

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 § 622.1, paragraph (d), Table 1, add footnote 9 to the entry for "FMP for the Reef Fish Resources of the Gulf of Mexico", to read as follows:

§ 622.1 Purpose and scope.

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(b) * * *

Table 1--FMPs Implemented Under Part 622

FMP title	Responsible fishery management council(s)	Geographical area
* * * * *		
FMP for the Reef Fish Resources of the Gulf of Mexico	GMFMC	Gulf ^{1,3,4,7, 9}

* * * * *

⁹ Certain provisions for the management of the private

Commented [SS1]: update to purpose and scope to note for private angling delegation

angling component of recreational red snapper in the Gulf EEZ have been delegated to the Gulf states, as specified in § 622.23.

3. In § 622.2, remove the combined definition of "Off Louisiana, Mississippi, and Alabama" and in alphabetical order, add specific definitions for "Off Louisiana", "Off Mississippi" and "Off Alabama" to read as follows:

Commented [SS2]: Adding in the individual state areas for the EEZ. Texas and Florida are already defined in the regulations.

§ 622.2 Definitions and acronyms.

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Off Alabama means the waters in the Gulf west of a rhumb line at 87°31.1' W. long., which is a line directly south from the Alabama/Florida boundary, to a rhumb line at 88°23.1' W. long., which is a line directly south from the Mississippi/Alabama boundary.

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Off Louisiana means the waters in the Gulf west of a rhumb line at 89°10.0' W. long., which is a line extending directly south from South Pass Light, to a rhumb line beginning at 29°32.1' N. lat., 93°47.7' W. long. and extending to 26°11.4' N. lat., 92°53.0' W. long., which line is an extension of the boundary between Louisiana and Texas.

Off Mississippi means the waters in the Gulf west of a rhumb line at 88°23.1' W. long., which is a line directly south from the Mississippi/Alabama boundary, to a rhumb line at 89°10.0' W. long., which is a line extending directly south from South Pass Light.

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4. In § 622.3, add paragraph (f) to read as follows:

§ 622.3 Relation to other laws and regulations.

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(f) *State management of the Gulf red snapper recreational sector private angling component*. Alabama, Florida, Louisiana, Mississippi, and Texas are delegated the authority to specify certain management measures related to the harvest and possession of red snapper by the private angling component in the Gulf EEZ. See § 622.23 for the Gulf recreational red snapper management measures that have been delegated.

Commented [SS3]: adding in this para is based on delegation of private angling component

5. Section 622.23 is added to read as follows:

§ 622.23 State management of the red snapper recreational sector private angling component in the Gulf EEZ.

Commented [SS4]: This section is created to contain the private angling delegation regs.

(a) *Delegation*. Alabama, Florida, Louisiana, Mississippi, and Texas (Gulf states) are delegated the authority to manage certain aspects of recreational red snapper harvest by the private angling component in the Gulf EEZ (*i.e.*, delegation).

All other management measures for recreational red snapper in the Gulf EEZ not specified in this section continue to apply during state management.

(1) *Delegation of authority.* As described in the FMP for the Reef Fish Resources of the Gulf of Mexico, each Gulf state must specify the red snapper private angling component fishing season start and end dates to maintain harvest levels within the state's ACL, as stated in paragraph (a)(1)(ii) of this section. Each state must also specify a recreational bag limit and a minimum size limit within the range of 14 to 18 inches (35.6 cm to 45.7 cm), total length. Each state may specify a maximum size limit. If NMFS determines that a state's red snapper private angling component regulations are inconsistent with the FMP or a state does not specify the required management measures set forth above, *i.e.*, fishing season start and end dates, a recreational bag limit, and a minimum size limit, then NMFS will publish a notice in the **Federal Register** stating that the default management measures for the red snapper private angling component, as described in paragraph (a)(2) of this section, apply in the EEZ off that state.

(i) *State management areas.* For purposes of the delegation of the authority to establish certain management measures for the red snapper private angling component, five areas in the

Gulf EEZ have been established; one off each of the five Gulf states: Alabama, Florida, Louisiana, Mississippi, and Texas. The boundaries off each state are described in § 622.2.

(ii) *State private angling component ACLs*. All ACLs specified below are in round **weight**.

(A) *Alabama regional management area*—1,122,662 lb (509,231 kg).

(B) *Florida regional management area*—1,913,451 lb (867,927 kg).

(C) *Louisiana regional management area*—816,233 lb (370,237 kg).

(D) *Mississippi regional management area*—151,550 lb (68,742 kg).

(E) *Texas regional management area*—265,105 lb (120,250 kg).

(2) *Default management **measures***. If a state's delegation is suspended or if a state does not specify the management measures required in § 622.23(a)(1), the Federal management measures for the private angling season, recreational bag limit, and minimum size limit as described in §§ 622.34(b)(seasonal closure), 622.37(a)(1)(size limit), 622.38(b)(3)(bag limit), and 622.41(q)(2)(i)(season length) apply in the EEZ off that state.. All other management measures not specified in this section remain in effect.

Commented [SS5]: State by state private angling ACLs. These numbers are for preferred alternative 8

These also incorporate the red snapper revisions from the red snapper/hogfish frameworks final rule that published in March 2019 and is effective April 4, 2019.

Commented [SS6]: the default measures use the current RS regs that are already in place.

(b) *Post-season ACL adjustments for states with an active delegation.* If a state's red snapper private angling component landings exceed the applicable state's component ACL specified in paragraph (a)(1)(ii) 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, reducing that state's private angling ACL by the amount of the ACL overage in the prior fishing year, unless the best scientific information available determines that a greater, lesser, or no overage adjustment is necessary.

Commented [SS7]: post season overage adjustments State amendments Action 2.

(c) *Area closures.* As described in the FMP, for the red snapper private angling component, a state with an active delegation may request that NMFS establish an area closure in the EEZ off that state that prohibits the private angling component from harvesting or possessing red snapper. If NMFS determines that the request is within the scope of the analysis in the FMP, NMFS will publish a notice in the **Federal Register** to implement the requested closure for the fishing year.

6. In § 622.34, revise paragraph (b) to read as follows:

§ 622.34 Seasonal and area closures designed to protect Gulf reef fish.

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(b) Seasonal closure of the recreational sector for red

Commented [SS8]: The only revision in this paragraph is to include a reference to state mgt section.

snapper. The recreational sector for red snapper in or from the Gulf EEZ is closed from January 1 through May 31, each year. During the closure, the bag and possession limit for red snapper in or from the Gulf EEZ is zero. See § 622.23(a)(1) regarding the fishing season for states with an active delegation of state management of the red snapper private angling component.

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7. In § 622.37, revise paragraph (a)(1) to read as follows:

§ 622.37 Size limits.

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(a) * * *

(1) *Red snapper*--16 inches (40.6 cm), TL, for a fish taken by a person subject to the bag limit specified in §622.38 (b)(3) and 13 inches (33.0 cm), TL, for a fish taken by a person not subject to the bag limit. See § 622.23(a)(1) regarding the minimum size limit for states with an active delegation of state management of the red snapper private angling component. Fish taken by persons subject to the private angling component bag limit under state management may not be less than 14 inches (35.6 cm), TL, in the Gulf EEZ.

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8. In § 622.38, revise paragraph (b)(3) to read as follows:

§ 622.38 Bag and possession limits.

Commented [SS9]: only change is to include reference to state mgt

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(b) * * *

(3) *Red snapper*--2. However, no red snapper 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. See § 622.23 (a)(1) regarding the bag limit applicability for states with an active delegation of state management of the red snapper private angling component. Persons subject to the private angling component bag limit under an active delegation of state management may not possess more red snapper in the Gulf EEZ than the maximum number of red snapper allowed under any active state management regulations.

Commented [SS10]: only change is to include reference to state mgt and bag limit applicability

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9. In § 622.39, revise paragraphs (a)(2)(i)(B) and (C) to read as follows:

§ 622.39 Quotas.

* * * * *

(a) * * *

(2) * * *

(i) * * *

(B) *Federal charter vessel/headboat component quota*. The Federal charter vessel/headboat component quota applies to vessels that have been issued a valid Federal charter

vessel/headboat permit for Gulf reef fish any time during the fishing year. A person aboard a vessel that has been issued a charter vessel/headboat permit for Gulf reef fish any time during the fishing year may not harvest or possess red snapper in or from the Gulf EEZ when the Federal charter vessel/headboat component is closed. The Federal charter vessel/headboat component quota is 3.130 million lb (1.420 million kg), round weight.

Commented [SS11]: NMFS notes that this sentence is added to provide regulatory clarity only and that it is not a new requirement or specifically a part of Am50.

Commented [SS12]: In this paragraph (B), the quota value is what is currently in rulemaking for the red snapper/hogfish framework. The other change in this paragraph is to remove the sector separation sunset conditions as part of Am50.

(C) *Private angling component quota.* The private angling component quota applies to vessels that fish under the bag limit and have not been issued a Federal charter vessel/headboat permit for Gulf reef fish any time during the fishing year. The private angling component quota is 4.269 million lb (1.936 million kg), round weight.

Commented [SS13]: In this paragraph (C), the quota value is from the final rule for the red snapper/hogfish framework that will be effective April 4, 2019. The other change in this paragraph is to remove the sector separation sunset conditions as part of Am50.

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10. In § 622.41, add a sentence to the end of paragraph (q)(2)(i) and revise paragraphs (q)(2)(iii)(B) and (C) to read as follows:

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

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(q) * * *

(2) * * *

(i) * * * See § 622.23 (a)(1) regarding the fishing season for the private angling component for states with an active delegation.

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(iii) * * *

(B) *Federal charter vessel/headboat component ACT*. The

Federal charter vessel/headboat component ACT applies to vessels that have been issued a valid Federal charter vessel/headboat permit for Gulf reef fish any time during the fishing year. A person aboard a vessel that has been issued a charter vessel/headboat permit for Gulf reef fish any time during the fishing year may not harvest or possess red snapper in or from the Gulf EEZ when the Federal charter vessel/headboat component is closed. For the 2019 fishing year, the component ACT is 2.848 million lb (1.292 million kg), round weight. For the 2020 and subsequent fishing years, the component ACT is 2.504 million lb (1.136 million lb), round weight.

Commented [SS14]: this and the following paragraph remove the sector separation sunset clause.

Commented [SS15]: This revised sentence is not part of Am50. It is an administrative change to clarify a current restriction.

(C) *Private angling component ACT*. The private angling component ACT applies to vessels that fish under the bag limit and have not been issued a Federal charter vessel/headboat permit for Gulf reef fish any time during the fishing year. The component ACT is 3.415 million lb (1.549 million kg), round weight.