

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 § 622.2, the definition of migratory group is revised to read as follows:

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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.

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3. In § 622.7, paragraph (b)(1) is revised to read as follows:

§ 622.7 Fishing years.

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(b) * * *

(1) Gulf migratory group king mackerel--(i) Eastern Zone--

(A) Northern Zone--October 1 through September 30.

Comment [AC1]: The boundary descriptions for the summer and winter jurisdictional boundaries were removed from this definition. Most all boundary descriptions have been moved to § 622.369.

Comment [AC2]: Action 2, pref alt 3, option b

(B) Southern Zone--July 1 through June 30.

(ii) Western Zone--September 1 through August 31.

Comment [AC3]: Action 2, pref alt 2, option a

4. Add § 622.369 to subpart Q to read as follows:

§ 622.369 Description of zones.

Comment [AC4]: New section to include all the zone boundaries.

(a) Migratory groups of king mackerel. King mackerel are divided into the Gulf migratory group and the Atlantic migratory group. The Gulf migratory group is bound by a line due east of the U.S./Mexico border and the summer/winter jurisdictional boundary. The Atlantic migratory group is bound by the summer/winter jurisdictional boundary and a line from the intersection point of Connecticut, Rhode Island, and New York (as described in 600.105(a) of this chapter). From April 1 through October 31, the summer jurisdictional boundary separates the Gulf and Atlantic migratory groups of king mackerel by a line directly west from the Monroe/Collier County, FL, boundary to the outer limit of the EEZ. From November 1 through March 31, the winter jurisdictional boundary separates the Gulf and Atlantic migratory groups of king mackerel by a line directly east from the Volusia/Flagler County, FL, boundary to the outer limit of the EEZ.

Comment [AC5]: All coordinates have been moved to the tables in this section.

(1) Gulf migratory group. The Gulf migratory group is divided into western and eastern zones separated by a line directly south from the Alabama/Florida border. See Table 1 of this section for the boundary coordinates.

(i) Western zone. The western zone extends from a line due east of the US/Mexico border, north and east to a line due south of the Alabama/Florida border, including the EEZ off Texas, Louisiana, Mississippi, and Alabama. This zone remains the same year round.

(ii) Eastern zone. The eastern zone is divided into the Florida west coast subzone and the Florida east coast subzone.

(A) Florida west coast subzone. The Florida west coast subzone is further divided into the northern and southern subzones by a line directly west from the Lee/Collier County, FL, boundary.

(1) Northern subzone. The northern subzone extends from a line due south of the Florida/Alabama border, east and south to a line due west of the Lee/Collier County, FL, boundary, and remains the same area year round.

(2) Southern subzone. From November 1 through March 31, the southern subzone extends from a line directly west of the Lee/Collier County, FL, boundary, south and east to a line directly east of the Monroe/Dade County, FL, boundary, which includes the EEZ off Collier and Monroe Counties, FL. From April 1 through October 31, the southern subzone is reduced to the area off Collier County, and Monroe County becomes part of the Atlantic migratory group area.

(B) Florida east coast subzone. From November 1 through

March 31, the Florida east coast subzone extends from a line directly east of the Flagler/Volusia County, FL, boundary, south to a line directly east of the Miami-Dade/Monroe County, FL, boundary. From April 1 through October 31, the Florida east coast subzone is not part of the Gulf migratory group king mackerel area; it is part of the Atlantic migratory group king mackerel area.

(2) Atlantic migratory group. The Atlantic migratory group is not divided into zones, however, for commercial trip limits only, it is divided into different areas. See § 622.385(a)(1) for a description of the areas for Atlantic migratory group king mackerel commercial trip limits.

Table 1 to § 622.369--King Mackerel Description of Zones.

Area	Boundary 1	Boundary 2	
		Summer	Winter
Gulf Migratory Group--Western Zone	US/Mexico A line east of the intersection of 25°58'30.57"N lat. and 96°55'27.37"W long.	AL/FL 87°31.1'W long.	
Gulf Migratory Group--Eastern Zone: Northern	AL/FL 87°31.1'W long.	Lee/Collier 26°19.8'N lat.	
Gulf Migratory Group--Eastern Zone: Southern	Lee/Collier 26°19.8'N lat.	Collier/Monroe 25°48'N lat.	Monroe/Dade 25°20.4'N lat.
Gulf Migratory Group--Eastern Zone: East Coast	Monroe/Dade 25°20.4'N lat.	NA	Volusia/Flagler 29°25'N lat.

Comment [AC6]: We are working on figures to include in an appendix to part 622.

Comment [AC7]: We are working with Cindy to get consistency on decimal places.

(b) Migratory groups of Spanish mackerel--(1) Gulf migratory group. The Gulf migratory group is bounded by a line due east of the US/Mexico border and a line due east of the Monroe/Dade County, FL, boundary. See Table 2 of this section for the boundary coordinates.

(2) Atlantic migratory group. The Atlantic migratory group is bounded by a line due east of the Monroe/Dade County, FL, boundary and the intersection point of New York, Connecticut, and Rhode Island (as described in 600.105(a) of this chapter). The Atlantic migratory group is divided into the northern and southern zones which share an ACL but have different trip limits and accountability measures. See Table 2 of this section for the boundary coordinates.

(i) Northern zone. The northern zone is the area from the intersection point of New York, Connecticut, and Rhode Island (as described in 600.105(a) of this chapter), south to a line due east of the Florida/Georgia border.

(ii) Southern zone. The southern zone is the area from a line due east of the Florida/Georgia border, south to a line due east of the Monroe/Dade County, FL, boundary.

Table 2 to § 622.369--Spanish Mackerel Description of Zones.

Area	Boundary 1	Boundary 2
Gulf Migratory Group	US/Mexico A line east of the intersection of	Monroe/Dade 25°20.4N lat.

	25°58'30.57"N lat. and 96°55'27.37"W long.	
Atlantic Migratory Group--Northern Zone	NY/CT/RI 41°18'16.249"N lat. and 71°54'28.477"W long. southeast to 37°22'32.75"N lat. and the intersection point with the outward boundary of the EEZ	FL/GA 30°42'45.6"N lat.
Atlantic Migratory Group--Southern Zone	FL/GA 30°42'45.6"N lat.	Monroe/Dade 25°20.4N lat.

(c) Migratory groups of cobia--(1) Gulf migratory group.

The Gulf migratory group is bounded by a line due east of the U.S./Mexico border and a line due east of the Florida/Georgia border. See Table 3 of this section for the boundary coordinates.

(i) Gulf zone. The Gulf zone extends from a line due east of the U.S./Mexico border, north and east, then south, to the line of demarcation between the Atlantic Ocean and the Gulf of Mexico (as described in 600.105(c) of this chapter).

(ii) Florida east coast zone. The Florida east coast zone extends from the line of demarcation between the Atlantic Ocean and the Gulf of Mexico (as described in 600.105(c) of this chapter), north to the Florida/Georgia border.

(2) Atlantic migratory group. The Atlantic migratory group is bounded by the intersection point of New York, Connecticut,

and Rhode Island (as described in 600.105(a) of this chapter) and the Florida/Georgia border. See Table 3 of this section for the boundary coordinates.

Table 3 to § 622.369--Cobia Description of Zones.

Area	Boundary 1	Boundary 2
Gulf Migratory Group--Gulf Zone	US/Mexico A line east of the intersection of 25°58'30.57"N lat. and 96°55'27.37"W long.	Council Boundary - the intersection of the outer boundary of the EEZ and 83°00'W long., north to 24°35' N lat., (near the Dry Tortugas Islands), then east to the mainland
Gulf Migratory Group--Florida East Coast Zone	Council Boundary - the intersection of the outer boundary of the EEZ and 83°00'W long., north to 24°35' N lat., (near the Dry Tortugas Islands), then east to the mainland	FL/GA 30°42'45.6"N lat.
Atlantic Migratory Group	NY/CT/RI 41°18'16.249"N lat. and 71°54'28.477"W long. southeast to 37°22'32.75"N lat. and the intersection point with the outward boundary of the EEZ	FL/GA 30°42'45.6"N lat.

5. Section § 622.378 is revised to read as follows:

§ 622.378 Area and seasonal closures.

(a) Seasonal closures of the gillnet component for Gulf migratory group king mackerel. The gillnet component for Gulf group king mackerel in or from the Gulf EEZ is closed each fishing year from October 1 until 6 a.m. eastern time on the day

after the Martin Luther King Jr. Federal holiday. The gillnet component is also closed all subsequent weekends and observed Federal holidays, except for the first weekend following the Martin Luther King Jr. holiday which will remain open to the gillnet component provided a notification of closure of the gillnet component has not been filed under § 622.8(b). Weekend closures are effective from 6 a.m. Saturday to 6 a.m. Monday. Holiday closures are effective from 6 a.m. on the observed Federal holiday to 6 a.m. the following day. All times are eastern standard time. During these closures, a person aboard a vessel using or possessing a gillnet with a stretched-mesh size of 4.75 inches (12.1 cm) or larger in the southern Florida west coast subzone may not fish for or possess Gulf migratory group king mackerel.

(b) Transit provisions applicable in areas closed due to a quota closure for king mackerel. A vessel with a valid commercial vessel permit for king mackerel that has onboard king mackerel harvested in an open area of the EEZ may transit through areas closed to the harvest of king mackerel due to a quota closure, if fishing gear is appropriately stowed. For the purpose of paragraph (b) of this section, transit means direct and non-stop continuous course through the area; fishing gear appropriately stowed means--

(i) A gillnet must be left on the drum. Any additional

Comment [AC8]: Action 3, pref alt 4

gillnets not attached to the drum must be stowed below deck.

(ii) A rod and reel must be removed from the rod holder and stowed securely on or below deck. Terminal gear (i.e., hook, leader, sinker, flasher, or bait) must be disconnected and stowed separately from the rod and reel. Sinkers must be disconnected from the down rigger and stowed separately.

6. In § 622.384, the introductory paragraph, and paragraphs (a), (b)(1) (d)(1) and (d)(2) are revised to read as follows:

§ 622.384 Quotas.

See § 622.8 for general provisions regarding quota applicability and closure and reopening procedures. See § 622.369 for the descriptions of the zones. This section provides quotas and specific quota closure restrictions for coastal migratory pelagic fish. All weights are given in round weight.

(a) King and Spanish mackerel quotas apply to persons who fish under commercial vessel permits for king or Spanish mackerel, as required under § 622.370(a)(1) or (3). A fish is counted against the quota for the area where it is caught.

(b) * * *

(1) The quota for the Gulf migratory group of king mackerel is 3.456 million lb (1.568 million kg). The Gulf migratory group is divided into eastern and western zones. The

descriptions of the zones are specified in § 622.369(a). Quotas for the eastern and western zones are as follows:

(i) Eastern zone. The eastern zone is divided into subzones with quotas as follows:

(A) Florida east coast subzone. For the 2013 to 2014 fishing year and subsequent fishing years, the quota is 1,102,896 lb (500,265 kg).

(B) Florida west coast subzone--(1) Southern subzone. For the 2013 to 2014 fishing year and subsequent fishing years, the quota is 1,102,896 lb (500,265 kg), which is further divided into a quota for vessels fishing with hook-and-line and a quota for vessels fishing with run-around gillnets. For the 2013 to 2014 fishing year and subsequent fishing years, the hook-and-line quota is 551,448 lb (250,133 kg) and the run-around gillnet quota is 551,448 lb (250,133 kg).

(2) Northern subzone. For the 2013 to 2014 fishing year and subsequent fishing years, the quota is 178,848 lb (81,124 kg).

(ii) Western zone. For the 2013 and 2014 fishing year and subsequent fishing years, the quota is 1,071,360 lb (485,961 kg).

* * * * *

(d) * * *

(1) Gulf migratory group--(i) Gulf zone. For the 2014

fishing year, the stock quota for the Gulf migratory group of cobia in the Gulf zone is 1,420,000 lb (644,101 kg). For the 2015 fishing year, the stock quota is 1,450,000 lb (657,709 kg). For the 2016 fishing year and subsequent fishing years, the stock quota is 1,500,000 lb (680,389 kg).

(ii) Florida east coast zone. The following quota applies to persons who fish for cobia and sell their catch. The quota for the Gulf migratory group of cobia in the Florida east coast zone is 70,000 lb (31,751 kg).

(2) Atlantic migratory group. The following quotas apply to persons who fish for cobia and sell their catch. For the 2014 and 2015 fishing years, the quota for the Atlantic migratory group of cobia is 60,000 lb (27,216 kg). The quota for the 2016 fishing year and subsequent fishing years is 50,000 lb (22,680 kg).

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7. In § 622.385, the last sentence in the introductory paragraph, the second sentence in paragraph (a)(2), and paragraph (a)(2)(ii)(B) are revised; paragraph (a)(2)(iii) is removed; paragraph (a)(2)(iv) is revised and redesignated as paragraph (a)(2)(iii); and the introductory paragraph in paragraph (b)(1), paragraph (b)(1)(i), and the introductory paragraph in paragraph (b)(1)(ii) are revised to read as follows:

§ 622.385 Commercial trip limits.

* * * Commercial trip limits apply as follows (all weights are given in round weight).

(a) * * *

(2) * * * (See § 622.369(a)(2) for descriptions of the eastern and western zones and § 622.369(a)(2)(ii) for descriptions of the subzones in the eastern zone.)

* * * * *

(ii) * * *

(B) Hook-and-line gear. In the Florida west coast subzone, king mackerel in or from the EEZ may be possessed on board or landed from a vessel with a commercial permit for king mackerel, as required by § 622.370(a)(1), and operating under the hook-and-line gear quotas in § 622.384(b)(1)(i)(B)(1) or (b)(1)(i)(B)(2):

(1) Northern subzone. From October 1, each fishing year, until the northern subzone's hook-and-line gear quota has been harvested--in amounts not exceeding 1,250 lb (567 kg) per day.

Comment [AC9]: Action 1, pref alt 4, option b

(2) Southern subzone. From July 1, each fishing year, until the southern subzone's hook-and-line gear quota has been harvested--in amounts not exceeding 2,000 lb (907 kg) per day.

Comment [AC10]: Action 1, Gulf Council new pref alt 2

(iii) Western zone. In the western zone, king mackerel in or from the EEZ may be possessed on board or landed from a vessel for which a commercial permit for king mackerel has been

Comment [AC11]: Action 1, pref alt 3, option a

issued, as required under § 622.370(a)(1), from September 1, each fishing year, until a closure of the western zone has been effected under § 622.8(b)--in amounts not exceeding 3,000 lb (1,361 kg) per day.

(b) * * *

(1) Atlantic migratory group. The following trip limits apply to vessels for which commercial permits for Spanish mackerel have been issued, as required under § 622.370(a)(3). (See § 622.369(b)(2) for descriptions of the northern and southern subzones for Atlantic migratory group Spanish mackerel.)

(i) Northern subzone. Until the northern subzone's quota has been harvested, Spanish mackerel in or from the EEZ may not be possessed on board or landed in a day in amounts not exceeding 3,500 lb (1,588 kg) per day.

(ii) Southern subzone. Spanish mackerel in or from the EEZ may not be possessed on board or landed in a day--

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8. In § 622.388, an introductory paragraph is added, and paragraphs (a)(3), (e), and (f) are revised to read as follows:

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

All weights are given in round weight.

(a) * * *

Comment [AC12]: Revised these paragraphs because the descriptions of these zones are included in § 622.369.

(3) For purposes of tracking the ACL, recreational landings will be monitored based on the commercial fishing year.

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(e) Gulf migratory group cobia--(1) Gulf zone. (i) If the sum of all landings, as estimated by the SRD, reaches or is projected to reach the stock quota (stock ACT), specified in § 622.384(d)(1), the AA will file a notification with the Office of the Federal Register to prohibit the harvest of Gulf migratory group cobia in the Gulf zone for the remainder of the fishing year. On and after the effective date of such a notification, all sale and purchase of Gulf migratory group cobia in the Gulf zone is prohibited and the possession limit of this species in or from the Gulf EEZ is zero.

Comment [AC13]: Revised these paragraphs because cobia really doesn't have commercial and recreational sectors, since there are no permits. Fishermen may sell all of the cobia they harvest, or sell some and keep the rest, or keep all of the cobia they harvest.

(ii) The stock ACLs for Gulf migratory group cobia in the Gulf zone, are 1,570,000 lb (712,140 kg) for 2014, 1,610,000 lb (730,284 kg) for 2015, and 1,660,000 lb (752,963 kg) for 2016 and subsequent fishing years.

Comment [AC14]: Action 6, pref alt 3, option d

(2) Florida east coast zone--(i) The following ACLs and AMs apply to persons who fish for cobia and sell their catch. (A) If landings, as estimated by the SRD, reach or are projected to reach the quota specified in § 622.384(d)(1)(ii) (ACL), the AA will file a notification with the Office of the Federal Register to prohibit the sale and purchase of cobia in or from the Florida east coast zone for the remainder of the fishing year.

(B) In addition to the measures specified in paragraph (e)(2)(i)(A) of this section, if the sum of the landings for those who do and do not sell their catch in or from the Florida east coast zone, as estimated by the SRD, exceeds the stock ACL for the Florida east coast zone, as specified in paragraph (e)(2)(iii) of this section, and Gulf migratory group cobia are overfished, based on the most recent status of U.S. Fisheries Report to Congress, 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 quota (ACL) for the Florida east coast zone for that following year by the amount of any overage in the prior fishing year.

(ii) The following ACLs and AMs apply to persons who fish for cobia and do not sell their catch. (A) If the sum of the landings for those who do and do not sell their catch, as estimated by the SRD, exceeds the stock ACL, as specified in paragraph (e)(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 following fishing season by the amount necessary to ensure landings may achieve the ACT, but do not exceed the ACL in the following fishing year. Further, during that following year, if necessary, the AA may file additional notification with the Office of the Federal Register to readjust the reduced

fishing season to ensure harvest achieves but does not exceed the intended harvest level. The ACTs for the Florida east coast zone of cobia are 670,000 lb (303,907 kg) for 2014, 680,000 lb (308,443 kg) for 2015, and 710,000 lb (322,051 kg) for 2016 and subsequent fishing years. The applicable ACLs for the Florida east coast zone of cobia, in round weight, are 810,000 lb (367,410 kg) for 2014, 830,000 lb (376,482 kg) for 2015, and 860,000 lb (390,089 kg) for 2016 and subsequent fishing years.

(B) In addition to the measures specified in paragraph (e)(2)(ii)(A) of this section, if the sum of the landings for those who do and do not sell their catch in or from the Florida east coast zone, as estimated by the SRD, exceeds the stock ACL, as specified in paragraph (e)(2)(iii) of this section, and Gulf migratory group cobia are overfished, based on the most recent status of U.S. Fisheries Report to Congress, 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 ACL and ACT for the Florida east coast zone for that following year by the amount of any recreational sector overage in the prior fishing year.

(C) Landings will be evaluated relative to the ACL based on a moving multi-year average of landings, as described in the FMP.

(iii) The stock ACLs for Florida east coast zone cobia are

880,000 lb (399,161 kg) for 2014, 900,000 lb (408,233 kg) for 2015, and 930,000 lb (421,841 kg) for 2016 and subsequent fishing years.

(f) Atlantic migratory group cobia--(1) The following ACLs and AMs apply to persons who fish for cobia and sell their catch. (i) If landings, as estimated by the SRD, reach or are projected to reach the quota specified in § 622.384(d)(2) (ACL), the AA will file a notification with the Office of the Federal Register to prohibit the sale and purchase of cobia for the remainder of the fishing year.

(ii) In addition to the measures specified in paragraph (f)(1)(i) of this section, if the sum of the landings, as estimated by the SRD, exceeds the stock ACL, as specified in paragraph (f)(3) of this section, and Atlantic migratory group cobia are overfished, based on the most recent status of U.S. Fisheries Report to Congress, 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 quota (ACL) for that following year by the amount of any overage in the prior fishing year.

(2) The following ACLs and AMs apply to persons who fish for cobia and do not sell their catch.

(i) If the sum of the landings for those who do and do not sell their catch, as estimated by the SRD, exceeds the stock

ACL, as specified in paragraph (f)(3) 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 following fishing season by the amount necessary to ensure landings may achieve the ACT, but do not exceed the ACL in the following fishing year. Further, during that following year, if necessary, the AA may file additional notification with the Office of the Federal Register to readjust the reduced fishing season to ensure harvest achieves but does not exceed the intended harvest level. The ACTs for the Atlantic migratory group of cobia are 550,000 lb (249,476 kg) for 2014, 520,000 lb (235,868 kg) for 2015, and 500,000 lb (226,796 kg) for 2016 and subsequent fishing years. The ACLs for the Atlantic migratory group of cobia are 670,000 lb (303,907 kg) for 2014, 630,000 lb (285,763 kg) for 2015, and 620,000 lb (281,227 kg) for 2016 and subsequent fishing years.

(iii) Landing will be evaluated relative to the ACL based on a moving multi-year average of landings, as described in the FMP.

(3) The stock ACLs for Atlantic migratory group cobia are 730,000 lb (331,122 kg) for 2014, 690,000 lb (312,979 kg) for 2015, and 670,000 lb (303,907 kg) for 2016 and subsequent fishing years.

8. Section 622.389 is revised to read as follows:

§ 622.389 Adjustment of management measures.

In accordance with the framework procedures of the FMP for Coastal Migratory Pelagic Resources, the RA may establish or modify, and the applicable council is required to approve, the following items specified in paragraph (a) of this section for coastal migratory pelagic fish. (Note: the applicable council refers to the council whose jurisdiction applies to the management measures.)

Comment [AC15]: Action 5, pref alt 4

(a) For a species or species group: reporting and monitoring requirements, permitting requirements, bag and possession limits (including a bag limit of zero), size limits, vessel trip limits, closed seasons or areas and reopenings, acceptable biological catches (ABCs) and ABC control rules, annual catch limits (ACLs) and ACL control rules, accountability measures (AMs), annual catch targets (ACTs), quotas (including a quota of zero), MSY (or proxy), OY, management parameters such as overfished and overfishing definitions, gear restrictions (ranging from regulation to complete prohibition), gear markings and identification, vessel markings and identification, rebuilding plans, sale and purchase restrictions, transfer at sea provisions, and restrictions relative to conditions of harvested fish (maintaining fish in whole condition, use as bait).

Comment [AC16]: Action 5, pref Alt 2

(b) [Reserved]