

## § 622.188

## 50 CFR Ch. VI (10–1–23 Edition)

conducted on at least 3 days may possess no more than three daily bag limits of species other than red porgy.

(2) A person aboard a vessel may not possess red porgy in or from the EEZ in excess of one per day or one per trip, whichever is more restrictive.

[78 FR 22952, Apr. 17, 2013, as amended at 78 FR 44465, July 24, 2013; 78 FR 78775, Dec. 27, 2013; 80 FR 16587, Mar. 30, 2015; 80 FR 80688, Dec. 28, 2015; 81 FR 45248, July 13, 2016; 82 FR 34594, July 25, 2017; 83 FR 1309, Jan. 11, 2018; 83 FR 35435, July 26, 2018; 85 FR 11309, Feb. 27, 2020; 87 FR 77747, Dec. 20, 2022]

EFFECTIVE DATE NOTE: At 88 FR 65146, Sept. 21, 2023, § 622.187 was amended by revising paragraph (b)(2)(i), effective Oct. 23, 2023. For the convenience of the user, the revised text is set forth as follows:

### § 622.187 Bag and possession limits.

\* \* \* \* \*

(b) \* \* \*

(2) \* \* \*

(i) No more than one fish may be gag or black grouper, combined. However, no gag or black grouper may be retained by the captain or crew of a vessel operating as a charter vessel or headboat. The bag limit for such captain and crew is zero;

(A) In addition to the bag limits specified in this paragraph (b)(2)(i), for gag, the vessel limit for a vessel operating as a private recreational vessel may not exceed 2 fish per vessel per day.

(B) In addition to the bag limits specified in this paragraph (b)(2)(i), for gag, the vessel limit for a vessel operating as a charter vessel or headboat may not exceed 2 fish per vessel per trip.

(C) In addition to the bag limits specified in this paragraph (b)(2)(i), for black grouper, the vessel limit for a vessel operating as a private recreational vessel may not exceed 2 fish per vessel per day.

(D) In addition to the bag limits specified in this paragraph (b)(2)(i), for black grouper, the vessel limit for a vessel operating as a charter vessel or headboat may not exceed 2 fish per vessel per trip.

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### § 622.188 Required gear, authorized gear, and unauthorized gear.

(a) *Required gear.* For a person on board a vessel to harvest or possess South Atlantic snapper-grouper in or from the South Atlantic EEZ, the vessel must possess on board and such person must use the gear as specified in

paragraphs (a)(1) and (a)(2) of this section.

(1) *Dehooking device.* At least one dehooking device is required and must be used as needed to remove hooks embedded in South Atlantic snapper-grouper with minimum damage. The hook removal device must be constructed to allow the hook to be secured and the barb shielded without re-engaging during the removal process. The dehooking end must be blunt, and all edges rounded. The device must be of a size appropriate to secure the range of hook sizes and styles used in the South Atlantic snapper-grouper fishery.

(2) *Non-offset, non-stainless steel circle hooks.* Non-offset, non-stainless steel circle hooks are required to be used when fishing for South Atlantic snapper-grouper with hook-and-line gear and natural baits north of 28° N lat.

(3) *Non-stainless steel hooks.* Non-stainless steel hooks are required to be used when fishing for South Atlantic snapper-grouper with hook-and-line gear and natural baits south of 28° N lat.

(4) *Descending device.* At least one descending device is required to be on board a vessel and be ready for use while fishing for or possessing South Atlantic snapper-grouper. Descending device means an instrument capable of releasing the fish at the depth from which the fish was caught, and to which is attached a minimum of a 16-ounce (454-gram) weight and a minimum of a 60-ft (15.2-m) length of line. The descending device may either attach to the fish's mouth or be a container that will retain the fish while it is lowered to depth. The device must be capable of releasing the fish automatically, by actions of the operator of the device, or by allowing the fish to escape on its own when at depth.

(b) *Authorized gear.* Subject to the gear restrictions specified in § 622.180, the following are the only gear types authorized in a directed fishery for snapper-grouper in the South Atlantic EEZ: Bandit gear, bottom longline, buoy gear, handline, rod and reel, sea bass pot, and spearfishing gear.

(c) *Unauthorized gear.* All gear types other than those specified in paragraph (b) of this section are unauthorized

gear and the following possession and transfer limitations apply.

(1) A vessel with trawl gear on board that fishes in the EEZ on a trip may possess no more than 200 lb (90.7 kg) of South Atlantic snapper-grouper, excluding wreckfish, in or from the EEZ on that trip. It is a rebuttable presumption that a vessel with more than 200 lb (90.7 kg) of South Atlantic snapper-grouper, excluding wreckfish, on board harvested such fish in the EEZ.

(2) Except as specified in paragraphs (d) through (f) of this section, a person aboard a vessel with unauthorized gear on board, other than trawl gear, that fishes in the EEZ on a trip is limited on that trip to:

(i) South Atlantic snapper-grouper species for which a bag limit is specified in § 622.187—the bag limit.

(ii) All other South Atlantic snapper-grouper—zero.

(3) South Atlantic snapper-grouper on board a vessel with unauthorized gear on board may not be transferred at sea, regardless of where such transfer takes place, and such snapper-grouper may not be transferred in the EEZ.

(4) No vessel may receive at sea any South Atlantic snapper-grouper from a vessel with unauthorized gear on board, as specified in paragraph (c)(3) of this section.

(d) *Possession allowance regarding sink nets off North Carolina.* A vessel that has on board a commercial permit for South Atlantic snapper-grouper, excluding wreckfish, that fishes in the EEZ off North Carolina with a sink net on board, may retain, without regard to the limits specified in paragraph (c)(2) of this section, otherwise legal South Atlantic snapper-grouper taken with bandit gear, buoy gear, handline, rod and reel, or sea bass pot. For the purpose of this paragraph (d), a sink net is a gillnet with stretched mesh measurements of 3 to 4.75 inches (7.6 to 12.1 cm) that is attached to the vessel when deployed.

(e) *Possession allowance regarding bait nets.* A vessel that has on board a commercial permit for South Atlantic snapper-grouper, excluding wreckfish, that fishes in the South Atlantic EEZ with no more than one bait net on board, may retain, without regard to

the limits specified in paragraph (c)(2) of this section, otherwise legal South Atlantic snapper-grouper taken with bandit gear, buoy gear, handline, rod and reel, or sea bass pot. For the purpose of this paragraph (e), a bait net is a gillnet not exceeding 50 ft (15.2 m) in length or 10 ft (3.1 m) in height with stretched mesh measurements of 1.5 inches (3.8 cm) or smaller that is attached to the vessel when deployed.

(f) *Possession allowance regarding cast nets.* A vessel that has on board a commercial permit for South Atlantic snapper-grouper, excluding wreckfish, that fishes in the South Atlantic EEZ with a cast net on board, may retain, without regard to the limits specified in paragraph (c)(2) of this section, otherwise legal South Atlantic snapper-grouper taken with bandit gear, buoy gear, handline, rod and reel, or sea bass pot. For the purpose of this paragraph (f), a cast net is a cone-shaped net thrown by hand and designed to spread out and capture fish as the weighted circumference sinks to the bottom and comes together when pulled by a line.

(g) *Longline species limitation.* A vessel that has on board a valid Federal commercial permit for South Atlantic snapper-grouper, excluding wreckfish, that fishes in the EEZ on a trip with a longline on board, may possess only the following South Atlantic snapper-grouper: snowy grouper, yellowedge grouper, misty grouper, golden tilefish, blueline tilefish, and sand tilefish. See § 622.170(f) for the requirement to possess a valid South Atlantic golden tilefish longline endorsement to fish for golden tilefish in the South Atlantic EEZ using longline gear. For the purpose of this paragraph, a vessel is considered to have a longline on board when a power-operated longline hauler, a cable of diameter suitable for use in the longline fishery on any reel, and gangions are on board. Removal of any one of these three elements constitutes removal of a longline.

[78 FR 22952, Apr. 17, 2013, as amended at 78 FR 23863 Apr. 23, 2013; 85 FR 36171, June 15, 2020]

#### **§ 622.189 Restrictions and requirements for sea bass pots.**

(a) *Tending restriction.* A sea bass pot in the South Atlantic EEZ may be