

Fishery Conservation and Management

§ 622.437

ashore prior to the closure. For the purpose of this paragraph, “fish” means finfish, mollusks, crustaceans, and all other forms of marine animal and plant life other than marine mammals and birds. “*Highly migratory species*” means bluefin, bigeye, yellowfin, albacore, and skipjack tunas; swordfish; sharks (listed in Appendix A to part 635 of this title); and white marlin, blue marlin, sailfish, and longbill spearfish.

(iv) *Bajo de Sico closed area.* (A) The Bajo de Sico closed area is bounded by rhumb lines connecting, in order the following points:

| Point A | North lat. | West long. |
|---------|------------|------------|
| A | 18°15.7' | 67°26.4' |
| B | 18°15.7' | 67°23.2' |
| C | 18°12.7' | 67°23.2' |
| D | 18°12.7' | 67°26.4' |
| A | 18°15.7' | 67°26.4' |

(B) From October 1 through March 31, each year, no person may fish for or possess any Caribbean reef fish, as listed in Table 2 of Appendix A to part 622, in or from those parts of the Bajo de Sico closed area that are in the EEZ. The prohibition on possession does not apply to such Caribbean reef fish harvested and landed ashore prior to the closure.

(b) *Year-round closures*—(1) *Hind Bank Marine Conservation District (MCD).* The following activities are prohibited within the Hind Bank MCD: Fishing for any species and anchoring by fishing vessels. The Hind Bank MCD is bounded by rhumb lines connecting, in order, the points listed.

| Point | North lat. | West long. |
|---------|------------|------------|
| A | 18°13.2' | 65°06.0' |
| B | 18°13.2' | 64°59.0' |
| C | 18°11.8' | 64°59.0' |
| D | 18°10.7' | 65°06.0' |
| A | 18°13.2' | 65°06.0' |

(2) *Areas closed year-round to certain fishing gear.* Fishing with pots, traps, bottom longlines, gillnets or trammel nets is prohibited year-round in the closed areas specified in paragraphs (a)(2)(i), (ii), (iii), and (iv) of this section.

(3) *Anchoring prohibition year-round in Bajo de Sico.* Anchoring, by fishing vessels, is prohibited year-round in those parts of the Bajo de Sico closed area,

described in paragraph (a)(2)(iv) of this section, that are in the EEZ.

§ 622.436 Size limits.

All size limits in this section are minimum size limits unless specified otherwise. A fish 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. A fish not in compliance with its size limit must be released immediately with a minimum of harm. The operator of a vessel that fishes in the EEZ is responsible for ensuring that fish on board are in compliance with the size limits specified in this section. See § 622.10 regarding requirements for landing fish intact.

(a) *Yellowtail snapper.* The minimum size limit for yellowtail snapper is 12 inches (30.5 cm), TL.

(b) *Parrotfishes.* The minimum size limit for parrotfishes, except for redband parrotfish, in the St. Croix Management Area only (as defined in table 2 of appendix E to part 622) is 9 inches (22.9 cm), fork length. See § 622.434(c) for the current prohibition on the harvest and possession of mid-night parrotfish, blue parrotfish, or rainbow parrotfish.

(c) *Redband parrotfish.* The minimum size limit for red band parrotfish in the St. Croix Management Area only (as defined in table 2 of appendix E to part 622) is 8 inches (20.3 cm), fork length.

[78 FR 22952, Apr. 17, 2013, as amended at 78 FR 45896, July 30, 2013]

§ 622.437 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 limits of paragraph (b) of this section do not apply to a person who has a valid commercial fishing license issued by Puerto Rico or the U.S. Virgin Islands.

(b) *Bag limits.* (1) Groupers, snappers, and parrotfishes combined—5 per person per day or, if 3 or more persons are aboard, 15 per vessel per day; but not to exceed 2 parrotfish per person per day or 6 parrotfish per vessel per day.

(2) Other reef fish species combined—5 per person per day or, if 3 or more persons are aboard, 15 per vessel per

§ 622.438

day, but not to exceed 1 surgeonfish per person per day or 4 surgeonfish per vessel per day.

§ 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

50 CFR Ch. VI (10–1–14 Edition)

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 $\frac{1}{16}$ 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