

year, subject to the closure provisions of §§ 622.34(m) and 622.43(a)(1)(i).

(B) The remainder is held in reserve.

(C) The Assistant Administrator may release all or any portion of the reserve specified in paragraph (g)(1)(i)(B) of this section effective September 1 by filing for publication a notification to that effect with the Office of the Federal Register. Determination of what portion, if any, of the reserve will be released will be based on the results of NMFS research regarding the effectiveness of BRDs in reducing shrimp trawl-induced mortality of juvenile red snapper. Release of reserve amounts will be determined as follows:

(1) If BRDs reduce shrimp trawl-induced mortality of juvenile red snapper by 50 percent or less, none of the reserve specified in paragraph (g)(1)(i)(B) of this section will be released.

(2) If BRDs reduce shrimp trawl-induced mortality of juvenile red snapper by 60 percent or greater, the entire reserve specified in paragraph (g)(1)(i)(B) of this section will be released, subject to the closure provisions of §§ 622.34(m) and 622.43(a)(1)(i).

(3) If BRDs reduce shrimp trawl-induced mortality of juvenile red snapper by more than 50 percent but less than 60 percent, for each one percentage point increase in bycatch mortality reduction within the 50 to 60 percent range, an additional 0.159 million lb (0.072 million kg) of the reserve specified in paragraph (g)(1)(i)(B) of this section will be released, subject to the closure provisions of §§ 622.34(m) and 622.43(a)(1)(i). Fractional percentage point increases in bycatch mortality reduction will be prorated accordingly.

(i) Deep-water groupers (i.e., yellowedge grouper, misty grouper, warsaw grouper, snowy grouper, and speckled hind), and, after the quota for shallow-water grouper is reached, scamp, combined—1.60 million lb (0.73 million kg), round weight.

(ii) Shallow-water groupers (i.e., all groupers other than deep-water groupers, jewfish, and Nassau grouper), including scamp before the quota for shallow-water groupers is reached, combined—9.80 million lb (4.45 million kg), round weight.

(2) *Recreational quota for red snapper.* The following quota applies to persons

who harvest red snapper other than under commercial vessel permits for Gulf reef fish and the commercial quota specified in paragraph (a)(1)(i) of this section—4.47 million lb (2.03 million kg), round weight, apportioned as follows:

(i) 2.94 million lb (1.33 million kg) available January 1 each year, subject to the closure provisions of § 622.43(a)(1)(ii).

(ii) The remainder is held in reserve.

(iii) The Assistant Administrator may release all or any portion of the reserve specified in paragraph (g)(2)(ii) of this section effective September 1 by filing a notification for publication to that effect with the Office of the Federal Register. Determination of what portion, if any, of the reserve will be released will be based on the results of NMFS research regarding the effectiveness of BRDs in reducing shrimp trawl-induced mortality of juvenile red snapper. Release of reserve amounts will be determined as follows:

(A) If BRDs reduce shrimp trawl-induced mortality of juvenile red snapper by 50 percent or less, none of the reserve specified in paragraph (g)(2)(ii) of this section will be released.

(B) If BRDs reduce shrimp trawl-induced mortality of juvenile red snapper by 60 percent or greater, the entire reserve specified in paragraph (g)(2)(ii) of this section will be released, subject to the closure provisions of § 622.43(a)(1)(ii).

(C) If BRDs reduce shrimp trawl-induced mortality of juvenile red snapper by more than 50 percent but less than 60 percent, for each one percentage point increase in bycatch mortality reduction within the 50 to 60 percent range, an additional 0.153 million lb (0.069 million kg) of the reserve specified in paragraph (g)(2)(ii) of this section will be released, subject to the closure provisions of § 622.43(a)(1)(ii). Fractional percentage point increases in bycatch mortality reduction will be prorated accordingly.

#### § 622.43 Closures.

(a) *General.* When a quota specified in § 622.42 is reached, or is projected to be reached, the Assistant Administrator will file a notification to that effect with the Office of the Federal Register.

On and after the effective date of such notification, for the remainder of the fishing year, the following closure restrictions apply:

(1) *Gulf reef fish*—(i) *Commercial quotas*. The bag and possession limits specified in §622.39(b) apply to all harvest or possession in or from the Gulf EEZ of the indicated species, and the sale or purchase of the indicated species taken from the Gulf EEZ is prohibited. In addition, the bag and possession limits for red snapper apply on board a vessel for which a commercial permit for Gulf reef fish has been issued, as required under §622.4(a)(2)(v), without regard to where such red snapper were harvested. However, the bag and possession limits for red snapper apply only when the recreational quota for red snapper has not been reached and the bag and possession limit has not been reduced to zero under paragraph (a)(1)(ii) of this section.

(ii) *Recreational quota for red snapper*. The bag and possession limit for red snapper in or from the Gulf EEZ is zero.

(2) *Gulf and South Atlantic coral*—(i) *Allowable octocoral*. Allowable octocoral may not be harvested or possessed in the Gulf or South Atlantic EEZ and the sale or purchase of allowable octocoral in or from the Gulf or South Atlantic EEZ is prohibited.

(ii) *Wild live rock in the Gulf*. Wild live rock may not be harvested or possessed in the Gulf EEZ and the sale or purchase of wild live rock in or from the Gulf EEZ is prohibited.

(3) *King and Spanish mackerel*. The closure provisions of this paragraph (a)(3) do not apply to Atlantic migratory group Spanish mackerel, which are managed under the commercial trip limits specified in §622.44(b) in lieu of the closure provisions of this section.

(i) A person aboard a vessel for which a commercial permit for king or Spanish mackerel has been issued, as required under §622.4(a)(2)(iii) or (iv), may not fish for king or Spanish mackerel in the EEZ or retain king or Spanish mackerel in or from the EEZ under a bag or possession limit specified in §622.39(c) for the closed species, migratory group, zone, subzone, or gear, ex-

cept as provided for under paragraph (a)(3)(ii) of this section.

(ii) A person aboard a vessel for which the permit indicates both charter vessel/headboat for coastal migratory pelagic fish and commercial king or Spanish mackerel may continue to retain fish under a bag and possession limit specified in §622.39(c), provided the vessel is operating as a charter vessel or headboat.

(iii) The sale or purchase of king or Spanish mackerel of the closed species, migratory group, zone, subzone, or gear type is prohibited, including such king or Spanish mackerel taken under the bag limits.

(4) *Royal red shrimp in the Gulf*. Royal red shrimp in or from the Gulf EEZ may not be retained, and the sale or purchase of royal red shrimp taken from the Gulf EEZ is prohibited.

(5) *South Atlantic snapper-grouper, excluding wreckfish*. There are no closure provisions for South Atlantic snapper grouper, other than for wreckfish. Golden tilefish and snowy grouper, for which there are quotas, are managed under the commercial trip limits specified in §622.44(c) in lieu of the closure provisions of this section.

(6) *Wreckfish*. Wreckfish in or from the South Atlantic EEZ may not be retained, and the sale or purchase of wreckfish taken from the South Atlantic EEZ is prohibited.

(b) *Exception to prohibition on sale/purchase*. (1) The prohibition on sale/purchase during a closure for Gulf reef fish, king and Spanish mackerel, royal red shrimp, or wreckfish in paragraph (a)(1), (a)(3)(iii), (a)(4), or (a)(6) of this section does not apply to the indicated species 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.

(2) The prohibition on sale/purchase during a closure for allowable octocoral or wild live rock in paragraph (a)(2)(i) or (a)(2)(ii) of this section does not apply to allowable octocoral or wild live rock that was harvested and landed ashore prior to the effective date of the closure.

(c) *Reopening*. When a fishery has been closed based on a projection of the quota specified in §622.42 being reached and subsequent data indicate that the

quota was not reached, the Assistant Administrator may file a notification to that effect with the Office of the Federal Register. Such notification may reopen the fishery to provide an opportunity for the quota to be reached.

[61 FR 34934, July 3, 1996, as amended at 62 FR 13988, Mar. 25, 1997; 62 FR 46679, Sept. 4, 1997; 62 FR 67723, Dec. 30, 1997; 63 FR 10569, Mar. 4, 1998]

#### § 622.44 Commercial trip limits.

Commercial trip limits are limits on the amount of the applicable species 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. A species subject to a trip limit 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. For fisheries governed by this part, commercial trip limits apply as follows (all weights are round or eviscerated weights):

(a) *King mackerel*—(1) *Atlantic group*. The following trip limits apply to vessels for which commercial permits for king mackerel have been issued, as required under § 622.4(a)(2)(iii):

(i) North of 29°25' N. lat., which is a line directly east from the Flagler/Volusia County, FL, boundary, king mackerel in or from the EEZ may not be possessed on board or landed from a vessel in a day in amounts exceeding 3,500 lb (1,588 kg).

(ii) In the area between 29°25' N. lat. and 28°47.8' N. lat., which is a line directly east from the Volusia/Brevard County, FL, boundary, king mackerel in or from the EEZ may not be possessed on board or landed from a vessel in a day in amounts exceeding 3,500 lb (1,588 kg) from April 1 through October 31.

(iii) In the area between 28°47.8' N. lat. and 25°20.4' N. lat., which is a line directly east from the Dade/Monroe County, FL, boundary, king mackerel in or from the EEZ may not be possessed on board or landed from a vessel in a day in amounts exceeding 50 fish from April 1 through October 31.

(iv) In the area between 25°20.4' N. lat. and 25°48' N. lat., which is a line directly west from the Monroe/Collier County, FL, boundary, king mackerel in or from the EEZ may not be possessed on board or landed from a vessel in a day in amounts exceeding 1,250 lb (567 kg) from April 1 through October 31.

(2) *Gulf group*. Commercial trip limits are established in the eastern zone as follows. (See § 622.42(c)(1)(i) for specification of the eastern zone and § 622.42(c)(1)(i)(A)(3) for specifications of the subzones in the eastern zone.)

(i) *Florida east coast subzone*. In the Florida east coast subzone, king mackerel in or from the EEZ may be possessed on board or landed from a vessel for which a commercial permit for king mackerel has been issued, as required under § 622.4(a)(2)(iii), from November 1 each fishing year until the subzone's fishing year quota of king mackerel has been harvested or until March 31, whichever occurs first, in amounts not exceeding 50 fish per day.

(ii) *Florida west coast subzone*—(A) *Gillnet gear*. (1) In the Florida west coast subzone, king mackerel in or from the EEZ may be possessed on board or landed from a vessel for which a commercial permit with a gillnet endorsement has been issued, as required under § 622.4(a)(2)(ii), from July 1, each fishing year, until a closure of the Florida west coast subzone's fishery for vessels fishing with run-around gillnets has been effected under § 622.43(a)—in amounts not exceeding 25,000 lb (11,340 kg) per day.

(2) In the Florida west coast subzone:

(i) King mackerel in or from the EEZ may be possessed on board or landed from a vessel that uses or has on board a run-around gillnet on a trip only when such vessel has on board a commercial permit for king mackerel with a gillnet endorsement.

(ii) King mackerel from the west coast subzone landed by a vessel for which such commercial permit with endorsement has been issued will be counted against the run-around gillnet quota of § 622.42(c)(1)(i)(A)(2)(ii).

(iii) King mackerel in or from the EEZ harvested with gear other than run-around gillnet may not be retained