

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 § 622.380, revise paragraph (a)(1)(ii) to read as follows:

§ 622.380 Size limits.

* * * * *

(a) * * *

Commented [SS1]: Cobia

(1) * * *

Commented [SS2]: Gulf migratory group

(ii) *Florida east coast zone.* 36 inches (91.4 cm), fork

Commented [SS3]: Action 6, Preferred Alt 2. FLEC comm and rec minimum size limit.

length.

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3. In § 622.382, add paragraph (b) to read as follows:

§ 622.382 Bag and possession limits.

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(b) *Gulf migratory group cobia* - (1) The following applies to persons who fish for cobia in the Gulf Zone or Florida East Coast Zone, and do not sell their catch.

(i) 1 fish per person per day, not to exceed 2 fish per vessel per trip.

(2) [Reserved]

§ 622.383 [Amended]

4. Remove and reserve § 622.383.

5. In § 622.384, revise paragraphs (d) (1) and (e) (2) to read as follows:

§ 622.384 Quotas.

* * * * *

(d) * * *

(1) *Gulf migratory group* -

(i) *Gulf zone*. For the 2021 fishing year, the stock quota for the Gulf migratory group of cobia in the Gulf zone is 1,326,780 lb (601,817 kg). For the 2022 fishing year, the stock quota is 1,474,200 lb (668,686 kg). For the 2023 fishing year and subsequent fishing years, the stock quota is 1,564,920 lb (709,836 kg).

Commented [SS4]: Action 4, Preferred Alt 2. Gulf Zone ACTs (quotas)

(ii) *Florida east coast zone*. The following quotas apply to persons who fish for cobia and sell their catch. For the 2021 fishing year the quota is 69,264 lb (31,418 kg). For the 2022 fishing year the quota is 76,960 lb (34,908 kg). For the 2023 fishing year and subsequent fishing years the quota is 81,696 lb (37,057 kg).

Commented [SS5]: FLEC "commercial" quota (ACL)

Commented [SS6]: Action 3, Preferred Alt 3. FLEC zone quota/ACL

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(e) * * *

(2) The sale or purchase of king mackerel, Spanish mackerel, or cobia of the closed species, migratory group, zone, or gear type is prohibited, including any king or Spanish mackerel taken under the bag and possession limits specified in § 622.382(a), or cobia taken under the bag and possession limits specified in § 622.382(b). The prohibition on the sale or purchase during a closure for coastal migratory pelagic fish does not apply to coastal migratory pelagic fish 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.

6. In § 622.385, add paragraph (c) to read as follows:

§ 622.385 Commercial trip limits.

* * * * *

(c) *Cobia* -

(1) [Reserved]

(2) *Gulf migratory group* - The following trip limit applies to persons who fish for cobia and sell their catch.

(i) *Gulf and Florida East Coast Zones*. Cobia in or from the EEZ may be possessed or landed in amounts not exceeding 1 fish per person and 2 fish per vessel.

Commented [S57]: Action 5, 5.1, 5.2 Pref Alternatives 2/2b, 4/4a commercial limits

(ii) [Reserved]

7. In § 622.386, revise paragraph (c) to read as follows:

§ 622.386 Restrictions on sale/purchase

* * * * *

(c) King or Spanish mackerel harvested in or from the Gulf, Mid-Atlantic, or South Atlantic EEZ may be first received by a dealer who has a valid Federal Gulf and South Atlantic dealer permit, as required under § 622.370(c)(1), only from a vessel that has a valid Federal commercial vessel permit for king or Spanish mackerel, as required under § 622.370(a), or a valid Federal charter vessel/headboat permit for coastal migratory pelagic fish, as required under § 622.370(b).

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8. In § 622.388, revise paragraph (e)(1)(ii), (e)(2)(ii)(A), and (e)(2)(iii) to read as follows:

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

* * * * *

(e) * * *

(1) * * *

(ii) The stock ACLs for Gulf migratory group cobia in the Gulf zone are 1,474,200 lb (668,686 kg) for 2021, 1,638,000 lb (742,984 kg) for 2022, and 1,738,800 lb (788,706 kg) for 2023

Commented [SS8]: From Am 32, Ch 3. NMFS has determined that the dealer limitation in section 622.386(c) is inconsistent with the requirement in section 622.386(b) for Gulf Group Cobia on all federally permitted vessels to be sold to a federally permitted dealer, as well as with the Gulf and South Atlantic Council's Generic Amendment (GMFMC and SAFMC 2013) that created the federal Gulf and South Atlantic dealer permit. Therefore, NMFS intends to correct the regulations at 50 C.F.R. 622.386(c) to make the restriction applicable only to king and Spanish mackerel rather than CMP generally. This will allow federally permitted dealers to accept Gulf Group Cobia harvested from the EEZ from any vessel regardless of permit status.

This text has been revised from being described as CMP in general to specifically KM and SM. The rest of paragraph (c) remains unchanged.

Commented [SS9]: Gulf migratory group Gulf Zone

Commented [SS10]: Action 2, Preferred Alt 3 Gulf zone stock ACL

and subsequent fishing years.

(2) * * *

Commented [SS11]: FL East Coast Zone

(iii) * * *

Commented [SS12]: FLEC not sold cobia

(A) If the sum of cobia landings that are sold and not sold, 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 applicable ACT, but do not exceed the applicable 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 the ACT but does not exceed the ACL. The applicable ACTs for the Florida east coast zone of cobia are 716,882 lb (325,172 kg) for 2021, 796,536 lb (361,303 kg) for 2022, and 845,554 lb (383,537 kg) for 2023 and subsequent fishing years. The applicable ACLs for the Florida east coast zone of cobia are 796,536 lb (361,303 kg) for 2021, 885,040 lb (401,447 kg) for 2022, and 939,504 lb (426,152 kg) for 2023 and subsequent fishing years.

Commented [SS13]: Action 4, Preferred Alt 2, FLEC recreational ACTs. In landed weight (round/gutted)

Commented [SS14]: Action 3, Preferred Alt 3. FLEC Zone "recreational" ACL.

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(iii) The stock ACLs for Florida east coast zone cobia are 865,800 lb (392,720 kg) for 2021, 962,000 lb (436,356 kg) for 2022, and 1,021,200 lb (463,209 kg) for 2023 and subsequent fishing years.

Commented [SS15]: Action 2, Pref Alt 3, FLEC stock ACL