

§ 622.33

50 CFR Ch. VI (10–1–11 Edition)

(iv) It is intended that no female golden crabs in or from the South Atlantic EEZ be retained on board a vessel and that any female golden crab in or from the South Atlantic EEZ be released in a manner that will ensure maximum probability of survival. However, to accommodate legitimate incidental catch and retention, the number of female golden crabs in or from the South Atlantic EEZ retained on board a vessel may not exceed 0.5 percent, by number, of all golden crabs on board. See § 622.45(f)(1) regarding the prohibition of sale of female golden crabs.

(v) South Atlantic snapper-grouper may not be possessed in whole, gutted, or filleted form by a person aboard a vessel fishing for or possessing golden crab in or from the South Atlantic EEZ or possessing a golden crab trap in the South Atlantic. Only the head, fins, and backbone (collectively the “rack”) of South Atlantic snapper-grouper may be possessed for use as bait.

(vi) Red snapper may not be harvested or possessed in or from the South Atlantic EEZ. Such fish caught in the South Atlantic EEZ must be released immediately with a minimum of harm. In addition, for a person on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, the provisions of this closure apply in the South Atlantic, regardless of where such fish are harvested, *i.e.*, in State or Federal waters.

(vii) Speckled hind and warsaw grouper may not be harvested or possessed in or from the South Atlantic EEZ. Such fish caught in the South Atlantic EEZ must be released immediately with a minimum of harm. These restrictions also apply in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, *i.e.*, in State or Federal waters.

(c) *Limited-harvest species.* A person who fishes in the EEZ may not combine a harvest limitation specified in this paragraph (c) with a harvest limitation applicable to state waters. A species subject to a harvest limitation specified in this paragraph (c) 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.

(1) *Cobia.* No person may possess more than two cobia per day in or from the Gulf, Mid-Atlantic, or South Atlantic EEZ, regardless of the number of trips or duration of a trip.

(2) *Cubera snapper.* No person may harvest more than two cubera snapper measuring 30 inches (76.2 cm), TL, or larger, per day in the South Atlantic EEZ off Florida and no more than two such cubera snapper in or from the South Atlantic EEZ off Florida may be possessed on board a vessel at any time.

[61 FR 34934, July 3, 1996, as amended at 61 FR 43959, Aug. 27, 1996; 62 FR 13988, Mar. 25, 1997; 63 FR 10567, Mar. 4, 1998; 70 FR 62081, Oct. 28, 2005; 73 FR 58060, Oct. 6, 2008; 75 FR 76889, Dec. 9, 2010; 75 FR 82293, Dec. 30, 2010; 76 FR 23908, Apr. 29, 2011; 76 FR 30554, May 26, 2011]

§ 622.33 Caribbean EEZ seasonal and/or area closures.

(a) *Seasonal closures.* In addition to the other restrictions specified in this paragraph (a), fishing with pots, traps, bottom longlines, gillnets or trammel nets is prohibited year-round in the closed areas specified in paragraphs (a)(1), (2), (3), and (8) of this section.

(1) *Mutton snapper spawning aggregation area.* From March 1 through June 30, each year, fishing is prohibited in that part of the following area that is in the EEZ. The area is bounded by rhumb lines connecting, in order, the points listed.

Point	North lat.	West long.
A .....	17°37.8'	64°53.0'
B .....	17°39.0'	64°53.0'
C .....	17°39.0'	64°50.5'
D .....	17°38.1'	64°50.5'
E .....	17°37.8'	64°52.5'
A .....	17°37.8'	64°53.0'

(2) *Red hind spawning aggregation areas.* From December 1 through February 28, each year, fishing is prohibited in those parts of the following areas that are in the EEZ. Each area is bounded by rhumb lines connecting, in order, the points listed.

(i) East of St. Croix.

**Fishery Conservation and Management**

**§ 622.33**

Point	North lat.	West long.
A .....	17°50.2'	64°27.9'
B .....	17°50.1'	64°26.1'
C .....	17°49.2'	64°25.8'
D .....	17°48.6'	64°25.8'
E .....	17°48.1'	64°26.1'
F .....	17°47.5'	64°26.9'
A .....	17°50.2'	64°27.9'

- (ii) *West of Puerto Rico*
- (A) [Reserved]
- (B) *Tourmaline Bank.*

Point	North lat.	West long.
A .....	18°11.2'	67°22.4'
B .....	18°11.2'	67°19.2'
C .....	18°08.2'	67°19.2'
D .....	18°08.2'	67°22.4'
A .....	18°11.2'	67°22.4'

- (C) *Abrir La Sierra Bank.*

Point	North lat.	West long.
A .....	18°06.5'	67°26.9'
B .....	18°06.5'	67°23.9'
C .....	18°03.5'	67°23.9'
D .....	18°03.5'	67°26.9'
A .....	18°06.5'	67°26.9'

(3) *Grammanik Bank closed area.* (i) The Grammanik Bank closed area is bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
A .....	18°11.898'	64°56.328'
B .....	18°11.645'	64°56.225'
C .....	18°11.058'	64°57.810'
D .....	18°11.311'	64°57.913'
A .....	18°11.898'	64°56.328'

(ii) From February 1 through April 30, each year, no person may fish for or possess any species of fish, except highly migratory species, in or from the Grammanik Bank closed area. This prohibition on possession does not apply to such fish harvested and landed ashore prior to the closure. For the purpose of paragraph (a)(4) of this section, "fish" means finfish, mollusks, crustaceans, and all other forms of marine animal and plant life other than marine mammals and birds. "Highly migratory species" means bluefin, big-eye, yellowfin, albacore, and skipjack tunas; swordfish; sharks (listed in Appendix A to part 635 of this title); and white marlin, blue marlin, sailfish, and longbill spearfish.

(4) *Red, black, tiger, yellowfin, or yellowedge grouper.* From February 1 through April 30, each year, no person

may fish for or possess red, black, tiger, yellowfin, or yellowedge grouper in or from the Caribbean EEZ. This prohibition on possession does not apply to such grouper harvested and landed ashore prior to the closure.

(5) *Additional red hind closure.* From December 1 through the last day of February, each year, no person may fish for or possess red hind in or from the Caribbean EEZ west of 67°10' W. longitude. This prohibition on possession does not apply to red hind harvested and landed ashore prior to the closure.

(6) *Vermilion, black, silk, or blackfin snapper.* From October 1 through December 31, each year, no person may fish for or possess vermillion, black, silk, or blackfin snapper in or from the Caribbean EEZ. This prohibition on possession does not apply to such snapper harvested and landed ashore prior to the closure.

(7) *Lane or mutton snapper.* From April 1 through June 30, each year, no person may fish for or possess lane or mutton snapper in or from the Caribbean EEZ. This prohibition on possession does not apply to such snapper harvested and landed ashore prior to the closure.

(8) *Bajo de Sico closed area.* (i) The Bajo de Sico closed area is bounded by rhumb lines connecting, in order the following points:

Point A	North lat.	West long.
A .....	18°15.7'	67°26.4'
B .....	18°15.7'	67°23.2'
C .....	18°12.7'	67°23.2'
D .....	18°12.7'	67°26.4'
A .....	18°15.7'	67°26.4'

(ii) From October 1 through March 31, each year, no person may fish for or possess any Caribbean reef fish, as listed in Table 2 of Appendix A to part 622, in or from those parts of the Bajo de Sico closed area that are in the EEZ. The prohibition on possession does not apply to such Caribbean reef fish harvested and landed ashore prior to the closure.

(iii) Anchoring, by fishing vessels, is prohibited year-round in those parts of the Bajo de Sico closed area that are in the EEZ.

(b) *Year-round area closures—(1) Hind Bank Marine Conservation District*

**§ 622.34**

(MCD). The following activities are prohibited within the Hind Bank MCD: Fishing for any species, and anchoring by fishing vessels. The Hind Bank MCD is bounded by rhumb lines connecting, in order, the points listed.

Point	North lat.	West long.
A .....	18°13.2'	65°06.0'
B .....	18°13.2'	64°59.0'
C .....	18°11.8'	64°59.0'
D .....	18°10.7'	65°06.0'
A .....	18°13.2'	65°06.0'

(2) [Reserved]

(c) *Caribbean EEZ area closure related to Deepwater Horizon oil spill.* Effective [May 11, 2010, all fishing is prohibited in the portion of the Caribbean EEZ identified in the map shown on the NMFS Web site: [http://sero.nmfs.noaa.gov/deepwater\\_horizon\\_oil\\_spill.htm](http://sero.nmfs.noaa.gov/deepwater_horizon_oil_spill.htm).

(d) *Queen conch closure in the Caribbean EEZ.* (1) Pursuant to the procedures and criteria established in the FMP for Queen Conch Resources of Puerto Rico and the U.S. Virgin Islands, when the U.S. Virgin Islands closes territorial waters off St. Croix to the harvest and possession of queen conch, the Regional Administrator will concurrently close the Caribbean EEZ, 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. Closure of the adjacent EEZ will be effective until the next fishing season for territorial waters opens November 1.

(2) During the closure, as specified in paragraph (d)(1) of this section, no person may fish for or possess on board a fishing vessel, a Caribbean queen conch, in or from the Caribbean EEZ, in the area east of 64°34' W. longitude which includes Lang Bank, east of St. Croix, U.S. Virgin Islands.

[64 FR 60133, Nov. 4, 1999, as amended at 70 FR 62081, Oct. 28, 2005; 73 FR 68361, Nov. 18, 2008; 75 FR 27218, May 14, 2010; 75 FR 67251, Nov. 2, 2010; 76 FR 23908, Apr. 29, 2011; 76 FR 30554, May 26, 2011]

**§ 622.34 Gulf EEZ seasonal and/or area closures.**

(a) *Alabama SMZ.* The Alabama SMZ consists of artificial reefs and surrounding areas. In the Alabama SMZ,

**50 CFR Ch. VI (10–1–11 Edition)**

fishing by a vessel that is operating as a charter vessel or headboat, a vessel that does not have a commercial permit for Gulf reef fish, as required under § 622.4(a)(2), or a vessel with such a permit fishing for Gulf reef fish is limited to hook-and-line gear with three or fewer hooks per line and spearfishing gear. A person aboard a vessel that uses on any trip gear other than hook-and-line gear with three or fewer hooks per line and spearfishing gear in the Alabama SMZ is limited on that trip to the bag limits for Gulf reef fish specified in § 622.39(b) and, for Gulf reef fish for which no bag limit is specified in § 622.39(b), the vessel is limited to 5 percent, by weight, of all fish on board or landed. The Alabama SMZ is bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
A .....	30°02.5'	88°07.7'
B .....	30°02.6'	87°59.3'
C .....	29°55.0'	87°55.5'
D .....	29°54.5'	88°07.5'
A .....	30°02.5'	88°07.7'

(b) *Florida middle grounds HAPC.* Fishing with a bottom longline, bottom trawl, dredge, pot, or trap is prohibited year round in the area bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
A .....	28°42.5'	84°24.8'
B .....	28°42.5'	84°16.3'
C .....	28°11.0'	84°00.0'
D .....	28°11.0'	84°07.0'
E .....	28°26.6'	84°24.8'
A .....	28°42.5'	84°24.8'

(c) *Reef fish longline and buoy gear restricted area.* A person aboard a vessel that uses, on any trip, longline or buoy gear in the longline and buoy gear restricted area is limited on that trip to the bag limits for Gulf reef fish specified in § 622.39(b)(1) and, for Gulf reef fish for which no bag limit is specified in § 622.39(b)(1), the vessel is limited to 5 percent, by weight, of all fish on board or landed. The longline and buoy gear restricted area is that part of the Gulf EEZ shoreward of rhumb lines connecting, in order, the points listed in Table 1, in appendix B of this part.

(d) *Tortugas marine reserves HAPC.* The following activities are prohibited