

Amendment 2 to the Fishery Management Plans for Puerto Rico, St. Croix, and St. Thomas and St. John

Draft Regulatory Text

For the reasons set out in the preamble, NMFS proposes to amend 50 CFR parts 600 and 622 as follows:

PART 600--MAGNUSON-STEVENS ACT PROVISIONS

1. The authority citation for part 600 continues to read as follows:

Authority: 5 U.S.C. 561 and 16 U.S.C. 1801 *et seq.*

2. In § 600.725(v), in the table under heading V. Caribbean Fishery Management Council, revise the entries at 1.B.i, 1.G, 2.B.i, 2.G, 3.B.i, and 3.G to read as follows:

§ 600.725 General prohibitions.

* * * * *

(v) * * *

Fishery	Authorized gear types
* * * * *	
V. Caribbean Fishery Management Council	
1. Exclusive Economic Zone around Puerto Rico	
* * * * *	
B. Puerto Rico Pelagic Fishery (FMP):	

i. Commercial fishery	i. Automatic reel, bandit gear, buoy gear, handline, longline, rod and reel.
* * * * *	
G. Puerto Rico Commercial Fishery (Non-FMP)	Automatic reel, bandit gear, buoy gear, handline, longline, rod and reel, gillnet, cast net, spear.
* * * * *	
2. Exclusive Economic Zone around St. Croix	
* * * * *	
B. St. Croix Pelagic Fishery (FMP):	
i. Commercial fishery	i. Automatic reel, bandit gear, buoy gear, handline, longline, rod and reel.
* * * * *	
G. St. Croix Commercial Fishery (Non-FMP)	Automatic reel, bandit gear, buoy gear, handline, longline, rod and reel, gillnet, cast net, spear.
* * * * *	
3. Exclusive Economic Zone around St. Thomas and St. John	
* * * * *	
B. St. Thomas and St. John Pelagic Fishery (FMP):	
i. Commercial fishery	i. Automatic reel, bandit gear, buoy gear, handline, longline, rod and reel.
* * * * *	
G. St. Thomas and St. John Commercial Fishery (Non-FMP)	Automatic reel, bandit gear, buoy gear, handline, longline, rod and reel, gillnet, cast net, spear.
* * * * *	

PART 622--FISHERIES OF THE CARIBBEAN, GULF OF MEXICO, AND SOUTH ATLANTIC

3. The authority citation for part 622 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

4. In § 622.437:

- a. Revise the section heading;
- b. Revise the introductory text;
- c. Revise paragraphs (a), (b), and (c) (2); and
- d. Add paragraph (d).

The revisions and addition read as follows:

§ 622.437 Prohibited and required gear and methods.

Trawl, trammel net, and purse seine gear are prohibited for use to fish in the EEZ around Puerto Rico. Also see § 622.9 for additional prohibited gear and methods that apply more broadly to multiple fisheries or in some cases all fisheries.

(a) *Reef fish* means the species as defined in section 622.431.

(1) *Poisons*. A poison, drug, or other chemical must not be used to fish for reef fish in the EEZ around Puerto Rico.

(2) *Powerheads*. A powerhead must not be used in the EEZ around Puerto Rico to harvest reef fish.

Commented [a1]: Action 1a, alternative 3. Trawl.
Action 1b, alternative 2b. Gillnet.
Action 1c, alternative 2. Trammel net.
Action 1d, alternative 2. Purse seine.

Commented [a2]: Action 4, alternative 2a. Descending device.

(3) *Gillnets*. A gillnet must not be used in the EEZ around Puerto Rico to fish for reef fish.

(4) *Descending device*. At least one descending device is required to be on a vessel and be ready for use while fishing for or possessing reef fish. Descending device means an instrument capable of releasing the fish at the depth from which the fish was caught, and to which is attached a minimum of 16 ounces (454 grams) of weight and a minimum of a 60-foot (ft; 15.2-m) length of line. The descending device may either attach to the fish's mouth or be a container that will retain the fish while it is lowered to depth. The device must be capable of releasing the fish automatically, by actions of the operator of the device, or by allowing the fish to escape on its own when at depth.

(b) *Pelagic fish* means the species as defined in section 622.431. A gillnet must not be used in the EEZ around Puerto Rico to fish for pelagic fish.

(c) * * *

(1) * * *

(2) *Gillnets*. A gillnet must not be used in the EEZ around Puerto Rico to fish for spiny lobster.

(d) *Gillnet restrictions*. A gillnet may be used in the EEZ around Puerto Rico to fish for species not listed in

section 622.431 by commercial fishermen if the gillnet meets the following requirements.

(i) At all times when the gear is in the water, a gillnet must be tended or supervised by the fisherman that deployed the gear.

(ii) The mesh size must be 0.75 inches (1.9 cm) square or 1.5 inches (3.8 cm) stretched.

(iii) No more than one gillnet is allowed per vessel, counting any gear on the vessel and in the water.

(iv) The maximum length of a gillnet measured at the head rope, foot rope, or float line cannot exceed 600 ft (182.9 m).

(v) When a gillnet is deployed in the water, the floats or buoys attached to the gillnet (head rope or float line) must maintain contact with the surface at all times, and the gillnet must not be used within 20 ft (6.1 m) of the bottom and must be unanchored to the bottom.

5. In § 622.477:

- a. Revise the section heading;
- b. Revise the introductory text;
- c. Revise paragraphs (a), (b), and (c) (2); and
- d. Add paragraph (d).

The revisions and addition read as follows:

§ 622.477 **Prohibited and required gear and methods.**

Commented [a3]: Action 2a, alternative 3.
Action 2b, alternative 2b.
Action 2c, alternative 2.
Action 2d, alternative 2.

Commented [a4]: Action 4, alternative 2b.

Trawl, trammel net, and purse seine gear are prohibited for use to fish in the EEZ around St. Croix. Also see § 622.9 for additional prohibited gear and methods that apply more broadly to multiple fisheries or in some cases all fisheries.

(a) *Reef fish* means the species as defined in section 622.471.

(1) *Poisons*. A poison, drug, or other chemical must not be used to fish for reef fish in the EEZ around St. Croix.

(2) *Powerheads*. A powerhead must not be used in the EEZ around St. Croix to harvest reef fish.

(3) *Gillnets*. A gillnet must not be used in the EEZ around St. Croix to fish for reef fish.

(4) *Descending device*. At least one descending device is required to be on a vessel and be ready for use while fishing for or possessing reef fish. Descending device means an instrument capable of releasing the fish at the depth from which the fish was caught, and to which is attached a minimum of 16 ounces (454 grams) of weight and a minimum of a 60-foot (ft; 15.2-m) length of line. The descending device may either attach to the fish's mouth or be a container that will retain the fish while it is lowered to depth. The device must be capable of releasing

the fish automatically, by actions of the operator of the device, or by allowing the fish to escape on its own when at depth.

(b) *Pelagic fish* means the species as defined in section 622.471. A gillnet must not be used in the EEZ around St. Croix to fish for pelagic fish.

(c) * * *

(1) * * *

(2) *Gillnets*. A gillnet must not be used in the EEZ around St. Croix to fish for spiny lobster.

(d) *Gillnet restrictions*. A gillnet may be used in the EEZ around St. Croix to fish for species not listed in section 622.471 by commercial fishermen if the gillnet meets the following requirements.

(i) At all times when the gear is in the water, a gillnet must be tended or supervised by the fisherman that deployed the gear.

(ii) The mesh size must be 0.75 inches (1.9 cm) square or 1.5 inches (3.8 cm) stretched.

(iii) No more than one gillnet is allowed per vessel, counting any gear on the vessel and in the water.

(iv) The maximum length of a gillnet measured at the head rope, foot rope, or float line cannot exceed 600 ft (182.9 m).

(v) When a gillnet is deployed in the water, the floats or buoys attached to the gillnet (head rope or float line) must maintain contact with the surface at all times, and the gillnet must not be used within 20 ft (6.1 m) of the bottom and must be unanchored to the bottom.

6. In § 622.512:

- a. Revise the section heading;
- b. Revise the introductory text;
- c. Revise paragraphs (a), (b), and (c) (2); and
- d. Add paragraph (d).

The revisions and addition read as follows:

§ 622.512 Prohibited and required gear and methods.

Trawl, trammel net, and purse seine gear are prohibited for use to fish in the EEZ around St. Thomas and St. John. Also see § 622.9 for additional prohibited gear and methods that apply more broadly to multiple fisheries or in some cases all fisheries.

(a) *Reef fish* means the species as defined in section 622.506.

(1) *Poisons*. A poison, drug, or other chemical must not be used to fish for reef fish in the EEZ around St. Thomas and St. John.

(2) *Powerheads*. A powerhead must not be used in the EEZ around St. Thomas and St. John to harvest reef fish.

Commented [a5]: Action 3a, alternative 3.
Action 3b, alternative 2b.
Action 3c, alternative 2.
Action 3d, alternative 2.

Commented [a6]: Action 4, alternative 2c.

(3) *Gillnets*. A gillnet must not be used in the EEZ around St. Thomas and St. John to fish for reef fish.

(4) *Descending device*. At least one descending device is required to be on a vessel and be ready for use while fishing for or possessing reef fish. Descending device means an instrument capable of releasing the fish at the depth from which the fish was caught, and to which is attached a minimum of 16 ounces (454 grams) of weight and a minimum of a 60-foot (ft; 15.2-m) length of line. The descending device may either attach to the fish's mouth or be a container that will retain the fish while it is lowered to depth. The device must be capable of releasing the fish automatically, by actions of the operator of the device, or by allowing the fish to escape on its own when at depth.

(b) *Pelagic fish* means the species as defined in section 622.506. A gillnet must not be used in the EEZ around St. Thomas and St. John to fish for pelagic fish.

(c) * * *

(1) * * *

(2) *Gillnets*. A gillnet must not be used in the EEZ around St. Thomas and St. John to fish for spiny lobster.

(d) *Gillnet restrictions*. A gillnet may be used in the EEZ around St. Thomas and St. John to fish for species not

listed in section 622.506 by commercial fishermen if the gillnet meets the following requirements.

(i) At all times when the gear is in the water, a gillnet must be tended or supervised by the fisherman that deployed the gear.

(ii) The mesh size must be 0.75 inches (1.9 cm) square or 1.5 inches (3.8 cm) stretched.

(iii) No more than one gillnet is allowed per vessel, counting any gear on the vessel and in the water.

(iv) The maximum length of a gillnet measured at the head rope, foot rope, or float line cannot exceed 600 ft (182.9 m).

(v) When a gillnet is deployed in the water, the floats or buoys attached to the gillnet (head rope or float line) must maintain contact with the surface at all times, and the gillnet must not be used within 20 ft (6.1 m) of the bottom and must be unanchored to the bottom.