gulf may not be sold but may be donated to a charity through a dealer. Dealers accepting these tournament-caught king or Spanish mackerel must be permitted, must not be part of the tournament, and must comply with all transfer and reporting requirements. Specifically, dealers must donate the monetary value (sale price or cash equivalent of value received for the landings) of the tournament-caught fish directly to a charity, the fish must be handled and iced according to the Hazard Analysis Critical Control Point (HACCP) standards, and dealers must report tournament caught king and Spanish mackerel as "tournament catch" and comply with all Federal and state reporting requirements.

Comment [AC4]: Action 1, pref alt 4, options a and b

Comment [AC5]: How are we defining charity? Right now it looks like the money can be donated to anyone besides the tournament itself. The Council needs to discuss.