

## § 622.1

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

SOURCE: 78 FR 22952, Apr. 17, 2013, unless otherwise noted.

EDITORIAL NOTE: Nomenclature changes to part 622 appear at 79 FR 57837, Sept. 26, 2014 and at 81 FR 32253, May 23, 2016.

## 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.

(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.

(c) This part also governs the importation of spiny lobster into Puerto Rico or the U.S. Virgin Islands.

(d) This part also governs importation of spiny lobster into any place subject to the jurisdiction of the United States.

TABLE 1 TO § 622.1—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 9</sup> , Mid-Atlantic <sup>1 9</sup> , South Atlantic <sup>1 9</sup> .
FMP for Coral, Coral Reefs, and Live/Hard Bottom Habitats of the South Atlantic Region.	SAFMC .....	South Atlantic. <sup>5</sup>
FMP for Coral and Coral reefs of the Gulf of Mexico .....	GMFMC .....	Gulf.
FMP for the Dolphin and Wahoo Fishery of the Atlantic .....	SAFMC .....	Atlantic.
FMP for the Exclusive Economic Zone around Puerto Rico .....	CFMC .....	Caribbean.
FMP for the Exclusive Economic Zone around St. Croix .....	CFMC .....	Caribbean.
FMP for the Exclusive Economic Zone around St. Thomas and St. John.	CFMC .....	Caribbean.
FMP for the Golden Crab Fishery of the South Atlantic Region ..	SAFMC .....	South Atlantic.
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 Resources of the Gulf of Mexico .....	GMFMC .....	Gulf. <sup>1 3 4 7 10</sup>
FMP for Regulating Offshore Marine Aquaculture in the Gulf .....	GMFMC .....	Gulf.
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 2 6 8</sup>
FMP for the Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic.	GMFMC/SAFMC .....	Gulf <sup>1</sup> , South Atlantic. <sup>1</sup>

<sup>1</sup> Regulated area includes adjoining state waters for purposes of data collection and quota monitoring.

<sup>2</sup> 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>3</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>4</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.

<sup>5</sup> Octocorals are managed by the FMP or regulated by this part only in the EEZ off North Carolina, South Carolina, and Georgia.

<sup>6</sup> Nassau grouper in the South Atlantic EEZ and the Gulf EEZ are managed under the FMP.

<sup>7</sup> Hogfish are managed by the FMP in the Gulf EEZ except south of 25°09' N. lat. off the west coast of Florida. Hogfish in the remainder of the Gulf EEZ south of 25°09' N. lat. off the west coast of Florida are managed under the FMP for the Snapper-Grouper Fishery of the South Atlantic Region.

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<sup>8</sup> Hogfish in the Gulf EEZ are managed under the FMP from the South Atlantic and Gulf of Mexico intercouncil boundary specified in § 600.105(c) and south of 25°09' N. lat. off the west coast of Florida. Hogfish in the remainder of the Gulf EEZ are managed under the FMP for the Reef Fish Resources of the Gulf of Mexico.

<sup>9</sup> Cobia is managed by the FMP in the Gulf EEZ and in the South Atlantic EEZ south of a line extending due east from the Florida/Georgia border.

<sup>10</sup> Certain provisions for the management of the private angling component of recreational red snapper in the Gulf EEZ have been delegated to the Gulf states, as specified in § 622.23.

[78 FR 22952, Apr. 17, 2013, as amended at 78 FR 78775, Dec. 27, 2013; 81 FR 1792, Jan. 13, 2016; 82 FR 34580, 34594 July 25, 2017; 82 FR 40075, Aug. 24, 2017; 84 FR 4736, Feb. 19, 2019; 85 FR 6823, Feb. 6, 2020; 85 FR 10339, Feb. 24, 2020; 87 FR 56214, Sept. 13, 2022]

### § 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.

*Aquaculture* means all activities, including the operation of an aquaculture facility, involved in the propagation or rearing, or attempted propagation or rearing, of allowable aquaculture species in the Gulf EEZ.

*Aquaculture facility* means an installation or structure, including any aquaculture system(s) (including moorings), hatcheries, equipment, and associated infrastructure used to hold, propagate, or rear allowable aquaculture species in the Gulf EEZ under authority of a Gulf aquaculture permit.

*Aquaculture system* means any cage, net pen, enclosure, structure, or gear deployed in waters of the Gulf EEZ for holding and producing allowable aquaculture species.

*Aquacultured live rock* means live rock that is harvested under a Federal aquacultured live rock permit, as required under § 622.70(a)(2).

*Aquatic animal health expert* means a licensed doctor of veterinary medicine or a person who is certified by the American Fisheries Society, Fish Health Section, as a "Fish Pathologist" or "Fish Health Inspector."

*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.