

**§ 622.438**

**50 CFR Ch. VI (10–1–13 Edition)**

**§ 622.438 Restrictions on sale/purchase.**

(a) *Live red hind or live mutton snapper.* A live red hind or live mutton snapper in or from the Caribbean EEZ may not be sold or purchased and used in the marine aquarium trade.

(b) [Reserved]

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

See § 622.12 for applicable ACLs and AMs.

**§ 622.440 Adjustment of management measures.**

In accordance with the framework procedure of the Fishery Management Plan for the Reef Fish Fishery of Puerto Rico and the U.S. Virgin Islands, the RA may establish or modify the following items:

(a) Fishery management units (FMUs), quotas, trip limits, bag limits, size limits, closed seasons or areas, gear restrictions, fishing years, MSY, OY, TAC, maximum fishing mortality threshold (MFMT), minimum stock size threshold (MSST), overfishing limit (OFL), acceptable biological catch (ABC) control rules, ACLs, AMs, ACTs, and actions to minimize the interaction of fishing gear with endangered species or marine mammals.

(b) [Reserved]

**Subpart T—Spiny Lobster Fishery of Puerto Rico and the U.S. Virgin Islands**

**§ 622.450 Gear identification.**

(a) *Caribbean spiny lobster traps and associated buoys.* A Caribbean spiny lobster trap used or possessed in the Caribbean EEZ must display the official number specified for the vessel by Puerto Rico or the U.S. Virgin Islands so as to be easily identified. Traps used in the Caribbean spiny lobster fishery that are fished individually, rather than tied together in a trap line, must have at least one buoy attached that floats on the surface. Traps used in the Caribbean spiny lobster fishery that are tied together in a trap line must have at least one buoy that floats at the surface attached at each end of the

trap line. Each buoy must display the official number and color code assigned to the vessel by Puerto Rico or the U.S. Virgin Islands, whichever is applicable, so as to be easily distinguished, located, and identified.

(b) *Presumption of ownership of Caribbean spiny lobster traps.* A Caribbean spiny lobster trap in the EEZ will be presumed to be the property of the most recently documented owner. This presumption will not apply with respect to such traps that are lost or sold if the owner reports the loss or sale within 15 days to the RA.

(c) *Disposition of unmarked Caribbean spiny lobster traps or buoys.* An unmarked Caribbean spiny lobster trap or a buoy deployed in the EEZ where such trap or buoy is required to be marked is illegal and may be disposed of in any appropriate manner by the Assistant Administrator or an authorized officer. In the EEZ off Florida, during times other than the authorized fishing season, a Caribbean spiny lobster trap, buoy, or any connecting lines will be considered derelict and may be disposed of in accordance with Rules 68B-55.002 and 68B-55.004 of the Florida Administrative Code, in effect as of October 15, 2007 (incorporated by reference, see § 622.413).

**§ 622.451 Trap construction specifications and tending restrictions.**

(a) *Construction specifications—(1) Escape mechanisms.* A spiny lobster trap used or possessed in the Caribbean EEZ must contain on any vertical side or on the top a panel no smaller in diameter than the throat or entrance of the trap. The panel must be made of or attached to the trap by one of the following degradable materials:

(i) Untreated fiber of biological origin with a diameter not exceeding  $\frac{1}{8}$  inch (3.2 mm). This includes, but is not limited to tyre palm, hemp, jute, cotton, wool, or silk.

(ii) Ungalvanized or uncoated iron wire with a diameter not exceeding  $\frac{1}{16}$  inch (1.6 mm), that is, 16 gauge wire.

(2) [Reserved]

(b) *Tending restrictions.* A Caribbean spiny lobster trap in the Caribbean EEZ may be pulled or tended only by a