

Commonwealth of Puerto Rico
Department of Natural and Environmental Resources

Supplementary Flier

Puerto Rico Fishing Regulations

1. Date of Approval: February 10, 2004
2. Name and Title of the Person who approved them: Hon. Luis E. Rodríguez Rivera
3. Date of Publication in the Newspaper: Nov. 10, 2001 and Feb. 16, 2002
4. Date of Registry in State Department: Feb. 11, 2004
5. Effective Date: It will become effective thirty (30) days after registry in the State Department, according to Law 170 of August 12, 1988, as amended, known as the Law of Uniform Administrative Procedures.
6. Regulation number: 6768
7. Approval Agency: Department of Natural and Environmental Resources
8. Legal Authority: Law Number 278 of November 29, 1998 as amended, known as Puerto Rico Fisheries Law; Article 5 of Law Number 115 of September 6, 1997, known as Puerto Rico Law for the Promotion and Development of Recreational and Sport Fishing; Law Number 46 of June 18, 1965, known as Piranhas, Prohibition and Penalties; and Article 5 of Law Number 23 of June 20, 1972 as amended, known as the Department of Natural and Environmental Resources Organic Law, Law number 170 of August 12, 1988, as amended and known as the Law of Uniform Administrative Procedures, Law number 9 of June 18, 1970, as amended.
10. Certification: I certify that the regulation procedures followed in this case were performed in accordance with the dispositions of Law number 170 of August 12, 1988, as amended, and that the regulation which the supplementary flier refers to was duly checked and found to not contain substantial typographic or clerical errors.

Feb. 10, 2004

Date

Luis E. Rodríguez Rivera
Secretary

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Puerto Rico Fishing Regulations

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Puerto Rico Fishing Regulations

CHAPTER I – GENERAL DISPOSITIONS

ARTICLE 1 - TITLE

These Regulations will be known as "**Puerto Rico Fishing Regulations.**"

ARTICLE 2 - AUTHORITY AND LEGAL BASIS

These Regulations are adopted and promulgated in conformity with powers given to the Secretary of the Department of Natural and Environmental Resources under Article 5 of Law Number 278 of November 29, 1998 as amended, known as Puerto Rico Fisheries Law; Article 5 of Law Number 115 of September 6, 1997, known as Puerto Rico Law for the Promotion and Development of Recreational and Sport Fishing; Law Number 46 of June 18, 1965, known as Piranhas, Prohibition and Penalties; and Article 5 of Law Number 23 of June 20, 1972 as amended, known as the Department of Natural and Environmental Resources Organic Law.

ARTICLE 3 –DECLARATION OF PURPOSE

The purpose of these Regulations is to administer the fisheries in jurisdictional waters of the Commonwealth of Puerto Rico. The territorial sea will extend up to twelve (12) miles from the limit of the low tide line or from the baselines designed in accordance with the principles of international rights.

ARTICLE 4 - DEFINITIONS

For the purposes of these Regulations, the following terms and phrases will have the meanings expressed as follows, unless the text clearly identifies a different meaning:

Aquiculture – cultivation of aquatic organisms in a controlled or semi-controlled environment, whether in freshwater, salt water, or brine, using technical or scientific methods for commercial purposes.

Public Order Agent – signifies the Puerto Rico Police, agents of the Ranger Corps of the Department, functionaries for boarding vessels of the Puerto Rico Port Authority, agents of the Customs Service, functionaries of the Coast Guard, agents of the National Marine Fisheries Service (NMFS) and the Municipal Guard.

Interior Waters – all water bodies of public dominion from the interior coastline, except bays.

Artificial Reefs – artificial structures of diverse materials fabricated with the purpose of increase and provide habitat for marine organisms.

Coral Reefs – tropical calcareous structures in shallow waters that contain a diverse association of marine plants and animals.

Fishing Gear - any device or apparatus that is utilized to fish.

Fish Aggregating Devices-FADs – artificial structures for public use of diverse materials manufactured with the purpose of concentrating pelagic fish to facilitate their capture.

Tuna – species pertaining to the genera *Euthynnus* and *Thunnus* appearing in Appendix 1.

Rental Boat - vessel that is used to transport passengers on recreational fishing trips (except rental boats that are dedicated to diving activities). A vessel will be considered a “Charter boat” if it is used to transport six (6) passengers or less and charges per trip. A vessel will be considered a “Headboat” if it transports more than six (6) passengers and charges per passenger.

West indian top snail, whelk, or magpie - the species *Cittarium pica*.

Shrimp – decapod crustaceans from the order Caridea, detailed in Appendix 2.

Crab - any species of crustacean listed in Appendix 3.

Channel – narrow channel, although navigable, from a port or bay.

Capture – the number or total weight of live organisms removed permanently or seasonally in an area and during specific time periods.

Bait – those species used for fishing.

Conch – means the common, pink or queen conch, known by its scientific name, *Strombus gigas*; the roostertail conch, *S. gallus*; the milk conch, *S. costatus*; and the king helmet, *Casis tuberosa*.

Boxfish – means the following reef fish species: honeycomb cowfish, *Lactophrys polygonius*; scrawled cowfish, *Lactophrys quadricornis*; smooth trunkfish, *Lactophrys triqueter*; spotted trunkfish, *Lactophrys bicaudalis*; trunkfish, *Lactophrys trigonus*.

Snapper – means the following deep-water snapper species: silk snapper, *Lutjanus vivanus*; blackfin snapper, *Lutjanus buccanella*; vermillion snapper, *Rhomboplites aurorubens*.

Harvest – aquatic organisms removed permanently from the population.

Mountain Mullet (Dajao) – the species *Agonostomus monticola*.

Department – the Department of Natural and Environmental Resources (DNER).

Landing – fish brought to land by commercial or recreational fishermen.

Owner – with respect to a vessel, signifies:

- a) Any person who possesses said vessel totally or partially;
- b) Any person who hires or rents out a vessel, with or without crew, paid based on time or per trip;
- c) Any person that acts in the capacity of tenant of a vessel including, but not limited to, the parties in an administration contract, operation contract, or any contract or similar agreement that confers control over the destiny, function, or operation of the vessel; or
- d) Any agent, as designated by any of the persons described in articles (a), (b), and (c) of this definition.

Reservoir – water deposit that is commonly formed artificially by closing the mouth of a valley using a dike or dam and in which waters of a river or brook are stored in order to use them for irrigation, drinking water, in the production of electricity, etc.

Vessel –signifies:

- a) All private vessels or documented vessels pertaining to any state or federal agency or with certified inscription that accredit their inscription in the United States Coast Guard or related agencies and;
- b) All private vessels or vessels pertaining to any state or federal agency with certified numeration that accredit their inscription in the registry of the Department of Natural and Environmental Resources of the Commonwealth of Puerto Rico or any state, territory or dependency of the United States.

26. **Fishing Vessel** – any vessel, boat, ship or any other functional maritime vessel that is used for, is equipped to be used for, or is of a type that is currently and typically used for:
- a) Fishing, or
 - b) Aiding or assisting one or more vessels at sea that realize or try to complete any fishing-related activity including, but not limited to, preparing, supplying, storing, refrigerating, freezing, transporting, or processing fish.
27. **Commonwealth of Puerto Rico** – the Island of this name, those islands that politically pertain to it, the land and submerged land and waters under its jurisdiction up to the interior limit of the Exclusive Economic Zone.
28. **Estuaries** - Ecosystems where salt water mixes with freshwater.
29. **Freshwater shrimp** – shrimp of the genera *Atya* listed in Appendix 2.
30. **Bigmouth sleeper** – the species *Gobiomorus dormitor*.
31. **Juvenile** - organism that has not reached sexual maturity.
32. **Lake** – For the purpose of these regulations it will be considered as synonymous with reservoir.
33. **Lagoon** – natural deposit of water, generally fresh (or salty) and commonly of lesser dimensions in comparison with a lake.
34. **Lobster** – the Caribbean spiny lobster known by the scientific name, *Panulirus argus*; Spotted spiny lobster, *P. guttatus*; the green lobster, *P. laevicauda*; and the slipper lobster and spanish lobster of the family *Scyllaridae*.
35. **License** – written authorization given by the Secretary to fish for aquatic or semi-aquatic organisms within jurisdictional waters of Puerto Rico.
36. **Provisional License** – written authorization given by the Secretary with a duration of less than one year.
37. **Largemouth bass** – the species *Micropterus salmoides*.
38. **Marine mammals** - animals that live in marine waters, have mammary glands, and come to the surface to breath directly from the atmosphere. Within this category are found any of the following groups: dolphins and porpoises, whales, manatees and/or sirens, and seals.

39. **Mile** – for the purpose of these regulations, one mile must be interpreted as one nautical mile (1.15 statutory miles), except when indicated to the contrary.
40. **Size measurements** – forms to measure aquatic or semi-aquatic organisms, or net mesh size, or fishing gear:
- a. Shell width -SW – maximum measure of crab carapice where its width is greatest (Figure 1).
 - b. Lip thickness – the measure of the conch shell wing edge at the thickest point (Figure 2).
 - c. Carapace length - CL – the measure from the head of a lobster taken where the orbital depression begins between the horns (wrinkle in the lateral projection) until the posterior margin of the cephalothorax (Figure 3).
 - d. Fork Length - FL – the measure taken from the point of the mouth of the fish to the bifurcation of the caudal fin. The measure is taken with the fish's mouth closed up to the bifurcation of the caudal fin (Figure 4).
 - e. Inferior Jawbone Length IJL – the measure taken from the point of the mouth of the fish from the inferior jawbone up to the midpoint of the caudal fin. Used to measure billfish and swordfish (Figure 5).
 - f. Total Length - TL – the measure taken from the point of the mouth of the fish to the extreme of the caudal fin. The measure is taken with the fish's mouth closed after joining both lobes that form the caudal fin (Figure 6).
 - g. Net mesh – from knot to knot (Figure 7a), with the mesh stretched (Figure 7b).
41. **Operator** – with relation to any vessel, signifies the captain, skipper, or any other person on board that is in charge and operates the vessel.
42. **Aquatic Organism** – species that depend on the aquatic environment for all life stages.
43. **Semi-aquatic Organism** – species that require water in some life stage, excluding avifauna, insects, and amphibians.
44. **Aquarium Fish** – aquatic organisms that are captured alive from the marine environment, for the purposes of exhibition, observation, importation, exportation, or to maintain them in captivity.
45. **Permit, Incidental Permit and Special Permit** - authorization or document given by the Secretary and required to accomplish specifically determined activities.
46. **Person** – natural or judicial person including the Commonwealth of Puerto Rico and its instruments.
47. **Authorized Persons** - signify:
- a. Any agent of public order.

- b. Any employee of the Department in charge of the execution of the Puerto Rico Fisheries Law and the Regulations promulgated under authority of the Law.
48. **Fish** – product of fishing activity.
49. **Incidental Fishing** – capture of species or specimens which were not the objective of the fishing efforts.
50. **Reef Fish**– any aquatic or semi-aquatic organism dependent on the coral reef or other equivalent ecosystem (as, for example, rock reefs) in some stage of its life cycle.
51. **Full-time Commercial Fisher** – natural person dedicated to fishing for profit, obtaining fifty (50) percent or more of his total annual income from fishing and possessing a license to that effect given by the Secretary.
52. **Part-time Commercial Fisher** – natural person dedicated to fishing for profit, obtaining between twenty (20) and forty-nine (49) percent of his total annual income from fishing and possessing a license to that effect given by the Secretary.
53. **Novice Commercial Fisher** – natural person who begins to fish for profit or who applies for a commercial fishing license for the first time.
54. **Recreational Fisher** – natural person who does not fish for profit, but for recreation such as sport, or for purposes of competition or for personal consumption and possesses a license to that effect given by the Secretary.
55. **Provisional Recreational Fisher** – natural person who receives a license with a duration of less than a year for a recreational fishing activity.
56. **To Fish** – to capture, take, possess, harvest, kill, destroy, injure, or extract aquatic or semi-aquatic organisms from their environment through any method, use, or placement of equipment or apparatus for these purposes.
57. **Fisheries** – one or more aggregations (usually based on genetic relationships, geographic distribution or movement patterns) of aquatic or semi-aquatic organisms; or the fishing operations related to these aggregations of organisms that can be identified based on geographic, scientific, technologic, commercial, recreational, and economic characteristics.
58. **Fish** – aquatic or semi-aquatic organism during any stage of its life cycle.
59. **Swordfish** – the species *Xiphias gladius*, also known as emperor.
60. **Billfish** – the species sailfish, *Istiophorus platypterus*; white marlin, *Tetrapterus*

albidus; blue marlin, *Makaira nigricans*; and the longbill spearfish, *Tetrapterus pfluegeri*.

61. **Octopus** – all members of all species comprising the order *Octopoda* of the phylum Mollusca.
62. **Creek** - arroyo or stream that runs between two mountains.
63. **Aquatic Resources**- the fisheries, the environments, and the aquatic habitats in jurisdictional waters of Puerto Rico.
64. **Fishing Resource**– aquatic or semi-aquatic organism that is used or can be used in fisheries.
65. **Natural Reserve**- those areas of important coastal resources subject to serious or potential conflicts in use that are designated by the Planning Board at the recommendation of the Department of Natural and Environmental Resources (DNER) with the purpose of conservation, preservation in their existing state, or restoration to a close approximation of their natural prior condition when viable.
66. **River** – continuous water current more or less deep that discharges to another, to a lake, or to the sea.
67. **Common snook** – species of the genus *Centropomus undecimalis*.
68. **Tarpon** – the species *Megalops atlanticus*.
69. **Secretary** - the Secretary of the Department of Natural and Environmental Resources of the Commonwealth of Puerto Rico or his representative.
70. **Sirajo goby** – juvenile stage of the specie known as Olivo (*Sicydium plumieri*)
71. **Shark** – any species from the subclass *Elasmobranchii* of the Class *Chondrichthyes* with the exception of the rays and the mantas from the Superorder *Batoidea*, or those included in Federal regulations of Highly Migratory Species of the Federal Department of Commerce.
72. **Marine Turtles** – any of the following marine reptile species known as hawksbill, *Eretmochelys imbricata*; leatherback (*Dermochelys coriacea*); green turtle (*Chelonia mydas*); loggerhead (*Caretta caretta*); and olive ridley (*Lepidochelys olivacea*).
73. **Peacock cichlid** – the species *Cichla ocellaris*

74. **Closed Season** – prohibition decreed by the Secretary when, in his opinion, confirmed scientific information corroborates the necessity of protection of public health or the restoration of a fishery through the total or partial limitation of the following activities:
- a. Fishing in specified sites.
 - b. The use of gear or methods of fishing.
 - c. The partial or total fishing of identified species:
 - (1) by species, (2) by life stage,
 - (3) by size (4) by quantity
 - (5) by sex (6) by time or season

All seasonal closures will always prohibit fishing, transporting, having on board (whether live, dead, or refrigerated) aquatic or semi-aquatic organisms that are to be protected unless it can be demonstrated through the possession of a purchase receipt, that the organisms have been imported.

75. **Exclusive Economic Zone** – that area adjacent to the United States of America which, except for areas outside this zone modified to accommodate international borders, covers all waters from the jurisdictional maritime limit of each state, territory, or coastal possession up to a line where each of its points is two hundred nautical miles from the baseline from which is measured the territorial sea of the United States, pursuant to Executive Order 5030 of the United States of America.

ARTICLE 5 –DECLARATION OF PUBLIC POLICY

Herein are declared of public domain all the aquatic and semi-aquatic organisms that are encountered in waterbodies that are not of private domain. These can be fished, used, and freely commercialized, subject to the dispositions of Law 278 of November 29, 1998, as amended, Law 115 of September 6, 1997, and this Regulation. It will be the public policy of the Department of Natural and Environmental Resources to promote better use, conservation, and management of the fishery resources according to the necessities of Puerto Rico.

ARTICLE 6 - RELATION WITH OTHER LAWS AND REGULATIONS

The persons affected by this Regulation must be aware of other statutes and federal and state regulations that can be applied to their activities. Any request for use and advantages from public domain property or natural resources situated within them governed by this or other regulations of the Department, will be transmitted by means of a joint evaluation with the objective to expedite a final determination where the application of all aspects of the distinct statutes are taken into consideration.

It will be the Department's responsibility to publish, supply, and maintain available copies of local laws and regulations that apply to the activity of fishing.

ARTICLE 7 –PROHIBITED PRACTICES

It is prohibited to throw, place, leak, or instruct to be deposited in any lake, lagoon, spring, river, creek, channel, or any flowing waters in Puerto Rico, oils, acids, poisons, or any substance that kills or destroys fish, crustaceans, or mollusks. When any person needs to dispose of in the ocean or any lake, lagoon, spring, river, creek, canal or any flowing waters of Puerto Rico, residues or wastes from any factory or an industrial or agricultural business, a corresponding permit will be required to be obtained from the Environmental Protection Agency (EPA) and the Environmental Quality Board prior to the disposal activity. The dispositions of this Article should not be interpreted in a way that would impede the applicable sanitary authorities from adding to the water substances necessary for the protection of public health.

ARTICLE 8 - GENERAL FISHING LIMITS

These limits will apply to both commercial and recreational fishing.

It will be illegal that any person:

- a. Who possesses or has custody or control of a maritime vessel, offers for sale, exchange, import, disembarkment, or export any aquatic or semi-aquatic organism captured or retained in violation of the:
 - Laws mentioned in Article 2 of this regulation;
 - Any applicable state or federal law or regulation.
- b. Fish in Puerto Rico's interior waters with fishing gear other than hook-and-line such as fishing rod, reel, or hook and line. Excepting that in rivers, lagoons, and estuaries it will be permitted to fish with cast nets to capture bait species, with hand traps or nets to capture shrimp (Appendix 2) for personal consumption, and with gear used for the capture of sirajo goby and traps to capture crabs (Appendix 3).
- c. Use explosives including the "power head", dynamite, plastic explosives (C4), poison, drug, detergent, electric current, and other compounds of chemical and biological origin for the capture of aquatic or semi-aquatic organisms in any water body.
- d. Tie vessels to, damage, or intentionally remove Fish Aggregating Devices (FADs).
- e. Fish with a spear gun at docks, bathing areas designated by the Planning Board, marine reserves, artificial reefs, and during the night (from sunset to sunrise).

- f. Fish with a spear gun less than 100 feet (30.48 m) from the coast. Within this area the spear gun must always be maintained unarmed.
- g. Fish inside the half (1/2) mile perimeter around Desecheo Island, designated a Marine Natural Reserve by Law 57 of March 10, 2000.
- h. Fish inside the half (1/2) mile perimeter around Mona and Monito Islands. Around Mona Island fishing will be allowed inside the half (1/2) mile perimeter only in the following area (with the exception of spear gun): between Punta Arenas (18°05.0' N 67°56.8' W) and Cabo Barrionuevo (18°06.6' N 67°55.8' W). Aquarium fish collection is prohibited inside the Mona Island Natural Reserve.
- i. Fish within the area delimited by the following geographic coordinates (a) 18°18.1' N 65°18.7' W; (b) 18°17.4' N 65°19.7' W; (c) 18°18.6' N 65°20.4' W; y (d) 18°19.9' N 65°20.' W; which is designated as the Luis Peña Channel Marine Natural Reserve of Culebra.
- j. Import those species listed in Appendix 6.
- k. Cut, fillet, or mutilate aquatic or semi-aquatic organisms with the exception of conch prior to disembarking.
- l. Release any species of aquatic or semi-aquatic organism that has been imported or is not part of the native aquatic fauna of Puerto Rico without prior authorization from the Secretary.
- m. Use as bait aquatic or semi-aquatic juvenile organisms.
- n. Retain on board or disembark the longbill spearfish (*Tetrapterus pfluegeri*). These have to be returned to the ocean live or dead.
- o. Fish, possess, sell, or offer for sale the common lobster (*P. argus*) with a carapace length (CL) less than three and half (3.5") inches, equivalent to eighty-nine (89 mm) millimeters (see Figure 3). These have to be returned to the water unharmed. Vessels will be considered to be in possession of captured lobsters once underway. Lobsters captured by divers who are not associated with a vessel should comply with size and capture site requirements. If the captured lobsters do not comply with the size requirements, they must be returned immediately.
- p. Disembark lobster tails separated from the rest of the body (cephalothorax).
- q. Fish, possess, sell, or offer for sale lobster, shrimp (Appendix 2) or crab (Appendix 3) with eggs. The animals cannot be stripped, scraped, rubbed, sheared or manipulated in any way in order to remove the eggs. They must be returned to the water unharmed.

- r. Fish lobster with gaffs or harpoons.
- s. Fish, possess, sell, or offer for sale the blue land crab (*Cardisoma guanhumi*) with a carapace length less than two and half (2 1/2") inches (64 mm) in size (see Figure 1).
- t. Fish, possess, sell or offer for sale the purple land crab species (*Gecarcinus ruricola*), the blackband land crab (*G. lateralis*), swamp ghost crab (*Ucides cordatus*), and the mangrove root crab (*Goniopsis cruentatus*).
- u. Capture the land crab or blue land crab when:
 - (1) They are on lands within areas designated as natural reserves and areas under the Department administration.
 - (2) During closed season for this species, from July 15 to October 15 of each year or during the time determined by the Secretary. All fishers or vendors should dispose of captured animals before the closed season commences. Importers of these species must demonstrate this with receipts of purchase.
 - (3) Shovels or any other instrument that destroys their caves are used for the capture of the organisms.
- v. Fish, possess, sell or offer for sale the common (queen) or rose conch (*S. gigas*) or a shell of this whose total shell length is less than nine inches (9"), measured from point to point (229 mm), or whose thickest part of the lip measures less than 3/8" inch (9 mm) (Figure 2).
- w. Violate the conch closed season from July 1 to September 30 of each year or during the time determined by the Secretary. All fishers or vendors should dispose of conch captured in jurisdictional waters before the start of the closed season. Importers of this species must demonstrate it through purchase receipts.
- x. Violate the closed season for red hind, *Epinephelus guttatus*, from December 1st to February 28 of each year in jurisdictional waters of Puerto Rico. All fishers and vendors should dispose of fish captured in jurisdictional waters before the start of the closed season. Importers of this species must demonstrate it by means of purchase receipts.
- y. Violate the close season period of the mutton snapper, *Lutjanus analis*, from May 1st to May 31 of each year. All fishers or vendors should dispose of fish captured in jurisdictional waters before the start of the closed season. Importers of this species must demonstrate it by means of purchase receipts.
- z. Fish, possess, sell, or offer for sale nurse shark (*Gynglymostoma cirratum*).

- aa. Discard the body of a shark in the ocean after removing the fins. Removed fins should be in proportion to the quantity of carcasses on board or disembarked. After disembarking at a point, it is not permitted to have aboard cut fins or pieces of fins from the body of a shark.
- bb. Fish, possess, sell, or offer for sale, disembark or export yellowtail snapper (*Ocyurus chrysurus*) with a total length (TL) less than 12” inches (305 mm) captured with any type of fishing gear (see Figure 6). All captured yellowtail snapper less than 12” inches in length must be immediately returned to the ocean live or dead.
- cc. Fish, possess, sell, or offer for sale reef fish species that do not comply with established legal sizes in Appendix 5, with the exception of what is presented in article nn of this section. The minimum size for these species will be the Fork Length (FL) (see Figure 4). All captured reef fish of a size less than those described herein should be immediately returned to the ocean whether live or dead.
- dd. Fish, possess, sell, offer for sale, or store with the intention to sell the following species: the great barracuda (*Sphyraena barracuda*), the blue runner (*Seriola dumerili*), and the black jack (*Caranx lugubris*).
- ee. Fish, possess, or export aquarium fishes that are not listed in Appendix 4.
- ff. Capture aquarium fish with gear other than slurp guns, hand nets and barrier nets with a length up to 30 feet and a height up to 4 feet and a minimum mesh size of 1/4 inch when stretched. Buoys will be along the upper edge and weights on the lower edge.
- gg. Fish, possess, sell, offer for sale, or pursue individuals of *Epinephelus striatus* (Nassau grouper) and *E. itajara* (Goliath grouper, formerly jewfish). These species must be returned to the ocean live or dead. Importers of these species must be able to demonstrate this with purchase receipts.
- hh. Fish, possess, sell, or offer for sale common snook (*Centropomus undecimalis*) with a Fork Length (FL) less than 22” inches (558 mm), nor with a Fork Length (FL) larger than 38” inches (965 mm).
- ii. Fish, possess, sell, or offer for sale tarpon, *Megalops atlanticus*, except when captured for recreational purposes where the fish is released after said capture.
- jj. Sell, offer for sale, or traffic in any billfish or swordfish, either whole or processed, captured in jurisdictional waters of Puerto Rico.

- kk. Fish, possess, sell, or offer for sale sea turtles and marine mammals. These are protected and regulated through the Wildlife and Endangered Species Regulation of the Department.
- ll. Fish aquatic or semi-aquatic organisms inside Condado Lagoon, excluding San Antonio Channel.
- mm. Fish, possess, sell, or offer for sale species of queen triggerfish (*Balistes vetula*), yellow jack (*Caranx bartholomae*), bar jack (*Caranx ruber*), and silk snapper (*Lutjanus vivanus*), with measurements less than the minimum sizes established as follows: The measures of minimum size from the effective date of this regulation until December 31, 2002, will be 11” (279 mm) for triggerfish, 10” (254 mm) for yellow jack, 12” (305 mm) for bar jack, and 12” (205 mm) for silk snapper. Beginning January 1, 2005, the minimum sizes of these species will be as shown in Appendix 5. The measures will be determined using Fork Length (FL) (see Figure 4). All captured fish of a size less than those described herein should be returned to the sea immediately whether alive or dead.

CHAPTER II - COMMERCIAL FISHING

ARTICLE 9 - LICENSES

All persons who fish for commercial purposes in jurisdictional waters of the Commonwealth of Puerto Rico must have a license issued by the Secretary. This license must be available for inspection while the fisher is practicing his art and is not transferable. No fishing license that is damaged, blurred, or illegible will be valid and a duplicate should be solicited as established in the following.

The types of licenses will be:

Full-time commercial fisher	Non-resident commercial fisher
Part-time commercial fisher	Owners of rental boats (“charter boat” and “headboat”)
Novice commercial fisher	

9.1 General Requirements

To obtain a license in any category established in this article the following general requirements should be met:

- a. More than 18 years of age. Submit a copy of a birth certificate. Minors of less than 18 years must submit an authorization for minors from the Department of Work and Human Resources in order to work as a commercial fisher.

- b. A United States citizen or legal resident of Puerto Rico one-year prior to applying for a permit. Demonstrate residency through appropriate documentation (electricity or water receipts, naturalization card or current drivers license).
- c. Completion of the forms to these effects provided by the Department.
- d. Two recent and identical 2" x 2" photos.
- e. Check or money order Payable to the Secretary of Hacienda (Puerto Rico Treasury) for \$40.00 for full-time, part-time and novice commercial licenses and \$250.00 for the non-resident commercial licenses. In the case of charter boats, a check or money order must be effected based on the minimum size of the vessel according to the following table:

Charter Boat Residents (fishing in freshwater, brackish water or salt water)

<u>Ship length in feet</u>	<u>Calendar Year</u>		
	<u>1st year</u>	<u>2nd year</u>	<u>3rd year on</u>
16-21'	\$100.00	\$125.00	\$150.00
22-30'	\$150.00	\$200.00	\$250.00
31' or more	\$300.00	\$400.00	\$500.00

Charter Boat Non-Residents (fishing in salt water)

<u>Ship length in feet</u>	<u>Cost</u>
16-21'	\$250.00
22-30'	\$375.00
31' or more	\$750.00

Headboats must submit a check or money order in the amount of \$1,000.00 for a license to operate in salt water. Non-residents will pay \$1,500.

- f. Have complied with the payment of any administrative fine or penalty for violation of any disposition of Law Number 278 or this regulation.
- g. Any other requirement that the Secretary considers relevant to achieve the objectives of this regulation.

9.2 Special Requirements

9.2.1 Full-time or part-time fisher

- a. Certified copy of income tax form submitted the year prior to the request for a permit. The Department, through an evaluation, will determine for which type of license the petitioner is qualified.

Once the fisher obtains a license, he will be obligated to submit annually, before April 30, a certified copy of his income tax form in order to maintain his current status in the appropriate category.

These licenses will be valid for four years and will expire the last day of the birth month of the person. The Department will have 60 days from the date the completed application was submitted to evaluate the petition.

9.2.2 Novice commercial fisher

- a. The license does not have any special requirement.

The license will be valid for one (1) year and will be nonrenewable.

The Department will have 60 days from the date the completed application was submitted to evaluate the petition.

Once the license has expired, if the fisher wants to continue fishing, he must apply for a license in any other category and comply with all the requirements in Articles 9.1, 9.2.1 section a, and 9.3 section e.

9.2.3 Non-resident commercial fisher

- a. If a fisher stays in Puerto Rico for 60 days or more, he must register the vessel in the office of the Commissioner of Navigation of DNER.
- b. Copy of a valid commercial fishing license from the place where the fisher is dedicated to this business.

This license will be valid for a six-month period from the date of issue. The Department will have 30 days from the date the completed form was submitted to evaluate the application.

9.2.4 Rental boats owners (Charter Boats and Headboats)

- a. Copy of the permit to dedicate themselves to this activity from the Public Service Commission. Non-residents must present the permits from their place of residence authorizing them to perform this activity.
- b. Those rental boats owners dedicated to the transport of persons to fish highly migratory species should submit copies of the relevant federal permits for this type of fishing.

The rental boat owner cannot fish nor sell the product of fishing with this license.

The license will be valid for one year from the date of issue. These licenses will expire the last day of the month in which they are issued. The Department will have 60 days from the date the completed form was submitted to evaluate the application.

9.3 Renewal

The renewal of all full-time and part-time fishing licenses and rental boats (charter and headboats) shall submit the following documents 90 days before the license expires:

- a. Completed form provided by the Department for this purpose.
- b. Copy of the Public Service Commission permit or valid documentation of permits from fisher's place of residence authorizing participation in said activity, when applicable.
- c. Copy of certified income tax forms submitted for last four (4) years in those cases where license is for full-time or part-time fishers.
- d. Two recent and identical 2" x 2" photos.
- e. Submit fisheries statistics. This will be verified through internal procedures of the Department.
- f. Check or money order payable to the Secretary of Hacienda (Puerto Rico Treasury) in the amount of \$40.00 for full-time or part-time commercial license renewal and \$250.00 for non-residents. In the case of charter boats, a check or money order will be submitted for the amount determined based on the size of the vessel according to the following table:

Charter Boat Residents (including freshwater, brackish water, or salt water)

<u>Ship length in feet</u>	<u>2nd year</u>	<u>3rd year on</u>
16-21'	\$125.00	\$150.00
22-30'	\$200.00	\$250.00
31' or more	\$400.00	\$500.00

Charter Boat Non-Residents (salt water)

<u>Ship length in feet</u>	<u>Cost</u>
16-21'	\$250.00

22-30'	\$375.00
31' or more	\$750.00

In the case of headboats, a check or money order for \$1,000.00 will be submitted for a salt water license. Non-residents must pay \$1,500.

- g. Have complied with the payment of any administrative fine or penalty in violation of any disposition of Law Number 278 or this regulation.
- h. Any other requirement that the Secretary considers pertinent to achieve the goals of this regulation.

9.4 Duplicates

Duplicates of any of these licenses will be solicited in the Office of the Secretary of DNER or any of its regional offices by means of a letter accompanied by a 2 x 2" recent photo and a money order in the amount of \$10.00 made out to the Secretary of Hacienda (Puerto Rico Treasury) .

ARTICLE 10 –COMMERCIAL FISHING PERMITS

All commercial fishers dedicated to fishing in jurisdictional waters of the Commonwealth of Puerto Rico the species that are presented in the following, should obtain a permit to these effects from the Department. The organisms that are not listed in the following table **do not require** permits for their capture. Obtaining these permits does not exempt anyone from obtaining other permits required by other federal or state agencies. The permits will be valid for a one-year period. Rental boat owners should acquire the permits presented in Article 17.1c of Chapter III for each fisher onboard.

10.1 - General Requirements:

- a. Have any type of a valid commercial fishing license.
- b. Complete the form to this effect provided by the Department.
- c. Check or money order payable to the Secretary of Hacienda (Puerto Rico Treasury) in the amount established in the table below for each of the following permits:

<u>Species</u>	<u>First year</u>	<u>Second year</u>	<u>Third year</u>	<u>Fourth year on</u>
Common lobster	\$10.00	\$15.00	\$17.00	\$20.00
Conch	\$10.00	\$15.00	\$17.00	\$20.00
Common land crab	\$10.00	\$15.00	\$17.00	\$20.00
Incidental catch	\$3.00	\$5.00	\$7.00	\$10.00

<u>Species</u>	First year	Second year	Third year	<u>Fourth year on</u>
Sirajo goby	\$3.00	\$5.00	\$7.00	\$10.00

Incidental fishing will be considered as three (3) or fewer individuals per vessel, or per fishing trip to catch species which require a permit for capture. If the catch is made with an art known to be used for the capture of these species, a permit will be required for the catch and will not be permitted as incidental, independent of the quantity obtained.

ARTICLE 11 – FISHERIES’ STATISTICS AND REGISTRY

It will be a requirement to submit to the Department pertinent commercial fishing information regarding the catch, effort, size, frequency, and any necessary biological information. The Department will provide the forms for submitting these statistics. The information will be confidential and recompiled or published in a manner that will not reveal secrets of the business.

The fisheries’ statistics can be sent by mail or delivered in person to the Office of the Secretary in the Central Office or to Regional Offices. The Department is obligated to provide a receipt of document delivery and this will be the only evidence that the fisher has complied with the Law regarding submittal of fisheries’ statistics. The fisheries’ statistics should be submitted monthly. Statistics should be submitted within 60 days of the fishing activity and each page of the statistics should represent one trip. In case of not having captured fish in a month, the fisher should submit a negative form. If the fisher does not comply with this requirement, he will receive a first warning; the second warning could result in the revocation of the fishing license.

ARTICLE 12 – IDENTIFICATION OF VESSELS AND FISHING GEAR

Fishers dedicated to lobster fishing shall have a colored identification code on their vessels and fishing gear. All traps and pots that are in the water (in use) shall have buoys matching this color code. Only the owner of the fishing gear can remove, manipulate or open the gear unless the vessel that is manipulating the traps and pots of other owners has onboard a written consent of the owner of the traps and pots. This restriction will not apply to authorized persons defined in this Rule.

The Department will notify the applicant of the color code that will identify his traps and pots. The Color Code consists of a geometric figure divided by three colored borders. These colored borders must be the same size and will be placed vertically. Each coast has an assigned geometric form:

North Coast: TRIANGLE	East Coast: RECTANGLE
South Coast: DIAMOND	West Coast: CIRCLE

The Department will process the application that the petitioner has duly completed and send by mail the Color Code assigned to each vessel within a period of no more than 15 days. Applicants will be covered or considered in compliance with this requirement from the date the application

is submitted. Once the applicant has received the assigned Code it is his responsibility to identify his fishing gear and vessel in accordance with the same within 30 days.

ARTICLE 13 - LIMITATIONS

It will be illegal that any commercial fisher:

- a. Fish for profit, exchange or sale of aquatic or semi-aquatic organisms from interior waters of Puerto Rico. An exception is made for bait species captured by commercial fishers, which can be sold or transferred to recreational or commercial fishers.
- b. Fish with gill nets, beach seines, or trammel nets within a perimeter less than 300 meters (984' feet) from the mouths of rivers.
- c. Use nets, traps, or pots over coral reef structures. After severe atmospheric events (hurricanes and swells), fishers shall remove fishing gear that has been dragged over coral reefs as soon as conditions permit.
- d. Use long line more than three (3) miles in length.
- e. Take the bunt of a seine out of the water before freeing incidental catch that do not comply with minimum legal sizes.
- f. Fish with trawl nets and drift nets.
- g. Surround Fish Aggregating Devices (FADs), coral reefs, or artificial reefs with nets used for fishing.
- h. Use nets (gill, fillet, trammel) with SCUBA equipment.
- i. Use air compressors (HOOKAH) to fish aquatic or semi-aquatic organisms. Any person with HOOKAH and aquatic or semi-aquatic organisms aboard a fishing vessel at the same time will be presumed to be in violation of this measure.
- j. Capture more than the daily maximum quota of common (queen) conch. The quotas are 150 per day per fisher or 450 conch per vessel per day, whichever is less.

Swordfish or billfish, tuna (Appendix 1), and shark are covered under the federal regulation known as Highly Migratory Species of the United States Department of Commerce (50 CFR, Part 635). Fishers who capture these species shall comply with said regulation.

Billfish captured incidentally with long line must be released by cutting the line close to the fishhook, avoiding the removal of the fish from the water.

ARTICLE 14 - FISHING GEAR LIMITATIONS

- a. The legal minimum mesh size for traps will be 1.5 by 1.5 inches (38 mm) for hexagonal wire, measured from the smallest dimension and 2" x 2" (51 mm) for square wire mesh.
- b. All fish traps shall have at least one escape panel of 8" x 8" (203 x 203 mm) on any side of the fish trap excluding the top, the bottom and that side where the entrance to the trap is located. This opening of eight (8) inches by eight (8) inches (203 x 203 mm) must be covered by a panel made of wire with a mesh size no less than the one used for fish trap construction. This panel must be attached to the fish trap using untreated jute with a maximum diameter of 3/16-inch (4.8 mm) or ungalvanized wire with a caliber (gauge) of 18 or with magnesium alloy (pop-ups). The panels can be attached to the bottom of the trap using hinges. Fish traps made of plastic covered wire or those made of plastic wire must meet the mesh size and escape panel requirements, as described above.
- c. Lobster traps must possess, at a minimum, one self-destructive panel, or one escape door of at least 6 x 6 inches. This panel must be attached using untreated jute with a maximum diameter of 3/16-inch (4.8 mm) or or ungalvanized wire with a caliber (gauge) of 18 or with magnesium alloy (pop-ups).
- d. Seine nets, haul beach seines (except those established in Article 15), or **boliches** shall comply with the following specifications for different parts of the apparatus:
 - 1) **Calones** 4 ¼ inches (108 mm)
 - 2) **Segundos** 3 ¼ inches (83 mm)
 - 3) **Flappers** 2 ¼ inches (57 mm)
 - 4) **Bocheches** 2 inches (51 mm)
 - 5) **Bunt** 1½ inches (38 mm)

(The bunt shall have not less than 20 meshes at the end).

All the measures of mesh will be taken from knot to knot (see Figure 7a).

- e. The use of profiles or rigid structures in seine nets that impede escape through the mesh or cause damage to the habitat will be illegal.
- f. The mesh of gill or fillet nets and trammel nets cannot be less than 2 inches from knot to knot (51 mm) in extension. The rest of the net can be made to the taste of the fisher, as long as none of the parts have a mesh less than 2 inches from knot to knot

(51 mm). The center part of trammel nets must be larger or have a mesh of the same dimension (2 inches from knot to knot).

- g. The use of gill or fillet nets and trammel nets with a mesh larger than 6 inches from knot to knot (152 mm) in extension will be illegal. For trammel nets, outer panels cannot have a mesh larger than 6 inches from knot to knot.
- h. Trammel nets for catching baitfish, like seine nets used for this purpose, can have an opening from knot to knot of up to 1/4" inches.
- i. Cast nets must be constructed with a minimum stretched mesh size of 1 inch and its diameter cannot exceed fourteen (14) feet, with the exception of cast nets for the capture of dwarf herring which can have a stretched mesh size of 1/4 inch. For white mullet, cast nets with a mesh of two inches (2") when stretched and with a diameter that does not exceed twenty-four (24) feet will be permitted.
- j. It will be illegal to fish and/or capture octopus using gaff whose grappling hook diameter is less than one inch (1") (25.4 mm).

ARTICLE 15 – TEMPORARY DISPOSITION

A 2 year period, beginning on the date at which this Regulation becomes active, will be conceded to commercial fishers to make necessary changes to ensure that their existing fishing gear (traps, lobster pots and nets) conforms to that described in this Regulation, and to register them in the Department. During the 2 years, the designs authorized by prior regulations will remain active. All gear, whether it is constructed or purchased, used after this Regulation is active shall be registered and comply with the specifications described herein. Once the fisher submits the completed application for registration, the Department will have a period of 30 calendar days to proceed with the registration. The fisher can apply for certifications from the Department of the fishing gear registered in his name, submitting a written petition to the Secretary.

In the case of haul beach seines, a term of three years from the approval of this regulation will be conceded so that these can be substituted for an alternate fishing gear. After this term, the use of this fishing gear will be prohibited. The minimum legal size for the whelk (*Cittarium pica*) will be 2 1/2" shell diameter two (2) years after the effective date of this regulation.

CHAPTER III – RECREATIONAL FISHING

ARTICLE 16 - LICENSES

All persons fishing for recreational purposes in jurisdictional waters of Puerto Rico must possess the required license issued by the Secretary, except for exemptions established below. The license must be available for inspection at all times during which the fisher is practicing this

sport and will not be transferable. No fishing license that is damaged, blurred, or illegible will be valid and a duplicate shall be solicited as explained below.

The Department will provide notification, through a public notice, the date at which recreational fishing licenses will be available.

Two (2) types of licenses will be available: freshwater fishing and saltwater fishing.

16.1 Requirements:

The approval of this license will entail meeting the following requirements:

- a. Be 13 years of age or more.
- b. Complete the form provided for this purpose.
- c. Agree to provide statistics for the fishing activity.
- d. Pay the quantity listed in the following table:

<u>Type of License</u>	<u>1 year</u>	<u>7 days</u>	<u>1 day</u>
	Cost	Cost	Cost
Residents aged 13 to 14 years	\$0.00	\$0.00	\$0.00
Residents aged 15 to 21 years	\$5.00	\$5.00	\$3.00
Residents aged 22 to 60 years	\$20.00	\$5.00	\$3.00
Residents more than 60 years old	\$ 0.00	\$0.00	\$0.00
Non-resident U.S. citizen	\$35.00	\$7.00	\$5.00
Visitor, foreign citizen	\$50.00	\$10.00	\$7.00

The duplication of this license will cost \$3.00 and will be a faithful and exact copy of the original, including the associated permits.

16.2 Exemptions:

Exemptions for not rendering the payment pertinent to these licenses, or for not requiring a recreational fishing license will be as follows:

- 1. Minors less than 13 years of age (demonstrated with corroborable documents) do not need a recreational fishing licence. When fishing they should be accompanied by an adult who has a fishing license, except when fishing from the shore.
- 2. All of the official educational activities related to fishing offered by the Department do not require a license.

3. Clients of owners of rental boats (charter boat and headboat) do not require a recreational fishing license while they are fishing with the owner of said vessel.
4. All completely incapacitated persons who can demonstrate the same with dated documents will require a license but will not have to pay to obtain it.
5. All persons who fish in their private pond or who give permission to third parties to fish in the pond.

ARTICLE 17 - PERMITS FOR RECREATIONAL FISHING

All recreational fishers dedicated to fishing for the species presented below in jurisdictional waters of the Commonwealth of Puerto Rico shall obtain a permit to this effect from the Department. Organisms that are not included in the following table **do not require** permits for their capture. Obtaining these permits does not exempt anyone from obtaining other permits required by other federal and state agencies. Owners of rental boats shall acquire a permit for each client for those species requiring a permit to fish that will be valid for one day.

17.1 Requirements:

- a. Obtain or have obtained a recreational fishing license.
- b. Provide the required information.
- c. Pay the quantity indicated in the following table:

<u>Category</u>	<u>1 day</u>	<u>7 days</u>	<u>1 year</u>
Common Lobster	\$10.00	\$15.00	\$25.00
Conch	\$10.00	\$15.00	\$25.00
Common land crab	\$10.00	\$15.00	\$25.00
Billfish	\$10.00	\$15.00	\$25.00
Freshwater shrimp	\$5.00	\$7.00	\$10.00
Sirajo goby	\$5.00	\$7.00	\$10.00

- d. In the case of Highly Migratory Species (tuna, swordfish), fishers shall obtain a permit according to the requirements of the Federal government.

ARTICLE 18 - LIMITATIONS

It will be illegal for all recreational fishers to:

- a. Sell, exchange, or deal in products of recreational fishing.
- b. Use spear guns and SCUBA tank at the same time.

- c. Transfer species from one interior water body to another without previous authorization from the Secretary.
- d. Capture freshwater shrimp (Appendix 2) with shrimp nets whose diameter is greater than two (2) feet. Apart from shrimp nets, only hand capture, hand nets, and hook-and-line will be permitted to capture these organisms.
- e. Fish more than three (3) queen conch per person per day or a quota per vessel per day not to exceed twelve (12) animals, whichever is less.
- f. Fish billfish smaller than the following size limits (expressed in terms of the inferior jawbone length (IJL), see Figure 5):

Blue marlin (*Makaira nigricans*) – 99” (251 cm)
 White marlin (*Tetrapterus albidus*) - 66” (168 cm)
 Sailfish (*Istiophorus platypterus*) - 63” (160 cm)

- g. Fish with gear other than rod-and-reel or hook-and-line, except for conch, lobster, crabs. Spearfishing while snorkeling is also allowed.
- h. Possess tarpon, *Megalops atlanticus*, and bonefish, *Albula vulpes*, except when these are freed after capture.
- i. Fish dolphin (*Coryphaena hippurus*), wahoo (*Acanthocibium solanderi*), or king mackerel (*Scomberomorus* spp.) over the established quotas. The limit is five (5) of each species per fisher per day or a quota of 20 animals or less per vessel per day, whichever is less.
- j. Use of largemouth bass (*Micropterus salmoides*) or peacock cichlid (*Cichla ocellaris*) or parts of these fish as bait.
- k. Fish more than five (5) mountain mullet or five (5) sleepers per fisher per day.
- l. Export juvenile eels smaller than 3 inches (76 mm) total length (TL) (Figure 6). All incidental catch of eels should be liberated, whether alive or dead.
- m. Leave unattended fishing gear established in Article 8, clause b in interior waters.

A billfish that is property of a distributor of fish or seafood will be presumed to be a billfish collected in the Economic Exclusion Zone unless accompanied by the necessary documentation indicating the contrary. These documents will be those established in the Code of Federal Regulations Number 50, Section 246.

Other active dispositions regulating Highly Migratory Species of the Department of Commerce

of the Federal government (Code of Federal Regulations Number 50, Part 635), or amendments that arise in the future will apply within jurisdictional waters of Puerto Rico.

Minimum sizes and daily quotas for largemouth bass and peacock cichlid in interior waters will be announced through an Administrative Order.

CHAPTER IV - SPECIAL FISHING PERMITS

ARTICLE 19 PERMITS

All persons dedicated full- or part-time to the capture, importation, exportation, and possession in captivity of aquatic or semi-aquatic organisms for purposes of scientific investigation, education, exhibition, aquaculture, marketing, and possession of aquarium or ornamental organisms, must solicit one or more, according to the requirements, of the following permits from the Secretary. The capture and possession of aquarium or ornamental organisms for the purpose of personal enjoyment without economic ends will not require a permit.

The Secretary can limit the number of special permits issued for any of the ends already described. These permits will have a maximum duration of one-year following their issuance. The Department will have a maximum term of 60 days to evaluate the application upon submission of the duly completed solicitation.

19.1 – GENERAL REQUIREMENTS

- a. Complete and sign the application provided by the Department for these purposes.
- b. In those cases where the Department deems it necessary, a public responsibility policy may be required as well as a document for the analysis of the environmental impact of the activity in compliance with the dispositions of Article 4c of Law Number 9 of June 18, 1970, known as the Public Environmental Policy Law.
- c. Submit a certified check or money order in the name of the Secretary Hacienda (Puerto Rico Internal Revenue Service) in the amount established in clause 19.2j.

19.2 SPECIFIC REQUIREMENTS

The following table specified those requirements that apply to each particular case.

ACTIVITY	CAPTURE	IMPORTATION	EXPORTATION
Scientific	a, b, c, e	a, b, g, h,	a, b, h
Educational	a, b, c, e	a, b, g, h,	a, b, h
Exhibition	a, c, e	a, b, g, h,	h
Aquaculture	a, b, c, d, e	g, h, d	N/A

Aquarium Trade	c, f, i ,e	g, h,	h, i
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- a. An executive summary including the proposed work, objectives, activities, methods, biology of the species, species' life cycle, number of individuals, facilities, and the destiny of the species will accompany the application. If there are amendments to the proposal, an executive summary to this affect should be submitted.
- b. A resume of the applicant. In the case of a student. Approval of his major professor is required. In the case of university students, a cooperative agreement should exist between the university institution and the Department prior to the issuance of the permit.
- c. Copy of a nautical chart that shows the area where the capture is proposed. If it is in a river, a basin, a lagoon, or an estuary, a 1:20,000 topographic quadrangle will be submitted.
- d. Approval from the Department of Agriculture for dedication to the activity.
- e. If the applicant is not the owner of the farm or property that will serve as access to the proposed site, a notarized document from the owner should be submitted authorizing the same.
- f. Have previously obtained a commercial fishing license.
- g. Veterinary certification or health certificate emitted by a recognized profession in this specialty in the place of origin where it is certified that the fish are free of disease and parasites.
- h. Origin of the specimens (number of the permit of the person who captured the specimens), copy of a purchase receipt, or sworn declaration including the date of acquisition and the place of origin.
- i. Submit a monthly report of the species captured and exported
- j. Permit Costs

ACTIVITYy	CAPTURE		IMPORTATION		EXPORTATION	
	Not for profit	For profit	Not for profit	For profit	Not for profit	For profit
Scientific	\$25.00	\$100.00	\$25.00	\$25.00	\$25.00	\$400.00
Educational	\$25.00	\$100.00	\$25.00	\$25.00	\$25.00	\$400.00
Exhibition	\$25.00	\$100.00	\$25.00	\$25.00	\$25.00	\$400.00
Aquaculture	\$25.00	\$100.00	\$25.00	\$25.00	\$25.00	N/A

Aquarium Trade	\$25.00	\$100.00	\$25.00	\$25.00	\$25.00	\$400.00
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The costs established in this regulation will be paid at the moment of application submission and will not be reimbursed if the permit is denied.

In those cases of emergency where institutions or persons interested in realizing studies shall solicit authorization from the Secretary in writing, these requirements will not apply. An annual quota for aquarium fish permitted in Appendix 4 is established. The Department will notify those who have a permit, by means of a certified letter with confirmation of receipt, the date at which the total quota for each species is projected to be reached, prohibiting additional capture of these species.

ARTICLE 20 – USE PERMITS FOR FISHING DEPARTMENT FACILITIES

The Secretary will establish, by means of an Administrative Order, those facilities that will require a use permit and the cost of the same.

CHAPTER V – OTHER DISPOSITIONS

ARTICLE 21 - CONFISCATION

The Secretary will be able to confiscate all vessels, fish, equipment, or fishing gear used to commit any violation of the stipulations of the above mentioned laws and this regulation. This will be accomplished in conformance with Law Number 93 of July 18, 1988, known as the Uniform Confiscation Law.

ARTICLE 22 - PENALTY PROCESS

Anyone found to be in violation of this regulation will be subject to the following dispositions:

Administrative fine no less than one hundred (\$100) dollars nor greater than five thousand (\$5,000) dollars as stated in Article 13 of Law number 278 of 29 November 1998, as amended.

1. First offense – fines will be not less than one hundred (\$100) dollars nor greater than one thousand (\$1,000) dollars.
2. Second offense – fines will be no less than two hundred (\$200) dollars nor greater than two thousand (\$2,000) dollars.

3. Third offense and subsequent – fines will be no less than one thousand (\$1,000) dollars and no greater than five thousand (\$5,000) dollars

Any natural or legal person who infringes upon the dispositions of Article 7, will incur a minor offense and conviction that will be punished with a fine of no less than five hundred (\$500) dollars and no more than (\$3,000) dollars for each day it occurred.

The judicial process will be in conformance with that disposed in the Uniform Administrative Process Law of August 12, 1988, as amended and the Administrative Proceedings Regulation of the Department. The public order agent will present the transgressor a complaint in preprinted form that will consist of the name and address of the transgressor, disposition of the regulation to which the infraction is attributed, and the proposed penalty. The public order agent will make an appointment for the transgressor to celebrate an administrative hearing in no less than 15 days. The complaint will be presented in the Office of the Secretary of the Department the same day of the intervention or no later than the day after the intervention, initiating the administrative process established in the Administrative Proceedings Regulation of the Department. All complaints greater than five hundred dollars (\$500) will be presented by lawyers from the Legal Affairs Division of the Department.

For the purposes of this regulation, each organism captured or fished illegally will be interpreted as constituting a violation. In the case of fishing gear, each gear in violation of the dispositions of this regulation will constitute a violation.

ARTICLE 23 DENIAL OR REVOCATION OF LICENSES AND PERMITS

The denegation or revocation of a license or permit issued under Law Number 278 of November 29, 2998, as amended, will be motivated by any of the following circumstances:

- a. Violations by the applicant, his representatives or agents of any clause of any of the previously mentioned laws or this regulation as well as any resolution, decision, or order emitted by the Secretary.
- b. Have presented false information in the permit application (s) or in the fishing report.
- c. Refuse to submit pertinent information required by the Department.

ARTICLE 24 – CREATION OF A SPECIAL FUND

A fund will be created for use and benefit of the Bureau of Fisheries and Wildlife of the Department that will be known as the Special Fund for the Management of Fishing in Puerto Rico. The amounts collected for purposes of licensing and permits as established in this regulation, as well as that collected as fines and donations, will be placed in this fund. The funds will be used among the following activities:

- Administration of Fishing Programs – up to 2.5%
- Fishing Licenses and Permits Program – up to 15%
- Fishing Education Program – up to 2.5%
- Fishery Facility Improvements – up to 30%
- Compliance with Fishing Regulations – up to 25%
- Monitoring and Investigation of Fishery Resources
 - Marine Fishery Resources (15%)
 - Freshwater Fishery Resources (10%)

The Department could transfer or increase the amount to one of these programs if it is necessary to comply with the annual management plan for fishery resources for a particular year.

ARTICLE 25 - SEPARATION CLAUSE

If any paragraph, article, clause, title, or portion of this Regulation is declared unconstitutional by a rightful tribunal, this will not invalidate or affect the other dispositions of this regulation, The effect will be limited to the paragraph, article, clause, title, or part that was declared unconstitutional.

ARTICLE 26 - CLOSED SEASON AND UNFORESEEN OR EMERGENCY MEASURES

Closed seasons decreed by the Secretary distinct from those included in this regulation will be announced by means of a public notice 20 days before the date in which the closure will become active. The notice will be published in a newspaper with general circulation.

When available scientific information demonstrates that a fishery resource is seriously threatened, fishing activity is threatening the resource, or a health risk exists, the Secretary can declare an emergency through an Administrative Order and take necessary measures. A notice informing the public as to the measure will be published.

ARTICLE 27 – EFFECTIVE DATE

This regulation comes into affect 30 days after its approval. All administrative orders and current regulations contained within Law Number 83 of 1936 are annulled and supplanted by Law 278.

All fishing licenses and permits that were issued before this regulation become active will be invalid 90 days after the approval of the same.

In San Juan, Puerto Rico today, the ____ day of _____, ____.

Luis E. Rodríguez Rivera
Secretary

APPENDICES

Appendix 1. Regulated tuna species		
Scientific Name	Spanish common name	Common Name
<i>Thunnus thynnus</i>	Atún aletiazul	Bluefin Tuna (BFT)
<i>Thunnus albacares</i>	Atún aleta amarilla	Yellowfin Tuna (YFT)
<i>Thunnus alalunga</i>	Albacora	Albacore
<i>Thunnus obesus</i>	Atún ojón	Bigeye Tuna
<i>Euthynnus pelamis</i>	Bacora, bonito	Skipjack

Appendix 2. Regulated shrimp species		
Scientific Name	Spanish common name	Common Name
<i>Atya innocus</i>	Gata chica, chágara	Innocous freshwater shrimp
<i>Atya lanipes</i>	Chágara giradora	Spinning freshwater shrimp
<i>Atya scabra</i>	Guábara, gata grande	Roughback freshwater shrimp
<i>Macrobrachium acanthurus</i>	Camarón de Poyal	Cinnamon river shrimp
<i>Macrobrachium carcinus</i>	Camarón de Years, viejo	Bigclaw river shrimp
<i>Macrobrachium crenulatum</i>	Coyuntero del Verde, rayao	Striped river shrimp
<i>Macrobrachium faustinum</i>	Coyuntero, pelú, popeye	Bigarm river shrimp
<i>Macrobrachium heterochirus</i>	Camarón Tigre, leopardo	Cascade river shrimp

Appendix 3. Regulated crab species		
Scientific Name	Spanish common name	Common Name
<i>Arenaeus cribarius</i>	Cocolía marina, pecosa	Speckled swimming crab
<i>Callinectes bocourti</i>	Cocolía de Bocourt	Bocourt swimming crab
<i>Callinectes exasperatus</i>	Cocolía arrugada	Rugose swimming crab
<i>Callinectes ornatus</i>	Cocolía adornada, jaiba	Shelligs
<i>Callinectes sapidus</i>	Cocolía azul	Blue crab
<i>Cardisoma guanhumi</i>	Juey de Tierra, Juey Azul o Palancú	Blue land crab
<i>Carpilius corallinus</i>	Juey Dormido	Batwing coral crab
<i>Epilobocera sinuatifrons</i>	Buruquena, bruquena	Puertorrican freshwater crab
<i>Gecarcinus lateralis</i>	Jueyita de tierra	Blackback land crab
<i>Gecarcinus ruricola</i>	Juey Morao, Monita.	Purple land crab
<i>Goniopsis cruentata</i>	Juey de mangle, cangrejo	Mangrove root crab
<i>Mithrax spinosissimus</i>	Cangrejo Rey del Caribe	Channel clinging crab
<i>Ocypode quadrata</i>	Cangrejo Fantasma o Jueya Blanca	White ghost crab
<i>Ucides cordatus</i>	Juey Pelú o Zambuco, Cambú	Swamp ghost crab

Appendix 4. Marine aquatic organisms permitted for possession, private purposes, and exportation for the aquarium industry.			
Scientific Name	Spanish common name	Common Name	Quota

Scientific Name	Spanish common name	Common Name	Quota
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Appendix 4. Marine aquatic organisms permitted for possession, private purposes, and exportation for the aquarium industry.

Scientific Name	Spanish common name	Common Name	Quota
<i>Acanthurus coeruleus</i>	Barbero, médico, navajón	Blue Tang	724
<i>Amblycirrhitus pinos</i> **	Halconcito	Red spotted hawkfish	205
<i>Apogon maculatus</i> **	Cardenal candela	Flame cardinal	583
<i>Bodianus rufus</i> *	Loro capitán*	Spanish hogfish	597
<i>Centropyge argi</i>	Querubin azul	Pygmy angelfish	601
<i>Chromis cyanea</i>	Burrito, jaqueta azul, cromis	Blue chromis	1,183
<i>Gobiosoma multifasciatum</i>	Gobio verde, guaseta	Greenbanded goby	920
<i>Gramma loreto</i>	Gramma, chernita bicolor	Royal Gramma	12,520
<i>Halichoeres garnoti</i>	Doncella cabeciamarilla	Neon wrasse	417
<i>Holacanthus tricolor</i>	Isabelita medioluto,	Rock beauty	1,052
<i>Hypsoblennius exstochilus</i>	Dardo ojón, miron, mirador	Horned blenny	703
<i>Microspathodon chrysurus</i> **	Damisela coliamarilla	Yellowtail, jewel damselfish	378
<i>Myripristis jacobus</i> *	Toro, torito, cundeamor	Blackbar soldierfish	287
<i>Ophioblennius atlanticus</i>	Dardo puya, miron, mirador	Redlip blenny	1,138
<i>Opistognathus aurifrons</i>	Quijada colirrubia	Yellowhead Jawfish	2,823
<i>Opistognathus whitehurstii</i>	Quijada prieta	Dusky jawfish	383
<i>Pomacanthus paru</i>	Isabelita negra, palometa	French angelfish	428
<i>Serranus tigrinus</i>	Guaseta arlequín	Harlequin bass	242
<i>Thalassomaa bifasciatum</i>	Doncella cabeciazul, runone	Bluehead wrasse	703
<i>Xanthichthys ringens</i>	Puerquito, cayuco	Redtail triggerfish	561
Marine Invertebrates			
<i>Alpheus armatus</i>	Camarón tirador colorao	Red snapping shrimp	30
<i>Mithrax sculptus</i>	Juey colgante verde	Green/emerald crab	30
<i>Oliva reticularis</i>	Oliva	Measle cowrie/olive snail	30
<i>Oreaster reticulatus</i>	Estrella de mar	Red Bahama west indies starfish	30
<i>Stenopus hispidus</i>	Camarón arlequín	Red banded coral shrimp	140
<i>Stenopus scutellatus</i>	Camarón dorado	Golden coral shrimp	140
<i>Stenorhynchus seticornis</i>	Cangrejo de flecha	Arrow crab	752
<i>Thor ambionensis</i>	Camarón de anémonas	Squat anemone shrimp	401

Appendix 5. Fish species regulated by minimum size (Fork Length = FL)

Scientific Name	Spanish common name	Minimum Size	
		FL (inches)	FL (mm)
<i>Centropomus undecimalis</i>	Robalo común o robalo blanco	22	559
<i>Haemulon plumieri</i>	Boquicolorao, Cachicata blanca, ronco	8	203
<i>Lactophrys polygonius</i>	Chapín panal*	7	178
<i>Lactophrys quadricornis</i>	Chapín veteado**	7	178

Appendix 5. Fish species regulated by minimum size (Fork Length = FL)

Scientific Name	Spanish common name	Minimum Size	
		FL (inches)	FL (mm)
<i>Lutjanus bucanella</i>	Alinegra, negrita	12	305
<i>Lutjanus vivanus</i> ¹	Chillo ojo amarillo	16	410
<i>Ocyurus chrysurus</i>	Colirrubia	10.5 ***	267
<i>Scomberomorus cavalla</i>	Carite*	19.9	505
<i>Scomberomorus regalis</i>	Sierra*	16	406

All measures will be taken from the point of the snout with the mouth closed up to the bifurcation of the caudal fin or tail Fork Length).

¹The legal minimum size for this species during the first year from the effective date of this regulation will be 12” (305). During the second year it will be 14” (356 mm). From the third year on, the minimum size for this species will be that which appears in Appendix 5.

Appendix 6. Aquarium or ornamental fish species prohibited from importation.

Species	Spanish common name	Common Name
Freshwater organisms		
Familia Malapteruridae	Barbudos eléctricos africanos	Electric catfish
Subfamilia Hydrocyninae	Peces tigres africanos	African tiger fish
Familia Clariidae	Barbudos caminantes	Walking catfish
Familia Trichomycteridae	Barbudos candiru	Condiru
Familia Electrophoridae	Anguilas eléctricas	Electric eel
Familia Petromyzonidae	Lampreas	Lamprey
Subfamilia Serrasalminae	Pirañas y Pirambebas	Piraña
Familia Channidae	Cabeza de culebra	Snakeheads
Familia Erythrinidae	Trahiras, peces tigres, guabinas de SA	Tiger Fish
Familia Heteropneustidae	Barbudos saco de aire	Airsac catfish
<i>Lepomis cyanellus</i>	Chopa verde	Green sunfish
<i>Cherax</i> spp.	Langosta de agua fresh de Australia	Freshwater lobster
<i>Dreissena polymorpha</i>	Mejillones zebra	Zebra mussels
<i>Aristichthys nobilis</i>	Carpa cabezón	bighead carp
Familia Osteoglossidae	Arapaima	Arapaima, pirarucu
<i>Salminus</i> spp	“Dorados” de los ríos de suramerica	Dorado, mahi mahi
Freshwater		
Familia Potamotrygonidae	Rayas de agua fresh	Stingrays
<i>Lates</i> spp.	Perca del Nilo	Nile perches
<i>Hypophthalmichthys molitrix</i>	Carpa plateada	Silver carp
<i>Mylopharyngodon piceus</i>	Carpa caracol o carpa negra	Snail or black carp
<i>Ictalurus furcatus</i>	Barbudo azul	Blue catfish
<i>Cichlasoma managuense</i>	Guapote tigre	
Marine		
<i>Pterois volitans</i>	Pez león	Lion fish

Figures and Size Measurements

Figure 1. CW – Carapace width

Figure 2. LT - Lip Thickness

Figure 3. CL- Carapace length

Figure 4. FL- Fork Length

Figure 5. IJL – Inferior Jawbone Length

Figure 6. TL - Total Length

Figure 7. Way to measure mesh of nets from knot to knot.

Figure 8. No take zone, Desecheo Island

Figure 9a. No take zone, Mona and Monito Islands

Figure 9b. Hook and line fishing zone, Mona Island

Figure 10. Luis Peña Channel Natural Reserve

Figure 11. Delimitation of no take zone, Condado Lagoon

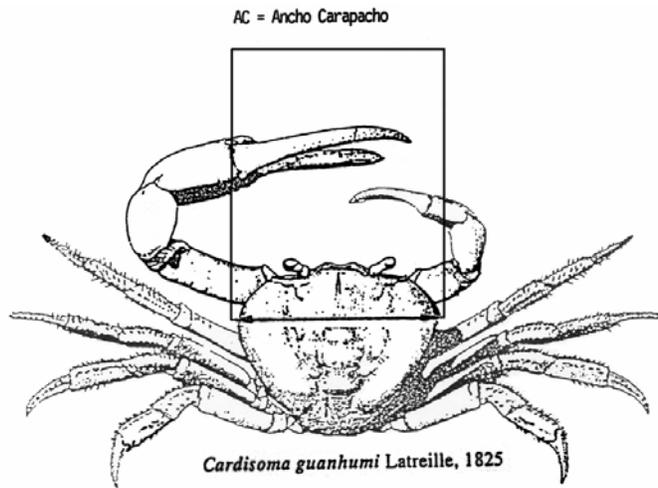
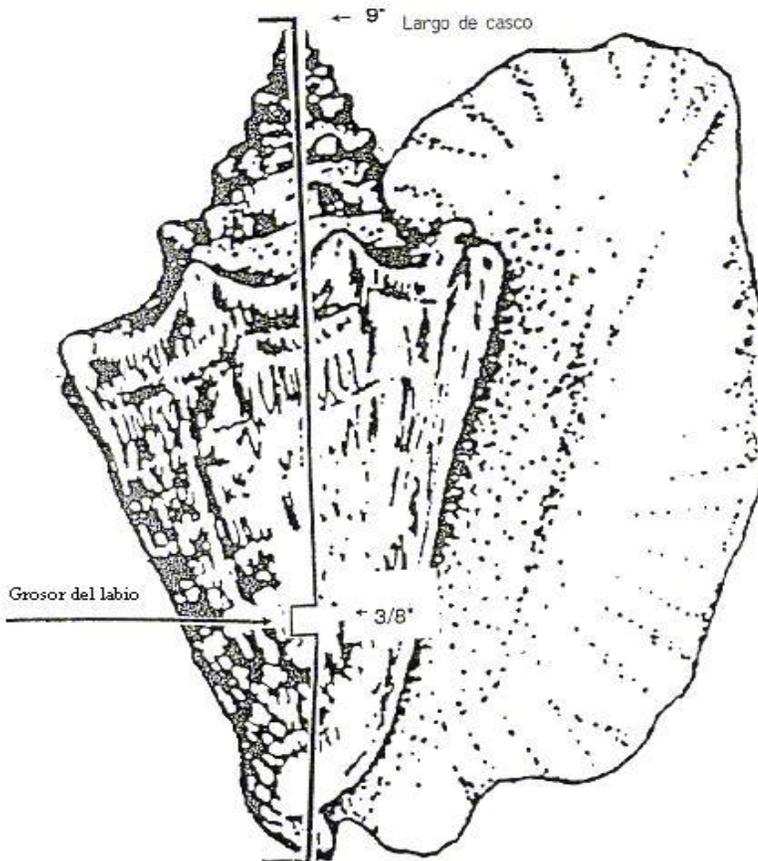
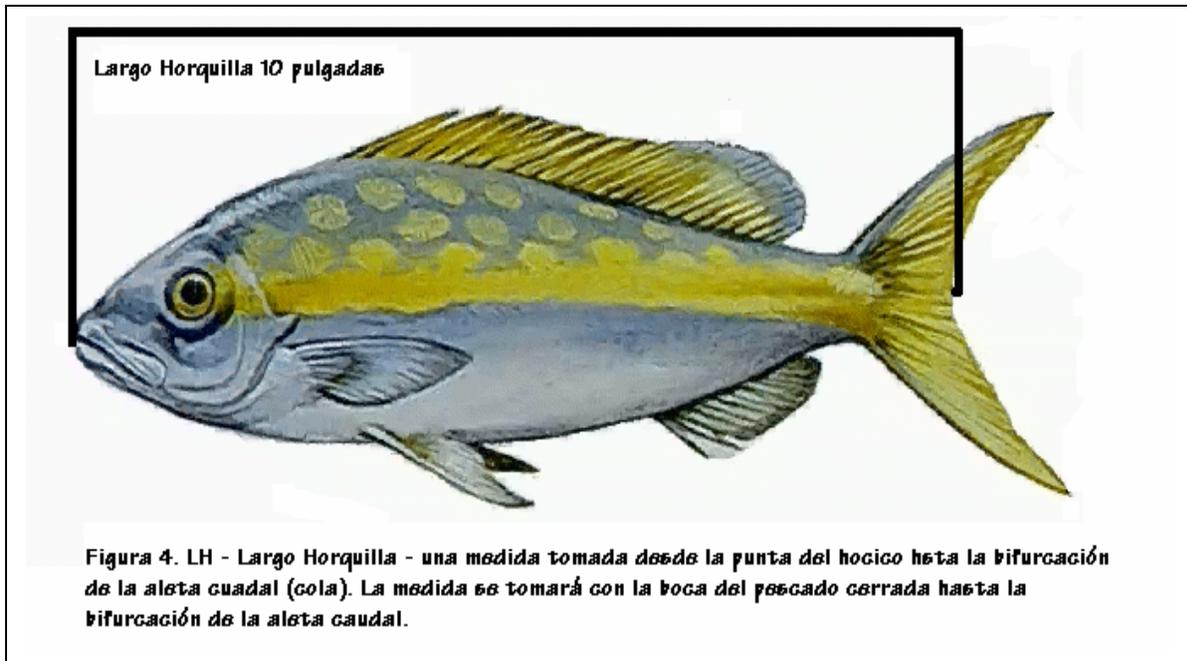
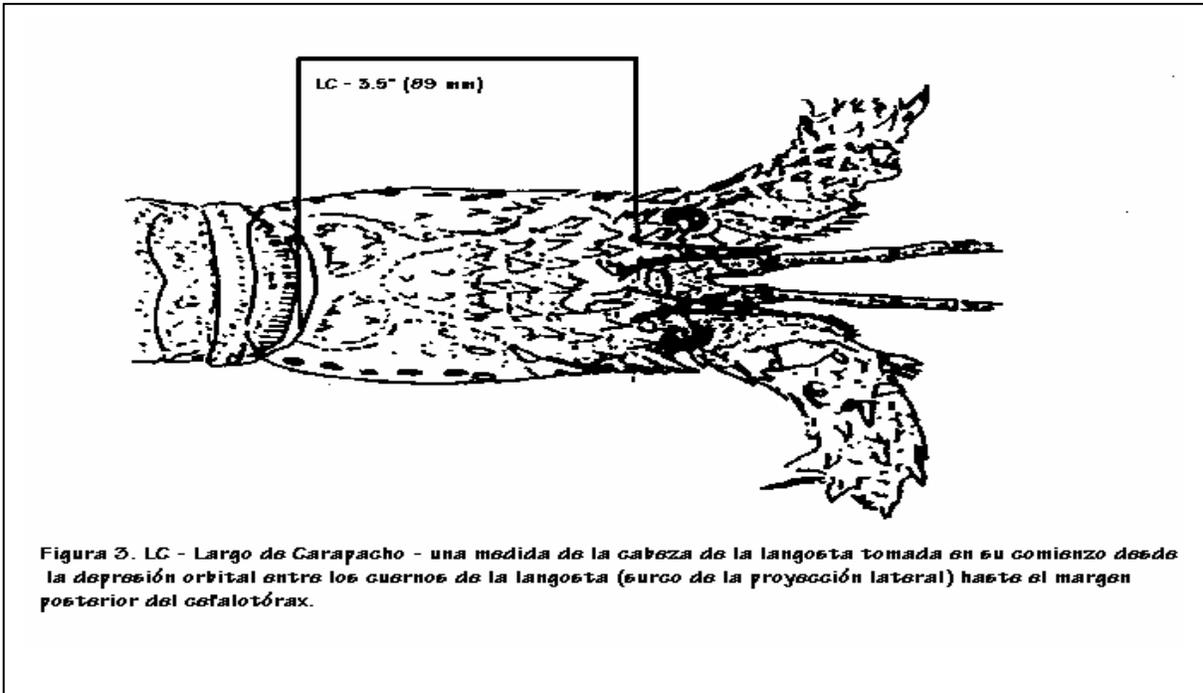


Figura 1. AC - Ancho de Carapacho - la medida máxima del carapacho de los cangrejos.

Figura 2. Grosor del labio - una medida del borde del ala de la concha del carrucho en aquel punto donde mayor sea su grosor.





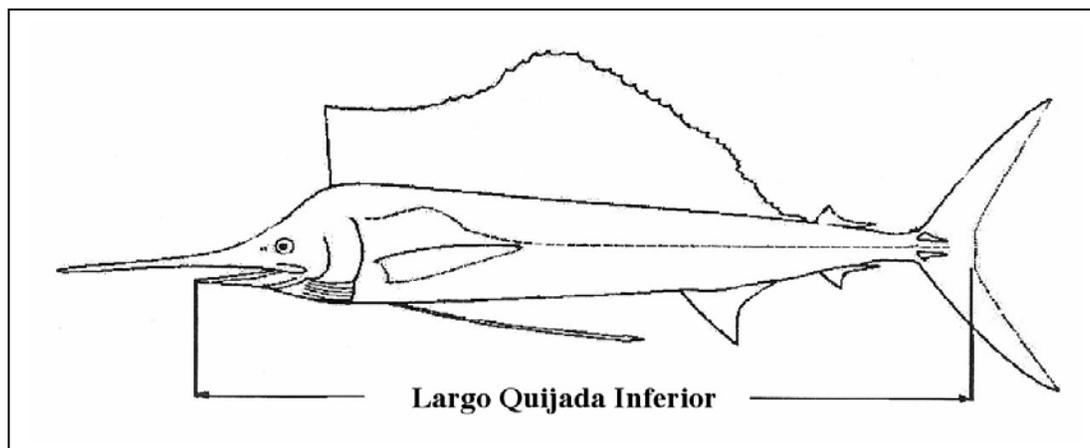
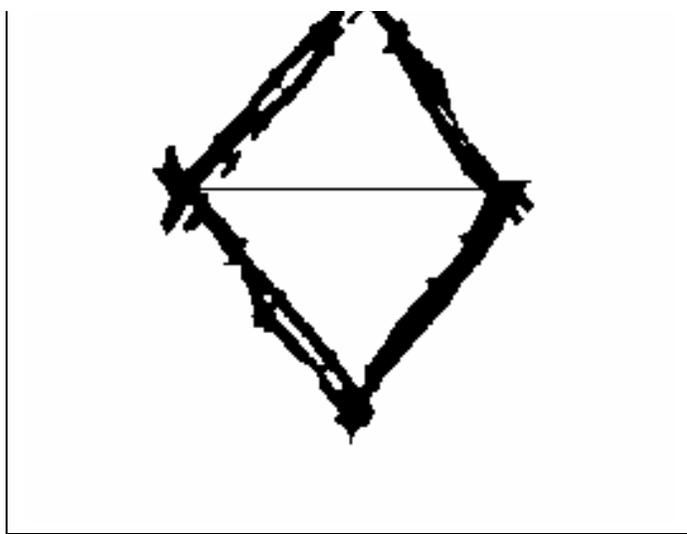
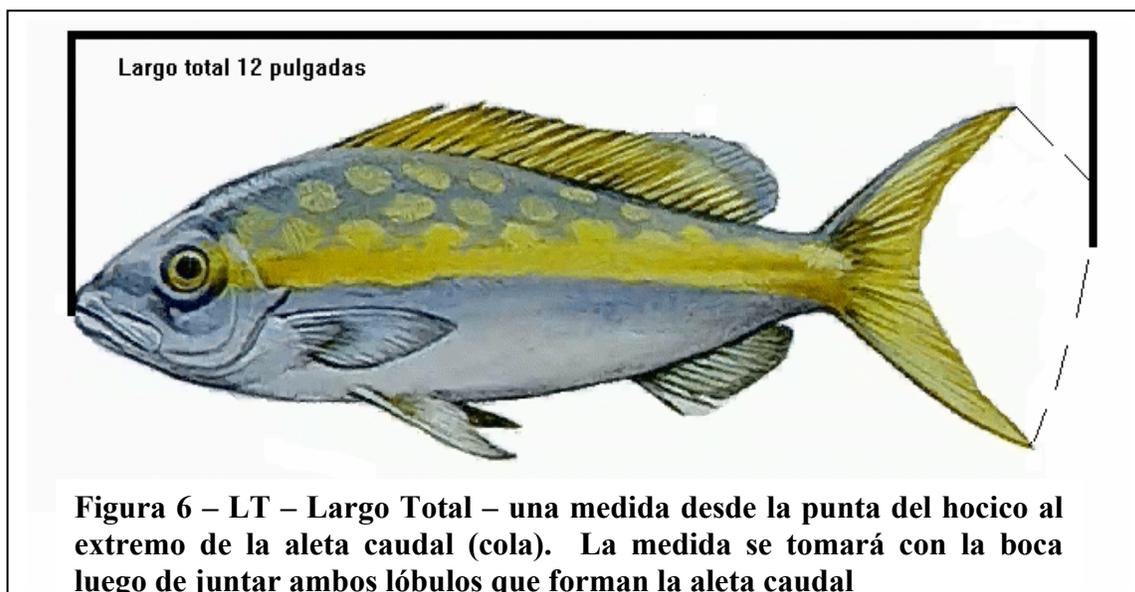


Figura 5 – LQL – Largo Quijada Inferior – una medida tomada desde el extremo anterior de la quijada inferior en línea recta hasta el punto medio de la aleta caudal en los peces de pico.



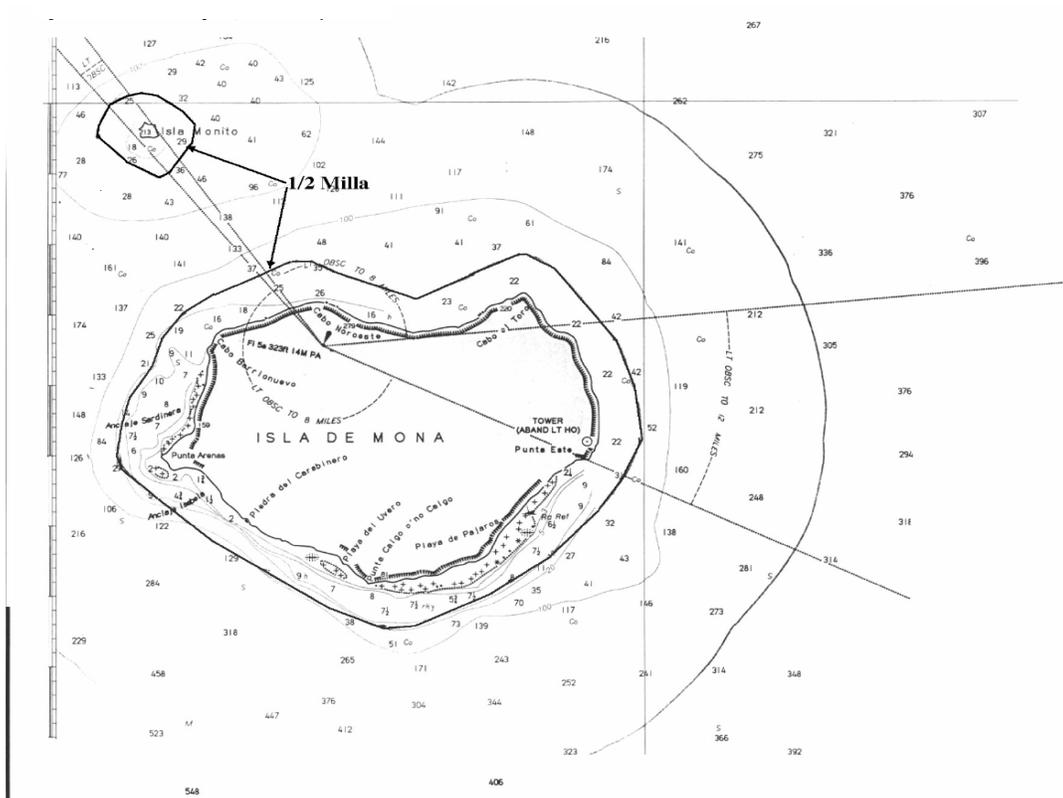


Figura 9a – Area de veda a la pesca, Isla de Mona y Monito

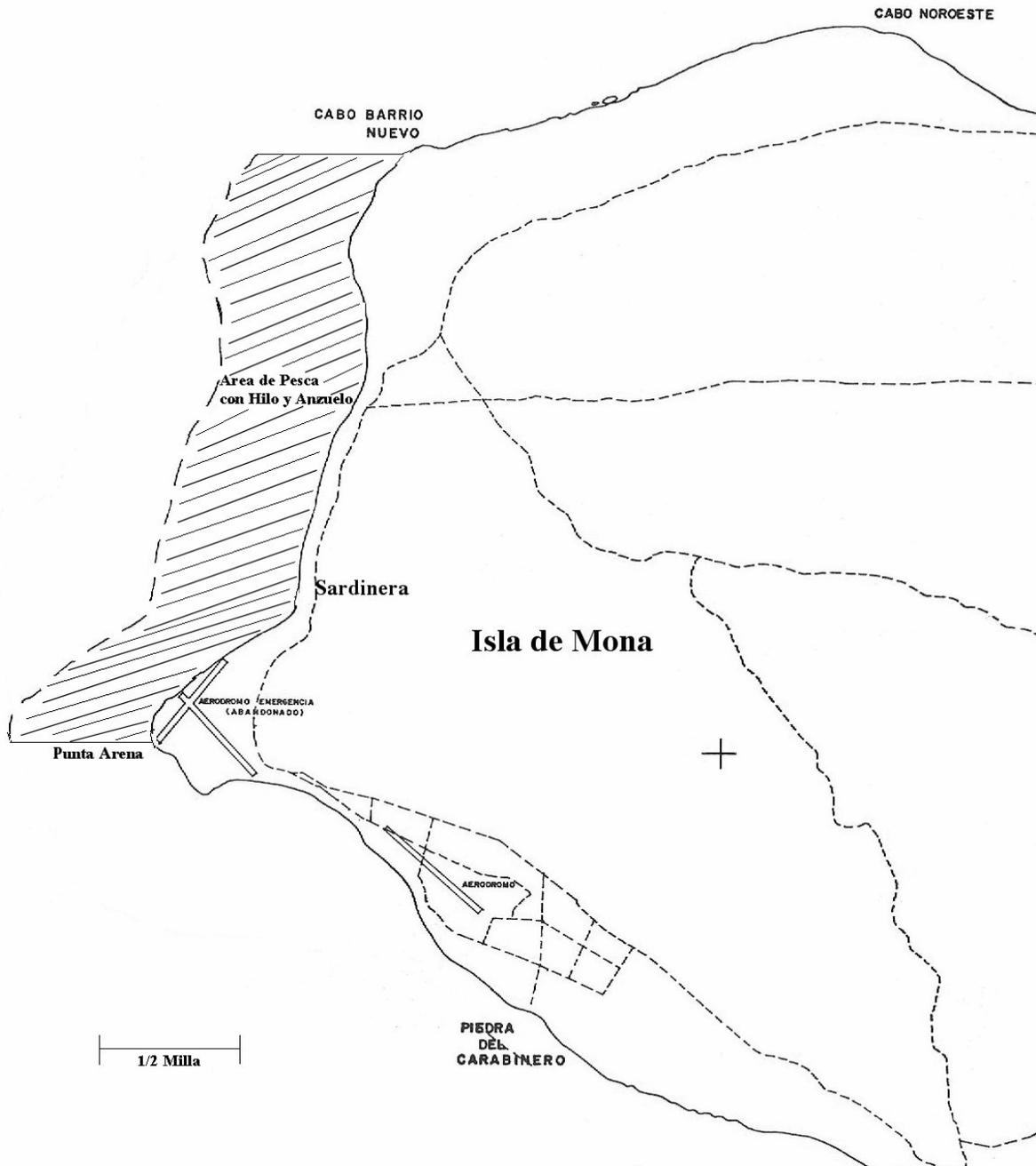


Figura 9b – Area de pesca con hilo y anzuelo, Isla de Mona

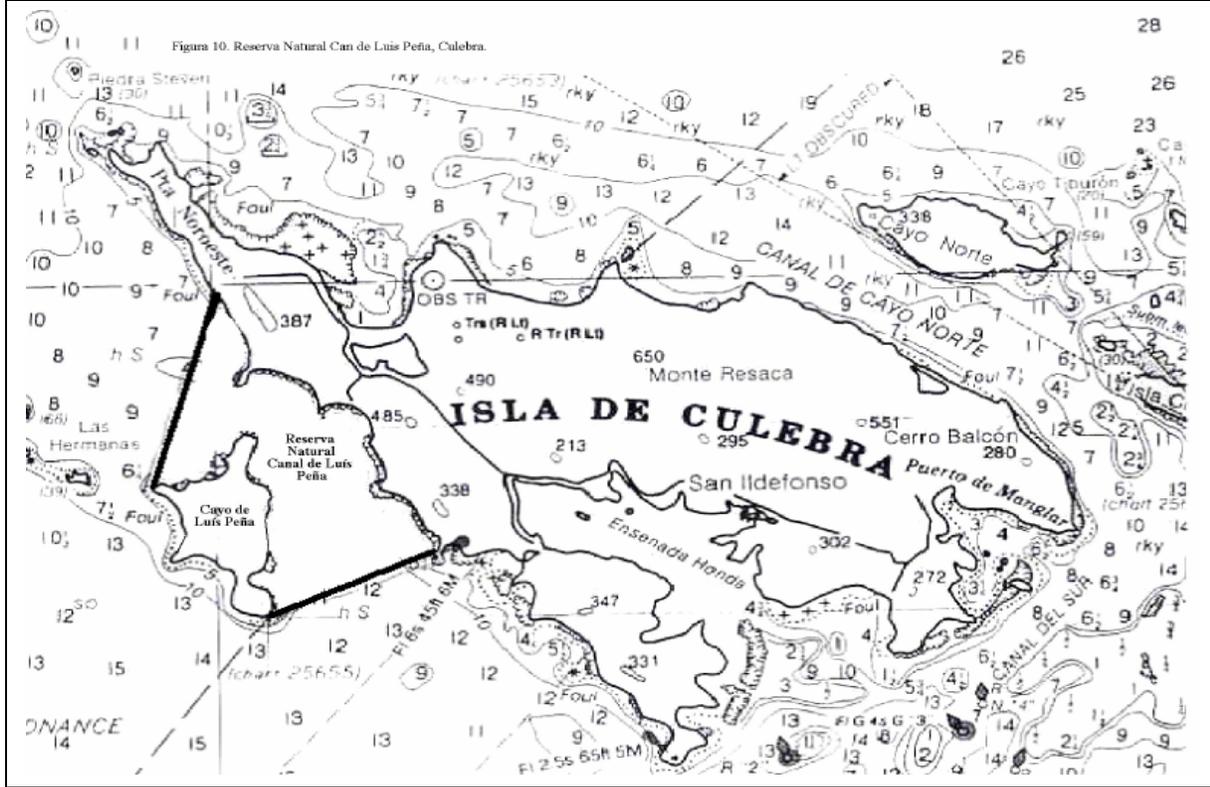


Figura 10 – Reserva Natural Canal de Luis Peña, Culebra



Figura 11 – Delimitación del área de veda de la pesca (“no-take zone”)