

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. Revise § 622.12 to read as follows:

§ 622.12 Annual catch limits (ACLs) and accountability measures (AMs) for Caribbean island management areas/Caribbean EEZ.

(a) *Puerto Rico management area.* See Appendix E of this part for specification of the Puerto Rico island management area.

(1) *Queen conch.* See § 622.491(b) regarding seasonal and area closure provisions associated with the ACL for Queen Conch Resources of Puerto Rico and the U.S. Virgin Islands. If NMFS determines the applicable ACL was exceeded because of enhanced data collection and monitoring efforts instead of an increase in total catch, NMFS will not reduce the length of the fishing season for the applicable species or species group the following fishing year. (i) *Commercial ACL.* For the EEZ only, 0 lb (0 kg), round weight.

(ii) *Recreational ACL.* For the EEZ only, 0 lb (0 kg), round weight.

(2) *Reef fish*. Landings will be evaluated relative to the applicable ACL based on a moving multi-year average of landings, as described in the FMP. With the exceptions of goliath grouper, Nassau grouper, midnight parrotfish, blue parrotfish, and rainbow parrotfish, ACLs are based on the combined Caribbean EEZ and territorial landings for the management area. As described in the FMP, for each species or species group in this paragraph, any required fishing season reduction that occurs as a result of the applicable ACL being exceeded, will be applied from **September 30** backward, toward the beginning of the fishing year.

If the length of the required fishing season reduction exceeds the time period of January 1 through September 30, any additional fishing season reduction will be applied from October 1 forward, toward the end of the fishing year. The ACLs specified in this paragraph are given in round weight.

(i) *Commercial sector*. If commercial landings, as estimated by the SRD, have exceeded the **applicable species or species group commercial ACL specified in paragraph (a)(2)(i) of this section and the applicable combined commercial and recreational sector ACL (total ACL)**, as specified in paragraph (a)(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 fishing season for the

Comment [SS1]: This regulatory text is drafted based on the assumption that the AM Timing Amendment, currently in rulemaking, is implemented prior to the implementation of this amendment.

Comment [SS2]: Action 1, Alt 2. Used as placeholder since no preferred

applicable species or species groups for the commercial sector

Comment [SS3]: Action 1, Alt 2.

that year by the amount necessary to ensure landings do not exceed the applicable species or species group commercial ACL. If NMFS determines the applicable ACL for a particular species or species group was exceeded because of enhanced data collection and monitoring efforts instead of an increase in total catch of the species or species group, NMFS will not reduce the length of the fishing season for the applicable species or species group the following fishing year. The commercial ACLs are as follows:

- (A) *Parrotfishes*--52,737 lb (23,915 kg).
- (B) *Snapper Unit 1*--284,685 lb (129,131 kg).
- (C) *Snapper Unit 2*--145,916 lb (66,186 kg).
- (D) *Snapper Unit 3*--345,775 lb (156,841 kg).
- (E) *Snapper Unit 4*--373,295 lb (169,324 kg).
- (F) *Groupers*--177,513 lb (80,519 kg).
- (G) *Angelfish*--8,984 lb (4,075 kg).
- (H) *Boxfish*--86,115 lb (39,061 kg).
- (I) *Goatfishes*--17,565 lb (7,967 kg).
- (J) *Grunts*--182,396 lb (82,733 kg).
- (K) *Wrasses*--54,147 lb (24,561 kg).
- (L) *Jacks*--86,059 lb (39,036 kg).
- (M) *Scups and porgies, combined*--24,739 lb (11,221 kg).

(N) *Squirrelfish*--16,663 lb (7,558 kg).

(O) *Surgeonfish*--7,179 lb (3,256 kg).

(P) *Triggerfish and filefish, combined*--58,475 lb (26,524 kg).

(ii) *Recreational sector*. If recreational landings, as estimated by the SRD, have exceeded the applicable species or species group recreational ACL specified in paragraph (a)(2)(ii) of this section and the applicable combined commercial and recreational sector ACL (total ACL), as specified in paragraph (a)(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 fishing season for the applicable species or species groups for the recreational sector that year by the amount necessary to ensure landings do not exceed the applicable species or species group recreational ACL. If NMFS determines the applicable ACL for a particular species or species group was exceeded because of enhanced data collection and monitoring efforts instead of an increase in total catch of the species or species group, NMFS will not reduce the length of the fishing season for the applicable species or species group the following fishing year. The recreational ACLs are as follows:

(A) *Parrotfishes*--15,263 lb (6,921 kg).

Comment [SS4]: Action 1, Alt 2. Used as placeholder since no preferred

Comment [SS5]: Action 1, Alt 2

- (B) *Snapper Unit 1*--95,526 lb (43,330 kg).
- (C) *Snapper Unit 2*--34,810 lb (15,790 kg).
- (D) *Snapper Unit 3*--83,158 lb (37,720 kg).
- (E) *Snapper Unit 4*--28,509 lb (12,931 kg).
- (F) *Groupers*--77,213 lb (35,023 kg).
- (G) *Angelfish*--4,492 lb (2,038 kg).
- (H) *Boxfish*--4,616 lb (2,094 kg).
- (I) *Goatfishes*--362 lb (164 kg).
- (J) *Grunts*--5,028 lb (2,281 kg).
- (K) *Wrasses*--5,050 lb (2,291 kg).
- (L) *Jacks*--51,001 lb (23,134 kg).
- (M) *Scups and porgies, combined*--2,577 lb (1,169 kg).
- (N) *Squirrelfish*--3,891 lb (1,765 kg).
- (O) *Surgeonfish*--3,590 lb (1,628 kg).
- (P) *Triggerfish and filefish, combined*--21,929 lb (9,947

kg).

- (iii) Total ACLs, combined commercial and recreational

ACL).

- (A) *Parrotfishes*--68,000 lb (30,844 kg).
- (B) *Snapper Unit 1*--380,211 lb (172,461 kg).
- (C) *Snapper Unit 2*--180,726 lb (81,976 kg).
- (D) *Snapper Unit 3*--428,933 lb (194,561 kg).
- (E) *Snapper Unit 4*--401,804 lb (182,255 kg).

Comment [SS6]: added a new paragraph for total ACLs for Puerto Rico reef fish. Need total ACL codified since its part of the AMs trigger.

- (F) *Groupers*--254,726 lb (115,542 kg).
- (G) *Angelfish*--13,476 lb (6,113 kg).
- (H) *Boxfish*--90,731 lb (41,155 kg).
- (I) *Goatfishes*--17,927 lb (8,132 kg).
- (J) *Grunts*--187,424 lb (85,014 kg).
- (K) *Wrasses*--59,197 lb (26,851 kg).
- (L) *Jacks*--137,060 lb (62,169 kg).
- (M) *Scups and porgies, combined*--27,316 lb (kg).
- (N) *Squirrelfish*--20,554 lb (9,323 kg).
- (O) *Surgeonfish*--10,769 lb (4,885 kg).
- (P) *Triggerfish and filefish, combined*--80,404 lb (36,471 kg).

(3) *Spiny lobster*. Landings will be evaluated relative to the ACL based on a moving multi-year average of landings, as described in the FMP. The ACL is based on the combined Caribbean EEZ and territorial landings for the management area. If landings are estimated by the SRD to have exceeded the ACL, as specified in this paragraph, 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 fishing season for spiny lobster that year by the amount necessary to ensure landings do not exceed the ACL. If NMFS determines the ACL was exceeded because of enhanced data

collection and monitoring efforts instead of an increase in total catch, NMFS will not reduce the length of the fishing season the following fishing year. The ACL is 327,920 lb (148,742 kg), round weight.

(b) *St. Croix management area*. See Appendix E of this part for specification of the St. Croix island management area.

(1) *Queen conch*. As described in the FMP, landings will be evaluated relative to the ACL based on a moving multi-year average of landings. See § 622.491(b) regarding seasonal and area closure provisions associated with the ACL for Queen Conch Resources of Puerto Rico and the U.S. Virgin Islands. If NMFS determines the ACL was exceeded because of enhanced data collection and monitoring efforts instead of an increase in total catch, NMFS will not reduce the length of the fishing season for the following fishing year. The ACL is 50,000 lb (22,680 kg), round weight.

(2) *Reef fish*. Landings will be evaluated relative to the applicable ACL based on a moving multi-year average of landings, as described in the FMP. With the exception of goliath grouper, Nassau grouper, midnight parrotfish, blue parrotfish, and rainbow parrotfish, ACLs are based on the combined Caribbean EEZ and territorial landings for each management area. If landings are estimated by the SRD to have exceeded the applicable ACL for

a species or species group, as specified in this paragraph, 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 fishing season for the applicable species or species group that year by the amount necessary to ensure landings do not exceed the applicable ACL. If NMFS determines the ACL for a particular species or species group was exceeded because of enhanced data collection and monitoring efforts instead of an increase in total catch of the species or species group, NMFS will not reduce the length of the fishing season for the applicable species or species group the following fishing year. The ACLs specified in this paragraph are given in round weight. The ACLs are as follows:

- (i) *Parrotfishes*--240,000 lb (108,863 kg).
- (ii) *Snappers*--102,946 lb (46,696 kg).
- (iii) *Groupers*--30,435 lb (13,805 kg).
- (iv) *Angelfish*--305 lb (138 kg).
- (v) *Boxfish*--8,433 lb (3,825 kg).
- (vi) *Goatfishes*--3,766 lb (1,708 kg).
- (vii) *Grunts*--36,881 lb (16,729 kg).
- (viii) *Wrasses*--7 lb (3 kg).
- (ix) *Jacks*--15,489 lb (7,076 kg).
- (x) *Scups and porgies, combined*--4,638 lb (2,104 kg).

(xi) *Squirrelfish*--121 lb (55 kg).

(xii) *Surgeonfish*--33,603 lb (15,242 kg).

(xiii) *Triggerfish and filefish, combined*--24,980 lb
(11,331 kg).

(3) *Spiny lobster*. Landings will be evaluated relative to the ACL based on a moving multi-year average of landings, as described in the FMP. The ACL is based on the combined Caribbean EEZ and territorial landings for the management area. If landings are estimated by the SRD to have exceeded the ACL, as specified in this paragraph, 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 fishing season that year by the amount necessary to ensure landings do not exceed the ACL. If NMFS determines the ACL was exceeded because of enhanced data collection and monitoring efforts instead of an increase in total catch, NMFS will not reduce the length of the fishing season for the following fishing year. The ACL is 107,307 lb (48,674 kg), round weight.

(c) *St. Thomas/St. John management area*. See Appendix E of this part for specification of the St. Thomas/St. John management area island management area.

(1) *Queen conch*. See § 622.491(b) regarding seasonal and area closure provisions associated with the ACL for Queen Conch

Resources of Puerto Rico and the U.S. Virgin Islands. If NMFS determines the ACL was exceeded because of enhanced data collection and monitoring efforts instead of an increase in total catch, NMFS will not reduce the length of the fishing season for the following fishing year. The ACL is 0 lb (0 kg), round weight, for the EEZ only.

(2) *Reef fish*. Landings will be evaluated relative to the applicable ACL based on a moving multi-year average of landings, as described in the FMP. With the exception of goliath grouper, Nassau grouper, midnight parrotfish, blue parrotfish, and rainbow parrotfish, ACLs are based on the combined Caribbean EEZ and territorial landings for each management area. If landings are estimated by the SRD to have exceeded the applicable ACL for a species or species group, as specified in this paragraph, 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 fishing season for the applicable species or species group that year by the amount necessary to ensure landings do not exceed the applicable ACL. If NMFS determines the ACL for a particular species or species group was exceeded because of enhanced data collection and monitoring efforts instead of an increase in total catch of the species or species group, NMFS will not reduce the length of the

fishing season for the applicable species or species group the following fishing year. The ACLs specified in this paragraph are given in round weight. The ACLs are as follows:

- (i) *Parrotfishes*--42,500 lb (19,278 kg).
- (ii) *Snappers*--133,775 lb (60,679 kg).
- (iii) *Groupers*--51,849 lb (23,518 kg).
- (iv) *Angelfish*--7,897 lb (3,582 kg).
- (v) *Boxfish*--27,880 lb (12,646 kg).
- (vi) *Goatfishes*--320 lb (145 kg).
- (vii) *Grunts*--37,617 lb (17,063 kg).
- (viii) *Wrasses*--585 lb (265 kg).
- (ix) *Jacks*--52,907 lb (23,998 kg).
- (x) *Scups and porgies, combined*--21,819 lb (9,897 kg).
- (xi) *Squirrelfish*--4,241 lb (1,924 kg).
- (xii) *Surgeonfish*--29,249 lb (13,267 kg).
- (xiii) *Triggerfish and filefish, combined*--74,447 lb (33,769 kg).

(3) *Spiny lobster*. Landings will be evaluated relative to the ACL based on a moving multi-year average of landings, as described in the FMP. The ACL is based on the combined Caribbean EEZ and territorial landings for the management area. If landings are estimated by the SRD to have exceeded the ACL, as specified in this paragraph, 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 fishing season that year by the amount necessary to ensure landings do not exceed the ACL. If NMFS determines the ACL was exceeded because of enhanced data collection and monitoring efforts instead of an increase in total catch, NMFS will not reduce the length of the fishing season for the following fishing year. The ACL is 104,199 lb (47,264 kg), round weight.

(d) *Caribbean EEZ*. Landings will be evaluated relative to the applicable ACL based on a moving multi-year average of landings, as described in the FMPs. The ACLs are based on the combined Caribbean EEZ and territorial landings, throughout the Caribbean EEZ. If landings from the Caribbean EEZ for tilefish and aquarium trade species, are estimated by the SRD to have exceeded the applicable ACL, as specified in this paragraph, 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 fishing season for the applicable species or species groups that year by the amount necessary to ensure landings do not exceed the applicable ACL. If NMFS determines the applicable ACL was exceeded because of enhanced data collection and monitoring efforts instead of an increase in total catch, NMFS will not reduce the length of the

fishing season for the following fishing year. The ACLs in round weight are as follows:

(1) *Tilefish*--14,642 lb (6,641 kg).

(2) *Aquarium trade species*--8,155 lb (3,699 kg).

(e) *Closure provisions*. (1) Restrictions applicable after a Puerto Rico closure. (i) Restrictions applicable after a Puerto Rico commercial closure for reef fish species or species groups. During the closure period announced in the notification filed pursuant to paragraph (a)(2)(i) of this section, the commercial sector for species or species groups included in the notification is closed and such species or species groups in or from the Puerto Rico management area may not be purchased or sold. Harvest or possession of such species or species groups in or from the Puerto Rico management area is limited to the recreational bag and possession limits unless the recreational sector for the species or species group is closed and the restrictions specified in paragraph (e)(1)(iii) of this section apply.

Comment [SS7]: updated reference

Comment [SS8]: updated reference

(ii) Restrictions applicable after a Puerto Rico recreational closure for reef fish species or species groups. During the closure period announced in the notification filed pursuant to paragraph (a)(2)(ii) of this section, the recreational sector for species or species groups included in the notification is closed and the recreational bag and possession limits for such species or species groups in or from the Puerto Rico management area are zero. If the seasons for both the commercial and recreational sectors for such

Comment [SS9]: updated reference

species or species groups are closed, the restrictions specified in paragraph (b)(1)(iii) of this section apply.

(iii) Restrictions applicable when both Puerto Rico commercial and Puerto Rico recreational sectors for reef fish species or species groups are closed. If the seasons for both the commercial and recreational sectors for a species or species group are closed, such species or species groups in or from the Puerto Rico management area may not be harvested, possessed, purchased, or sold, and the bag and possession limits for such species or species groups in or from the Puerto Rico management area are zero.

(iv) Restrictions applicable after a spiny lobster closure in Puerto Rico. During the closure period announced in the notification filed pursuant to paragraph (a)(3) of this section, both the commercial and recreational sectors are closed. Spiny lobster in or from the Puerto Rico management area may not be harvested, possessed, purchased, or sold, and the bag and possession limits for spiny lobster in or from the Puerto Rico management area are zero.

Comment [SS10]: updated reference

(2) Restrictions applicable after a St. Croix, St. Thomas/St. John, or Caribbean EEZ closure. During the closure period announced in the notification filed pursuant to paragraph (b), (c), or (d) of this section, such species or species groups in or from the applicable management area of the Caribbean EEZ may not be harvested, possessed, purchased, or sold, and the bag and possession limits for such species or species groups in or from the applicable management area of the Caribbean EEZ are zero.

Comment [SS11]: updated reference

2. In § 622.491, revise the first sentence of paragraph (b) to read as follows:

§ 622.491 Seasonal and area closures.

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(b) Pursuant to the procedures and criteria established in the FMP for Queen Conch Resources in Puerto Rico and the U.S. Virgin Islands, when the ACL, as specified in § 622.12(b)(1), is reached or projected to be reached, the Regional Administrator will close the Caribbean EEZ to the harvest and possession of queen conch, in the area east of 64°34' W. longitude which includes Lang Bank, east of St. Croix, U.S. Virgin Islands, by filing a notification of closure with the Office of the Federal Register. * * *

Comment [SS12]: updated reference for queen conch ACL for St Croix. No other changes to this section or paragraph.