

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 § 622.5, revise paragraph (c)(1)(i) to read as follows:

§ 622.5 Recordkeeping and reporting--general.

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(c) *Dealers--(1) Permitted Gulf and South Atlantic dealers.* (i) A person issued a Gulf and South Atlantic dealer permit must submit a detailed electronic report of all fish first received for a commercial purpose within the time period specified in this paragraph via the dealer electronic trip ticket reporting system. These electronic reports must be submitted at weekly intervals via the dealer electronic trip ticket reporting system by 11:59 p.m., local time, the Tuesday following a reporting week. If no fish were received during a reporting week, an

electronic report so stating must be submitted for that reporting week. In addition, during the open season, dealers must submit daily reports for Gulf migratory group king mackerel harvested by the run-around gillnet component in the Florida west coast southern subzone via the port agents, telephone, internet, or other similar means determined by NMFS. From the beginning of the open season until the commercial [ACL or ACT] (commercial quota) for the run-around gillnet sector for Gulf migratory group king mackerel is reached, dealers must submit a daily report if no king mackerel were received during the previous day. NMFS will provide written notice to dealers that first receive Gulf king mackerel harvested by the run-around gillnet component prior to the beginning of each fishing year if the reporting methods or deadline change from the previous year.

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3. In § 622.371, revise paragraph (a) to read as follows:

§ 622.371 Limited access system for commercial vessel permits for king mackerel.

(a) No applications for additional commercial vessel

permits for king mackerel will be accepted. Existing vessel permits may be renewed, are subject to the restrictions on transfer or change in paragraph (b) of this section, and are subject to the requirement for timely renewal in paragraph (c) of this section.

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4. In § 622.372, add paragraph (d) to read as follows:

§ 622.372 Limited access system for king mackerel gillnet permits applicable in the Florida west coast southern subzone.

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(d) *Renewal criteria for a king mackerel gillnet permit.* A king mackerel gillnet permit may be renewed only if NMFS determines the [average OR single year] landings from [2006 OR 2011] to 2015 associated with that permit were greater than [1, 10,000, OR 25,000] lb ([x] kg), round or gutted weight.

(1) *Initial determination.* On or about [add date] the RA will mail each king mackerel gillnet permittee a letter via certified mail, return receipt requested, to the permittee's address of record as listed in NMFS' permit files, advising the permittee whether the permit is

eligible for renewal. A permittee who does not receive a letter from the RA, must contact the RA no later than [add date], to clarify the renewal status of the permit. A permittee who is advised that the permit is not renewable based on the RA's determination of eligibility and who disagrees with that determination may appeal that determination.

(2) *Procedure for appealing landings information.* The only item subject to appeal is the landings used to determine whether the permit is eligible for renewal. Appeals based on hardship factors will not be considered. Any appeal under this regulation will be processed by the NOAA Fisheries National Appeals Office. Appeals will be governed by the regulations and policy of the National Appeals Office at 15 CFR Part 906. Appeals must be submitted to the National Appeals Office no later than 90 days after the date the initial determination is issued. Determinations of appeals regarding landings data for [relevant years] will be based on NMFS' logbook records, submitted on or before [date]. If NMFS' logbooks are not available, state landings records or data for [relevant years] that were submitted in compliance with applicable

Federal and state regulations on or before [date] may be used.

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5. In § 622.384, revise paragraph (b)(1)(i)(B)(1) to read as follows:

§ 622.384 Quotas.

* * * * *

(b) * * *

(1) * * *

(i) * * *

(B) * * *

(1) *Southern subzone*. The hook-and-line quota is 551,448 lb (250,133 kg) and the run-around gillnet quota is 523,876 lb (237,626 kg). If the run-around gillnet quota is not reached in a given year, the amount of any landings below the quota will be added to the following year's quota, up to, but not exceeding the commercial ACL.

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6. In § 622.385, revise paragraph (a)(2)(ii)(A)(1) to read as follows:

§ 622.385 Commercial trip limits.

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(a) * * *

(2) * * *

(ii) *Eastern zone-Florida west coast subzone--(A)*

Gillnet gear. (1) In the Florida west coast southern subzone, king mackerel in or from the EEZ may be possessed on board or landed from a vessel for which a commercial vessel permit for king mackerel and a king mackerel gillnet permit have been issued, as required under § 622.370(a)(2), in amounts not exceeding 35,000 lb (15,876 kg) per day, provided the gillnet component for Gulf migratory group king mackerel is not closed under § 622.378(a) or § 622.8(b).

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7. In § 622.388, amend the paragraphs below to read as follows by:

- a. Revising paragraphs (a)(1)(i) and (a)(1)(ii).
- b. Adding paragraph (a)(1)(iii).
- c. Removing the last sentence in paragraphs (a)(2), (c)(1), and (e)(1)(i).

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

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(a) *Gulf migratory group king mackerel*--(1) *Commercial sector*--(i) If commercial landings, as estimated by the SRD, reach or are projected to reach the applicable quota specified in § 622.384(b)(1), the AA will file a notification with the Office of the Federal Register to close the commercial sector for that zone, subzone, or gear type for the remainder of the fishing year.

(ii) The commercial ACL for the Gulf migratory group of king mackerel is 3.456 million lb (1.568 million kg). This ACL is further divided into a commercial ACL for vessels fishing with hook-and-line and a commercial ACL for vessels fishing with run-around gillnets. The hook-and-line ACL, which applies to the entire Gulf, is 2,904,552 lb (1,317,483 kg). The run-around gillnet ACL, which applies to the Gulf eastern zone Florida west coast southern subzone, is 551,448 lb (250,133 kg). The run-around gillnet ACT is equal to the commercial quota specified in 622.384(b)(1)(i)(B)(1).

(iii) If commercial landings for Gulf migratory group king mackerel caught by run-around gillnet in the Florida west coast southern subzone, as estimated by the SRD, exceed the commercial ACL, and Gulf migratory group king

mackerel 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 to reduce the commercial ACL and commercial ACT for run-around gillnet in the Florida west coast southern subzone in the following fishing year by the amount of the commercial ACL overage in the prior fishing year.

(2) *Recreational sector.* If recreational landings, as estimated by the SRD, reach or are projected to reach the recreational ACL of 8.092 million lb (3.670 million kg), the AA will file a notification with the Office of the Federal Register to implement a bag and possession limit for Gulf migratory group king mackerel of zero, unless the best scientific information available determines that a bag limit reduction is unnecessary.

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(c) *Gulf migratory group Spanish mackerel.* (1) If the sum of the commercial and recreational landings, as estimated by the SRD, reaches or is projected to reach the stock ACL, as specified in paragraph (c)(3) of this section, the AA will file a notification with the Office of the Federal Register to close the commercial and

recreational sectors 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 Spanish mackerel is prohibited and the harvest and possession limit of this species in or from the Gulf EEZ is zero.

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(e) *Gulf migratory group cobia*--(1) *Gulf zone*. (i) If the sum of all cobia 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.

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