

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 § 622.29, revise paragraph (a) to read as follows:

§ 622.29 Conservation measures for protected resources.

(a) *Gulf reef fish commercial vessels and charter vessels/headboats--(1) Sea turtle conservation measures.*

(i) The owner or operator of a vessel for which a commercial vessel permit for Gulf reef fish or a charter vessel/headboat permit for Gulf reef fish has been issued, as required under §§ 622.20(a)(1) and 622.20(b), respectively, must have available for reference an electronic or paper copy of the most recent version of the NMFS document titled, "Careful Release Protocols for Sea Turtle Release With Minimal Injury" on board inside the wheelhouse, or within a waterproof case if no wheelhouse. In addition, the most recent version of the NMFS sea turtle handling and release guidelines placard must be posted

inside the wheelhouse or an easily viewable area on the vessel if there is no wheelhouse.

(ii) Such owner or operator must also comply with the sea turtle interaction mitigation measures, including the release gear and handling requirements specified in Appendix F of this part.

(iii) Those permitted vessels with a freeboard height of 4 ft (1.2 m) or less must have on board a net or hoist, tire or other support device, short-handled dehooker(s) for internal and external hooks, long-nose or needle-nose pliers, bolt cutters, monofilament line cutters, and at least two types of mouth openers or mouth gags. This equipment must meet the specifications described in Appendix F of this part.

(iv) Those permitted vessels with a freeboard height of greater than 4 ft (1.2 m) must have on board a net or hoist, tire or other support device, long-handled line clipper or cutter, short-handled dehooker(s) for internal and external hooks, long-handled dehooker(s) for internal and external hooks, a long-handled device to pull an inverted "V" in the fishing line, long-nose or needle-nose pliers, bolt cutters, monofilament line cutters, and at

least two types of mouth openers or mouth gags. This equipment must meet the specifications described in Appendix F of this part.

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3. In § 622.42, revise the introductory text to this section and add paragraph (b) to read as follows:

Comment [AB1]: Action 2, Pref. Alt. 2, Pref. Options a & b.

§ 622.42 Adjustment of management measures.

In accordance with the framework procedures of the FMP for the Reef Fish Resources of the Gulf of Mexico, the RA may establish or modify the items specified in paragraph (a) of this section for Gulf reef fish, or paragraph (b) of this section for sea turtles and other protected species.

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(b) Possession, specifications, and use of required release gear and handling requirements for sea turtles and other protected species.

4. Revise the heading of Appendix F and amend Appendix F to Part 622 to read as follows:

Appendix F to Part 622--Specifications for Sea Turtle Release Gear and Handling Requirements

Sea turtles must be handled, and release gear must be used, in accordance with the NMFS careful handling,

resuscitation, and release protocols as specified in the most recent version of the NMFS document titled, "Careful Release Protocols for Sea Turtle Release With Minimal Injury" or on the NMFS sea turtle handling and release guidelines placard.

A. Sea turtle release gear.

1. *Long-handled line clipper or cutter.* Line cutters are intended to cut fishing line as close as possible to the hook, and assist in removing line from entangled sea turtles to minimize any remaining gear upon release. One long-handled line clipper or cutter and one set of replacement blades are required to be on board. The minimum design standards are as follows:

(a) *A protected and secured cutting blade.* The cutting blade(s) must be capable of cutting 2.0 to 2.1-mm (0.078 to 0.083-inch) diameter monofilament line (approximately 400 to 450-lb test strength) or polypropylene multistrand material, known as braided or tarred mainline, and the cutting blade must be maintained in working order. The cutting blade must be curved, recessed, contained in a holder, or otherwise designed to facilitate its safe use so that direct contact between the cutting surface and the sea

Comment [AB2]: Reviewers: Note existing paragraph organization style in Appendix F is different from the normal CFR paragraph designation.

turtle or the user is prevented. The cutting instrument must be securely attached to an extended reach handle and the blade(s) must be easily replaceable during a trip if necessary. One extra set of replacement blades meeting these standards must also be carried on board to replace all cutting surfaces on the line cutter or clipper.

(b) *An extended reach handle.* The line cutter blade must be securely fastened to an extended reach handle or pole with a minimum length equal to, or greater than, 150 percent of the freeboard, or a minimum length of 6 ft (1.8 m), whichever is greater. The extended reach handle may break down into sections for storage, but it is not required. There is no restriction on the type of material used to construct this handle as long as it is sturdy and facilitates the secure attachment of the cutting blade.

2. *Long-handled dehooker for internal hooks.* A long-handled dehooking device is intended to remove internal hooks from sea turtles that cannot be brought on board. It should also be used to engage a loose hook when a sea turtle is entangled but not hooked, and line is being removed. The design must shield the point of the hook and prevent the hook from re-engaging during the removal

process. One long-handled device to remove internal hooks is required on board. The minimum design standards are as follows:

(a) *Hook removal device*. The hook removal device must be constructed of approximately $\frac{3}{16}$ -inch (4.8-mm) to $\frac{5}{16}$ -inch (7.9-mm) diameter 316L or 304L stainless steel or similar material and have a dehooking end no larger than $1\frac{7}{8}$ inches (4.8 cm) outside diameter. The device must securely engage and control the leader while shielding the point to prevent the hook from re-engaging during removal. It may not have any unprotected terminal points (including blunt ones), as these could cause injury to the esophagus during hook removal. The device must be of a size appropriate to secure the range of hook sizes and styles used on the vessel.

(b) *Extended reach handle*. The dehooking end must be securely fastened to an extended reach handle or pole with a minimum length equal to or greater than 150 percent of the freeboard, or a minimum of 6 ft (1.8 m), whichever is greater. The extended reach handle may break down into sections for storage, but it is not required. The handle must be sturdy and strong enough to facilitate the secure

Comment [AB3]: Action 1, Pref. Alt. 2.

I added 304L grade stainless steel for the construction of devices wherever 316L is currently specified.

attachment of the hook removal device.

3. *Long-handled dehooker for external hooks.* A long-handled dehooker is required for use on externally-hooked sea turtles that cannot be brought on board. The long-handled dehooker for internal hooks described in paragraph A.2. of this appendix would meet this requirement. The minimum design standards are as follows:

(a) *Hook removal device.* A long-handled dehooker must be constructed of approximately $\frac{3}{16}$ -inch (4.8-mm) to $\frac{5}{16}$ -inch (7.9-mm) diameter 316L or 304L stainless steel and have a dehooking end no larger than $1\frac{7}{8}$ inches (4.8 cm) outside diameter. The dehooking end must be blunt with all edges rounded. The device must be of a size appropriate to secure the range of hook sizes and styles used on the vessel.

(b) *Extended reach handle.* The handle must be a minimum length equal to the freeboard of the vessel or 6 ft (1.8 m), whichever is greater. The extended reach handle may break down into sections for storage, but it is not required.

4. *Long-handled device to pull an "inverted V".* This tool is used to pull a "V" in the fishing line when

implementing the "inverted V" dehooking technique, as described in the document entitled "Careful Release Protocols for Sea Turtle Release With Minimal Injury," for dehooking and disentangling sea turtles. One long-handled device to pull an "inverted V" is required on board. A long-handled J-style dehooker as described in paragraph A.3. of this appendix may be used to comply with this requirement. The minimum design standards are as follows:

(a) *Hook end.* This device, such as a standard boat hook or gaff must be constructed of stainless steel or aluminum; a long-handled J-style dehooker must be constructed of 316L or 304L stainless steel. The semicircular or "J" shaped hook end must be securely attached to the handle to allow the hook end to engage and pull an "inverted V" in the fishing line. A gaff or any other hook with a sharp point is to be used only for holding the fishing line and should never contact the sea turtle.

(b) *Extended reach handle.* The handle must have a minimum length equal to the freeboard of the vessel or must be at least 6 ft (1.8 m) in length, whichever is greater. The extended reach handle may break down into sections for

storage, but it is not required. The handle must be sturdy and strong enough to facilitate the secure attachment of the hook end.

5. *Net or hoist.* One approved net or hoist is required on board. These devices are to be used to facilitate safe handling of sea turtles by allowing them to be brought on board for fishing gear removal, without causing further injury to the animal. Sea turtles must not be brought on board without the use of a net or hoist. There must be no sharp edges or burrs on the hoop or frame, or where the hoop or frame attaches to the handle. There is no requirement for the hoop or frame to be circular as long as it meets the applicable minimum specifications. In this appendix, bar measure means the non-stretched distance between a side knot and a bottom knot of a net mesh; also known as the square mesh measurement. The types and minimum design standards for approved nets and hoists are as follows:

(a) *Dip net.* This net is approved for use in the Gulf of Mexico reef fish fishery and South Atlantic snapper-grouper fishery. The dip net is the only approved net or hoist in the South Atlantic snapper-grouper fishery.

(i) *Size of the net.* The dip net must have a sturdy net hoop or frame of at least 31 inches (78.7 cm) inside diameter and a bag depth of at least 38 inches (96.5 cm) to accommodate sea turtles up to 3 ft (0.9 m) in carapace (shell) length. The bag mesh openings must not exceed 3 inches (7.6 cm), bar measure. The net hoop or frame must be made of a rigid material strong enough to facilitate the sturdy attachment of the net.

(ii) *Extended reach handle.* The dip net hoop or frame must be securely fastened to an extended reach handle or pole with a minimum length equal to or greater than 150 percent of the freeboard, or at least 6 ft (1.8 m) in length, whichever is greater. The handle and net must be able to support a minimum of 100 lb (45.4 kg) without breaking or significant bending or distortion. The extended reach handle may break down into sections for storage, but it is not required.

(b) *Collapsible hoop net.* This net is only approved for use in the Gulf of Mexico reef fish fishery.

Comment [AB4]: Action 1, Pref. Alt. 2.

(i) *Size of the net.* The collapsible hoop net must have a sturdy net hoop of at least 31 inches (78.7 cm) inside diameter and a bag depth of at least 38 inches (96.5

cm) to accommodate sea turtles up to 3 ft (0.9 m) in carapace (shell) length. The bag mesh openings must not exceed 3 inches (7.6 cm), bar measure. The net hoop must be strong enough to facilitate the sturdy attachment of the net.

(ii) *Extended reach handle*. The collapsible hoop net must be securely fastened with rope(s) or other line(s) connected to the hoop with a minimum length equal to or greater than 150 percent of the freeboard, or at least 6 ft (1.8 m) in length, whichever is greater. The rope(s) and net must be able to support a minimum of 100 lb (45.4 kg) without breaking or significant distortion.

(c) *Small hoist*. This hoist is only approved for use in the Gulf of Mexico reef fish fishery.

(i) *Size of the hoist*. The sea turtle hoist must have a sturdy net hoop or frame of at least 31 inches (78.7 cm) inside diameter to accommodate sea turtles up to 3 ft (0.9 m) in carapace (shell) length. The mesh openings must not exceed 3 inches (7.6 cm), bar measure. If polyvinyl chloride, or PVC, pipe is used to construct the hoist, a minimum of Schedule 40 pipe must be used. The hoist hoop or frame must be made of a rigid material strong enough to

Comment [AB5]: Action 1, Pref. Alt. 2.

This paragraph covers both styles of sea turtle hoists depicted in the Amendment 49.

facilitate the sturdy attachment of the net.

(ii) *Extended reach handle*. The sea turtle hoist must be securely fastened with ropes or other lines connected to the hoop or frame with a minimum length equal to or greater than 150 percent of the freeboard, or at least 6 ft (1.8 m) in length, whichever is greater. The ropes and hoist hoop or frame must be able to support a minimum of 100 lb (45.4 kg) without breaking or significant distortion.

6. *Cushion or support device*. A standard automobile tire free of exposed steel belts, a boat cushion, or any other comparable cushioned elevated surface, is required for supporting a sea turtle in an upright orientation while the sea turtle is on board. The cushion or support device must be appropriately sized to fully support a range of sea turtle sizes.

7. *Short-handled dehooker for internal hooks*. One short-handled device for removing internal hooks is required on board. This dehooker is designed to remove internal hooks from sea turtles brought on board. This dehooker can also be used on external hooks. The minimum design standards are as follows:

(a) *Hook removal device*. The hook removal device must

be constructed of approximately $\frac{3}{16}$ -inch (4.8-mm) to $\frac{5}{16}$ -inch (7.9-mm) diameter 316L or 304L stainless steel, and must allow the hook to be secured and the point shielded without re-engaging during the removal process. It must be no larger than $1\frac{7}{8}$ inches (4.8 cm) outside diameter. It may not have any unprotected terminal points (including blunt ones), as this could cause injury to the esophagus during hook removal. A sliding PVC bite block must be permanently installed around the shaft to protect the beak and facilitate hook removal in case a sea turtle bites down on the dehooking device. The bite block should be constructed of a $\frac{3}{4}$ -inch (1.9-cm) inside diameter high impact plastic cylinder (e.g., Schedule 80 PVC) that is 4 to 6 inches (10.2 to 15.2 cm) long to allow for 5 inches (12.7 cm) of slide along the shaft. The device must be of a size appropriate to secure the range of hook sizes and styles used on the vessel.

(b) *Handle length.* The handle should be approximately 16 to 24 inches (40.6 cm to 60.7 cm) in length, with approximately a 4 to 6-inch (10.2 to 15.2-cm) long tube T-handle of approximately 1 inch (2.5 cm) in diameter.

8. *Short-handled dehooker for external hooks.* One

short-handled dehooker for external hooks is required on board. The short-handled dehooker for internal hooks required to comply with paragraph A.7. of this appendix will also satisfy this requirement. The minimum design standards are as follows:

(a) *Fixed handle dehooker*--(i) *Hook removal device*.

The dehooker must be constructed of approximately $\frac{3}{16}$ -inch (4.8-mm) to $\frac{5}{16}$ -inch (7.9-mm) diameter 316L or 304L stainless steel. The dehooking end must be blunt and all edges rounded. The device must be of a size appropriate to secure the range of hook sizes and styles used on the vessel.

(ii) *Specifications*. The shaft should be approximately 16 to 24 inches (40.6 to 60.7 cm) long with approximately a 4 to 6-inch (10.2 to 15.2-cm) long tube T-handle, wire loop handle or similar, of approximately 1 inch (2.5 cm) in diameter.

(b) *Squeeze handle dehooker*. This device is only approved for use in the Gulf of Mexico reef fish fishery.

(i) *General*. The end of the device that secures the fishhook must be blunt and all edges rounded. The device must be able to secure the range of hook sizes and styles

Comment [AB6]: Action 1, Pref. Alt. 2.

used on the vessel. This device secures a fishhook for removal by squeezing the handles together using one hand to grab and pull the hook into notches at the top of the shaft of the device.

(ii) *Specifications.* The dehooker must be constructed of 316L or 304L stainless steel. The overall length must be a minimum of 11 inches (27.9 cm) long.

9. *Long-nose or needle-nose pliers.* One pair of long-nose or needle-nose pliers is required on board. Required long-nose or needle-nose pliers can be used to remove hooks from the sea turtle's flesh or for removing hooks from the front of the mouth. They can also hold PVC splice couplings in place, when used as mouth gags. The minimum design standards are as follows:

(a) In the South Atlantic snapper-grouper fishery only, the long-nose or needle-nose pliers must be approximately 12 inches (30.5 cm) in length, and should be constructed of stainless steel material.

(b) In the Gulf of Mexico reef fish fishery only, the long-nose or needle-nose pliers must be a minimum of 11 inches (27.9 cm) in length, and should be constructed of stainless steel or other corrosion resistant metal

Comment [AB7]: Action 1, Pref. Alt. 2.

material.

10. *Bolt cutters*. One pair of bolt cutters is required on board. Required bolt cutters may be used to cut off the eye or barb of a hook to facilitate the hook removal without causing further injury to the sea turtle. They should also be used to cut off as much of the hook as possible, when the remainder of the hook cannot be removed. The minimum design standards are as follows:

(a) *General*. They must be approximately 14 to 17 inches (35.6 to 43.2 cm) in total length, with approximately 4-inch (10.2-cm) long blades that are $2\frac{1}{4}$ inches (5.7 cm) wide, when closed, and with approximately 10 to 13-inch (25.4 to 33.0-cm) long handles. Required bolt cutters must be able to cut hard metals, such as stainless or carbon steel hooks, up to $\frac{1}{4}$ -inch (6.4-mm) wire diameter, and they must be capable of cutting through the hooks used on the vessel.

(b) [Reserved]

11. *Monofilament line cutters*. One pair of monofilament line cutters is required on board. Required monofilament line cutters must be used to remove fishing line entangling a sea turtle, or as close to the eye of the

hook as possible if the hook is swallowed or if the hook cannot be removed.

(a) *Specifications in the Gulf of Mexico reef fish fishery.* Monofilament line cutters must be approximately $7\frac{1}{2}$ inches (19.1 cm) in length. The blades must be a minimum of 1 inch (2.5 cm) in length and $\frac{5}{8}$ inches (1.6 cm) wide, when closed.

Comment [AB8]: Action 1, Pref. Alt. 2.

(b) *Specifications in the South Atlantic snapper-grouper fishery.* Monofilament line cutters must be approximately $7\frac{1}{2}$ inches (19.1 cm) in length. The blades must be 1 inch (2.5 cm) in length and $\frac{5}{8}$ inches (1.6 cm) wide, when closed.

12. *Mouth openers or mouth gags.* Required mouth openers and mouth gags are used to open sea turtle mouths, and to keep them open when removing internal hooks from sea turtles brought on board. They must allow access to the hook or line without causing further injury to the sea turtle. Design standards are included in the item descriptions. At least two of the seven different types of mouth openers or mouth gags described in paragraphs A.11.(a) through (g) are required.

(a) *A block of hard wood.* A block of hard wood of a

type that does not splinter (e.g., maple) with rounded and smoothed edges, or a wooden-handled brush with the bristles removed. The dimensions should be approximately 11 inches (27.9 cm) by 1 inch (2.5 cm) by 1 inch (2.5 cm).

(b) A set of *three canine mouth gags*. A set of canine mouth gags must include one of each of the following sizes: small (5 inches, 12.7 cm), medium (6 inches, 15.2 cm), and large (7 inches, 17.8 cm). They must be constructed of 316L or 304L stainless steel.

Comment [AB9]: Action 1, Pref. Alt. 2.

I removed the requirement for tubes covering the ends of the canine mouth gags.

(c) A set of *two sturdy dog chew bones*. Required canine chews must be constructed of durable nylon, zylene resin, or thermoplastic polymer, and strong enough to withstand biting without splintering. To accommodate a variety of sea turtle beak sizes, a set must include one large ($5\frac{1}{2}$ to 8 inches (14 cm to 20.3 cm) in length), and one small ($3\frac{1}{2}$ to $4\frac{1}{2}$ inches (8.9 cm to 11.4 cm) in length) canine chew bones.

(d) A set of *two rope loops covered with protective tubing*. A required set consists of two 3-ft (0.9 m) lengths of poly braid rope ($\frac{3}{8}$ -inch (9.5-mm) diameter suggested), each covered with an 8-inch (20.3-cm) long section of $\frac{1}{2}$ -inch (1.3-cm) to $\frac{3}{4}$ -inch (1.9-cm) diameter light duty

garden hose or similar flexible tubing, and each rope tied into a loop.

(e) *A hank of rope.* A 6-ft (1.8-m) length of approximately $\frac{3}{16}$ -inch (4.8-mm) diameter braided nylon rope may be folded to create a hank, or looped bundle, of rope. Any size soft-braided nylon rope is allowed, however it must create a hank of approximately 2 to 4 inches (5.1 cm to 10.2 cm) in thickness.

(f) *A set of four PVC splice couplings.* A required set must consist of the following Schedule 40 PVC splice coupling sizes: 1 inch (2.5 cm), $1\frac{1}{4}$ inch (3.2 cm), $1\frac{1}{2}$ inch (3.8 cm), and 2 inches (5.1 cm). PVC splice couplings are held in a sea turtle's mouth with the needle-nose pliers.

(g) *A large avian oral speculum.* The avian oral speculum must be 9 inches (22.9 cm) long, and constructed of $\frac{3}{16}$ -inch (4.8-mm) wire diameter 304 stainless steel. The wire must be covered with 8 inches (20.3 cm) of clear vinyl tubing ($\frac{5}{16}$ -inch (7.9-mm) outside diameter, $\frac{3}{16}$ -inch (4.8-mm) inside diameter), friction tape, or similar to pad the surface.

B. *Sea turtle handling requirements.* Sea turtle

release gear, as specified in paragraphs A.1. through A.4. of this appendix, must be used to remove fishing gear from sea turtles that cannot be brought on board. For sea turtles that can be brought on board, release gear specified in paragraphs A.5. through A.12. of this appendix must be used to bring sea turtles on board and to remove fishing gear. Sea turtles must be handled, and release gear must be used, in accordance with the NMFS careful handling, resuscitation, and release protocols as specified in the most recent version of the NMFS document titled, "Careful Release Protocols for Sea Turtle Release With Minimal Injury" or on the NMFS sea turtle handling and release guidelines placard.

1. *Boated sea turtles.* When practicable, both active and comatose sea turtles must be brought on board the vessel without causing further injury to the animal, using a net or hoist as specified in paragraph A.5. of this appendix. All sea turtles up to 3 ft (0.9 m) carapace (shell) length should be brought on board if sea conditions allow.

- (a) A boated sea turtle should be placed on its belly or bottom shell on a cushion or support device, as

specified in paragraph A.6. of this appendix, to immobilize it and facilitate gear removal. Then, determine if the fishing gear can be removed without causing further injury. All externally embedded hooks should be removed, unless hook removal would result in further injury to the sea turtle. No attempt to remove a hook should be made if it has been swallowed and the insertion point of the hook is not clearly visible, or if it is determined that removal would result in further injury to the sea turtle. If a hook cannot be removed, remove as much line as possible from the sea turtle and the hook using monofilament cutters as specified in paragraph A.11. of this appendix, and as much of the hook as possible should be removed before releasing the sea turtle, using bolt cutters as specified in paragraph A.10. of this appendix. If a hook can be removed, an effective technique may be to cut off the barb or the eye of the hook using bolt cutters, and then to slide the hook out. When the hook is visible in the mouth, a mouth opener or mouth gag, as specified in paragraph A.12. of this appendix, may facilitate opening the sea turtle's mouth and keeping the mouth open. Short-handled dehookers for internal hooks, or long-nose or needle-nose pliers, as

specified in paragraphs A.7. and A.8. of this appendix, respectively, should be used to remove visible hooks from the mouth that have not been swallowed on boated sea turtles, as appropriate. If a sea turtle appears dead or comatose, follow the NMFS resuscitation protocols to attempt revival before its release. As much gear as possible must be removed from the sea turtle without causing further injury prior to its release.

(b) [Reserved]

2. *Non-boated sea turtles.* If a sea turtle is too large, or is hooked or entangled in a manner that prevents bringing the sea turtle on board safely and without causing further injury, release gear specified in paragraphs A.1. through A.4. of this appendix must be used to remove the maximum amount of fishing gear from the sea turtle, or to remove as much line as possible from the sea turtle or from a hook that cannot be removed prior to releasing the sea turtle.

(a) Non-boated sea turtles should be brought close to the boat. Then, determine whether the hook can be removed without causing further injury. All externally embedded hooks should be removed, unless hook removal would result

in further injury to the sea turtle. No attempt should be made to remove a hook if it has been swallowed and the insertion point is not clearly visible, or if it is determined that removal would result in further injury. If the hook cannot be removed or if the animal is only entangled, remove as much line as possible prior to release using a long-handled line cutter specified in paragraph A.1. of this appendix. If the hook can be removed, it must be removed using a long-handled dehooker specified in paragraphs A.2. and A.3. of this appendix. Without causing further injury, as much gear as possible must be removed from the sea turtle prior to its release.

(b) [Reserved]