

Tab C, No. 5a

For the reasons set out in the preamble, 50 CFR parts 600, 622, and 697 are proposed to be amended as follows:

PART 600--MAGNUSON-STEVENS ACT PROVISIONS

1. The authority citation for part 600 continues to read as follows:

Authority: 5 U.S.C. 561 and 16 U.S.C. 1801 et seq.

2. In § 600.725, in paragraph (v), in the table under heading "III. South Atlantic Fishery Management Council," under entry 8, remove and reserve entry 8.C and add entry 25 to read as follows:

Commented [SS1]: removes atlantic migratory group cobia from CMP FMP list of authorized gears.
Commented [SS2]: adds Atl Migratory Group Cobia, non-FMP to list of gears.

§ 600.725 General prohibitions.

* * * * *

(v) * * *

Fishery	Authorized gear types
---------	--------------------------

* * * * *

III. South Atlantic Fishery Management Council

* * * * *

25. Atlantic Migratory Group Cobia (Non-FMP)

A. Commercial Fishery. A. Longline, handline, rod and reel, bandit gear, spear.

Tab C, No. 5a

B. Recreational Fishery. B. Bandit gear, rod and reel,
handline, spear.

PART 622--FISHERIES OF THE CARIBBEAN, GULF OF MEXICO, AND SOUTH ATLANTIC

3. The authority citation for part 622 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

4. In 622.1, revise the Table 1 entry for "FMP for Coastal Migratory Pelagic Resources", and add footnote 9 to Table 1 to read as follows:

§ 622.1 Purpose and scope.

* * * * *

Table 1 to § 622.1--FMPs Implemented Under Part 622

FMP title	Responsible fishery management council(s)	Geographical area
FMP for Coastal Migratory Pelagic Resources	GMFMC/SAFMC	Gulf ^{1,9} , Mid-Atlantic ^{1,9} , South Atlantic ^{1,9} .
* * * * *		

Commented [SS3]: All instructions in the regulatory text for Part 622 are based on the selection of Preferred Alternative 2 in Action 1.

Tab C, No. 5a

¹ Regulated area includes adjoining state waters for purposes of data collection and quota monitoring.

* * * * *

⁹ Cobia is managed by the FMP in the Gulf EEZ and in the South Atlantic EEZ south of a line extending due east from the Florida/Georgia border.

* * * * *

5. In § 622.375, revise paragraph (a) (2) to read as follows:

§ 622.375 Authorized and unauthorized gear.

* * * * *

(a) * * *

(2) *Cobia, Gulf migratory group*. Subject to the prohibitions on gear/methods specified in §622.9, the following are the only fishing gears that may be used in the Gulf EEZ, and in the South Atlantic EEZ south of a line extending due east from the Florida/Georgia border for cobia--all gear except drift gillnet and long gillnet.

* * * * *

6. In § 622.380, revise paragraph (a) (1) and remove and reserve paragraph (a) (2).

§ 622.380 Size limits.

* * * * *

(a) * * *

Commented [SS4]: added footnote 9 to show the regulated area authority for the Gulf only for CMP cobia. This removes FMP applicability for the Mid and South Atlantic. I included the #9 footnote for MA and SA as well since otherwise that could be confused for reduced authority with respect to KM and SM.

Commented [SS5]: In this section, remove authorized gear list for cobia in mid and south atlantic.

Commented [SS6]: removes paragraphs for size limits for atlantic migratory group cobia. revising gulf to include FL East coast zone

Tab C, No. 5a

(1) In the Gulf and in the South Atlantic EEZ south of a line extending due east from the Florida/Georgia border—33 inches (83.8 cm), fork length.

* * * * *

7. In § 622.381, revise the first sentence of paragraph (a) to read as follows:

§ 622.381 Landing fish intact.

(a) Cobia in or from the Gulf and in the South Atlantic EEZ south of a line extending due east from the Florida/Georgia border, and king mackerel and Spanish mackerel in or from the Gulf, Mid-Atlantic, or South Atlantic EEZ, except as specified for king mackerel and Spanish mackerel in paragraph (b) of this section, must be maintained with head and fins intact. Such fish may be eviscerated, gilled, and scaled, but must otherwise be maintained in a whole condition. * * *

* * * * *

8. In § 622.382, revise the heading for paragraph (a) and remove paragraph (a) (1) (vi) to read as follows:

§ 622.382 Bag and possession limits.

* * * * *

(a) *King mackerel and Spanish* mackerel--* * *

* * * * *

9. In § 622.384, remove and reserve paragraph (d) (2).

Commented [SS7]: revise to specify cobia from gulf migratory group only

Commented [SS8]: remove Atlantic cobia from the heading and remove rec bag limit for Atlantic cobia. Fyi, there is not a bag limit specified in this section for Gulf cobia since its described as a limited harvest species.

Commented [SS9]: revise this paragraph to remove quota for Atlantic group cobia.

Tab C, No. 5a

10. In § 622.385, remove paragraph (c).
11. § 622.388, remove paragraph (f).
12. Revise Figure 3 of Appendix G to Part 622 to read as follows:

Commented [SS10]: this removes the commercial trip limit for Atlantic cobia. Fyi, there is not a trip limit specified in this section for Gulf cobia since its described as a limited harvest species

Commented [SS11]: This removes ACL and AM for Atlantic cobia.

Commented [SS12]: This revises the cobia zone figure to remove atlantic group.

follows:

Appendix G to Part 622—Coastal Migratory Pelagics Zone

Illustrations

* * * * *

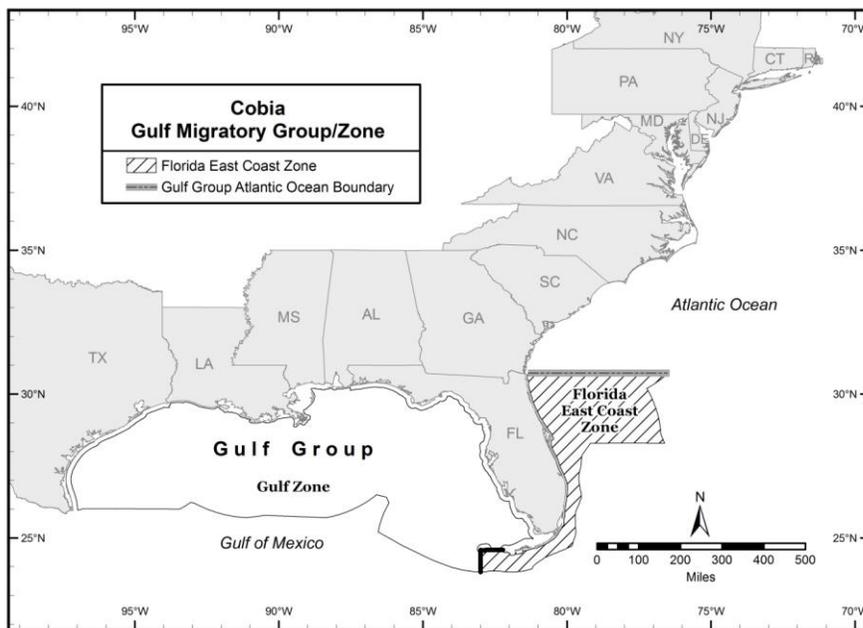


Figure 3 of Appendix G to Part 622--Cobia

Tab C, No. 5a

13. The authority citation for part 697 continues to read as follows:

Commented [SS13]: Part 697 is Atlantic Coastal Fisheries Cooperative Management. Where the Atlantic cobia regulatory authority will move to.

Authority: 16 U.S.C. 5101 *et seq.*

14. In § 697.2(a), add the definition for "Atlantic migratory group cobia" in alphabetical order to read as follows:

§ 697.2 Definitions

(a) * * *

* * * * *

Atlantic migratory group cobia, means *Rachycentron canadum*, a whole fish or a part thereof, bounded by a line extending from the intersection point of New York, Connecticut, and Rhode Island (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 and south to a line extending due east of the Florida/Georgia border (30°42'45.6" N. lat.).

* * * * *

15. In § 697.7, add paragraph (g) to read as follows:

§ 697.7 Prohibitions

* * * * *

(g) *Atlantic migratory group cobia*. In addition to the prohibitions set forth in §600.725 of this chapter, it is

Tab C, No. 5a

unlawful for any person to do any of the following:

(1) Use or possess prohibited gear or methods or possess fish in association with possession or use of prohibited gear, as specified in this part.

(2) Fish in violation of the prohibitions, restrictions, and requirements applicable to seasonal and/or area closures, including but not limited to: Prohibition of all fishing, gear restrictions, restrictions on take or retention of fish, fish release requirements, and restrictions on use of an anchor or grapple, as specified in this part or as may be specified under this part.

(3) Possess undersized fish, fail to release undersized fish, or sell or purchase undersized fish, as specified in this part.

(4) Fail to maintain a fish intact through offloading ashore, as specified in this part.

(5) Exceed a bag or possession limit, as specified in this part.

(6) Fail to comply with the species-specific limitations, as specified in this part.

(7) Fail to comply with the restrictions that apply after closure of a fishery, sector, or component of a fishery, as specified in this part.

Commented [SS14]: these items were brought over from 622.13

the list is general prohibitions that are more broadly applicable and appropriate for Atl cobia. The current prohibitions in 697 did not meet this need or apply for cobia.

Tab C, No. 5a

(8) Possess on board a vessel or land, purchase, or sell fish in excess of the commercial trip limits, as specified in this part.

(9) Fail to comply with the restrictions on sale/purchase, as specified in this part.

(10) Interfere with fishing or obstruct or damage fishing gear or the fishing vessel of another, as specified in this part.

(11) Fail to comply with any other requirement or restriction specified in this part or violate any provision(s) in this part.

16. Add § 697.28 to 50 CFR part 697, Subpart B, to read as follows:

§ 692.28 Atlantic migratory group cobia.

(a) *Fishing year*. The fishing year for Atlantic migratory cobia is January 1 through December 31.

Commented [SS15]: Brought over from 622.7, without, it would make quota monitoring not tied to anything.

(b) *Authorized gear*. Subject to the prohibitions on gear/methods in §697.7, the following are the only fishing gears that may be used in the for cobia in the EEZ of the Atlantic migratory group--automatic reel, bandit gear, handline, rod and reel, pelagic longline, and spear (including powerheads).

Commented [SS16]: brought over from 622.375(a)(2). consistent with table of gear in 600.725

(c) *Size limits*. All size limits in this section are minimum size limits. Atlantic migratory group cobia not in compliance

Commented [SS17]: brought over from 622.380

Tab C, No. 5a

with its size limit, as specified in this section, in or from the EEZ, may not be possessed, sold, or purchased. A fish not in compliance with its size limit must be released immediately with a minimum of harm. The operator of a vessel that fishes in the EEZ is responsible for ensuring that fish on board are in compliance with the size limits specified in this section. If a size limit in paragraph (c) (1) or (2) of this section differs from a size limit from an Atlantic state(s), then any vessel operator in the EEZ must comply with the more restrictive requirement or measure.

(1) 33 inches (83.8), fork length, for cobia that are sold (commercial sector).

(2) 36 inches (91.4 cm), fork length, for cobia that are not sold (recreational sector).

(d) *Landing fish* intact. Atlantic migratory group cobia in the EEZ, must be maintained with head and fins intact. Such fish may be eviscerated, gilled, and scaled, but must otherwise be maintained in a whole condition. The operator of a vessel that fishes in the EEZ is responsible for ensuring that fish on that vessel in the EEZ are maintained intact and, if taken from the EEZ, are maintained intact through offloading ashore, as specified in this section.

Commented [SS18]: brought over from 622.381

(e) *Bag and possession* limits. If a bag and/or possession

Commented [SS19]: brought over from 622.382

Tab C, No. 5a

limit in paragraph (e) (1) or (2) of this section differs from a bag and/or possession limit from an Atlantic state(s), then any vessel operator in the EEZ must comply with the more restrictive requirement or measure. (1) Atlantic migratory group cobia that are not sold (recreational sector)—1, not to exceed 6 fish per vessel per day.

(2) *Possession limits.* A person who is on a trip that spans more than 24 hours may possess no more than two daily bag limits, provided such trip is on a vessel that is operating as a charter vessel or headboat, the vessel has two licensed operators aboard, and each passenger is issued and has in possession a receipt issued on behalf of the vessel that verifies the length of the trip.

(f) *Quotas.* All weights are in round and eviscerated weight combined. (1) The following quota applies to persons who fish for cobia and sell their catch--50,000 lb (22,680 kg). If the sum of the cobia landings that are sold, as estimated by the SRD, reach or are projected to reach the quota specified in this paragraph (f) (1) of this section, 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.

Commented [SS20]: Brought over from 622.384.

(2) *Restrictions applicable after a quota closure.* (i) If

Tab C, No. 5a

the recreational sector for Atlantic migratory group cobia is open, the bag and possession specified in paragraph (e) of this section apply to all harvest or possession in or from the EEZ. If the recreational sector is closed, all applicable harvest or possession in or from the EEZ is prohibited.

(ii) The sale or purchase of Atlantic migratory group cobia in or from the EEZ during a closure as is prohibited. The prohibition on the sale or purchase during a closure does not apply to Atlantic migratory group cobia that were harvested, landed ashore, and sold prior to the effective date of the closure and were held in cold storage by a dealer or processor.

(g) *Commercial trip* limits. Commercial trip limits are limits on the amount of Atlantic migratory group cobia that may be possessed on board or landed, purchased, or sold from a vessel per day. A person who fishes in the EEZ may not combine a trip limit specified in this section with any trip or possession limit applicable to state waters. Atlantic migratory group cobia 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. Commercial trip limits apply as follows--Until the commercial quotal specified in paragraph (f) (1) of this section is reached, 2 fish per person, not to exceed 6 fish per vessel.

Commented [SS21]: brought over from 622.385