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reduction rate of the BRD candidate is more than 5 percentage points less than the bycatch reduction criterion. If a BRD meets both conditions, consistent with the “Bycatch Reduction Device Testing Manual,” NMFS, through appropriate rulemaking procedures, will add the BRD to the list of certified BRDs in paragraph (a)(3) of this section; and provide the specifications for the newly certified BRD, including any special conditions deemed appropriate based on the certification testing results.

(iii) *Provisional certification.* Based on data provided consistent with the “Bycatch Reduction Device Testing Manual,” the RA may provisionally certify a BRD if there is at least a 50-percent probability the true reduction rate of the BRD is no more than 5 percentage points less than the bycatch reduction criterion, *i.e.*, 25 percent reduction in total weight of finfish bycatch. Through appropriate rulemaking procedures, NMFS will add the BRD to the list of provisionally certified BRDs in paragraph (a)(3) of this section; and provide the specifications for the BRD, including any special conditions deemed appropriate based on the certification testing results. A provisional certification is effective for 2 years from the date of publication of the notification in the FEDERAL REGISTER announcing the provisional certification.

(iv) *Decertification.* The RA will decertify a BRD if NMFS determines the BRD does not meet the requirements for certification or provisional certification. Before determining whether to decertify a BRD, the RA will notify the Gulf of Mexico Fishery Management Council in writing, and the public will be provided an opportunity to comment on the advisability of any proposed decertification. The RA will consider any comments from the Council and public, and if the RA elects to decertify the BRD, the RA will proceed with decertification via appropriate rulemaking.

(3) *Certified and provisionally certified BRDs—(i) Certified BRDs.* The following BRDs are certified for use in the Gulf EEZ. Specifications of these certified BRDs are contained in Appendix D to this part.

(A) Fisheye—see Appendix D to part 622 for separate specifications in the Gulf and South Atlantic EEZ.

(B) Jones-Davis.

(C) Modified Jones-Davis.

(D) Cone Fish Deflector Composite Panel.

(E) Square Mesh Panel (SMP) Composite Panel.

(i) [Reserved]

(b) [Reserved]

§ 622.54 Prohibited gear and methods.

Also see § 622.9 for additional prohibited gear and methods that apply more broadly to multiple fisheries or in some cases all fisheries.

(a) *Traps for royal red shrimp in the Gulf EEZ and transfer at sea.* A trap may not be used to fish for royal red shrimp in the Gulf EEZ. Possession of a trap and royal red shrimp on board a vessel is prohibited. A trap used to fish for royal red shrimp in the Gulf EEZ may be disposed of in any appropriate manner by the Assistant Administrator or an authorized officer. In addition, royal red shrimp cannot be transferred in the Gulf EEZ, and royal red shrimp taken in the Gulf EEZ cannot be transferred at sea regardless of where the transfer takes place.

(b) [Reserved]

§ 622.55 Closed areas.

(a) *Texas closure.* (1) From 30 minutes after official sunset on May 15 to 30 minutes after official sunset on July 15, trawling, except trawling for royal red shrimp beyond the 100-fathom (183-m) depth contour, is prohibited in the Gulf EEZ off Texas.

(2) In accordance with the procedures and restrictions of the Gulf Shrimp FMP, the RA may adjust the closing and/or opening date of the Texas closure to provide an earlier, later, shorter, or longer closure, but the duration of the closure may not exceed 90 days or be less than 45 days. Notification of the adjustment of the closing or opening date will be published in the FEDERAL REGISTER.

(b) *Southwest Florida seasonal trawl closure.* From January 1 to 1 hour after official sunset on May 20, each year, trawling, including trawling for live bait, is prohibited in that part of the Gulf EEZ shoreward of rhumb lines

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connecting, in order, the following points:

| Point                | North lat. | West long. |
|----------------------|------------|------------|
| B <sup>1</sup> ..... | 26°16.0'   | 81°58.5'   |
| C .....              | 26°00.0'   | 82°04.0'   |
| D .....              | 25°09.0'   | 81°47.6'   |
| E .....              | 24°54.5'   | 81°50.5'   |
| M <sup>1</sup> ..... | 24°49.3'   | 81°46.4'   |

<sup>1</sup> On the seaward limit of Florida's waters.

(c) *Tortugas shrimp sanctuary.* (1) The Tortugas shrimp sanctuary is closed to trawling. The Tortugas shrimp sanctuary is that part of the EEZ off Florida shoreward of rhumb lines connecting, in order, the following points:

| Point                | North lat. | West long. |
|----------------------|------------|------------|
| N <sup>1</sup> ..... | 25°52.9'   | 81°37.9'   |
| F .....              | 24°50.7'   | 81°51.3'   |
| G <sup>2</sup> ..... | 24°40.1'   | 82°26.7'   |
| H <sup>3</sup> ..... | 24°34.7'   | 82°35.2'   |
| P <sup>4</sup> ..... | 24°35.0'   | 82°08.0'   |

<sup>1</sup> Coon Key Light.  
<sup>2</sup> New Ground Rocks Light.  
<sup>3</sup> Rebecca Shoal Light.  
<sup>4</sup> Marquessas Keys.

(2) The provisions of paragraph (c)(1) of this section notwithstanding—

(i) Effective from April 11 through September 30, each year, that part of the Tortugas shrimp sanctuary seaward of rhumb lines connecting the following points is open to trawling: From point T at 24°47.8' N. lat., 82°01.0' W. long. to point U at 24°43.83' N. lat., 82°01.0' W. long. (on the line denoting the seaward limit of Florida's waters); thence along the seaward limit of Florida's waters, as shown on the current edition of NOAA chart 11439, to point V at 24°42.55' N. lat., 82°15.0' W. long.; thence north to point W at 24°43.6' N. lat., 82°15.0' W. long.

(ii) Effective from April 11 through July 31, each year, that part of the Tortugas shrimp sanctuary seaward of rhumb lines connecting the following points is open to trawling: From point W to point V, both points as specified in paragraph (c)(2)(i) of this section, to point G, as specified in paragraph (c)(1) of this section.

(iii) Effective from May 26 through July 31, each year, that part of the Tortugas shrimp sanctuary seaward of rhumb lines connecting the following points is open to trawling: From point F, as specified in paragraph (d)(1) of this section, to point Q at 24°46.7' N. lat., 81°52.2' W. long. (on the line denot-

ing the seaward limit of Florida's waters); thence along the seaward limit of Florida's waters, as shown on the current edition of NOAA chart 11439, to point U and north to point T, both points as specified in paragraph (c)(2)(i) of this section.

(d) *Closures of the Gulf shrimp fishery to reduce red snapper bycatch.* During a closure implemented in accordance with this paragraph (d), trawling is prohibited within the specified closed area(s).

(1) *Procedure for determining need for and extent of closures.* Each year, in accordance with the applicable framework procedure established in the Gulf Shrimp FMP, the RA will, if necessary, establish a seasonal area closure for the shrimp fishery in all or a portion of the areas of the Gulf EEZ specified in paragraphs (d)(2) through (d)(4) of this section. The RA's determination of the need for such closure and its geographical scope and duration will be based on an annual assessment, by the Southeast Fisheries Science Center, of the shrimp effort and associated shrimp trawl bycatch mortality on red snapper in the 10-30 fathom area of statistical zones 10-21, compared to the 67-percent target reduction of shrimp trawl bycatch mortality on red snapper from the benchmark years of 2001-2003 established in the FMP (which corresponds in terms of annual shrimp effort to 27,328 days fished). The framework procedure provides for adjustment of this target reduction level, consistent with the red snapper stock rebuilding plan and the findings of subsequent stock assessments, via appropriate rulemaking. The assessment will use shrimp effort data for the most recent 12-month period available and will include a recommendation regarding the geographical scope and duration of the closure. The Southeast Fisheries Science Center's assessment will be provided to the RA on or about March 1 of each year. If the RA determines that a closure is necessary, the closure falls within the scope of the potential closures evaluated in the Gulf Shrimp FMP, and good cause exists to waive notice and comment, NMFS will implement the closure by publication of a final rule in the FEDERAL REGISTER. If such good cause waiver is not justified,

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NMFS will implement the closure via appropriate notice and comment rule-making. NMFS intends that any closure implemented consistent with this paragraph (1) will begin on the same date and time as the Texas closure unless circumstances dictate otherwise.

(2) *Eastern zone.* The eastern zone is bounded by rhumb lines connecting, in order, the following points:

| Point   | North lat. | West long. |
|---------|------------|------------|
| A ..... | 29°14'     | 88°57'     |
| B ..... | 29°24'     | 88°34'     |
| C ..... | 29°34'     | 87°38'     |
| D ..... | 30°04'     | 87°00'     |
| E ..... | 30°04'     | 88°41'     |
| F ..... | 29°36'     | 88°37'     |
| G ..... | 29°21'     | 88°59'     |
| A ..... | 29°14'     | 88°57'     |

(3) *Louisiana zone.* The Louisiana zone is bounded by rhumb lines connecting, in order, the following points:

| Point   | North lat. | West long. |
|---------|------------|------------|
| A ..... | 29°09.1'   | 93°41.4'   |
| B ..... | 29°09.25'  | 92°36'     |
| C ..... | 28°35'     | 90°44'     |
| D ..... | 29°09'     | 89°48'     |
| E ..... | 28°57'     | 89°34'     |
| F ..... | 28°40'     | 90°09'     |
| G ..... | 28°18'     | 90°33'     |
| H ..... | 28°25'     | 91°37'     |
| I ..... | 28°21.7'   | 93°28.4'   |
| A ..... | 29°09.1'   | 93°41.4'   |

(4) *Texas zone.* The Texas zone is bounded by rhumb lines connecting, in order, the following points:

| Point   | North lat. | West long. |
|---------|------------|------------|
| A ..... | 29°09.1'   | 93°41.4'   |
| B ..... | 28°44'     | 95°15'     |
| C ..... | 28°11'     | 96°17'     |
| D ..... | 27°44'     | 96°53'     |
| E ..... | 27°02'     | 97°11'     |
| F ..... | 26°00.5'   | 96°57.3'   |
| G ..... | 26°00.5'   | 96°35.85'  |
| H ..... | 26°24'     | 96°36'     |
| I ..... | 26°49'     | 96°52'     |
| J ..... | 27°12'     | 96°51'     |
| K ..... | 27°39'     | 96°33'     |
| L ..... | 27°55'     | 96°04'     |
| M ..... | 28°21.7'   | 93°28.4'   |
| A ..... | 29°09.1'   | 93°41.4'   |

(e) *Shrimp/stone crab separation zones.* Five zones are established in the Gulf EEZ and Florida's waters off Citrus and Hernando Counties for the separation of shrimp trawling and stone crab trapping. Although Zone II is entirely within Florida's waters, it is included in this paragraph (e) for the convenience of fishermen. Restrictions that

apply to Zone II and those parts of the other zones that are in Florida's waters are contained in Rule 68B–38.001, Florida Administrative Code, in effect as of March 1, 2005 (incorporated by reference, see § 622.413). Geographical coordinates of the points referred to in this paragraph (e) are as follows:

| Point                | North lat. | West long. |
|----------------------|------------|------------|
| A .....              | 28°59'30"  | 82°45'36"  |
| B .....              | 28°59'30"  | 83°00'10"  |
| C .....              | 28°26'01"  | 82°59'47"  |
| D .....              | 28°26'01"  | 82°56'54"  |
| E .....              | 28°41'39"  | 82°55'25"  |
| F .....              | 28°41'39"  | 82°56'09"  |
| G .....              | 28°48'56"  | 82°56'19"  |
| H .....              | 28°53'51"  | 82°51'19"  |
| I <sup>1</sup> ..... | 28°54'43"  | 82°44'52"  |
| J <sup>2</sup> ..... | 28°51'09"  | 82°44'00"  |
| K .....              | 28°50'59"  | 82°54'16"  |
| L .....              | 28°41'39"  | 82°53'56"  |
| M <sup>3</sup> ..... | 28°41'39"  | 82°38'46"  |
| N .....              | 28°41'39"  | 82°53'12"  |
| O .....              | 28°30'51"  | 82°55'11"  |
| P .....              | 28°40'00"  | 82°53'08"  |
| Q .....              | 28°40'00"  | 82°47'58"  |
| R .....              | 28°35'14"  | 82°47'47"  |
| S .....              | 28°30'51"  | 82°52'55"  |
| T .....              | 28°27'46"  | 82°55'09"  |
| U .....              | 28°30'51"  | 82°52'09"  |

<sup>1</sup> Crystal River Entrance Light 1A.

<sup>2</sup> Long Pt. (southwest tip).

<sup>3</sup> Shoreline.

(1) *Zone I* is enclosed by rhumb lines connecting, in order, points A, B, C, D, T, E, F, G, H, I, and J, plus the shoreline between points A and J. It is unlawful to trawl in that part of Zone I that is in the EEZ from October 5 through May 20, each year.

(2) *Zone II* is enclosed by rhumb lines connecting, in order, points J, I, H, K, L, and M, plus the shoreline between points J and M. Restrictions that apply to Zone II and those parts of the other zones that are in Florida's waters are contained in Rule 68B–38.001, Florida Administrative Code, in effect as of March 1, 2005 (incorporated by reference, see § 622.413).

(3) *Zone III* is enclosed by rhumb lines connecting, in order, points P, Q, R, U, S, and P. It is unlawful to trawl in that part of Zone III that is in the EEZ from October 5 through May 20, each year.

(4) *Zone IV* is enclosed by rhumb lines connecting, in order, points E, N, S, O, and E.

(i) It is unlawful to place a stone crab trap in that part of Zone IV that is in

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the EEZ from October 5 through December 1 and from April 2 through May 20, each year.

(ii) It is unlawful to trawl in that part of Zone IV that is in the EEZ from December 2 through April 1, each year.

(5) *Zone V* is enclosed by rhumb lines connecting, in order, points F, G, K, L, and F.

(i) It is unlawful to place a stone crab trap in that part of Zone V that is in the EEZ from October 5 through November 30 and from March 16 through May 20, each year.

(ii) It is unlawful to trawl in that part of Zone V that is in the EEZ from December 1 through March 15, each year.

### § 622.56 Size limits.

Shrimp not in compliance with the applicable size limit as specified in this section may not be possessed, sold, or purchased and must be released immediately with a minimum of harm. The operator of a vessel that fishes in the EEZ is responsible for ensuring that shrimp on board are in compliance with the size limit specified in this section.

(a) *White shrimp*. White shrimp harvested in the Gulf EEZ are subject to the minimum-size landing and possession limits of Louisiana when possessed within the jurisdiction of that State.

(b) [Reserved]

### § 622.57 Quotas.

(a) *Royal red shrimp in the Gulf*. The quota for all persons who harvest royal red shrimp in the Gulf is 392,000 lb (177.8 mt), tail weight.

(1) *Quota closure restrictions*. When the quota in § 622.57(a) is reached, or is projected to be reached, 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. This prohibition on sale or purchase during a closure for royal red shrimp does not apply to royal red shrimp 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) [Reserved]

(b) *General quota provisions*. See § 622.8 for information regarding applicability of quotas and general quota provisions.

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

(a) *Royal red shrimp in the Gulf*—(1) *Commercial sector*. If commercial landings, as estimated by the SRD, exceed the commercial ACL, then during the following fishing year, if commercial landings reach or are projected to reach the commercial ACL, the AA will file a notification with the Office of the Federal Register to close the commercial sector for the remainder of that fishing year. The commercial ACL for royal red shrimp is 334,000 lb (151,500 kg), tail weight.

(2) [Reserved]

(b) [Reserved]

### § 622.59 Prevention of gear conflicts.

(a) No person may knowingly place in the Gulf EEZ any article, including fishing gear, that interferes with fishing or obstructs or damages fishing gear or the fishing vessel of another; or knowingly use fishing gear in such a fashion that it obstructs or damages the fishing gear or fishing vessel of another.

(b) In accordance with the procedures and restrictions of the Gulf Shrimp FMP, the RA may modify or establish separation zones for shrimp trawling and the use of fixed gear to prevent gear conflicts. Necessary prohibitions or restrictions will be published in the FEDERAL REGISTER.

### § 622.60 Adjustment of management measures.

In accordance with the framework procedures of the Gulf Shrimp FMP, the RA may establish or modify the following:

(a) *Gulf shrimp*. For a species or species group: reporting and monitoring requirements, permitting requirements, size limits, vessel trip limits, closed seasons or areas and reopenings, annual catch limits (ACLs), annual catch targets (ACTs), quotas (including a quota of zero), accountability measures (AMs), MSY (or proxy), OY, TAC, management parameters such as overfished and overfishing definitions, gear