

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 § 622.2, add the definitions for "CEP", "Off Louisiana", "Off Mississippi" and "Off Alabama" in alphabetical order to read as follows:

Commented [SS1]: Adding in the individual state areas for the EEZ. Same text as from emergency rule. Texas and Florida are already defined in the regulations. Action 2, Alt 3 as preferred.

§ 622.2 Definitions and acronyms.

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CEP means Conservation equivalency plan. Through December 31, 2021, and through the CEP process as described in § 622.23, recreational bag limits, seasons, and closed areas for recreational red snapper in the Gulf may be established by the Gulf states (Gulf regions).

Commented [SS2]: Define CEP acronym for Action 1. Similar to defining IFQ

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Off Alabama means the waters in the Gulf west of a rhumb line at 87°31.1' W. long., which is a line directly south from the Alabama/Florida boundary, to a rhumb line at 88°23.1' W. long., which is a line directly south from the Mississippi/Alabama boundary.

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Off Louisiana means the waters in the Gulf west of a rhumb line at 89°10.0' W. long., which is a line extending directly south from South Pass Light, to a rhumb line beginning at 29°32.1' N. lat., 93°47.7' W. long. and extending to 26°11.4' N. lat., 92°53.0' W. long., which line is an extension of the boundary between Louisiana and Texas.

Off Mississippi means the waters in the Gulf west of a rhumb line at 88°23.1' W. long., which is a line directly south from the Mississippi/Alabama boundary, to a rhumb line at 89°10.0' W. long., which is a line extending directly south from South Pass Light.

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3. In § 622.3, add paragraph (f) to read as follows:

§ 622.3 Relation to other laws and regulations.

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(f) *Regional management of Gulf red snapper.* Recreational bag limits, seasons, and closed areas for red snapper in the Gulf EEZ may be specified by the Gulf states in accordance with the procedures specified in § 622.3. This regional management program is effective through December 31, 2021.

4. Section 622.23 is added to read as follows:

§ 622.23 Regional management of recreational red snapper in the

Commented [SS3]: Action 3, preferred Alt 5. Defining the regions. Texas and Florida are already defined.

Gulf EEZ.

(a) *General.* Through the CEP process, as described in this section and the FMP, recreational bag limits, seasons, and closed areas for red snapper in the Gulf may be managed on a regional level by the Gulf states (Gulf regions). The measures contained in this section will apply through December 31, 2021].

Regional management of Gulf recreational red snapper, as described for a CEP in the FMP, will apply to both the charter vessel/headboat component and the private angling component of the red snapper recreational sector. If a region does not submit a CEP that is approved by NMFS the default Federal season and bag limits as described in §§ 622.34(b) (seasonal closure), 622.38(b) (3) (bag limit), and 622.41(q) (2) (i) (season length) apply to red snapper recreational harvest in the EEZ off of that region. All other management measures for the recreational harvest red snapper in the Gulf EEZ continue to apply during regional management.

(b) *CEP.* As described in the FMP, a region that wants to participate in regional management, as described in this section, must annually submit and subsequently have approved, a CEP. See paragraph (c) of this section for CEP application process. The CEP must contain proposed management measures that provide a conservation equivalent to the Federal regulations.

Commented [SS4]: Action 1, Preferred Alt 5b, 5 year sunset provision.

Note: as done here, this sunset and implementation is set to coincide with the start/end of a fishing year and not to start or end during the middle of a red snapper fishing year. As written in this draft text, 39 would start Jan 1, 2017 and go through Dec 31, 2021.

Commented [SS5]: Action 2, No Preferred. Both components were retained here to follow the separate components that are now in place through sector separation from Am40. may change based on what preferred gets selected.

The CEP must describe each region's planned bag limits and season that are intended to constrain recreational red snapper harvest to the respective ACTs as specified in paragraph (e) of this section. The CEP may include proposed closed areas within the EEZ adjacent to the state, that when implemented with the bag limit and season will constrain recreational red snapper harvest to the ACT.

(c) *CEP application and review.* A region that wants to participate in regional management must annually submit its CEP for the following fishing year to the technical review committee, as described in the FMP. The technical review committee may return the proposed CEP to the region for revision and resubmission or may approve the CEP and forward it to NMFS for review. For CEPs that include proposed closed areas this review will include the publication of a proposed rule in the **Federal Register** to solicit public comment on the closure. If a CEP is approved, NMFS will publish a notice in the **Federal Register** as soon as possible prior to the start of the next fishing year identifying the states with approved CEPs for the following fishing year and describing the bag limits, seasons, and closed areas specified in the respective CEPs. For CEPs that include closed areas, NMFS will also publish a final rule in the **Federal Register** implementing the closures.

(d) *Regional management areas.* For the recreational red snapper regional management measures described in this section, five regions have been established; one representing the EEZ off of each of the five Gulf states: Alabama, Florida, Louisiana, Mississippi, and Texas. The boundaries of each state are described in § 622.2.

Commented [SS6]: Action 3, Preferred Alternative 5.

(e) *Regional quotas and ACTs.* The following regional quotas and ACTs apply to the Gulf states based on the Gulf-wide recreational quota for red snapper specified in § 622.39(a)(2)(i) and the percentage of the Gulf-wide recreational quota and ACT allocated to each regional management area as described in the FMP. All quotas and ACTs specified below are in round weight. A region's landings relative to its respective quota and ACT will be evaluated based on total recreational red snapper landed in that region.

Commented [SS7]: For Action 6, and Action 2, to prepare the codified text, it was drafted to have Am39 apply to both components, for-hire and private angling. This was done since that's what we have now in terms of the rec sector being divided into the 2 components.

(1) *Alabama regional management area.* (i) *Alabama regional quota.* (A) *Total recreational quota (Federal charter vessel/headboat and private angling component quotas combined).* For fishing year 2017 and subsequent fishing years--xx million lb (xx million kg).

Commented [SS8]: I added in ACTs to all of the regions along with quotas. So each region has an overall rec quota/ACT and component quotas/ACTs

(B) *Federal charter vessel/headboat component quota.* The Federal charter vessel/headboat component quota applies to vessels that have been issued a valid Federal charter

Commented [SS9]: Action 6, Preferred Alt 5 and 6. Recreational ACL(quota) and ACTs for each state.

Commented [SS10]: 2017 Quotas and ACTs for all regions and components are placeholders for now until decision is made concerning what components are or are not participating.

vessel/headboat permit for Gulf reef fish any time during the fishing year. For fishing year 2017 and subsequent fishing years--xx million lb (xx million kg).

(C) *Private angling component quota*. The private angling component quota applies to vessels that fish under the bag limit and have not been issued a Federal charter vessel/headboat permit for Gulf reef fish any time during the fishing year. For fishing year 2017 and subsequent fishing years--xx million lb (xx million kg).

(ii) *Alabama regional ACT*. (A) *Total recreational ACT (Federal charter vessel/headboat and private angling component ACT combined)*. For fishing year 2017 and subsequent fishing years--xx million lb (xx million kg).

(B) *Federal charter vessel/headboat component ACT*. The Federal charter vessel/headboat component ACT applies to vessels that have been issued a valid Federal charter vessel/headboat permit for Gulf reef fish any time during the fishing year. For fishing year 2017 and subsequent fishing years--xx million lb (xx million kg).

(C) *Private angling component ACT*. The private angling component ACT applies to vessels that fish under the bag limit and have not been issued a Federal charter vessel/headboat permit for Gulf reef fish any time during the fishing year. For

fishing year 2017 and subsequent fishing years--xx million lb (xx million kg).

(2) *Florida regional management area.* (i) *Florida regional quota.* (A) *Total recreational quota (Federal charter vessel/headboat and private angling component quotas combined).* For fishing year 2017 and subsequent fishing years--xx million lb (xx million kg).

(B) *Federal charter vessel/headboat component quota.* The Federal charter vessel/headboat component quota applies to vessels that have been issued a valid Federal charter vessel/headboat permit for Gulf reef fish any time during the fishing year. For fishing year 2017 and subsequent fishing years--xx million lb (xx million kg).

(C) *Private angling component quota.* The private angling component quota applies to vessels that fish under the bag limit and have not been issued a Federal charter vessel/headboat permit for Gulf reef fish any time during the fishing year. For fishing year 2017 and subsequent fishing years--xx million lb (xx million kg).

(ii) *Florida regional ACT.* (A) *Total recreational ACT (Federal charter vessel/headboat and private angling component ACT combined).* For fishing year 2017 and subsequent fishing years--xx million lb (xx million kg).

(B) *Federal charter vessel/headboat component ACT*. The Federal charter vessel/headboat component ACT applies to vessels that have been issued a valid Federal charter vessel/headboat permit for Gulf reef fish any time during the fishing year. For fishing year 2017 and subsequent fishing years--xx million lb (xx million kg).

(C) *Private angling component ACT*. The private angling component ACT applies to vessels that fish under the bag limit and have not been issued a Federal charter vessel/headboat permit for Gulf reef fish any time during the fishing year. For fishing year 2017 and subsequent fishing years--xx million lb (xx million kg).

(3) *Louisiana regional management area*. (i) *Louisiana regional quota*. (A) *Total recreational quota (Federal charter vessel/headboat and private angling component quotas combined)*. For fishing year 2017 and subsequent fishing years--xx million lb (xx million kg).

(B) *Federal charter vessel/headboat component quota*. The Federal charter vessel/headboat component quota applies to vessels that have been issued a valid Federal charter vessel/headboat permit for Gulf reef fish any time during the fishing year. For fishing year 2017 and subsequent fishing years--xx million lb (xx million kg).

(C) *Private angling component quota.* The private angling component quota applies to vessels that fish under the bag limit and have not been issued a Federal charter vessel/headboat permit for Gulf reef fish any time during the fishing year. For fishing year 2017 and subsequent fishing years--xx million lb (xx million kg).

(ii) *Louisiana regional ACT.* (A) *Total recreational ACT (Federal charter vessel/headboat and private angling component ACT combined).* For fishing year 2017 and subsequent fishing years--xx million lb (xx million kg).

(B) *Federal charter vessel/headboat component ACT.* The Federal charter vessel/headboat component ACT applies to vessels that have been issued a valid Federal charter vessel/headboat permit for Gulf reef fish any time during the fishing year. For fishing year 2017 and subsequent fishing years--xx million lb (xx million kg).

(C) *Private angling component ACT.* The private angling component ACT applies to vessels that fish under the bag limit and have not been issued a Federal charter vessel/headboat permit for Gulf reef fish any time during the fishing year. For fishing year 2017 and subsequent fishing years--xx million lb (xx million kg).

(4) *Mississippi regional management area.* (i) *Mississippi*

regional quota. (A) *Total recreational quota (Federal charter vessel/headboat and private angling component quotas combined)*. For fishing year 2017 and subsequent fishing years--xx million lb (xx million kg).

(B) *Federal charter vessel/headboat component quota*. The Federal charter vessel/headboat component quota applies to vessels that have been issued a valid Federal charter vessel/headboat permit for Gulf reef fish any time during the fishing year. For fishing year 2017 and subsequent fishing years--xx million lb (xx million kg).

(C) *Private angling component quota*. The private angling component quota applies to vessels that fish under the bag limit and have not been issued a Federal charter vessel/headboat permit for Gulf reef fish any time during the fishing year. For fishing year 2017 and subsequent fishing years--xx million lb (xx million kg).

(ii) *Mississippi regional ACT*. (A) *Total recreational ACT (Federal charter vessel/headboat and private angling component ACT combined)*. For fishing year 2017 and subsequent fishing years--xx million lb (xx million kg).

(B) *Federal charter vessel/headboat component ACT*. The Federal charter vessel/headboat component ACT applies to vessels that have been issued a valid Federal charter vessel/headboat

permit for Gulf reef fish any time during the fishing year. For fishing year 2017 and subsequent fishing years--xx million lb (xx million kg).

(C) *Private angling component ACT*. The private angling component ACT applies to vessels that fish under the bag limit and have not been issued a Federal charter vessel/headboat permit for Gulf reef fish any time during the fishing year. For fishing year 2017 and subsequent fishing years--xx million lb (xx million kg).

(5) *Texas regional management area*. (i) *Texas regional quota*. (A) *Total recreational quota (Federal charter vessel/headboat and private angling component quotas combined)*. For fishing year 2017 and subsequent fishing years--xx million lb (xx million kg).

(B) *Federal charter vessel/headboat component quota*. The Federal charter vessel/headboat component quota applies to vessels that have been issued a valid Federal charter vessel/headboat permit for Gulf reef fish any time during the fishing year. For fishing year 2017 and subsequent fishing years--xx million lb (xx million kg).

(C) *Private angling component quota*. The private angling component quota applies to vessels that fish under the bag limit and have not been issued a Federal charter vessel/headboat

permit for Gulf reef fish any time during the fishing year. For fishing year 2017 and subsequent fishing years--xx million lb (xx million kg).

(ii) *Texas regional ACT. (A) Total recreational ACT (Federal charter vessel/headboat and private angling component ACT combined).* For fishing year 2017 and subsequent fishing years--xx million lb (xx million kg).

(B) *Federal charter vessel/headboat component ACT.* The Federal charter vessel/headboat component ACT applies to vessels that have been issued a valid Federal charter vessel/headboat permit for Gulf reef fish any time during the fishing year. For fishing year 2017 and subsequent fishing years--xx million lb (xx million kg).

(C) *Private angling component ACT.* The private angling component ACT applies to vessels that fish under the bag limit and have not been issued a Federal charter vessel/headboat permit for Gulf reef fish any time during the fishing year. For fishing year 2017 and subsequent fishing years--xx million lb (xx million kg).

(f) *Accountability measures.* If in a fishing year, a regional management area exceeds its applicable regional quota (regional Federal charter vessel/headboat and private angling component ACLs (quotas) combined) as described in paragraph (e)

Commented [SS11]: Action 7, Preferred Alt 2. AMs/paybacks for regions.

of this section, and the Gulf recreational ACL (quota) specified in § 622.39(a)(2)(i) is exceeded in the fishing year, and red snapper are overfished, based on the most recent Status of U.S. Fisheries Report to Congress, the AA will file a notification with the Office of the Federal Register to reduce a regional management area's recreational ACL (quota) in the following fishing year by the amount of the regional management areas ACL overage in the prior fishing year. The regional management area's ACL will not be reduced in the following fishing year if the best scientific information available determines that a greater, lesser, or no overage adjustment is necessary.

Commented [SS12]: Gulf-wide recreational ACL(quota)

(g) *Default management measures.* (1) *Participation.* If there is no approved CEP for a region the default Federal management measures for the Federal season and bag limits as described in §§ 622.34(b) (seasonal closure), 622.38(b)(3) (bag limit), and 622.41(q)(2)(i) (season length) apply in the EEZ off of that regional management area. All other management measures not specified in this section remain in effect.

Commented [ML13]: We are going to need to change this if the states end up managing the components separately. The council will then need to select an option in Action 7, Alt. 2.

Retain comment for possible reference to discussion

(2) *Restrictions applicable after a recreational quota/ACT closure or recreational component quota/ACT closure.* The bag limits for the applicable species for the recreational sector or recreational sector component in or from the regional management area are zero. When a state's regional management area Federal

charter vessel/headboat component is closed or its entire recreational sector is closed, these bag and possession limits apply in the applicable regional management area on board a vessel for which a valid Federal charter vessel/headboat permit for Gulf reef fish has been issued, without regard to where such species were harvested, *i.e.*, in state or Federal waters.

(h) Federally permitted vessels subject to the recreational fishing measures of this part, and other recreational fishing vessels harvesting red snapper in or from the EEZ and subject to the recreational fishing measures of this part, landing red snapper in a region (state) whose fishery management measures are determined by the NMFS to be conservation equivalent shall not be subject to the more restrictive Federal measures, pursuant to the provisions of §622.20(b)(3). Those vessels shall be subject to the recreational fishing measures implemented by the region in which they land.

5. In § 622.34, paragraph (b) is revised to read as follows:

§ 622.34 Seasonal and area closures designed to protect Gulf reef fish.

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(b) *Seasonal closure of the recreational sector for red snapper.* Through December 31, 2021, see § 622.23 for fishing

season start and end dates for states participating in regional management of recreational red snapper in the Gulf EEZ. After December 31, 2021, or for states not participating in regional management, the recreational sector for red snapper in or from the Gulf EEZ is closed from January 1 through May 31, each year. During the closure or, when all participating states in regional management have prohibited the harvest of red snapper, the bag and possession limit for red snapper in or from the Gulf EEZ is zero.

Commented [SS14]: 5-year sunset clause for regional management.

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6. In § 622.37, revise paragraph (a) (1) to read as follows:

§ 622.37 Size limits.

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(a) * * *

(1) *Red snapper*--15 inches (38.1 cm), TL, for a fish taken by a person subject to the bag limit specified in § 622.38

(b) (3) and 13 inches (33.0 cm), TL, for a fish taken by a person not subject to the bag limit.

Commented [SS15]: after sunset

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7. In § 622.38, revise paragraph (b) (3) to read as follows:

§ 622.38 Bag and possession limits.

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(b) * * *

Commented [SS16]: Action 4, Preferred Alt 3. Revise the recreational minimum size limit to 15 inches. The commercial size limit of 13 inches is unchanged

(3) Through December 31, 2021, see § 622.23 for the bag and possession limits for red snapper for states participating in regional management of recreational red snapper in the Gulf EEZ. Under regional management, no person may possess red snapper in the Gulf EEZ in excess of the largest bag limit established by any region through an approved CEP. After December 31, 2021, or for regions not participating in regional management, the bag limit is 2 and no red snapper may be retained by the captain and crew of a vessel operating as a charter vessel or headboat. The bag limit for such captain and crew after December 31, 2021, is zero.

Commented [SS17]: after sunset

Commented [ML18]: do we really want to get rid of this during the CEP period if both components are included? If only private is included, we will need to retain this and rework this provision.

Retain this comment for discussion.

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8. In § 622.41, revise the introductory paragraph in (q) (2) (B) and (C) to read as follows:

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

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(q) * * *

(2) * * *

(B) *Federal charter vessel/headboat component ACT.* The Federal charter vessel/headboat component ACT applies to vessels that have been issued a valid Federal charter vessel/headboat permit for Gulf reef fish any time during the fishing year.

Commented [SS19]: revised for removal of sunset for sector separation based on Action 2 and the removal of the sector separation sunset provision in Alts 2, 3, and 4.

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(C) *Private angling component ACT*. The private angling component ACT applies to vessels that fish under the bag limit and have not been issued a Federal charter vessel/headboat permit for Gulf reef fish any time during the fishing year.

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Commented [SS20]: revised for removal of sunset for sector separation