



# Southeast Fishery Bulletin

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## FINAL RULE FOR CARIBBEAN COMPREHENSIVE AMENDMENT

### Small Entity Compliance Guide

NOAA's National Marine Fisheries Service (NMFS) has published a final rule in the *Federal Register* to implement actions found in a comprehensive amendment submitted by the Caribbean Fishery Management Council (Council). The rule implements actions to bring the Council's Spiny Lobster, Queen Conch, Reef Fish, and Coral Fishery Management Plans (FMPs) into compliance with the Magnuson-Stevens Fishery Conservation and Management Act. NMFS announced the availability of the comprehensive amendment on June 16, 2005, accepting comments on the amendment through August 15, 2005. NMFS also accepted comments on the proposed rule from September 13 through September 28, 2005. This bulletin only summarizes the new regulations. For details, readers should contact the Council, or refer to the comprehensive amendment or the final rule. Any discrepancies between this bulletin and the final rule as published in the *Federal Register* will be resolved in favor of the *Federal Register*.

### Fishery Management Units (FMUs)

The final rule will redefine the FMUs and FMU sub-units in all the Council FMPs to better reflect those species taken in federal waters requiring conservation and management. Certain species or species groups will be deleted from the FMUs and the remaining species will be distinguished as managed species or "data collection only" species. Species redesignated to a "data collection only" category within their respective FMUs under the Reef Fish and Coral FMPs are no longer subject to federal regulations. Consequently, existing regulations defining a marine aquarium fish as "a Caribbean reef fish that is smaller than 5.5 inches TL" and restricting the harvest of a marine aquarium fish to hand-held dip nets or hand-held slurp guns are eliminated. The regulation prohibiting the harvest and possession of butterflyfish and seahorses from federal waters of the U.S. Caribbean is eliminated.

### Reductions in Fishing Mortality

Based on current estimates of the status of some stocks, or the establishment of new stock status criteria in the amendment, several stocks are considered overfished. For species groups such as Grouper Unit 4, parrotfish, and Snapper Unit 1, fishing mortality should be reduced by 30, 27, and 23 percent, respectively. On average, catches of all species should be reduced by 7 percent to achieve long-term average catches approximating optimum yield. The final rule implements several regulatory changes to achieve these reductions in fishing mortality and to meet rebuilding schedules.

*Seasonal Closures:* Several seasonal closures in federal waters are established, generally bracketing the peak spawning periods of affected species. The intent is to reduce fishing mortality by protecting species as they aggregate to spawn. **These closures are effective November 28, 2005.**

- Possession of red, black, tiger, yellowfin, and yellowedge grouper will be prohibited from February 1 through April 30.
- Possession of red hind will be prohibited off the west coast of Puerto Rico from December 1 through February 28.
- Possession of black, blackfin, vermilion, and silk snapper will be prohibited from October 1 through December 31.
- Possession of mutton snapper and lane snapper will be prohibited from April 1 through June 30.
- A small area of Grammanik Bank will be closed to all fishing from February 1 to April 30 of each year, to protect yellowfin grouper spawning aggregations.

*Gear and Harvesting Restrictions:* Additional reductions in fishing mortality will be achieved from certain gear and harvesting restrictions in federal waters. **These restrictions are effective November 28, 2005.**

- The use of gill and trammel nets will be prohibited, with the exception of those nets used for catching ballyhoo, gar (houndfish), and flying fish.
- Filleting fish at sea will be prohibited.
- The commercial and recreational catch and possession of queen conch will be prohibited, with the exception of Lang Bank near St. Croix.

*Minimizing Bycatch:* In addition to the seasonal closures and harvesting restrictions, which will aid in reducing bycatch, the final rule amends current requirements for trap construction such that only one escape panel be required, which could be the door. **This requirement is effective November 28, 2005.**

#### *Minimize adverse effects on EFH*

To minimize the adverse impacts of fishing on essential fish habitat (EFH), the final rule establishes several regulatory changes, **effective November 28, 2005.**

- All vessels that fish for or possess spiny lobster or reef fish with traps/pots, will be required to mark each individual trap/pot with a surface buoy, or mark a trap line at each end with a surface buoy.
- All commercial and recreational vessels fishing for reef fish will be required to ensure the anchor is recovered by its crown.
- All bottom-tending gear will be prohibited year-round in the existing seasonally closed areas, including Grammanik Bank. This applies to all fisheries, including those for swordfish, tuna and shark.

#### **Other Non-Regulatory Actions in the Amendment**

Several actions in the amendment are non-regulatory in nature, but are summarized here to provide a more

complete understanding of the regulatory actions.

- For all FMUs, with the exception of those species included in a “data collection only” category, the amendment establishes or revises biological reference points and stocks status criteria by which the Council and NMFS monitor the status of the stocks.
- The amendment establishes a cooperative system between NMFS, Puerto Rico and the U.S. Virgin Islands to address U. S. Caribbean bycatch data collection for fisheries of the region.
- The amendment describes, identifies, and designates EFH and EFH habitat areas of particular concern for managed stocks.

This bulletin serves as a Small Entity Compliance Guide, complying with section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. Any discrepancies between this document and the rule as published in the *Federal Register* will be resolved in favor of the *Federal Register*.

NMFS is dedicated to protecting and preserving our nation’s living marine resources and their habitats through scientific research, management and enforcement. NMFS provides effective stewardship of these resources for the benefit of the nation, supporting coastal communities that depend upon them, and helping to provide safe and healthy seafood to consumers and recreational opportunities for the American public.

The National Oceanic and Atmospheric Administration, an agency of the U.S. Commerce Department, is dedicated to enhancing economic security and national safety through the prediction and research of weather and climate-related events and providing environmental stewardship of our nation’s coastal and marine resources. Through the emerging Global Earth Observation System of Systems (GEOSS), NOAA is working with its federal partners and nearly 60 countries to develop a global monitoring network that is as integrated as the planet it observes.