

**§ 622.32**

**§ 622.32 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) *Poisons*. A poison may not be used to take Gulf reef fish in the Gulf EEZ.

(b) [Reserved]

**§ 622.33 Prohibited species.**

(a) *General*. The harvest and possession restrictions of this section apply without regard to whether the species is harvested by a vessel operating under a commercial vessel permit. The operator of a vessel that fishes in the EEZ is responsible for the limit applicable to that vessel. (Note: Nassau grouper in the Gulf EEZ may not be harvested or possessed, as specified in § 622.181(b)(1).)

(b) *Goliath grouper*. Goliath grouper may not be harvested or possessed in or from the Gulf EEZ.

(c) [Reserved]

(d) *Gulf reef fish exhibiting trap rash*. Possession of Gulf reef fish in or from the Gulf EEZ that exhibit trap rash is prima facie evidence of illegal trap use and is prohibited. For the purpose of this paragraph, trap rash is defined as physical damage to fish that characteristically results from contact with wire fish traps. Such damage includes, but is not limited to, broken fin spines, fin rays, or teeth; visually obvious loss of scales; and cuts or abrasions on the body of the fish, particularly on the head, snout, or mouth.

[78 FR 22952, Apr. 17, 2013, as amended at 78 FR 78775, Dec. 27, 2013]

**§ 622.34 Seasonal and area closures designed to protect Gulf reef fish.**

(a) *Closure provisions applicable to the Madison and Swanson sites, Steamboat Lumps, and the Edges*. For the purpose of this paragraph (a), fish means finfish, mollusks, crustaceans, and all other forms of marine animal and plant life other than marine mammals and birds. The provisions of this paragraph (a) do not apply to Atlantic highly migratory species, such as tunas, billfishes, and oceanic sharks. See 50 CFR part 635 for any provisions applicable to fishing for or possession of At-

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lantic highly migratory species in these areas.

(1) *Descriptions of Areas*. (i) The Madison and Swanson sites are bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
A .....	29°17'	85°50'
B .....	29°17'	85°38'
C .....	29°06'	85°38'
D .....	29°06'	85°50'
A .....	29°17'	85°50'

(ii) Steamboat Lumps is bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
B .....	28°14'	84°37'
C .....	28°03'	84°37'
D .....	28°03'	84°48'
A .....	28°14'	84°48'

(iii) The Edges is bounded by rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
A .....	28°51'	85°16'
B .....	28°51'	85°04'
C .....	28°14'	84°42'
D .....	28°14'	84°54'
A .....	28°51'	85°16'

(2) Within the Madison and Swanson sites and Steamboat Lumps: Fishing is prohibited year-round; possession of Gulf reef fish is prohibited year-round except when such possession is on a vessel that has been issued a valid Federal commercial permit for Gulf reef fish, has an operating satellite-based VMS unit, and is in transit with fishing gear stowed as specified in paragraph (a)(4) of this section; and possession of any non-Gulf reef fish species is prohibited year-round, except for such possession on a vessel in transit with fishing gear stowed as specified in paragraph (a)(4) of this section.

(3) Within the Edges during January through April each year, all fishing is prohibited and the possession of any fish species is prohibited, except for such possession on a vessel in transit with fishing gear appropriately stowed as specified in paragraph (a)(4) of this section.

(4) For the purpose of paragraph (a) of this section, transit means non-stop

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progression through the area; fishing gear appropriately stowed means—

(i) A longline may be left on the drum if all gangions and hooks are disconnected and stowed below deck. Hooks cannot be baited. All buoys must be disconnected from the gear; however, buoys may remain on deck.

(ii) A trawl net may remain on deck, but trawl doors must be disconnected from the trawl gear and must be secured.

(iii) A gillnet must be left on the drum. Any additional gillnets not attached to the drum must be stowed below deck.

(iv) A rod and reel must be removed from the rod holder and stowed securely on or below deck. Terminal gear (i.e., hook, leader, sinker, flasher, or bait) must be disconnected and stowed separately from the rod and reel. Sinkers must be disconnected from the down rigger and stowed separately.

(b) *Seasonal closure of the recreational sector for red snapper.* The recreational sector for red snapper in or from the Gulf EEZ is closed from January 1 through May 31, each year. During the closure, the bag and possession limit for red snapper in or from the Gulf EEZ is zero. See §622.23(a)(1) regarding the fishing season for states with an active delegation of state management of the red snapper private angling component. A person subject to the private angling component bag limit under an active delegation of state management must be in compliance with the fishing license (permit) requirements of the state in which they intend to land the fish and may not possess red snapper in the Gulf EEZ when that state season is closed.

(c) *Seasonal closure of the recreational sector for greater amberjack.* The recreational sector for greater amberjack in or from the Gulf EEZ is closed from January 1 through April 30, June 1 through July 31, and November 1 through December 31, each year. During the closure, the bag and possession limit for greater amberjack in or from the Gulf EEZ is zero.

(d) *Seasonal closure of the recreational sector for shallow-water grouper (SWG).* The recreational sector for SWG in or from the Gulf EEZ is closed each year from February 1 through March 31 in

the portion of the Gulf EEZ seaward of rhumb lines connecting the following points in order. During the closure, the bag and possession limits for SWG in or from the Gulf EEZ seaward of the following rhumb lines are zero.

TABLE 4 TO PARAGRAPH (d)

Point	North lat.	West long.
1 .....	24°48.0' .....	82°48.0'
2 .....	25°07.5' .....	82°34.0'
3 .....	26°26.0' .....	82°59.0'
4 .....	27°30.0' .....	83°21.5'
5 .....	28°10.0' .....	83°45.0'
6 .....	28°11.0' .....	84°00.0'
7 .....	28°11.0' .....	84°07.0'
8 .....	28°26.6' .....	84°24.8'
9 .....	28°42.5' .....	84°24.8'
10 .....	29°05.0' .....	84°47.0'
11 .....	29°02.5' .....	85°09.0'
12 .....	29°21.0' .....	85°30.0'
13 .....	29°27.9' .....	85°51.7'
14 .....	29°45.8' .....	85°51.0'
15 .....	30°05.6' .....	86°18.5'
16 .....	30°07.5' .....	86°56.5'
17 .....	29°43.9' .....	87°33.8'
18 .....	29°43.0' .....	88°18.5'
19 .....	29°18.9' .....	88°50.7' at State and Federal Reef Fish Management Boundary, follow Reef Fish Management Boundary to point 20
20 .....	28°58.98' .....	89°35.1' at State and Federal Reef Fish Management Boundary
21 .....	29°02.0' .....	89°45.5'
22 .....	28°32.7' .....	90°21.5'
23 .....	28°24.8' .....	90°52.7'
24 .....	28°42.3' .....	92°14.4'
25 .....	28°34.2' .....	92°30.4'
26 .....	28°27.6' .....	95°00.0'
27 .....	28°20.0' .....	95°06.9'
28 .....	28°02.2' .....	96°11.1'
29 .....	27°46.5' .....	96°38.1'
30 .....	27°15.0' .....	97°00.0'
31 .....	26°45.5' .....	97°01.4'
32 .....	At EEZ boundary .....	96°51.0'

(e) *Seasonal closure of the recreational sector for gag.* The recreational sector for gag, in or from the Gulf EEZ, is closed from January 1 through May 31. During the closure, the bag and possession limits for gag in or from the Gulf EEZ are zero.

(f) *Seasonal closures for gray triggerfish.* The recreational sector for gray triggerfish in or from the Gulf EEZ is closed from January 1 through the end of February, and from June 1 through July 31, each year. During a recreational closure, the bag and possession limits for gray triggerfish in or from the Gulf EEZ are zero. The commercial sector for gray triggerfish in or

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from the Gulf EEZ is closed from June 1 through July 31, each year. During the period of both the commercial and recreational closure, all harvest or possession in or from the Gulf EEZ of gray triggerfish is prohibited and the sale and purchase of gray triggerfish taken from the Gulf EEZ is prohibited.

(g) *Recreational sector for hogfish in the Gulf EEZ south of 25°09' N. lat. off the west coast of Florida.* See §622.183(b)(4) for the applicable seasonal closures.

(h) [Reserved]

(i) *Seasonal closure of the recreational sector for gag.* The recreational harvest of gag in or from the Gulf EEZ is closed from January 1 through August 31 and from November 10 through December 31. During the closure, the bag and possession limits for gag harvested in or from the Gulf EEZ are zero.

[78 FR 22952, Apr. 17, 2013, as amended at 78 FR 27087, May 9, 2013; 78 FR 33261, June 4, 2013; 81 FR 24039, Apr. 25, 2016; 82 FR 34580, July 25, 2017; 82 FR 59525, Dec. 15, 2017; 82 FR 61487, Dec. 28, 2017; 83 FR 13428, Mar. 29, 2018; 85 FR 6823, Feb. 6, 2020; 85 FR 20613, Apr. 14, 2020; 86 FR 38417, July 20, 2021]

EFFECTIVE DATE NOTE: At 88 FR 27708, May 3, 2023, §622.34 was amended by suspending paragraph (e) and by adding paragraph (i), effective May 3, 2023 to Oct. 30, 2023.

### § 622.35 Gear restricted areas.

(a) *Reef fish stressed area.* The stressed area is that part of the Gulf EEZ shoreward of rhumb lines connecting, in order, the points listed in Table 2 in Appendix B of this part.

(1) A powerhead may not be used in the stressed area to take Gulf reef fish. Possession of a powerhead and a mutilated Gulf reef fish in the stressed area or after having fished in the stressed area constitutes *prima facie* evidence that such reef fish was taken with a powerhead in the stressed area.

(2) A roller trawl may not be used in the stressed area. Roller trawl means a trawl net equipped with a series of large, solid rollers separated by several smaller spacer rollers on a separate cable or line (sweep) connected to the footrope, which makes it possible to fish the gear over rough bottom, that is, in areas unsuitable for fishing conventional shrimp trawls. Rigid framed trawls adapted for shrimping over uneven bottom, in wide use along the

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west coast of Florida, and shrimp trawls with hollow plastic rollers for fishing on soft bottoms, are not considered roller trawls.

(b) *Seasonal prohibitions applicable to bottom longline fishing for Gulf reef fish.*

(1) From June through August each year, bottom longlining for Gulf reef fish is prohibited in the portion of the Gulf EEZ east of 85°30' W. long. that is shoreward of rhumb lines connecting, in order, the following points:

Point	North lat.	West long.
A .....	28°58.70'	85°30.00'
B .....	28°59.25'	85°26.70'
C .....	28°57.00'	85°13.80'
D .....	28°47.40'	85°3.90'
E .....	28°19.50'	84°43.00'
F .....	28°0.80'	84°20.00'
G .....	26°48.80'	83°40.00'
H .....	25°17.00'	83°19.00'
I .....	24°54.00'	83°21.00'
J .....	24°29.50'	83°12.30'
K .....	24°26.50'	83°00.00'

(2) Within the prohibited area and time period specified in paragraph (b)(1) of this section, a vessel with bottom longline gear on board may not possess Gulf reef fish unless the bottom longline gear is appropriately stowed, and a vessel that is using bottom longline gear to fish for species other than Gulf reef fish may not possess Gulf reef fish. For the purposes of paragraph (b) of this section, appropriately stowed means that a longline may be left on the drum if all gangions and hooks are disconnected and stowed below deck; hooks cannot be baited; and all buoys must be disconnected from the gear but may remain on deck.

(3) Within the Gulf EEZ east of 85°30' W long., a vessel for which a valid eastern Gulf reef fish bottom longline endorsement has been issued that is fishing bottom longline gear or has bottom longline gear on board cannot possess more than 750 hooks rigged for fishing at any given time. For the purpose of this paragraph, “hooks rigged for fishing” means hooks attached to a line or other device capable of attaching to the mainline of the longline.

(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 §622.38(b) and, for Gulf reef fish