

§ 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

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person (other than an authorized officer) aboard the spiny lobster trap owner's vessel, or aboard another vessel if such vessel has on board written consent of the trap owner, or if the trap owner is aboard and has documentation verifying his identification number and color code. An owner's written consent must specify the time period such consent is effective and the trap owner's gear identification number and color code.

§ 622.452 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) *Spears and hooks.* A spear, hook, or similar device may not be used in the Caribbean EEZ to harvest a Caribbean spiny lobster. The possession of a speared, pierced, or punctured Caribbean spiny lobster in or from the Caribbean EEZ is *prima facie* evidence of violation of this section.

(b) *Gillnets and trammel nets in the Caribbean EEZ.* A gillnet or trammel net may not be used in the Caribbean EEZ to fish for Caribbean spiny lobster. Possession of a gillnet or trammel net and any Caribbean spiny lobster in or from the Caribbean EEZ is *prima facie* evidence of violation of this paragraph (b). A gillnet or trammel net used in the Caribbean EEZ to fish for any other species must be tended at all times.

§ 622.453 Prohibition on harvest of egg-bearing spiny lobster.

(a) Egg-bearing spiny lobster in the Caribbean EEZ must be returned to the water unharmed. An egg-bearing spiny lobster may be retained in a trap, provided the trap is returned immediately to the water. An egg-bearing spiny lobster may not be stripped, scraped, shaved, clipped, or in any other manner molested, in order to remove the eggs.

(b) [Reserved]

§ 622.454 Minimum size limit.

(a) The minimum size limit for Caribbean spiny lobster is 3.5 inches (8.9 cm), carapace length.

(b) A spiny lobster not in compliance with its size limit, as specified in this section, in or from the Caribbean EEZ,

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 spiny lobster on board are in compliance with the size limit specified in this section.

§ 622.455 Landing spiny lobster intact.

(a) A Caribbean spiny lobster in or from the Caribbean EEZ must be maintained with head and carapace intact.

(b) The operator of a vessel that fishes in the EEZ is responsible for ensuring that spiny lobster on that vessel in the EEZ are maintained intact and, if taken from the EEZ, are maintained intact through offloading ashore, as specified in this section.

§ 622.456 Bag limits.

(a) *Applicability.* Section 622.11(a) provides the general applicability for bag and possession limits. However, § 622.11(a)(1) notwithstanding, the bag limit of paragraph (b) of this section does not apply to a person who has a valid commercial fishing license issued by Puerto Rico or the U.S. Virgin Islands.

(b) *Bag limit.* The bag limit for spiny lobster in or from the Caribbean EEZ is 3 per person per day, not to exceed 10 per vessel per day, whichever is less.

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

See § 622.12 for applicable ACLs and AMs.

§ 622.458 Caribbean spiny lobster import prohibitions.

(a) *Minimum size limits for imported spiny lobster.* There are two minimum size limits that apply to importation of spiny lobster into the United States—one that applies any place subject to the jurisdiction of the United States other than Puerto Rico or the U.S. Virgin Islands, and a more restrictive minimum size limit that applies to Puerto Rico and the U.S. Virgin Islands.

(1) No person may import a Caribbean spiny lobster with less than a 6-ounce (170-gram) tail weight into Puerto Rico or the U.S. Virgin Islands. For the purposes of paragraph (a) of this