

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 § 622.377, paragraph (b)(2)(iii) is revised and paragraph (b)(2)(vi) is added to read as follows:

§ 622.377 Gillnet restrictions.

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(b) * * *

(2) * * *

(iii) No more than two gillnets, including any net in use, may be possessed at any one time, except for a vessel with a valid commercial vessel permit for Spanish mackerel engaged in a transfer as specified in paragraph (b)(2)(vi) of this section.

Comment [AME1]: Action 1, Alt 2

If two gillnets, including any net in use, are possessed at any one time, they must have stretched mesh sizes (as allowed under the regulations) that differ by at least .25 inch (.64 cm), except for a vessel with a valid commercial vessel permit for Spanish mackerel engaged in a transfer as specified in paragraph (b)(2)(vi) of this section, in which case the vessel may possess two gillnets of the same mesh size provided that one of the nets

is transferred to that vessel.

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(vi) A portion of a gillnet may be transferred at sea only in the EEZ and only from a vessel with a valid commercial vessel permit for Spanish mackerel that has exceeded a trip limit specified in § 622.385 paragraph (b) to another vessel with a valid commercial vessel permit for Spanish mackerel that has not yet reached the trip limit (the receiving vessel). Only one such transfer is allowed per vessel per trip. In addition, to complete a legal transfer at sea, all of the following must apply:

(A) All fish exceeding the applicable commercial trip limit may not be removed from the gillnet until the transfer is complete (i.e., the gillnet is onboard the receiving vessel). The fish transferred to the receiving vessel may not exceed the applicable commercial trip limit.

(B) The receiving vessel may possess no more than three gillnets on board after the transfer is complete.

(C) Prior to cutting the gillnet and prior to any transfer of Spanish mackerel from one vessel to another, the owner or operator of both vessels must contact NMFS Office for Law Enforcement, Port Orange, Florida office, phone: 1-386-492-6686.

3. In § 622.385, the third sentence in the introductory

Comment [AME2]: This paragraph was separated into 2 sentences to address the details re: the number of nets allowed and the fact that 2 nets of equal mesh size may be on board after a transfer.

Comment [AME3]: New paragraph – for transfer at sea provision
Action 1, Alt 2

Comment [AC4]: This would apply to any of the Spanish mackerel trip limits

Comment [AME5]: If approved by the Council, call-in information provided here.

Comment [AME6]: They can either speak with someone or leave a message.

paragraph and paragraphs (a)(2)(i)(A) and (a)(2)(i)(B) are revised to read as follows:

§ 622.385 Commercial trip limits.

Comment [AME7]: Action 1, Alt 2

* * * Except for Atlantic migratory group Spanish mackerel harvested by gillnet, as specified in § 622.377 paragraph (b)(2)(vi), a species subject to a trip limit specified in this section taken in the EEZ may not be transferred at sea, regardless of where such transfer takes place, and such species may not be transferred in the EEZ. * * *

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(a) * * *

(2) * * *

(i) * * *

(A) From November 1 through the end of February--not to exceed 50 fish.

Comment [AME8]: Action 2, Alt 4. Previously Jan 31

(B) Beginning on March 1 and continuing through March 31--

Comment [AME9]: Action 2, Alt 4. Previously Feb 1

(1) If 70 percent or more of the Florida east coast subzone quota as specified in § 622.384(b)(1)(i)(A) has been taken--not to exceed 50 fish.

Comment [AME10]: Action 2, Alt 4. Previously 75%

(2) If less than 70 percent of the Florida east coast subzone quota as specified in § 622.384(b)(1)(i)(A) has been taken--not to exceed 75 fish.

Comment [AME11]: Action 2, Alt 4. Previously 75%

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