

**Fishery Conservation and Management**

**§ 622.1**

**Subpart C—Management Measures**

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AUTHORITY: 16 U.S.C. 1801 *et seq.*

SOURCE: 61 FR 34934, July 3, 1996, unless otherwise noted.

EDITORIAL NOTE: Nomenclature changes to part 622 appear at 70 FR 73389, Dec. 12, 2005 and 73 FR 411, Jan. 3, 2008.

**Subpart A—General Provisions**

**§ 622.1 Purpose and scope.**

(a) The purpose of this part is to implement the FMPs prepared under the Magnuson-Stevens Act by the CFMC, GMFMC, and/or SAFMC listed in Table 1 of this section. This part also governs importation of Caribbean spiny lobster into Puerto Rico or the U.S. Virgin Islands.

(b) This part governs conservation and management of species included in the FMPs in or from the Caribbean, Gulf, Mid-Atlantic, South Atlantic, or Atlantic EEZ, unless otherwise specified, as indicated in Table 1 of this section. For the FMPs noted in the following table, conservation and management extends to adjoining state waters for the purposes of data collection and monitoring. This part also governs importation of Caribbean spiny lobster into Puerto Rico or the U.S. Virgin Islands.

TABLE 1—FMPs IMPLEMENTED UNDER PART 622

FMP title	Responsible fishery management council(s)	Geographical area
FMP for Coastal Migratory Pelagic Resources .....	GMFMC/SAFMC	Gulf, <sup>1</sup> Mid-Atlantic <sup>1,2</sup> and South Atlantic. <sup>1,3</sup>
FMP for Coral and Coral Reefs of the Gulf of Mexico .....	GMFMC	Gulf.
FMP for Coral, Coral Reefs, and Live/Hard Bottom Habitats of the South Atlantic Region.	SAFMC	South Atlantic.
FMP for Corals and Reef Associated Plants and Invertebrates of Puerto Rico and the U.S. Virgin Islands.	CFMC	Caribbean.
FMP for the Dolphin and Wahoo Fishery off the Atlantic States .....	SAFMC	Atlantic.
FMP for the Golden Crab Fishery of the South Atlantic Region .....	SAFMC	South Atlantic
FMP for Queen Conch Resources of Puerto Rico and the U.S. Virgin Islands.	CFMC	Caribbean.
FMP for Pelagic Sargassum Habitat of the South Atlantic Region .....	SAFMC	South Atlantic
FMP for the Red Drum Fishery of the Gulf of Mexico .....	GMFMC	Gulf. <sup>1</sup>
FMP for the Reef Fish Fishery of Puerto Rico and the U.S. Virgin Islands.	CFMC	Caribbean.
FMP for the Reef Fish Resources of the Gulf of Mexico .....	GMFMC	Gulf. <sup>1,5,6</sup>
FMP for the Shrimp Fishery of the Gulf of Mexico .....	GMFMC	Gulf. <sup>1</sup>
FMP for the Shrimp Fishery of the South Atlantic Region .....	SAFMC	South Atlantic.
FMP for the Snapper-Grouper Fishery of the South Atlantic Region ...	SAFMC	South Atlantic. <sup>1,4</sup>
FMP for the Spiny Lobster Fishery of Puerto Rico and the U.S. Virgin Islands.	CFMC	Caribbean.

<sup>1</sup> Regulated area includes adjoining state waters for purposes of data collection and quota monitoring.  
<sup>2</sup> Only king and Spanish mackerel and cobia are managed under the FMP in the Mid-Atlantic.  
<sup>3</sup> Bluefish are not managed under the FMP in the South Atlantic.  
<sup>4</sup> Bank, rock, and black sea bass and scup are not managed by the FMP or regulated by this part north of 35°15.19' N. lat., the latitude of Cape Hatteras Light, NC.  
<sup>5</sup> Regulated area includes adjoining state waters for Gulf red snapper harvested or possessed by a person aboard a vessel for which a Gulf red snapper IFQ vessel account has been established or possessed by a dealer with a Gulf IFQ dealer endorsement.

<sup>6</sup> Regulated area includes adjoining state waters for Gulf groupers and tilefishes harvested or possessed by a person aboard a vessel for which an IFQ vessel account for Gulf groupers and tilefishes has been established or possessed by a dealer with a Gulf IFQ dealer endorsement.

[61 FR 34934, July 3, 1996, as amended at 61 FR 43956, Aug. 27, 1996; 61 FR 65483, Dec. 13, 1996; 63 FR 10565, Mar. 4, 1998; 67 FR 22362, May 3, 2002; 68 FR 57378, Oct. 3, 2003; 69 FR 30240, May 27, 2004; 71 FR 67457, Nov. 22, 2006; 73 FR 58061, Oct. 6, 2008; 74 FR 1151, Jan. 12, 2009; 74 FR 44741, Aug. 31, 2009]

### § 622.2 Definitions and acronyms.

In addition to the definitions in the Magnuson Act and in § 600.10 of this chapter, and the acronyms in § 600.15 of this chapter, the terms and acronyms used in this part have the following meanings:

*Accountability measure* means a management control implemented such that overfishing is prevented, where possible, and mitigated if it occurs.

*Actual ex-vessel price* means the total monetary sale amount a fisherman receives per pound of fish for IFQ landings from a registered IFQ dealer before any deductions are made for transferred (leased) allocation and goods and services (e.g. bait, ice, fuel, repairs, machinery replacement, etc.).

*Allowable chemical* means a substance, generally used to immobilize marine life so that it can be captured alive, that, when introduced into the water, does not take Gulf and South Atlantic prohibited coral and is allowed by Florida for the harvest of tropical fish (e.g., quinaldine, quinaldine compounds, or similar substances).

*Allowable octocoral* means an erect, nonencrusting species of the subclass Octocorallia, except the seafans *Gorgonia flabellum* and *G. ventalina*, plus the attached substrate within 1 inch (2.54 cm) of an allowable octocoral.

NOTE: An erect, nonencrusting species of the subclass Octocorallia, except the seafans *Gorgonia flabellum* and *G. ventalina*, with attached substrate exceeding 1 inch (2.54 cm) is considered to be live rock and not allowable octocoral.

*Annual catch limit (ACL)* means the level of catch that serves as the basis for invoking accountability measures.

*Annual catch target (ACT)* means an amount of annual catch of a stock or stock complex that is the management target of the fishery, and accounts for management uncertainty in controlling the actual catch at or below the ACL.

*Aquacultured live rock* means live rock that is harvested under a Federal aquacultured live rock permit, as required under § 622.4(a)(3)(iii).

*Atlantic* means the North Atlantic, Mid-Atlantic, and South Atlantic.

*Authorized statistical reporting agent* means:

(1) Any person so designated by the SRD; or

(2) Any person so designated by the head of any Federal or State agency that has entered into an agreement with the Assistant Administrator to collect fishery data.

*Automatic reel* means a reel that remains attached to a vessel when in use from which a line and attached hook(s) are deployed. The line is payed out from and retrieved on the reel electrically or hydraulically.

*Bandit gear* means a rod and reel that remain attached to a vessel when in use from which a line and attached hook(s) are deployed. The line is payed out from and retrieved on the reel manually, electrically, or hydraulically.

*Bottom longline* means a longline that is deployed, or in combination with gear aboard the vessel, e.g., weights or anchors, is capable of being deployed to maintain contact with the ocean bottom.

*BRD* means bycatch reduction device.

*Buoy gear* means fishing gear that fishes vertically in the water column that consists of a single drop line suspended from a float, from which no more than 10 hooks can be connected between the buoy and the terminal end, and the terminal end contains a weight that is no more than 10 lb (4.5 kg). The drop line can be rope (hemp, manila, cotton or other natural fibers; nylon, polypropylene, spectra or other synthetic material) or monofilament, but must not be cable or wire. The gear is free-floating and not connected to other gear or the vessel. The drop line must be no greater than 2 times the