



## Draft List of Regulations

### ***Regulations Identified for Possible Removal***

#### **§600.725 General prohibitions – Gulf of Mexico**

List of Allowable Gears - 8. Golden Crab Fishery (Non-FMP) Trap, 11. Octopus Fishery (Non-FMP), 12. Marine Life Aquarium Fishery (Non-FMP)

#### **§622.20 Permits and endorsements.**

(i) *Transfer of permits*—(A) *Permits without a historical captain endorsement*. A charter vessel/headboat permit for Gulf reef fish that does not have a historical captain endorsement is fully transferable, with or without sale of the permitted vessel.

(B) *Permits with a historical captain endorsement*. A charter vessel/headboat permit for Gulf reef fish that has a historical captain endorsement may only be transferred to a vessel operated by the historical captain and is not otherwise transferable.

#### **§622.373 Limited access system for charter vessel/headboat permits for Gulf coastal migratory pelagic fish.**

622.373(b)(2) *Permits with a historical captain endorsement*. A charter vessel/headboat permit for Gulf coastal migratory pelagic fish that has a historical captain endorsement may only be transferred to a vessel operated by the historical captain and is not otherwise transferable.

#### **§622.10 Landing fish intact—general.**

This section contains requirements for landing fish intact that are broadly applicable to finfish in the Gulf EEZ and Caribbean EEZ, as specified. See subparts B through V, as applicable, for additional species specific requirements for landing fish intact.

(a) Finfish in or from the Gulf EEZ or Caribbean EEZ, except as specified in paragraphs (b) and (c) of this section, must be maintained with head and fins intact.

(b) Shark, swordfish, and tuna species are exempt from the requirements of paragraph (a) of this section.

(c) In the Gulf EEZ or Caribbean EEZ:

(1) Bait is exempt from the requirement to be maintained with head and fins intact.

(i) For the purpose of this paragraph (c)(1), “bait” means—

(A) Packaged, headless fish fillets that have the skin attached and are frozen or refrigerated;

(B) Headless fish fillets that have the skin attached and are held in brine; or

(C) Small pieces no larger than 3 in<sup>3</sup> (7.6 cm<sup>3</sup>) or strips no larger than 3 inches by 9 inches (7.6 cm by 22.9 cm) that have the skin attached and are frozen, refrigerated, or held in brine.

(ii) Paragraph (c)(1)(i) of this section notwithstanding, a finfish or part thereof possessed in or landed from the Gulf EEZ or Caribbean EEZ that is subsequently sold or purchased as a

~~finfish species, rather than as bait, is not bait.~~ (2) Legal sized finfish possessed for consumption at sea on the harvesting vessel are exempt from the requirement to have head and fins intact, provided—

- (i) Such finfish do not exceed any applicable bag limit;
  - (ii) Such finfish do not exceed 1.5 lb. (680 g) of finfish parts per person aboard; and
  - (iii) The vessel is equipped to cook such finfish on board.
- (d) 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.

#### **§622.385 Commercial trip limits.**

(a) *King mackerel*—(1) *Atlantic migratory group*. The following trip limits apply to vessels for which commercial permits for king mackerel have been issued, as required under §622.370(a)(1):

(2) *Gulf migratory group*. Commercial trip limits are established in the southern, northern, and western zones as follows. (See §622.369(a) for descriptions of the southern, northern, and western zones.)

(i) *Southern zone*—(A) *Gillnet gear*. (1) 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 45,000 lb. (20,411 kg) per day.

### **Subpart E—Red Drum Fishery of the Gulf of Mexico**

#### **§622.90 Permits.**

(a) *Dealer permits and conditions*—(1) *Permits*. For a dealer to first receive Gulf red drum harvested in or from the EEZ, a Gulf and South Atlantic dealer permit must be issued to the dealer.

(2) *State license and facility requirements*. To obtain a dealer permit, the applicant must have a valid state wholesaler's license in the state(s) where the dealer operates, if required by such state(s), and must have a physical facility at a fixed location in such state(s).

(b) *Permit procedures*. See §622.4 for information regarding general permit procedures including, but not limited to application, fees, duration, transfer, renewal, display, sanctions and denials, and replacement.

#### **§622.91 Recordkeeping and reporting.**

(a) *Dealers*. A dealer who first receives Gulf red drum must maintain records and submit information as specified in §622.5(c).

#### **§622.93 Adjustment of management measures.**

In accordance with the framework procedures of the FMP for the Red Drum Fishery of the Gulf of Mexico, the RA may establish or modify the following items:

(a) Reporting and monitoring requirements, permitting requirements, bag and possession limits (including a bag limit of zero), size limits, vessel trip limits, closed seasons or areas and reopenings, annual catch limits (ACLs), annual catch targets (ACTs), quotas (including a quota of zero), accountability measures (AMs), MSY (or proxy), OY, TAC, management parameters such as overfished and overfishing definitions, gear restrictions (ranging from regulation to complete prohibition), gear markings and identification, vessel markings and identification, ABC and ABC control rules, rebuilding plans, sale and purchase restrictions, transfer at sea provisions, and restrictions relative to conditions of harvested fish (maintaining fish in whole condition, use as bait).

### **§622.35 Gear restricted areas.**

(a) *Reef fish stressed area*. The stressed area is that part of the Gulf EEZ shoreward of rhumb lines connecting, in order, the points listed in Table 2 in Appendix B of this part.

#### ***Regulations Identified for Correction and Clean-up***

**Key:** Deletions are indicated by strikethrough and red and additions are indicated by bold and green

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### **§600.725 General prohibitions – Gulf of Mexico**

#### **Coral FMP**

- A. Commercial fishery hand harvest
- B. Recreational fishery hand harvest

#### **Stone Crab FMP (non-FMP)**

### **§622.2 Definitions and acronyms.**

Various gear definitions should be updated

### **§622.5 Recordkeeping and reporting—general.**

622.5 (c)(1)(i) ..... “the run-around gillnet component in the Florida west coast southern subzone”.....

### **§622.7 Fishing years.**

“(1) *Gulf migratory group king mackerel*—(i) *Southern zone*—July 1 through June 30..... (2) *Gulf migratory group Spanish mackerel*—April 1 through March 31”..... (3) *South Atlantic migratory group king and Spanish mackerel*—March 1 through end of February”

## **§622.8 Quotas—general.**

..... “Annual quota increases are contingent on the annual catch limit total allowable catch for the applicable species not being exceeded in the previous fishing year. If the annual catch limit total allowable catch is exceeded in the previous fishing year, the RA will file a notification with the Office of the Federal Register to maintain the quota for the applicable species, sector or component from the previous fishing year for following fishing years, unless NMFS determines based upon the best scientific information available that maintaining the quota from the previous year is unnecessary”.

## **§622.21 (a)(3)(iii) Individual fishing quota (IFQ) program for Gulf red snapper.**

(iii) During catastrophic conditions only, the IFQ program provides for use of downloadable form paper-based components for basic required functions as a backup. The RA will determine when catastrophic conditions exist, the duration of the catastrophic conditions, and which participants or geographic areas are deemed affected by the catastrophic conditions. The RA will provide timely notice to affected participants via publication of notification in the FEDERAL REGISTER, NOAA weather radio, fishery bulletins, and other appropriate means and will authorize the affected participants' use of paper-based components downloadable form for the duration of the catastrophic conditions. NMFS will provide each IFQ dealer the necessary paper forms, sequentially coded, and instructions for submission of the forms to the RA. The paper forms will also be available from the RA. The program functions available to participants or geographic areas deemed affected by catastrophic conditions will be limited under a downloadable form the paper-based system. There will be no mechanism for transfers of IFQ shares or allocation under downloadable form the paper-based system in effect during catastrophic conditions. Assistance in complying with the requirements of the paper-based system will be available via IFQ Customer Service 1-866-425-7627 Monday through Friday between 8 a.m. and 4:30 p.m. eastern time.

## **§622.39 Quotas.**

“(a) *Gulf reeffish*—(1) *Commercial quotas*. The following quotas apply to persons who fish under commercial vessel permits for Gulf reef fish, as required under §622.20(a)(1).

..... “(ii) Deep-water groupers (DWG) have a combined quota, as specified in paragraphs (a)(1)(ii)(A) through (C) of this section. These quotas are specified in gutted weight, that is eviscerated, but otherwise whole.

- (A) For fishing year 2014—1.110 million lb (0.503 million kg).
- (B) For fishing year 2015—1.101 million lb (0.499 million kg).

(C) For fishing year 2016 and subsequent fishing years—1.024 million lb (0.464 million kg).

(iii) Shallow-water groupers (SWG) have separate quotas for gag and red grouper and a combined quota for other shallow-water grouper (Other SWG) species (including black grouper, scamp, yellowfin grouper, and yellowmouth grouper), as specified in paragraphs (a)(1)(iii)(A) through (C) of this section. These quotas are specified in gutted weight, that is, eviscerated but otherwise whole.

- (A) *Other SWG combined*. (1) For fishing year 2014—523,000 lb (237,229 kg).

- (2) For fishing year 2015 and subsequent fishing years—525,000 lb (238,136 kg).

- (B) *Gag*. (1) For fishing year 2012—0.567 million lb (0.257 million kg).  
(2) For fishing year 2013—0.708 million lb (0.321 million kg).  
(3) For fishing year 2014—0.835 million lb (0.378 million kg).  
(4) For fishing year 2015 and subsequent fishing years—0.939 million lb (0.426 million kg)”.

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

.....“(c) *Other shallow-water grouper (Other SWG) combined (including black grouper, scamp, yellowfin grouper, and yellowmouth grouper)* —

(1) *Commercial sector*. The IFQ program for groupers and tilefishes in the Gulf of Mexico serves as the accountability measure for commercial Other SWG. The commercial ACT for Other SWG is equal to the applicable quota specified in §622.39(a)(1)(iii)(A). The commercial ACL for Other SWG, in gutted weight, is 545,000 lb (247,208 kg) for 2014, and 547,000 lb (248,115 kg) for 2015 and subsequent fishing years.

(3) The stock complex ACLs for Other SWG, in gutted weight, are 688,000 lb (312,072 kg) for 2012, 700,000 lb (317,515 kg) for 2013, 707,000 lb (320,690 kg) for 2014, and 710,000 lb (322,051 kg) for 2015 and subsequent years”

(d) *Gag*—(1) *Commercial sector*. ...The applicable commercial ACLs for gag, in gutted weight, are 0.788 million lb (0.357 million kg) for 2012, 0.956 million lb (0.434 million kg) for 2013, 1.100 million lb (0.499 million kg) for 2014, and 1.217 million lb (0.552 million kg) for 2015 and subsequent fishing years.

(iv) The applicable *recreational ACLs* for gag, in gutted weight, are 1.232 million lb (0.559 million kg) for 2012, 1.495 million lb (0.678 million kg) for 2013, 1.720 million lb (0.780 million kg) for 2014, and 1.903 million lb (0.863 million kg) for 2015 and subsequent fishing years. The recreational ACTs for gag, in gutted weight, are 1.031 million lb (0.468 million kg) for 2012, 1.287 million lb (0.584 million kg) for 2013, 1.519 million lb (0.689 million kg) for 2014, and 1.708 million lb (0.775 million kg) for 2015 and subsequent fishing years.

(f) *Deep-water grouper (DWG) combined (including yellowedge grouper, warsaw grouper, snowy grouper, and speckled hind)*—(1) *Commercial sector*. The IFQ program for groupers and tilefishes in the Gulf of Mexico serves as the accountability measure for commercial DWG. The commercial ACT for DWG is equal to the applicable quota specified in §622.39(a)(1)(ii). The commercial ACL for DWG, in gutted weight, is 1.160 million lb (0.526 million kg) for 2014, 1.150 million lb (0.522 million kg) for 2015, and 1.070 million lb (0.485 million kg) for 2016 and subsequent fishing years.

(3) The stock complex ACLs for DWG, in gutted weight, are 1.216 million lb (0.552 million kg) for 2012, 1.207 million lb (0.547 million kg) for 2013, 1.198 million lb (0.543 million kg) for 2014, 1.189 million lb (0.539 million kg) for 2015, and 1.105 million lb (0.501 million kg) for 2016 and subsequent years”.

## **§622.76 Restrictions on sale/purchase.**

“(a) *Gulf wild live rock*. Wild live rock in or from the Gulf EEZ may not be sold or purchased. ~~The prohibition on sale or purchase does not apply to wild live rock from the Gulf EEZ that was harvested and landed prior to January 1, 1997.”~~

## **Subpart Q—Coastal Migratory Pelagic Resources (Gulf of Mexico, South Atlantic, and Mid-Atlantic)**

### **§622.369 Description of zones.**

“(2) *Atlantic migratory group*. The Atlantic migratory group is divided into the northern and southern zones separated by a line extending from the North Carolina/South Carolina border, as specified in §622.2.....

(i) *Northern zone*. The northern zone encompasses an area of the EEZ south of a line extending from the intersection point of New York, Connecticut, and Rhode Island (as described in §600.105(a) of this chapter), and north of a line extending from the North Carolina/South Carolina border, as specified in §622.2, including the EEZ off each state from North Carolina to New York. ~~This zone remains the same year round.”~~

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

~~(b) An owner of a permitted vessel may transfer the commercial vessel permit for king mackerel issued under this limited access system to another vessel owned by the same entity.~~

### **§622.372 Limited access system for king mackerel gillnet permits applicable in the Gulf southern zone.**

~~... “(d) *Renewal criteria for a king mackerel gillnet permit*. A king mackerel gillnet permit may be renewed only if NMFS determines at least 1 year of landings from 2006 to 2015 associated with that permit was greater than 1 lb (0.45 kg), round or gutted weight”.~~

### **622.376 Gear identification.**

(a) *Spanish mackerel* **commercial permit** **gillnet buoys**. On board a vessel with a valid Spanish mackerel permit that is fishing for Spanish mackerel in, or that possesses Spanish mackerel in or from, the South Atlantic EEZ off Florida north of 25°20.4' N. lat., which is a line directly east from the Miami-Dade/Monroe County, FL, boundary, the float line of each gillnet possessed, including any net in use, must have a maximum of nine distinctive floats, *i.e.*, different from the usual net buoys, spaced uniformly at a distance of 100 yd (91.4 m) or less. Each such distinctive float must display the official number of the vessel.

### **§622.384 Quotas.**

.... “(b) King mackerel—(1) *Gulf migratory group*. The Gulf migratory group is divided into zones. The description of the zones is specified in §622.369(a). Quotas for the western, northern, and southern zones are as follows:

(i) *Western zone*. The quota is ~~1,180,000 lb (535,239 kg) for the 2016–2017 fishing year, 1,136,000 lb (515,281 kg) for the 2017–2018 fishing year,~~ 1,116,000 lb (506,209 kg) for the

2018-2019 fishing year, and 1,096,000 lb (497,137 kg) for the 2019-2020 fishing year and subsequent fishing years.

(ii) *Northern zone*. The quota is 531,000 lb (240,858 kg) for the 2016-2017 fishing year, 511,200 lb (231,876 kg) for the 2017-2018 fishing year, 502,200 lb (227,794 kg) for the 2018-2019 fishing year, and 493,200 lb (223,712 kg) for the 2019-2020 fishing year and subsequent fishing years.

(iii) *Southern zone*. (A) The hook-and-line quota is 619,500 lb (281,000 kg) for the 2016-2017 fishing year, 596,400 lb (270,522 kg) for the 2017-2018 fishing year, 585,900 lb (265,760 kg) for the 2018-2019 fishing year, and 575,400 lb (260,997 kg) for the 2019-2020 fishing year and subsequent fishing years.

(B) The run-around gillnet quota is 619,500 lb (281,000 kg) for the 2016-2017 fishing year, 596,400 lb (270,522 kg) for the 2017-2018 fishing year, 585,900 lb (265,760 kg) for the 2018-2019 fishing year, and 575,400 lb (260,997 kg) for the 2019-2020 fishing year and subsequent fishing years.

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

...”(ii) The commercial ACL for the Gulf migratory group of king mackerel is 2.95 million lb (1.34 million kg) for the 2016-2017 fishing year, 2.84 million lb (1.29 million kg) for the 2017-2018 fishing year, 2.79 million lb (1.27 million kg) for the 2018-2019 fishing year, and 2.74 million lb (1.24 million kg) for the 2019-2020 and subsequent fishing years. 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 2,330,500 lb (1,057,097 kg) for 2016-2017 fishing year, 2,243,600 lb (1,017,680 kg) for the 2017-2018 fishing year, 2,204,100 lb (999,763 kg) for the 2018-2019 fishing year, and 2,164,600 lb (981,846 kg) for the 2019-2020 and subsequent fishing years. The run-around gillnet ACL (which applies to the southern zone) is 619,500 lb (281,000 kg) for the 2016-2017 fishing year, 596,400 lb (270,522 kg) for the 2017-2018 fishing year, 585,900 lb (265,760 kg) for the 2018-2019 fishing year, and 575,400 lb (260,997 kg) for 2019-2020 and subsequent fishing years.

### **Subpart R—Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic**

**The remaining list will be addressed in Joint Spiny Lobster Amendment 13 and continuing to work with Florida FWC**

### **§622.400 Permits and fees.**

(a) *Applicability*—(1) *Licenses, certificates, and permits*—(i) *EEZ off Florida and spiny lobster landed in Florida*. For a person to sell, trade, or barter, or attempt to sell, trade, or barter, a spiny lobster harvested or possessed in the EEZ off Florida, or harvested in the EEZ other than off Florida and landed from a fishing vessel in Florida, or for a person to be exempt from the daily bag and possession limit specified in §622.408(b)(1) for such spiny lobster, such person must have the licenses and certificates specified to be a “commercial harvester,” as defined in Rule 68B-24.002, Florida Administrative Code, in effect as of July 1, 2008 (incorporated by reference, see §622.413).

(2) *Tail-separation permits.* For a person to possess aboard a fishing vessel a separated spiny lobster tail in or from the EEZ, a valid Federal tail-separation permit must be issued to the vessel and must be on board. Permitting prerequisites for the tail-separation permit are either a valid Federal vessel permit for spiny lobster or a valid Florida Saltwater Products License with a valid Florida Restricted Species Endorsement and a valid Crawfish **License Endorsement**.

#### **622.402 Vessel and gear identification.**

(a) *EEZ off Florida.* (1) An owner or operator of a vessel that is used to harvest spiny lobster by traps in the EEZ off Florida must comply with the vessel and gear identification requirements specified in sections 379.367(2)(a)(1) and 379.367(3), Florida Statutes, in effect as of July 1, 2008 and in Rule 68B-24.006(3), (4), and (5), Florida Administrative Code, in effect as of July 1, 2008 (incorporated by reference, see §622.413).

(2) An owner or operator of a vessel that is used to harvest spiny lobsters by diving in the EEZ off Florida must comply with the vessel identification requirements applicable to the harvesting of spiny lobsters by diving in Florida's waters in Rule 68B-24.006(6), Florida Administrative Code, in effect as of July 1, 2008 (incorporated by reference, see §622.413).

#### **622.403 Seasons.**

(b) *EEZ off Florida and off the Gulf States, other than Florida—*(1) *Commercial and recreational fishing season.* The commercial and recreational fishing season for spiny lobster in the EEZ off Florida and the EEZ off the Gulf States, other than Florida, begins on August 6 and ends on March 31.

(3) *Possession of traps.* (i) In the EEZ off Florida, the rules and regulations applicable to the possession of spiny lobster traps in Florida's waters in Rule 68B-24.005(3), (4), and (5), Florida Administrative Code, in effect as of June 1, 1994 (incorporated by reference, see §622.413), apply in their entirety to the possession of spiny lobster traps in the EEZ off Florida. A spiny lobster trap, buoy, or rope in the EEZ off Florida, during periods not authorized in this paragraph will be considered derelict and may be disposed of in accordance with Rules 68B-55.002 and 68B-55.004 of the Florida Administrative Code, in effect as of October 15, 2007 (incorporated by reference, see §622.413). An owner of such trap, buoy, or rope remains subject to appropriate civil penalties.

#### **§622.413 Incorporation by reference.**

(b) Florida Administrative Code (F.A.C.): Florida Division of Marine Fisheries Management, 620 South Meridian Street, Tallahassee, FL 32399; telephone: 850-488-4676; <http://laws.flrules.org>.

(1) F.A.C., Chapter 68B-12: King mackerel resource renewal, Rule 68B-12.004: Bag limits, in effect as of July 15, 1996, IBR approved for §622.382(a).

(2) F.A.C., Chapter 68B-24: Spiny lobster (crawfish) and slipper lobster, Rule 68B-24.002: Definitions, in effect as of July 1, 2008, IBR approved for §622.400(a).

(3) F.A.C., Chapter 68B-24: Spiny lobster (crawfish) and slipper lobster, Rule 68B-24.005: Seasons, in effect as of June 1, 2004, IBR approved for §622.403(b).

(4) F.A.C., Chapter 68B-24: Spiny lobster (crawfish) and slipper lobster, Rule 68B-24.006: Gear: Traps, Buoys, Identification Requirements, Prohibited Devices, in effect as of July 1, 2008, IBR approved for §622.402(a) and §622.405(b)

**(5) F.A.C., Chapter 68B-38: Shrimping and trapping:**

(c) Florida Statute: Florida Division of Marine Fisheries Management, 620 South Meridian Street, Tallahassee, FL 32399; telephone: 850-488-4676; <http://www.leg.state.fl.us/Statutes/index.cfm>.

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**Links to the executive orders:**

**E.O. 13711-**

<https://static1.squarespace.com/static/56c65ea3f2b77e3a78d3441e/t/5a301e31652dea3823a10209/1513102898624/2017-02451.pdf>

**E.O. 13777-**

<https://static1.squarespace.com/static/56c65ea3f2b77e3a78d3441e/t/5a301e3cc83025b8261a2b05/1513102908912/2017-04107.pdf>