

U.S. Department of Commerce, National Oceanic and Atmospheric Administration  
Grant Award: WC133F05CN1388  
Grant Title: USVI Commercial Fishing Regulations Revision  
Report Period: September 23, 2005 – May 25, 2010 Final Report

### **FINAL REPORT**

A. Grantee : U.S. Virgin Islands

B. Project Budget Period : Final Report

C. Award Number : WC133F05CN1388

D. Project Title : U.S. Virgin Islands Commercial Fishing Regulations Revision

E. Period Covered : September 23, 2005 – May 25, 2010

F. Prepared by : William Tobias, Fish and Wildlife Biologist III

G. Project Staff : Dr. Roger Uwate, Resigned - July 31, 2006  
Dr. David Olsen, Resigned – March 31, 2008

H. Report Reviewed and  
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Dr. Jed Brown, Assistant Director/Chief-Fisheries  
Division of Fish and Wildlife

I. Date : May 25, 2010

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Project Title : U.S. Virgin Islands Commercial Fishing Regulations Revision

Task #1: Review and Revision of Existing Commercial Fishing Regulations

Commercial fishing regulations in the Virgin Islands were passed into law by the Ninth Legislature of the Virgin Islands in 1972 under VIC Title 12, Chapter 9A to protect fisheries and to promote and regulate commercial fishing. Since that time, regulations have not kept up with changes in the fishery. A complete revision of the original legislation has not been undertaken since the original legislation. A revision of the existing regulations will enable the effective conservation and management of the fisheries resources for present and future Virgin Islands resource users.

Sub-committees of the St. Croix and St. Thomas/St. John Fisheries Advisory Committees (FACs) on commercial fisheries regulations met as required from July 2007 through August 2009 to review and revise the existing commercial fishing regulations, starting with the original legislation. The St. Croix FAC met on 16 separate occasions to address commercial fishing regulations. The St. Thomas/St. John FAC met less frequently. Minutes from these meetings have been provided in previous progress report documents. Comments from the FACs were used to draft changes to Title 12, Chapter 9A – U.S. Virgin Islands Commercial Fishing Regulations.

Marine Resources Assessment Group Americas (MRAG), an international fisheries consulting firm familiar with fisheries resources in the Caribbean region, was contracted by the Department of Planning and Natural Resources (DPNR) to serve as facilitators for two joint FAC meetings held in St. Thomas and St. Croix on October 27-28, 2007 and November 8-9, 2008, respectively. Facilitators for the meetings were Drs. Robert Wakeford and Robert Trumble. APPENDIX I contains meeting attendance lists, agendas, document lists, PowerPoint presentations and meeting minutes for the 2007 joint meeting and APPENDIX II contains similar material from the 2008 meeting.

Task #2: Public Meetings with Stakeholders

The FACs consist of representatives from government organizations (Departments of Planning and Natural Resources, Agriculture and Law), a marine scientist, a commercial fishing organization, commercial fishers, a recreational fishing organization, recreational fishers, sport charter fishing and diving charter operator. The FACs are charged with making recommendations to the Commissioners of DPNR and Agriculture for the conservation and management of the marine resources. FAC members bring items of interest from the user groups they represent to be addressed at meetings and in turn disseminate information from the meetings back to their representative group at large. By this manner, revisions to fisheries regulations were addressed at the commercial fisheries regulations sub-committee meetings with FAC members polling their constituency for guidance and recommendations.

The FAC commercial fisheries sub-committee meetings were held evenings from 7:00 – 10:00 pm and open to the public. Individuals from the commercial and recreational fishing communities and sport diving sectors attended the meetings and provided comments. Following review of the “Revision of USVI Commercial Fishing Regulations Working Draft Document” by DPNR legal counsel, public town meetings will be held in St. Croix, St. Thomas and St. John to obtain comments and recommendations, which will be incorporated in the final document to go before the 28<sup>th</sup> Legislature of the Virgin Islands for adoption.

Task #3 Completion of Final Draft of the Regulations

The “Revision of USVI Commercial Fishing Regulations Working Draft Document”, proposed changes to the existing penalties, fines and fees, summary documents from both joint FAC meetings and current fisheries regulations in the “Commercial and Recreational Fisher Information Booklet” are the result of the efforts of the FACs, their sub-committees, public input to date and DPNR (APPENDIX III).

The development of a revision of commercial fishing regulations also resulted in numerous parallel recommendations and regulations for the recreational harvest of marine resources. Specifically, a “no sale” provision for personal use or recreationally harvested fish, landing restrictions and harvest quotas for whelk, conch and shrimp, use of specific gear by the commercial fisher only, seasonal closures for groupers and snappers, area closures for red hind and mutton snapper and the transport of fish to shore with heads and fins intact. A review of the licensing requirements for commercial fishers identified the need to develop a recreational license program and update recreational fisher regulations. It has been recommended that charter vessel operators be given a license separate from a commercial fishing license to sell fish.

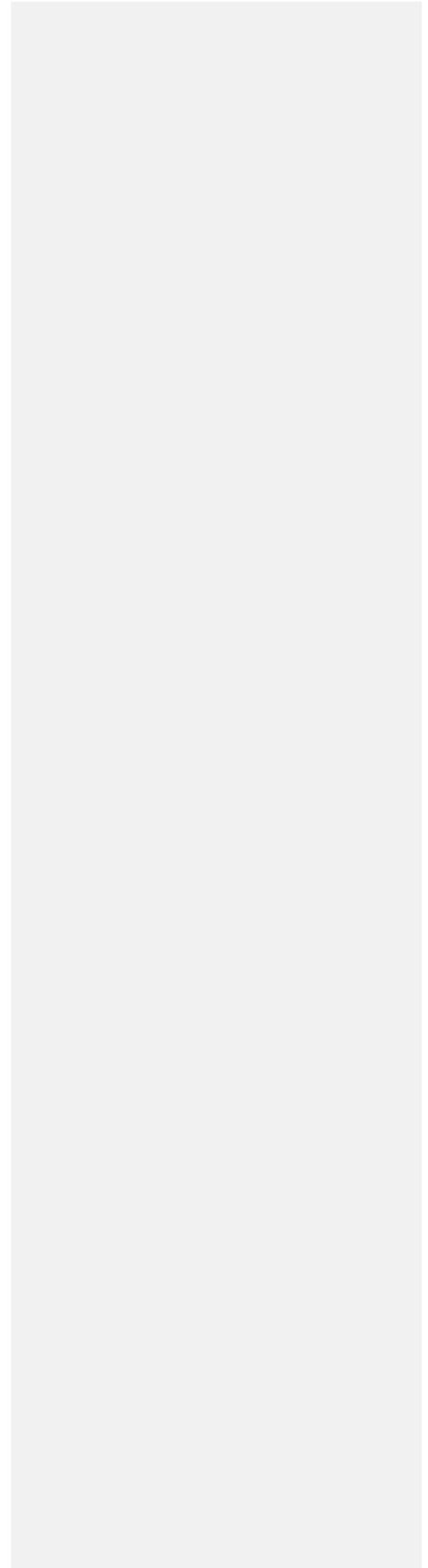
Significant Deviations:

Project completion was delayed by the turnover and loss of administrative staff and fisheries personnel. Legal counsel review of the working draft document and subsequent public review and comment is required for completeness.

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APPENDIX I.

2007 JOINT FISHERIES ADVISORY COMMITTEE DOCUMENTS



**JOINT FISHERIES ADVISORY COMMITTEE MEETING**  
**REVISION OF TERRITORIAL FISHERY LAW AND REGULATIONS**  
**DRAFT AGENDA**

Marriott Frenchman's Reef Resort And Hotel, St. Thomas, USVI

**Saturday October 27 – 9:00 a.m. to 5:00 p.m.**

|              |                               |          |
|--------------|-------------------------------|----------|
| <b>9:00</b>  | Call to Order & Introductions | DFW      |
| <b>9:15</b>  | Meeting Goals and Objectives  | DFW      |
| <b>9:30</b>  | CFR Grant Background          | DFW      |
| <b>10:00</b> | Outline of Meeting            | MRAG     |
| <b>10:30</b> | <b>Coffee Break</b>           |          |
| <b>11:00</b> | Session 1                     | DFW/MRAG |
| <b>12:30</b> | <b>Lunch</b>                  |          |
| <b>1:30</b>  | Session 2                     | MRAG     |
| <b>3:00</b>  | <b>Coffee Break</b>           |          |
| <b>3:30</b>  | Session 3                     | MRAG     |
| <b>4:45</b>  | Meeting Summary               | MRAG     |
| <b>5:00</b>  | End of Day 1                  |          |

**Sunday October 28 – 9:00 a.m. to 5:00 p.m.**

|              |                               |          |
|--------------|-------------------------------|----------|
| <b>9:00</b>  | Facilitator Report from Day 1 | MRAG     |
| <b>9:30</b>  | Session 4                     | MRAG     |
| <b>10:30</b> | <b>Coffee Break</b>           |          |
| <b>11:00</b> | Session 5                     | MRAG     |
| <b>12:30</b> | <b>Lunch</b>                  |          |
| <b>1:30</b>  | Session 6                     | MRAG     |
| <b>3:00</b>  | <b>Coffee Break</b>           |          |
| <b>3:30</b>  | Discussion                    | MRAG     |
| <b>4:30</b>  | Meeting Summary               | MRAG     |
| <b>4:45</b>  | Identification of Future Work | DFW/MRAG |
| <b>5:00</b>  | End of Meeting                |          |

### **1. Institutional Issues**

- Act 3330 (MRAG presentation)
- Fees and Penalties

### **2. Fisheries Management Issues**

- Quotas, overfishing levels and Allowable Catch Limits (DFW presentation)
- Accountability measures (Discussion)
- Limited entry
- Licenses
  - Commercial
  - Recreational
  - Charter
- Seasonal areas closures (Conch, Deepwater snapper, Mutton Snapper, Red Hind, Other)
- Marine reserves
- Possession of prohibited species

### **3. Technical Issues**

- Spear fishing (St. Thomas vs. St. Croix)
- Traps (Limits on entry, Limits on Traps)
- Gill Nets (St. Croix fishermen proposal)
- Seine Nets (St. Croix Haul Seine)

### **4. Biological Issues**

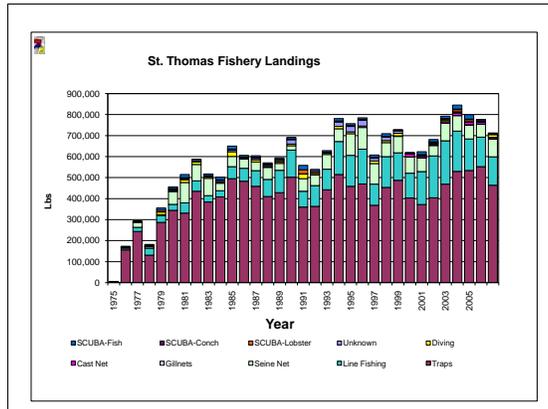
- Species specific
  - Conch
  - Whelk
  - Red Hind
  - Parrot fish
  - St Croix mutton snapper
  - Deep water snappers
  - Spiny lobster
  - Shrimp
  - Sea Birds
- Minimum size limits

### **5. Enforcement Priorities.**

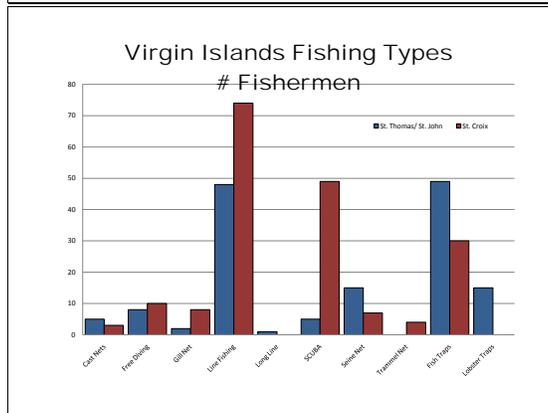




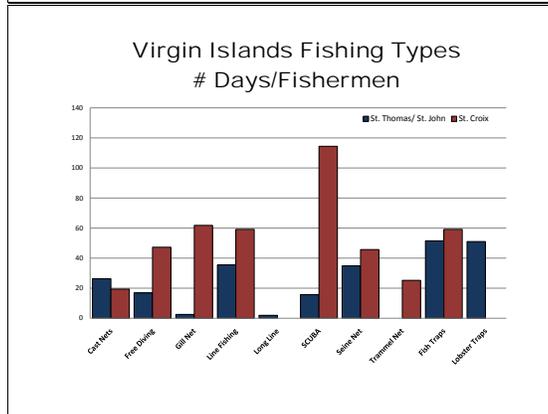
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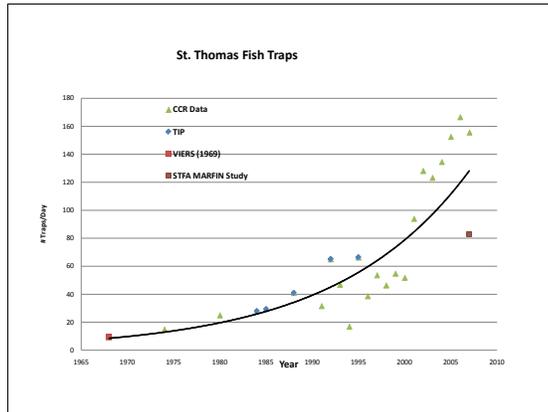
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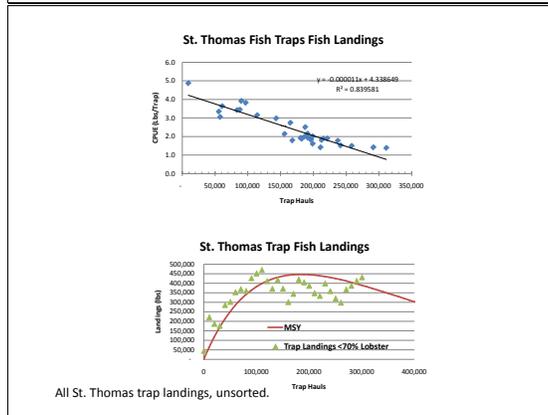
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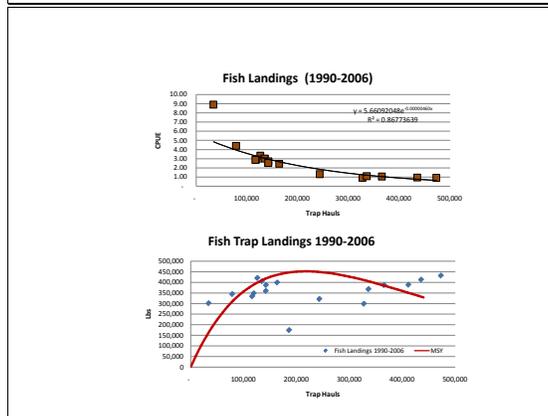
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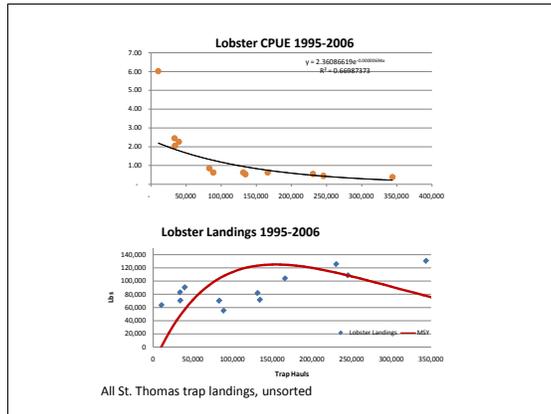
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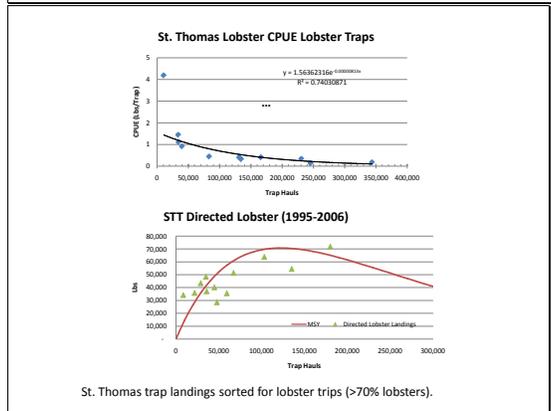
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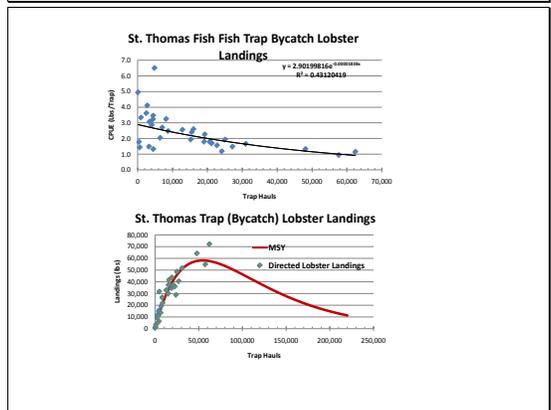
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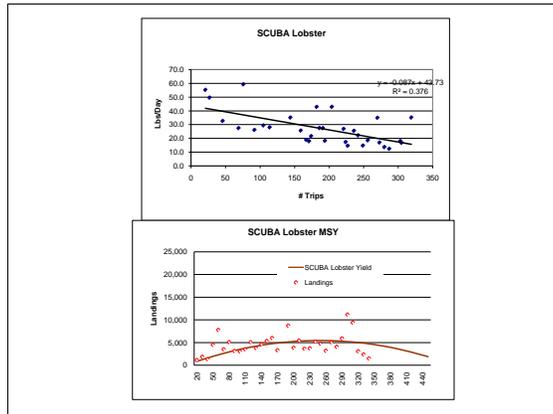
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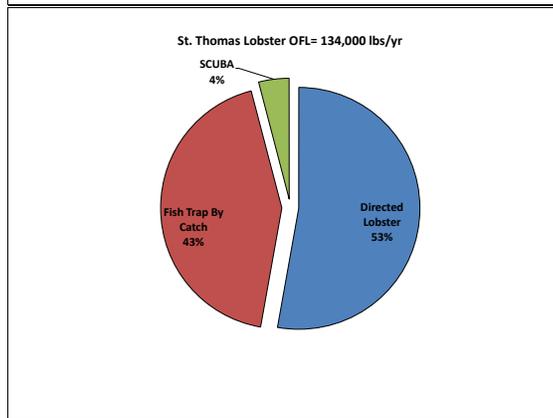
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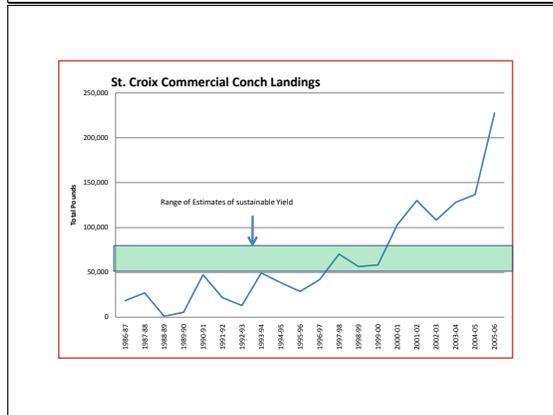
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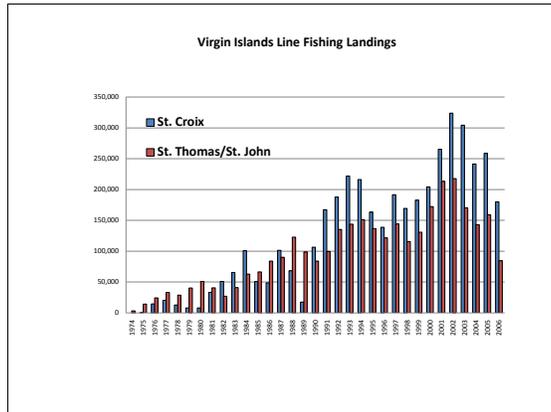
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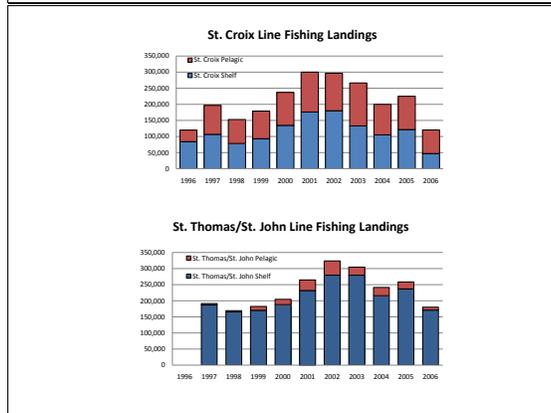
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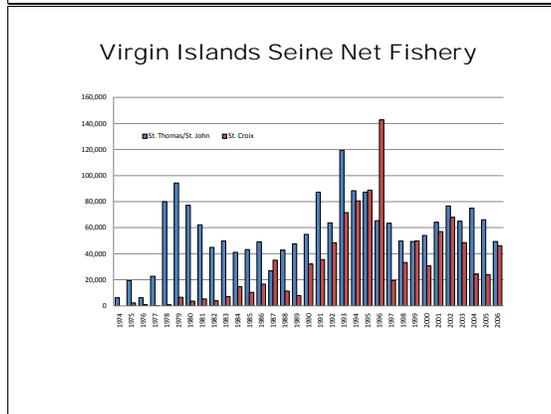
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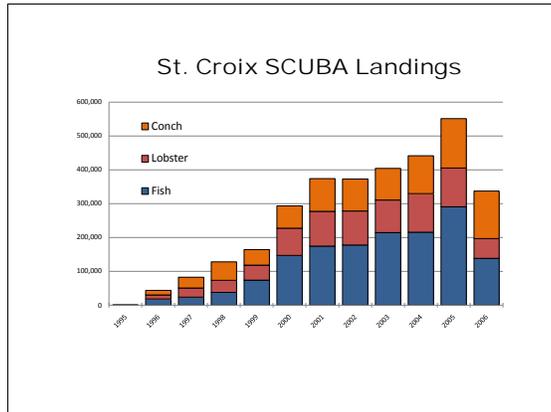
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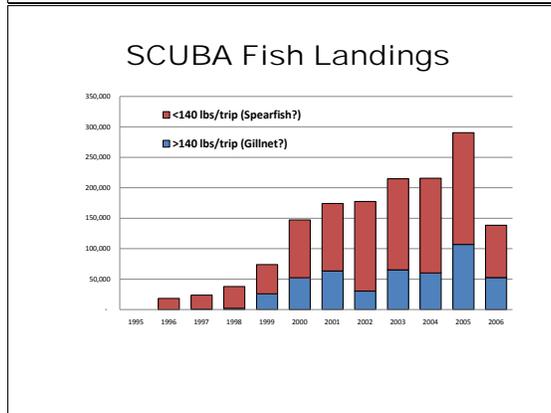
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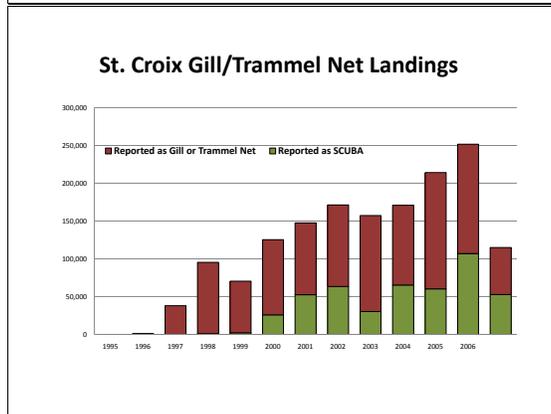
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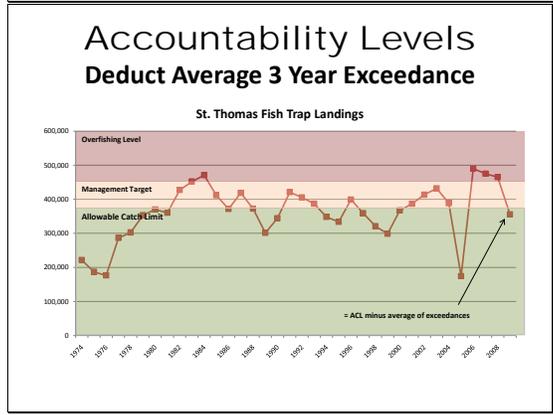
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| Fishery                         | Overfishing Limits   |                | Allowable Catch Limits |                |
|---------------------------------|----------------------|----------------|------------------------|----------------|
|                                 | St. Thomas/ St. John | St. Croix      | St. Thomas/ St. John   | St. Croix      |
|                                 | % of OFL=85%         |                |                        |                |
| Fish Traps (Fish)               | 450,000              | 127,000        | 382,500                | 107,950        |
| Lobster                         | 125,000              | 110,000        | 106,250                | 93,500         |
| Conch                           |                      | 50,000         | 50,000                 | 50,000         |
| Seine Net/Line Fishing          | 70,000               | 30,000         | 59,500                 | 25,500         |
| Line fishing (Reef)             | 122,000              | 150,000        | 103,700                | 127,500        |
| Gill Net                        | -                    | 200,000        | -                      | 200,000        |
| Pelagic Line Fishing            | No Quota             | No Quota       |                        |                |
| Pelagic Line Fishing (Landings) | 50,000               | 125,000        | 50,000                 | 125,000        |
| <b>Total</b>                    | <b>817,000</b>       | <b>792,000</b> | <b>751,950</b>         | <b>729,450</b> |
|                                 |                      |                |                        | Minus Pelagics |

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| Fishery              | 2005 Landings        |                | Net Change           |                  |
|----------------------|----------------------|----------------|----------------------|------------------|
|                      | St. Thomas/ St. John | St. Croix      | St. Thomas/ St. John | St. Croix        |
| Fish Traps (Fish)    | 388,709              | 119,352        | (6,209)              | (11,402)         |
| Lobster              | 124,643              | 120,929        | (18,393)             | (27,429)         |
| Conch                | 429                  | 161,312        | 49,571               | (111,312)        |
| Seine Net            | 66,152               | 46,183         | (6,652)              | (20,683)         |
| Line fishing (Reef)  | 137,046              | 150,950        | (33,346)             | (23,450)         |
| Gill Net             | 789                  | 254,221        | (789)                | (54,221)         |
| Pelagic Line Fishing | 21,864               | 103,683        |                      |                  |
|                      |                      |                |                      |                  |
| <b>Total</b>         | <b>739,631</b>       | <b>956,629</b> | <b>(37,681)</b>      | <b>(352,179)</b> |

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Annex. Interim Emergency Conch Regulations. (8/8/07)

## Conch Closed Season Extended-Changes in Catch Limits

1. The 2007 closed season will be extended until January 1, 2008. It will only be opened at that time if DPNR's Division of Environmental Enforcement can certify that no significant illegal harvest has taken place during the closed period.
2. Daily harvest has been changed to 200 conch per boat per day.
3. Once reopened, landings will be limited to 50,000 pounds annually. Once this quota is reached, the fishery will close until the following year. This quota will continue to be observed annually.
4. The requirement that fishermen report landings monthly will be strictly enforced.
5. The 2008 conch fishing season will close on July 1 to September 30 and will begin on October 1, 2008 only if DPNR's Division of Environmental Enforcement can certify that no significant illegal harvest has taken place during the closed period.
6. Minimum size of 9 inch shell length from the spire to the distal end, or 3/8 inch lip thickness (see Appendix 1).
7. No harvest of undersized conch.
8. 6 conch per day per **recreational (personal use) fisher**; not to exceed 24 per boat per day.
9. Must be landed alive and whole in the shell at final landing site.
10. No disposal of shell at sea before landing. Taking conch to offshore cays and islands for purpose of removing from shell is prohibited. Transport of conch meat out of shell over open water is prohibited.
11. No sale of undersized conch shell or meat from undersized conch.
12. No sale of imported conch meat unless shipment is accompanied by a CITES export permit and shipment is cleared at the Port of Miami.

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**JOINT FISHERIES ADVISORY COOMITTEE MEETING**  
**REVISION OF TERRITORIAL FISHERY LAW AND REGULATIONS**  
**DRAFT MEETING MINUTES – OCTOBER 27-28, 2007**

Marriott Frenchman's Reef Resort and Hotel, St. Thomas, USVI

Dr. Olsen, Director, Division of Fish and Wildlife (DFW), called the meeting to order at 0900 hours and welcomed the St. Thomas/St. John Fisheries Advisory Committee (STT/STJ-FAC) members in attendance. He announced that, due to inclement weather, the St. Croix Fisheries Advisory Committee (STX-FAC) would be slightly delayed in their arrival. Dr. Robert Wakeford, Technical Director, MRAG Americas Consultants, was introduced as facilitator for the meeting. While waiting for the STX-FAC to arrive, attendees reviewed the pertinent material in the information packets prepared by DFW. STX-FAC members arrived at 1015 hours.

Following introductions, DFW outlined the goals and objectives of the meeting, which were to review and revise the existing laws and regulations for commercial fishing in the territory. DFW provided a PowerPoint presentation of the Department of Commerce/NOAA Coral Reef Conservation Program Grant, which provided the project funding. The three tasks of the project were to review and revise existing regulations, conduct public stakeholder meetings and complete a final draft of the regulations. Expectations of the joint FAC meeting included to review Title 12, Chapter 9 of the Virgin Islands Code, make recommendations for revision of the regulations based on the current status of the fisheries and resource management needs, address differences in the fisheries and fishing methods between island groups, make regulations compatible to the extent possible and establish a venue for continued FAC work.

Fisheries regulations were grouped under four categories to facilitate discussions. The categories included institutional issues, fisheries management issues, technical issues, biological issues and enforcement priorities. The discussions and consensus agreements addressed by vote (in bold type) follow with an appended list of attendees for the meeting.

## **1. Institutional and Legal Issues**

### **1.1 Fees and Penalties**

**Everyone was in agreement that the fines and penalties should be increased.** The STT/STJ-FAC indicated that these should be sufficient to set a president. Fines would be based on a repeat offence schedules (i.e. 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> etc). Accidental infractions should be considered within these revisions and that they should include a degree of human

compassion. Other considerations could include confiscation of gear and catch in addition to fines.

It was verified that public awareness was required and in order to do this. Information and outreach was going to be necessary.

**Dr. Olsen suggested a different class system for fines and penalties to reflect different degrees of infractions. This was unanimously supported by vote.**

**It was also supported unanimously by vote for a tiered class system that would be structured differently for residents and non-residents with higher fines and penalties for non-residents.**

The court system used information to make their own judgment and outcome of fines. Fines and penalties presently imposed by the judicial system were far below what was specified in the law. **It was agreed that the structure of the fines and regulations should include both a minimum and a maximum for the fines.**

#### **BREAKOUT SESSION – Fines and Penalties**

A breakout session on fines and penalties was conducted to review a summary document provided by DFW. Julian Magras chaired the breakout session in which new values were drafted. These were presented to the group but due to limited time constraints little or no discussion was given.

The changes in fines and penalties reflect the options of the breakout group and are presented in Appendix 1.

It was suggested that under Section 312, different gear types should have different license fee categories. Each category would have a separate fee. A 'Master license' would cover all gear types at a reduced rate. No reference or discussion was on imprisonment.

Dr Olsen wished to see fines and penalties for failure to comply with port sampling. This would be something new to be added in the law. A discussion on the frequency of port sampling followed. **The group was in agreement that mandatory participation by fishers in the port sampling program was important and the frequency of port sampling should be approximately four times/year/fisher.**

Note: this discussion only includes commercial information.

#### **1.2 Act 3330**

Dr Wakeford made a presentation to introduce key sections in legislation for discussion.

Concern was initially raised that repealing the fines and penalties from the legislation would leave fishermen more vulnerable to changes in opinion within the local administration. Attorney Dwayne Henry, DCZM, responded that the administrative process allows for sufficient time for public comment during the review and promulgation period. **Following this discussion, a consensus was made to repeal the fines and penalties from the legislation to regulation (13 persons in favor, none opposed).**

## **2. Fisheries Management Issues**

### **2.1 Quotas, overfishing levels and Allowable Catch Limits**

Dr Olsen gave a PowerPoint presentation on quotas and allowable catch limits. He indicated that the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act (Public Law 109-479) has mandate to end overfishing by 2010 and that action was needed to be taken now prior to federal intervention. Federal jurisdiction is from 3-200 nm, but resources that are trans-boundary will require compatible management measures. For the Sustainable Fisheries Act document, the Caribbean Fishery Management Council used data from Puerto Rico to characterize the US Virgin Islands shelf and fisheries, due to insufficient Virgin Islands data. It is therefore important for the territory to establish its own management measures before federal intervention. The recently updated Virgin Islands fisheries data is now available to establish new quotas that will be relevant to the local fisheries.

During his presentation, Dr Olsen presented a strategy to monitor catches in relation to the maximum sustainable yield (MSY) and the allowable catch limits (ACL), equivalent to the optimal sustainable yield (OSY). The example given showed this to be 15% less than the MSY. Along with allowable catch levels, an accountability measure was introduced to reduce overfishing (see below).

Within his presentation, estimates of MSY were given based on either simple equilibrium production models, or where data were limited, based on an average of the last three years catches. It was indicated that only the St. Thomas trap fishery had the best estimate of MSY.

Based on the proposition that the allowable catch limit (quota) would be calculated using 15% less than the MSY value, it was shown that the introduction of quotas would require a substantial reduction of catches, particularly within the St Croix conch and net fisheries. In total, this reduction would be 352,179 lbs for St Croix and 37,681 lbs for St Thomas. One method to reduce harvest levels could be attained by reducing fishing effort (days/week fished, etc.).

Dr Olsen indicated that the quotas (ACL's) would be updated each year.

### **2.2 Accountability measures**

Dr Olsen gave a PowerPoint presentation on accountability measures. He proposed to average the last three years of overfishing above the MSY level and subtract the average value that has been exceeded from the ACL. In subsequent years, if overfishing exceeded the ACL, stock assessments would be conducted and the quota adjusted annually.

Concern was raised by both the FACs over data quality, particularly that submitted by commercial fisherman as catch reports, which formed the basis of the ACL values. STX-FAC members were uncomfortable to monitor fisheries by quotas without increased port sampling.

The STT/STJ-FAC responded that funds should be made available to the St. Croix Fishermen's Association to collect more accurate data from St Croix fishers.

**It was agreed that the revision of the commercial fishing legislation needed to include monthly submittal of catch reports rather than annual submittal and mandatory participation of fishers to collect information.**

**The Fish and Game Fund, a repository for fines, penalties and license fees, was identified by the FACs as a possible source of funding for additional sampling or studies.**

There is a need for simple information to act as a trigger mechanism for accountability measure(s). For example, average size and species composition and other environmental considerations may be used. However, one parameter should not be used alone to make an assumption of the condition of a fish stock.

#### **BREAKOUT SESSION – Accountability Measures**

The following issues were raised within the accountability measures breakout group:

Data collection requires improvement. Specifically, more accurate catch report data from fishers (catch report information is highly suspect) and more samples from a greater number of fishers. One way of obtaining more accurate catch report data would be to have observer coverage on the fishing fleet, but this may not be feasible due to costs and logistical constraints, such as vessel size. Small sample sizes would also lead to bias in the results. Biostatistical port sampling needs to be expanded to meet this need and fisher cooperation should be mandatory, instead of voluntary. Best available data, such as CCR data, should be used to initially establish catch limits for each fishery.

Concern was raised over the species composition of each fishery, and that no consideration has been made to identify those species that may be commercially rare or extinct and require a rebuilding plan. It was recommended that the FACs identify those species that require a rebuilding plan. Species identified as commercially rare or extinct would have to be managed using appropriate regulations, such as no possession.

CCR data collection occurs by family group. Therefore, it is not possible to identify individual species quotas. Fisheries will require management by gear quotas.

An issue was raised on how unreported bycatch can be included into the reporting. This may be included as an estimate of illegal, unregulated and unreported (IUU) fishing, which would be equivalent to the level of bycatch mortality. Dr Olsen suggested we should not include information that we do not know, but information on existing bycatch studies in St Thomas can be used to provide an estimate of expected mortality. Additional bycatch studies would be required for St Croix.

The breakout group agreed with Dr Olsen's approach to develop estimates of MSY and catch limits, but the allowable catch limit should be used as a target limit.

The breakout group was in agreement for the accountability measures proposed to be taken as a first step approach but also agreed that an external review of MSY values was necessary. Following a discussion on how bycatch mortality should be applied, it was suggested that the greater the level of expected bycatch within a fishery, a correspondingly lower proportion of the MSY would be used in establishing the allowable catch level.

### 2.3 Limited entry and licenses

**It was agreed that all issues concerning recreational and charter licenses will be deferred for a separate meeting on recreational fishing.**

Dr Olsen presented information on the number of fishers by gear by island group. These were:

| <b>Gear Type</b> | <b>St Croix</b> | <b>St Thomas</b> |
|------------------|-----------------|------------------|
| Cast net*        | 3               | 6                |
| Free diving      | 10              | 13               |
| Gillnet          | 8               | 2                |
| Line fishing     | 74              | 48               |
| SCUBA            | 49              | 5                |
| Seine net        | 7               | 15               |
| Trammel net      | 4               | 0                |
| Trap             | 30              | 49               |
| Longline         | 0               | 1                |
| Lobster trap     | 0               | 16               |

\* Data was recorded from CCR and did not reflect all fisheries using this gear.

Dr Olsen proposed fishing effort would be controlled by limited entry. This was specifically for fixed gear types, such as traps and nets. A license fee could be set for each element (gear type) in the fishery

STT/STJ-FAC introduced the idea of a ‘Masters’ license, which was well received. Dr Olsen suggested a sub-committee be formed to discuss this further in a breakout session.

Legal council indicated that establishing a limited entry program by using a cut-off on the number of fishers would be difficult to do and may be viewed as arbitrary and capricious. It was suggested that the limited entry be based on the value of the license.

Dr. Olsen suggested setting eligibility requirements to establish licenses. Some examples for requirements could be years in fishery, landings data over certain period of time, days fished, etc.

### **BREAKOUT SESSION – License Fees**

Four gear categories were identified for separate license fees, trap, diving, line and net. The following three options were established for license fees, as set forth in VIC Title 12, Chapter 9A, Section 312:

| Category Fee (individual gear) | Masters License (all gears) |
|--------------------------------|-----------------------------|
| \$150                          | \$500                       |
| \$300                          | \$1000                      |
| \$400                          | \$1200                      |

It was determined that the above three alternatives for license fees would be presented at future public meetings for discussion.

## **2.4 Seasonal areas closures**

### **2.4.1 Conch**

STX-FAC provided a historical account of the rationale for the existing management practices of the fishery and the proposed revisions to the management measures, which include a five-month extended closure. The conch season is currently under a departmental six-month emergency management closure.

A discussion followed on the sale of conch to hotels and restaurants by unlicensed fishers. It was suggested that hotels and restaurants should only receive seafood from

duly licensed fishers. Imported seafood products should be required to have the appropriate documentation.

The FAC members also discussed the importance of prohibiting sales during closed season. It was indicated that a possession regulation would help here. **The group was in favor of preventing the imports of conch during the seasonal closure.**

Dr. Olsen recommended that the possession of conch during a closed season be prohibited, rather than prohibiting the sale of imports.

**The FACs agreed by consensus to prohibited the possession of a species during the closed season.**

#### **2.4.2 Deepwater snapper**

Dr Olsen recommended that the closures should coincide with the peak spawning period. There was some question whether the closed season for deepwater snapper species (black, blackfin, silk and vermilion snapper) actually protected their peak spawning periods.

**[Action Point – It was requested that FAC obtain more information on the peak spawning period]**

#### **2.4.3 Mutton snapper**

Management measures were based on limited information and it was recommended that additional information is required. It is prohibited to possess mutton snapper in federal and territorial waters from April 1 to June 30 each year.

#### **2.4.4 Red Hind**

Dr Olsen indicated that the average size of fish sampled on St. Croix had now approached the average size of maturity. Reports of heavy poaching during the spawning period indicated the population now requires rebuilding. Dr Olsen suggested that the fishery should be closed for 5 years.

Red hind spawning areas have been identified in federal waters. These areas are seasonally closed areas for the months of December 1 to February 28 each year. However, no closures exist in territorial waters. Seasonal closures need to be extended into territorial waters with a regulation for possession.

Some FAC members indicated that large fish were caught and that the average size data did not suitable reflect the status of the fishery. Furthermore, up to 3 large spawning sites occur with substantial numbers of fish; however, fishers were reluctant to disclose where these sites were located for fear that they would be closed to fishing. It was suggested to

make fisher compliance with port sampling mandatory and establish size and bag limits on red hind.

Dr Olsen indicated that a decision to close the fishery would be differed for another year until further trap and line samples were obtained. **[Action point]**

### 3. Enforcement

Director Carlos Farchette indicated that his division has severe staffing problems. He has three officers in St. Croix and four in St Thomas to provide services to 11 divisions in DPNR. Enforcement salaries are too low to attract many new applicants and the required peace officer training is extensive. Those few who pass seek job opportunities elsewhere.

He has to prioritize his work based on program funding. His priorities are as follows:

- a. U.S. Coast Guard boat inspection
- b. CZM permit violations
- c. NOAA Fisheries enforcement > 3 nm.

The Division of Environmental Enforcement has limited funding under ACT 3330. They are currently not utilizing the Fish and Game Fund monies.

Dr. Olsen suggested that the FAC's inquire to Commissioner Mathes how the Fish and Game Fund is managed.

M. Taylor motioned to send a letter to Commissioner Mathes requesting information on the management of the Fish and Game Fund. J. Magras seconded the motion. The motion was unanimously passed. **[Action point].**

Alternatives to the problems of trainees switching jobs once they complete police academy training or the need for extensive police training were discussed. Legal counsel suggested that DEE trainees sign an employment contract prior to receiving their police academy training so they don't switch jobs. Also mentioned was the establishment of rangers or an auxiliary/action unit of concerned citizens to act as the eyes and ears of DEE, who would be able to provide information to the public and report potential violations.

### 4. Biological issues

#### 4.1 Whelk

Presently, there is a six-month closure on the harvest of whelk (April 1-September 30 each year) and a size limit of 2 7/16 inches shell diameter.

**STT/STJ-FAC proposed to have whelk fishery as a commercial fishery only (no recreational harvest). This motion was approved by consensus vote.**

#### **4.2 Conch**

**The STX-FAC recommended adopting the four new management measures recently proposed to Commissioner Mathes. These were:**

- a. Establish a commercial harvest limit of 200 conch per boat/day**
- b. Establish a additional mechanism for enforcement in addition to length measurements to allow meat weight measurements: proposed 2 uncleaned or 3 cleaned conch/lb.**
- c. Establish a 50,000 lb annual meat quota for St Croix**
- d. Establish a closed season from June 1 – Oct 31 (5 months)**

**The above management measures were approved by consensus vote.**

**The FACs were tasked with solving the issue of shell disposal at landing sites. [Action point]**

#### **4.3 Spiny lobster**

**The FACs agreed by consensus vote to keep regulations the same.**

**STX-FAC indicated that lobster divers would like to see closed season but information is lacking to determine when. More information is required through the FAC. [Action point].**

#### **4.4 Shrimp**

STX-FAC recommended that the regulations stay same (no commercial sale, recreational harvest only).

#### **4.5 Nassau grouper**

No change

#### **4.6 Seabirds**

**Discussion and consensus vote for proper release of hooked seabirds either by retrieval of the bird to release the hook or cutting the line/leader at the hook.**

**4.7 Aquarium trade**

No change; DPNR permit required.

**4.8 Trap mesh size**

An extensive discussion and heated debate was held on increasing trap mesh size and the difference in hexagonal vs. square mesh.

**It was voted by consensus to increase trap mesh size to a minimum of 2" in the Virgin Islands.**

**It was voted by consensus to make a physical measurement comparison of the 1.5 ' hexagonal mesh to the 2" square mesh. The FAC would make the comparison.**

**4.9 Nets**

**4.9.1 Seine net**

**It was voted by consensus to have the STX- FAC describe the jack fishery (big eyed scad fishery). Mesh, net etc.**

**It was voted by consensus to remove the word "haul" from net fishery and keep existing net regulations to describe the St Thomas net fishery.**

**4.9.2 Gill/trammel net**

**It was voted by consensus to include baitfish in the existing regulations.**

Representatives of the St. Croix Fisherman's Association indicated that new gill/trammel net regulations were being developed through Senator Wesselhoff's office. However, the association was unwilling to disclose what changes in the regulations were proposed. Since no further proposals were available to review, it was not possible to further address the issue.

**5. Minimum size limits**

A list of the most commonly caught reef fish with their size at first maturity was distributed. Most species fell into two size categories, 9 inches and 12 inches.

A heated discussion followed with no resolve on the number of undersized fish caught in the St. Croix gill/trammel net fishery, which end up as discards.

A discussion of the fish species on the size at first maturity list followed. Both FACs indicated that additional species were required to make the list complete for fisheries on both island groups.

**[Action point]** It was determined by consensus vote that the FAC's would review, revise and update the list based on commercial species harvested in their respective districts.

## 6. Closing remarks

Dr Olsen complemented the STX- FAC for reviewing Act 3330.

The Division of Fish and Wildlife would prepare the first draft of the new regulations by December and include a tier system for the fines and penalties section.

**PENALTIES, FINES AND FEES**

| <b>Action</b>                    | <b>Section</b> | <b>Current</b>  |
|----------------------------------|----------------|---|
| Possessing Fish out of Season    |                |   |
| Fishing in a closed area         |                |   |
| Administration                   | 304            | Not less than \$50 no more than \$1000 <del>or imprisonment not more than 6 months</del>  |
| Conservation Officers            | 305            | Confiscation of Boat  |
| Registration of fishing boats    | 312            | One of three options:<br><u>St Croix</u> (4 gears)<br>Trap/net/line/diving<br><u>St Thomas</u><br>Fish trap/seine net/line/lobster trap/bait net<br><br>\$150 per gear category, master licenses \$500<br>\$300 per gear category, master licenses \$1000<br>\$400 per gear category, master licenses \$1200  |
| License                          |                | <b>\$1</b>  |
| Replacement License              |                | <b>\$2</b>  |
| Suspension of Licenses           | 312(j)         | 3 violations suspension of license 1 month<br>4 violations suspension of license 3 months<br>6 violations suspension of license 1 year<br><br>Cumulative lifetime violations, not annual.<br><br>Fines for violations based on rate indicated in the ticket book legislation \$400 (check value)<br><br><del>Anyone found guilty of a violation can have their license suspended for 1 month (first offense), 3 months (second offense), 1 year (third and subsequent offenses). No person whose license has been suspended shall be issued another license</del> |
| Recreational fishing license     | 312(k)         | Deferred for recreational meeting<br><br><del>Needs to be reconciled with rec license</del>   |
| Violating Reporting Requirements | 315            | Not less than \$15 nor more than \$100 on each count (Olsen said this too low)  |
| Turtles                          | 318            | Not less than \$10,000 nor more than \$25,000 on each count   |
| Lobsters                         | <b>319</b>     | Not less than \$500 nor more than \$2500 on each  |

|  |      | count   |
|--|------|---|
| Haul Seines and Fish traps                                   | 321  | Not less than \$600 nor more than \$1200 [or by imprisonment for up to 30 days on each count].      |
| Fishing with Explosives, drugs, chemicals, spears, hooks etc | 322  | Not less than \$10,000 nor more than \$25,000 [or by imprisonment for up to 6 months on each count] |
| Contamination of fishing waters                              | 323  | Not less than \$50,000 per day, commensurate with EPA fine.   |
| Interference with a fishing operation                        | 323a | Not less than \$10,000 nor more than \$25,000   |
| Sale of Local Seafood  | 324  | Not less than \$500 nor more than \$1,000   |
| Penalties; rewards for convictions                           | 325b | Not less than \$50 nor more than \$1,000 [or imprisonment for up to 1 year]                         |
| Reward   | 325d | \$500   |

## U.S. VIRGIN ISLANDS TERRITORIAL WATERS SUMMARY OF FISHING REGULATIONS (with comments and amendments)

### TERRITORIAL WATERS EXTEND FROM SHORE TO 3 MILES OFFSHORE

- 1 **Whelk:** *V.I.C., Title 12, Chapter 9A, §316-6 & 316-7.*  
Size Limit: Minimum size of shell must be greater than 2 7/16 inches in diameter  
  
Landing Restriction: Must be landed whole in the shell (see Appendix 1) **Commercial harvest only.**  
  
**Closed Season** April 1-September 30.
  
- 2 **Queen Conch:** *V.I.C., Title 12, Chapter 9A, §316-1 & 316-4.*  
Size Limit: Minimum size of 9 inch shell length from the spire to the distal end, or 3/8 inch lip thickness (see Appendix 1). **Three cleaned and two uncleaned conch/lb.**  
  
Harvest Quota: No harvest of undersized conch.  
200 conch per day per boat **for a commercial fisher.**  
6 conch per day per **recreational (personal use) fisher**; not to exceed 24 per boat per day. 50,000 lb annual quota – St. Croix  
  
Landing Restriction: Must be landed alive and whole in the shell at final landing site. No disposal of shell at sea before landing. FAC to address shell disposal. Taking conch to offshore cays and islands for purpose of removing from shell is prohibited. Transport of conch meat out of shell over open water is prohibited.  
  
Sale Restriction: No sale of undersized conch shell or meat from undersized conch. No sale of imported conch meat unless shipment is accompanied by a CITES export permit and shipment is cleared at the Port of Miami. (See Conch Imports, page 8 for exceptions and further information).  
  
Closed Season: June 1 to October 31..
  
- 3 **Caribbean Spiny Lobster:** *V.I.C., Title 12, Chapter 9A, §319.*  
Size Limit: 3 ½ inch carapace length (see Appendix 1).  
Landing Restriction: Must be landed whole.  
No harvest of females with eggs.  
  
Gear Restrictions: No spearfishing, hooks, gigs or use of chemicals.

- Closed Season: FACs to identify possible closed season based on reproductive peak.
- 4 **Shrimp:** *Commissioner Prescribed Rule, V.I.C., Title 12, Chapter 9A, §303(1).*  
No commercial harvest in Altona Lagoon and Great Pond.  
No sale.  
Recreational permit is required (see page 1).
- 5 **Goliath Grouper (jewfish):** *V.I.C., Title 12, Chapter 9A, §316-14.*  
Endangered species. Harvest prohibited, no possession.
- 6 **Nassau Grouper** *V.I.C. Title 12, Chapter 9A, §316-14 (e).*  
The possession of Nassau grouper is prohibited year round in the territory until the CFMC has determined that it has recovered.
- 7 **Billfish:** *V.I.C., Title 12, Chapter 9A.*  
  
Federal regulations for billfish apply in territorial waters. See page 16 for specific regulations.
- 8 **Billfish, Swordfish, Tuna & Shark:** *V.I.C., Title 12, Chapter 9A.*  
Federal regulations and federal permit requirements apply in territorial waters.
- 9 **Tarpon & Bonefish:** *V.I.C., Title 12, Chapter 9A, §316-14.*  
No harvest. Catch and release using hook and line only.
- 10 **Sea Turtles:** *V.I.C., Title 12, Chapter 9A, §318.*  
Endangered species. No harvest, no possession and no harassment of sea turtles or their eggs.
- 11 **Seabirds** *V.I.C. Title 12, Chapter 2.*  
Seabirds are protected under the Endangered and Indigenous Species Act of 1990. To minimize injury to seabirds, do not discard fishing line at sea. Remove hook, if possible, or cut leader at hook.
- 12 **Aquarium Collecting:** *V.I.C., Title 12, Chapter 9A, §106c.*  
Permit required from the Department of Planning and Natural Resources, Division of Fish and Wildlife.
- 13 **Traps:** *V.I.C., Title 12, Chapter 9A §304-4, 304-6, & §321.*  
All fish traps must have minimum 2 inch square or 2 inch hexagonal as the smallest mesh used. All fish traps must be inspected and tagged by the Division of Environmental Enforcement.
- District of St. Thomas/St.***

**Comment [MSOffice1]:** Similar section on St. Croix for Red Hind to address reproductive overfishing and start rebuilding program.

**Comment [MSOffice2]:** All seabirds hooked while fishing must be brought to the boat, hook removed and released.

**Comment [MSOffice3]:** The 2 inch mesh has had a real impact in St. Thomas. It should be Territory-wide. This is particularly true with the observed smaller sizes of fish in St. Croix.

***John and St.  
Croix***

*V.I.C., Title 12, Chapter 9A §304-5,304-6, & 321.*  
. All fish traps must be inspected and tagged by the Division of Environmental Enforcement.

District of St. Croix

*V.I.C., Title 12, Chapter 9A §321.*  
Each trap must have a minimum of one escape panel fastened by biodegradable material (for example, 1/8 inch untreated jute twine). Colors and license numbers must be displayed on each trap.

Both Districts:  
Gear Restrictions:

14 Nets:  
Mesh Restrictions:

*V.I.C., Title 12, Chapter 9A, §321.*  
seines must have mesh size greater than 1 ½ inch stretch mesh. Seines for catching baitfish must have a mesh size greater than 1 ¼ inch stretch mesh. Seines and bait seines may not be taken up to the shore or removed from the water to withdraw fish. STX-FAC to describe jack fishery.

Gear Prohibition:

*V.I.C., Title 12, Chapter 9A, §321-1.*  
The use of all gill or trammel nets (single or multiple wall entanglement) are prohibited, with the exception of single-wall surface gillnets for the baitfish ballyhoo, gar and flyingfish. Surface gillnets must be tended at all times, may not be more than 1,800 ft. in length, as measured by the float line, and may not be used within 20 ft from the bottom. Mesh size may not be smaller than ¾ inch square or 1.5 inch stretch. Only one 1,800 ft bait net is permitted per boat. The penalties for gill and trammel net violations are \$1,000 fine and confiscation of vessel and equipment.

15 Year-Round  
Closures/Marine  
Reserves:

No fishing or collecting of any kind is allowed except as noted below.

St. James Reserve  
Permitted Acts:

*V.I.C., Title 12, Chapter 1, §96-3 & 96-4.*  
The use of a cast net with a minimum square mesh size of ¼ inch to capture bait fish (“fry”) within 50 feet of the shoreline. Cow and Calf Rocks (in area “C” on Appendix 2 map) are off-limits and are not considered as shorelines. Hook and line fishing is allowed with a permit. See Appendix 2, area “C” for the boundary map.

Fishing Permits:

A special monthly permit obtained from the Division of Environmental Enforcement is required to catch baitfish or hook & line fish in the Reserve. See page 1 for permit details.

- Cas Cay/Mangrove Lagoon Reserve  
Permitted Acts: *V.I.C., Title 12, Chapter 1, §96-5.*  
The use of a cast net with a minimum square mesh size of ¼ inch to capture bait fish (“fry”) within 50 feet of the north and west shorelines of Cas Cay only. See Appendix 2, area “B” and area “A”.
- Fishing Permits: A special monthly permit obtained from the Division of Environmental Enforcement is required to catch baitfish in the Reserves (see page 1 for permit details).
- Prohibited Acts: In the Inner Mangrove Lagoon (see Appendix 2 map, area “A”), no fishing, no traps, and no seines. In short, no take at all. Use of internal combustion engines is prohibited.
- Compass Point Marine Reserve and Wildlife Sanctuary, St. Thomas  
*V.I.C., Title 12, Chapter 1, §96-2.*  
Designated September 24, 1992. No fishing, hunting or taking of any plant or animals within the marine reserve and wildlife sanctuary. See Appendix 2 map, area “D”.
- Salt River Marine Reserve and Wildlife Sanctuary, St. Croix  
*V.I.C., Title 12, Chapter 1, §96-12.*  
Designated July 19, 1995. Regulations are pending that will prohibit fishing or harvest of fisheries resources within the Sanctuary. Contact the Division of Environmental Enforcement for up-to-date regulations (address on back cover).
- The Small Pond at Frank Bay Wildlife and Marine Sanctuary, St. John  
*V.I.C., Title 12, Chapter 1, §96-4.*  
Designated on March 24, 2000, signed on April 11, 2001. There are numerous specific prohibitions regarding the sanctuary. Those that relate to fisheries include the following: no hunting, fishing or harvest of fisheries or wildlife resources; the use of a motorized vessel is prohibited within Frank Bay Pond.
- 16 Seasonal Area Closure:  
Mutton Snapper Spawning Area: *V.I.C., Title 12, Chapter 9A, §316-13.*  
No harvest of any species from March 1 through June 30 within the Mutton Snapper Spawning Area (see Appendix 5 map).  
Joint Territorial and Federal closure is between Long Point and the southwest tip of Sandy Point about 2 miles offshore and is 2.5 miles long and 1 mile wide (see Appendix 5 map).
- 17 Territorial Marine Parks:  
St. Croix East End *V.I.C., Title 12, Chapter 1, §98.*  
Designated on January 9, 2003. Regulations are pending that will designate

**Marine Park** certain restricted zones within the park boundaries. Contact the Division of Environmental Enforcement for regulations at (340) 773-5774 or the Marine Park Coordinator at (340) 773-1082 x 2204.

18 **Altona Lagoon and Great Pond Shrimp Management**

*Commissioner Prescribed Rule 1992 under V.I.C. Title 12, Chapter 9A §303(1).*

- a. All seine nets, gill nets and traps are prohibited in Altona Lagoon, Great Pond and their respective connecting channels to the sea.
- b. All seine nets, gill nets and traps are prohibited in Christiansted Harbor within 100 yards of the mouth of Altona Lagoon channel. All seine nets, gill nets and traps are prohibited in Great Pond Bay within 100 yards of the mouth of Great Pond channel.
- c. No motorized vessels are allowed in Altona Lagoon, Great Pond and their respective connecting channels to the sea.
- d. A recreational shrimp fishing permit from the Division of Environmental Enforcement is required to harvest shrimp on St. Croix. The annual fee for this license is \$10.00.
- e. Monofilament or nylon cast nets of 3/8 inch square mesh (3/4 inch stretch mesh) may be used to harvest shrimp in Altona Lagoon channel and Great Pond channel. Cast nets of knotless nylon netting are prohibited.
- f. Cast nets of 1 inch square mesh (2 inch stretch mesh) may be used to harvest fish in Altona Lagoon, Great Pond and their respective connecting channels to the sea. Cast nets of knotless nylon netting are prohibited.
- g. The sale of southern pink shrimp is prohibited. Vendors selling shrimp must possess a certificate of origin for the shrimp.
- h. The use of lights to attract shrimp for harvest is prohibited.
- i. Recreational handlining and rod and reel fishing are permitted in Altona Lagoon, Great Pond and their respective connecting channels to the sea.

19 **Seasonal Species**

**Closure:**

Groupers: *V.I.C., Title 12, Chapter 9A, §316-14(a).*  
From February 1 through April 30, each year, no possession of red, black, tiger, yellowfin, or yellowedge grouper.

Snappers: *V.I.C., Title 12, Chapter 9A, §316-14(b).*  
From October 1 through December 31, each year, no possession of vermilion, black, silk, or blackfin snapper.

*V.I.C., Title 12, Chapter 9A, §316-14(c)(d).*  
From April 1 through June 30, each year, no possession of lane or mutton snapper.

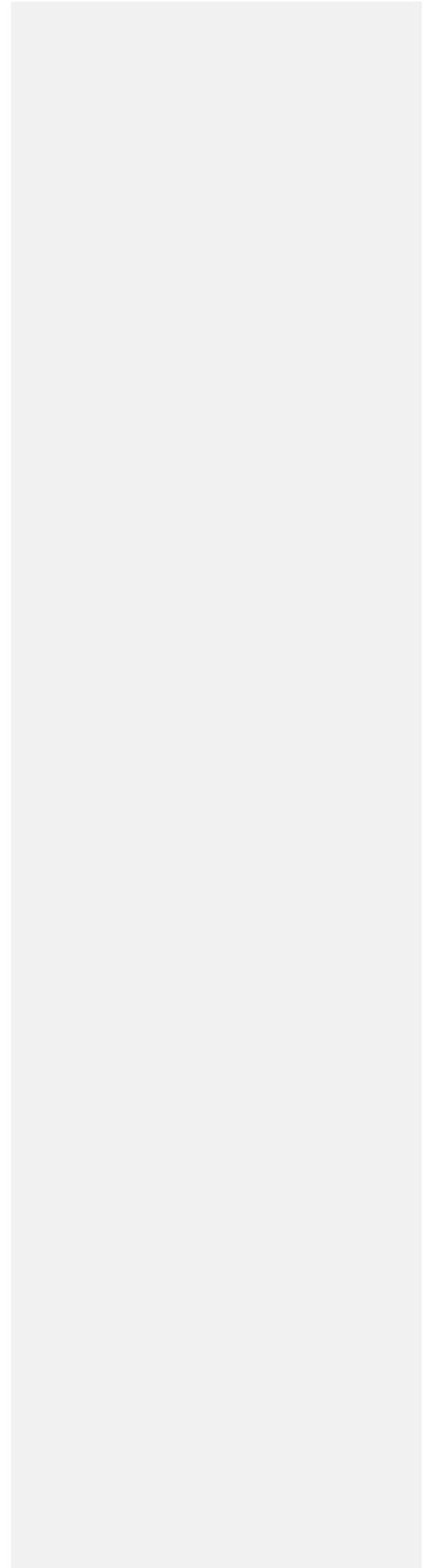
20 **General Provision:** *V.I.C., Title 12, Chapter 9A, §316-14(f).*

Filleting: The filleting of fish in Federal waters of the US Caribbean is prohibited and it is required that fish captured or possessed in

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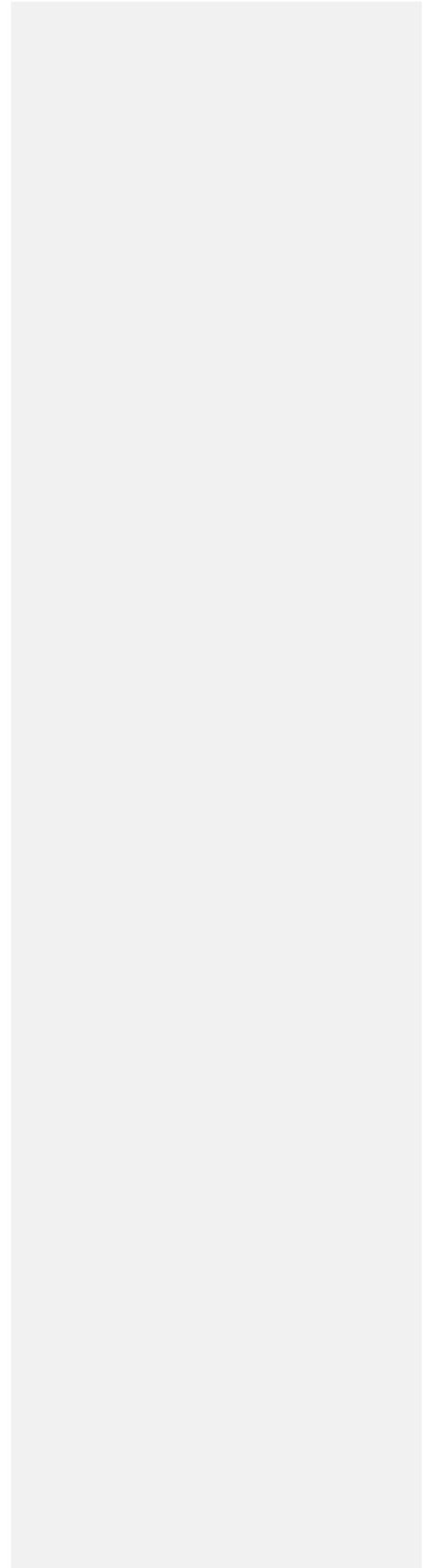
territorial waters be landed with heads and fins intact.



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APPENDIX II.

2008 JOINT FISHERIES ADVISORY COMMITTEE DOCUMENT



U.S. Department of Commerce, National Oceanic and Atmospheric Administration  
Grant Award: WC133F05CN1388  
Grant Title: USVI Commercial Fishing Regulation  
Report Period: September 23, 2005 – May 25, 2008



## *Memorandum*

**DATE:** October 18, 2008  
**TO:** St. Croix and St. Thomas/St. John Fisheries Advisory Committees  
**FROM:** William Tobias, Fish and Wildlife Biologist III  
**SUBJECT:** Joint Fisheries Advisory Meeting, November 8-9, 2008, Buccaneer Hotel, St. Croix, USVI

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### ***Air Transportation***

The Division of Fish and Wildlife will provide Cape Air tickets for air transportation to and from the meeting. The tickets will be provided at the STT/STJ-FAC Special Meeting, October 29, 2008. FAC members will be required to make their own reservations. The meeting will start promptly at 9:00 a.m. on November 8 and end at 3:00 p.m. on November 9.

### ***Ground Transportation***

No ground transportation will be provided. Taxis are available at the airport and will charge between \$10.00-\$15.00 for transport to the hotel.

### **Hotel**

The Division of Fish and Wildlife will pay for two nights, single occupancy at the Buccaneer Hotel, St. Croix (November 8 and 9, 2008). FAC members attending who wish to bring their spouse or significant other must cover the additional cost for double occupancy.

### **Per Diem**

Each member will be required to initially pay for food and ground transportation. Members attending the full two-day meeting will receive a check for \$200.00/day via mail to cover their expenses.

If you have any questions, please contact William Tobias, Division of Fish and Wildlife, at 340-713-2415.

**JOINT FISHERIES ADVISORY COMMITTEE MEETING**  
**REVISION OF TERRITORIAL FISHERY LAW AND REGULATIONS**

**DRAFT AGENDA**

Buccaneer Hotel, St. Croix, USVI

November 8-9, 2008

Saturday November 8 – 9:00am to 6:00pm

| <b>Time</b> | <b>Topic</b>  | <b>Lead</b> |
|-------------|---|-------------|
| 9:00        | Call to order and introductions                                     | DFW         |
| 9:15        | <b>Review consensus items from October 2007</b>                     | MRAG        |
| 9:30        | 1. Institutional and legal issues: Agree on values                  | MRAG        |
|             | 1.1 Fines and penalties   |             |
|             | 1.2 Reflect degrees of infractions                                  |             |
|             | 1.3 Tiered system   |             |
|             | 1.4 Minimum and maximum   |             |
|             | 1.5 Mandatory participation in port sampling                        |             |
|             | 1.6 Change from legislation to regulation                           |             |
| 10:30       | <b>Coffee</b>   |             |
| 11:00       | 2. License fees for gears   | MRAG        |
|             | 2.1 Master category: set alternatives                               |             |
|             | 2.2 Helpers permit  |             |
|             | 3. Fisheries Management Issues                                      |             |
|             | 3.1 Seasonal closures: conch, DWS, mutton snapper, red hind         | MRAG        |
|             | 3.2 Mandatory monthly catch reports                                 |             |
| 12:30       | Lunch   |             |
| 1:00        | 4. Biological issues  | MRAG        |
|             | 4.1 Minimum fish size limits – information from FACs                | FACs        |
|             | 4.2 Lobster spawning timing   | DFW, FACs   |
|             | 4.3 Conch shell disposal  | FACs        |
|             | 4.4 Whelk restrictions – commercial only                            |             |
|             | 4.5 Trap mesh size – hex vs. square information                     | STX FAC     |
|             | 4.6 Nets – Jack fishery information, haul seine, beach seine, other |             |
| 3:00        | <b>Coffee</b>   |             |
| 3:30        | 4.7 Shrimp  |             |
|             | 4.8 Nassau grouper  |             |
|             | 4.9 Seabirds  |             |

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|                                      |   |      |
|--------------------------------------|---|------|
|                                      | 4.10 Aquarium trade   |      |
|                                      | 4.11 Commercially extinct species                             |      |
| 5:45                                 | <b>Review of day 1; set up day 2</b>                          | MRAG |
| 6:00                                 | <b>End of Day 1</b>   |      |
|                                      |   |      |
| Sunday November 9 – 8:00am to 3:00pm |   |      |
| 8:00                                 | Presentation on limited entry, trap limits                    | MRAG |
| 8:30                                 | Discussion of limited entry                                   |      |
| 10:30                                | <b>Coffee</b>   |      |
| 11:00                                | <b>New items</b>  |      |
|                                      | 1. Safe fishing zones/Commercial Vessel Traffic               | MRAG |
|                                      | 2. Fixed Gear Buffer Zone - Moorings                          |      |
|                                      | 3. Enforcement issues   | MRAG |
|                                      | 3.1 Gear Manipulation – Check traps without fisher            |      |
|                                      | 3.2 Registration of Multiple Fishing Vessels – Limits needed? |      |
|                                      | 3.3 License transfers – Restrictions needed?                  |      |
| 12:30                                | <b>Lunch</b>  |      |
| 1:30                                 | Other topics  |      |
| 2:30                                 | Wrap up   |      |
| 3:00                                 | <b>End of Day 2</b>   |      |

**2nd Joint Fisheries Advisory Committee Meeting – Commercial Fisheries  
Regulations**

**November 8 & 9, 2008**

**The Buccaneer Hotel, St. Croix, U.S. Virgin Islands**

List of Documents Provided

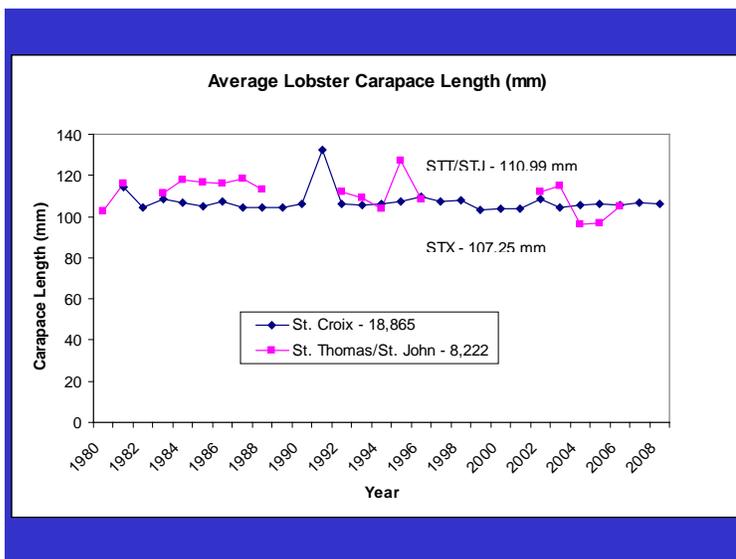
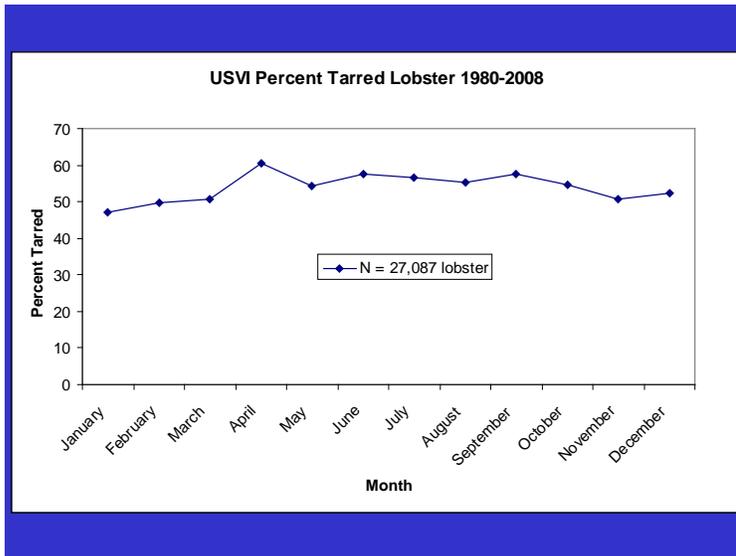
1. Draft Agenda
2. Joint Meeting Draft Minutes – October 27 & 28, 2007
3. Joint Meeting Consensus Decision Summary
4. Commercial Fisheries Regulations Items Addressed Since October 28, 2007
5. Commercial Fisher Information Booklet
6. Mandatory Fisher Port Sampling Participation
7. Compatible Regulations – Governor Turnbull, November 5, 2006
8. Queen Conch Regulations – June 2008
9. Fish Species Length at Maturity
10. Caribbean Lobster Closures
11. PowerPoint Presentation – W. Tobias
12. VIC Ticket and Fine Schedule
13. Act 3330 Fines and Penalties
14. Commissioner Mathes' Letter – Fish and Game Fund

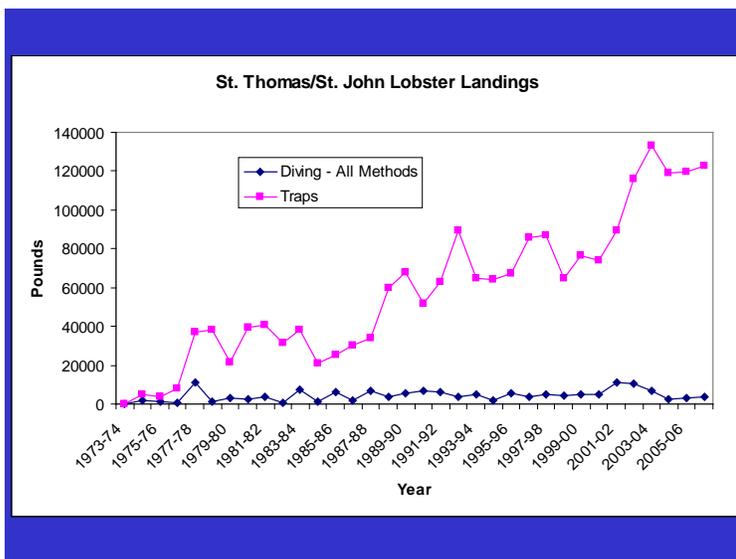
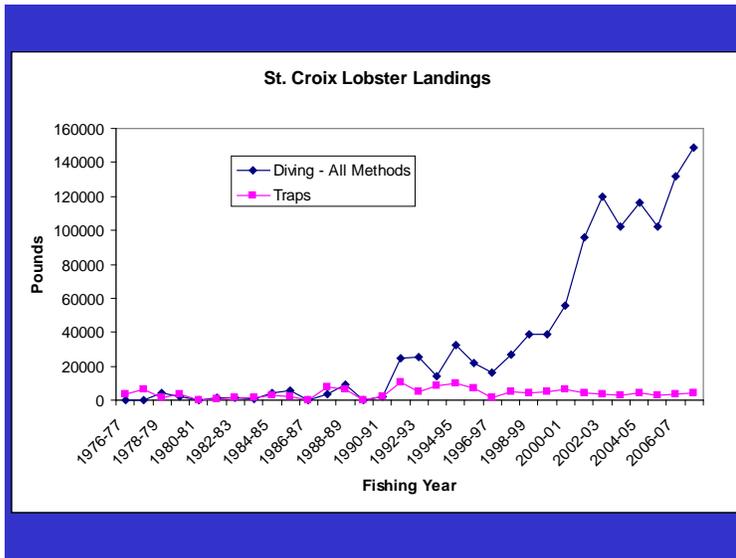
| SL Caribbean Seasons Closure |         |          |       |       |     |      |      |        |       |      |      |      |
|------------------------------|---------|----------|-------|-------|-----|------|------|--------|-------|------|------|------|
| Country                      | January | February | March | April | May | June | July | August | Sept. | Oct. | Nov. | Dec. |
| Anguilla                     |         |          |       |       |     |      |      |        |       |      |      |      |
| Antigua & Barbuda            |         |          |       |       |     |      |      |        |       |      |      |      |
| Aruba                        |         |          |       |       |     |      |      |        |       |      |      |      |
| Bahamas                      |         |          |       |       |     |      |      |        |       |      |      |      |
| Barbados                     |         |          |       |       |     |      |      |        |       |      |      |      |
| Belize                       |         |          |       |       |     |      |      |        |       |      |      |      |
| Bermuda                      |         |          |       |       |     |      |      |        |       |      |      |      |
| Bonaire                      |         |          |       |       |     |      |      |        |       |      |      |      |
| Brazil                       |         |          |       |       |     |      |      |        |       |      |      |      |
| British Virgin Islands       |         |          |       |       |     |      |      |        |       |      |      |      |
| Cayman Islands               |         |          |       |       |     |      |      |        |       |      |      |      |
| Colombia                     |         |          |       |       |     |      |      |        |       |      |      |      |
| Costa Rica                   |         |          |       |       |     |      |      |        |       |      |      |      |
| Cuba                         |         |          |       |       |     |      |      |        |       |      |      |      |
| Curacao                      |         |          |       |       |     |      |      |        |       |      |      |      |
| Dominica                     |         |          |       |       |     |      |      |        |       |      |      |      |
| Dominican Republic           |         |          |       |       |     |      |      |        |       |      |      |      |
| French Guiana                |         |          |       |       |     |      |      |        |       |      |      |      |
| Grenada                      |         |          |       |       |     |      |      |        |       |      |      |      |
| Guadeloupe                   |         |          |       |       |     |      |      |        |       |      |      |      |
| Guatemala                    |         |          |       |       |     |      |      |        |       |      |      |      |
| Guyana                       |         |          |       |       |     |      |      |        |       |      |      |      |
| Haiti                        |         |          |       |       |     |      |      |        |       |      |      |      |
| Honduras                     |         |          |       |       |     |      |      |        |       |      |      |      |
| Jamaica                      |         |          |       |       |     |      |      |        |       |      |      |      |
| Martinique                   |         |          |       |       |     |      |      |        |       |      |      |      |
| Mexico/Quintana Roo          |         |          |       |       |     |      |      |        |       |      |      |      |
| Mexico/Campeche              |         |          |       |       |     |      |      |        |       |      |      |      |
| Mexico/Yucatan               |         |          |       |       |     |      |      |        |       |      |      |      |
| Montserrat                   |         |          |       |       |     |      |      |        |       |      |      |      |
| Nicaragua                    |         |          |       |       |     |      |      |        |       |      |      |      |
| Panama                       |         |          |       |       |     |      |      |        |       |      |      |      |
| Saba                         |         |          |       |       |     |      |      |        |       |      |      |      |
| St. Barthelemy               |         |          |       |       |     |      |      |        |       |      |      |      |
| St. Eustatius                |         |          |       |       |     |      |      |        |       |      |      |      |
| St. Kitts/Nevis              |         |          |       |       |     |      |      |        |       |      |      |      |
| St. Lucia                    |         |          |       |       |     |      |      |        |       |      |      |      |
| St. Maarten                  |         |          |       |       |     |      |      |        |       |      |      |      |
| St. Martin                   |         |          |       |       |     |      |      |        |       |      |      |      |
| St. Vincent/Gren.            |         |          |       |       |     |      |      |        |       |      |      |      |
| Surinam                      |         |          |       |       |     |      |      |        |       |      |      |      |
| Tortola                      |         |          |       |       |     |      |      |        |       |      |      |      |
| Trinidad & Tobago            |         |          |       |       |     |      |      |        |       |      |      |      |
| Turks & Caicos               |         |          |       |       |     |      |      |        |       |      |      |      |
| USA                          |         |          |       |       |     |      |      |        |       |      |      |      |
| Florida                      |         |          |       |       |     |      |      |        |       |      |      |      |
| Puerto Rico                  |         |          |       |       |     |      |      |        |       |      |      |      |
| USVI                         |         |          |       |       |     |      |      |        |       |      |      |      |
| Venezuela                    |         |          |       |       |     |      |      |        |       |      |      |      |

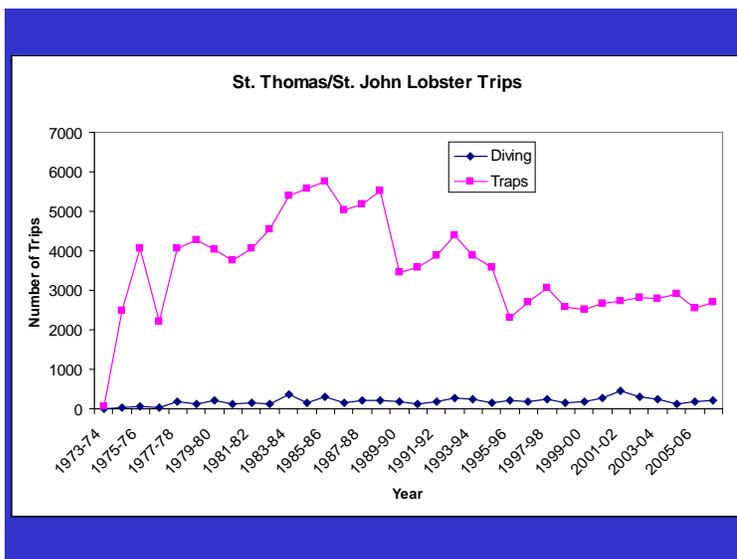
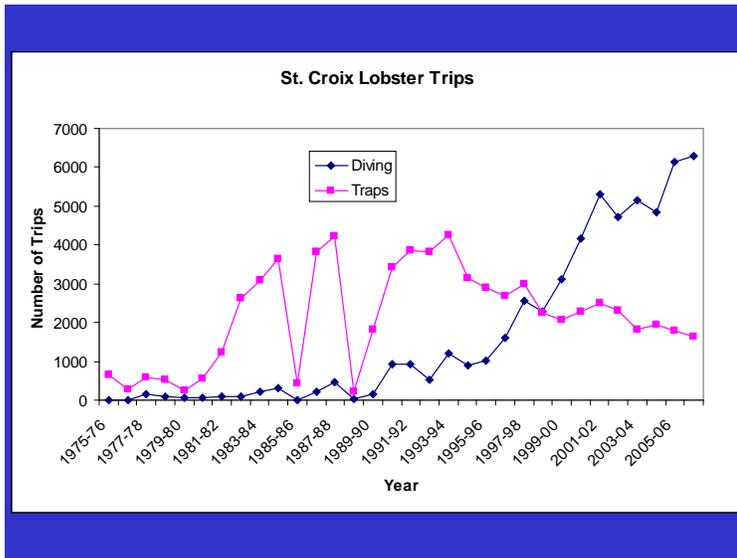
Spiny Lobster Seasonal Closures in the Caribbean Region.

Joint Fisheries Advisory  
Committee Meeting  
November 8 & 9, 2008  
The Buccaneer Hotel, St. Croix  
  
Commercial Fisheries Regulations

Spiny Lobster Information



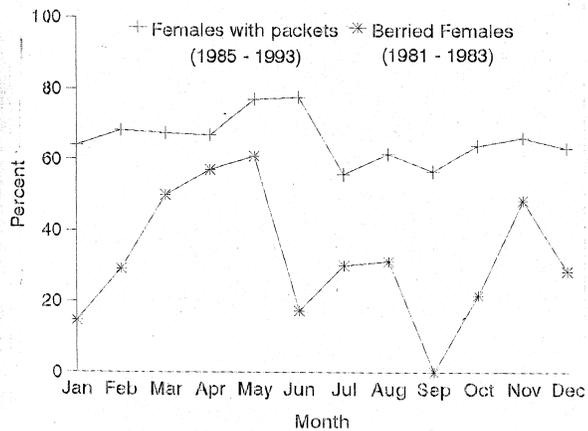




## Commercial Lobster Diver Recommendation for Spiny Lobster Effort Reduction

- Establish lobster seasonal closure for a minimum of three and maximum of six months.
- Protect egg-bearing lobsters during reproductive peak (March thru May).

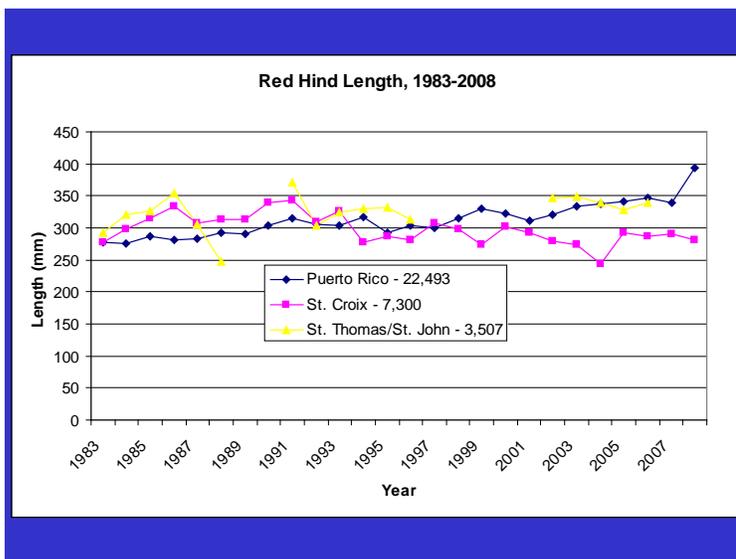
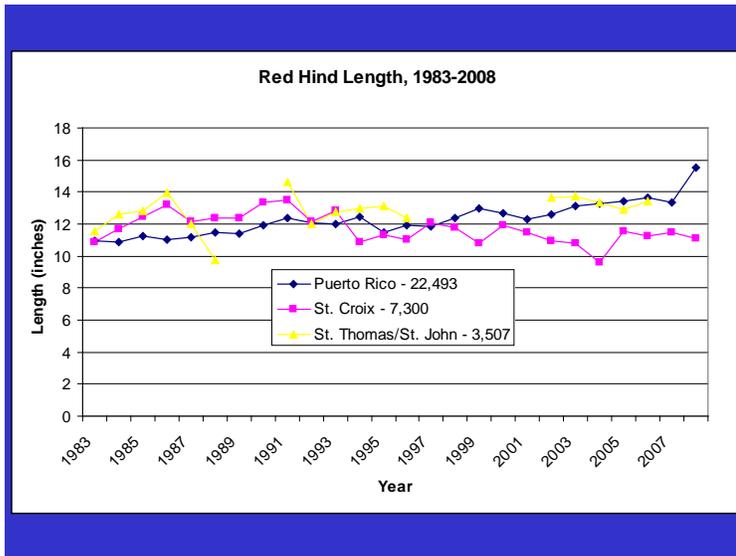
### Female Lobster Reproductive Seasonality



## Spiny Lobster Closures

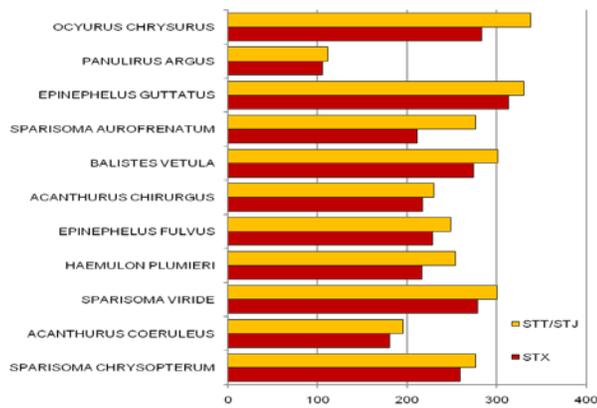
- BVI - March 1-June 30
- Jamaica – April – June
- Cuba – February-May
- Dominican Republic – April - July
- Turks & Caicos – April – July
- Grenada – May - August
- Belize – February 15 – June 14
- Costa Rica – April-June
- Colombia – April - June
- Bahamas – January - April
- Florida – April 1-August 5
- Hawaii – May - August

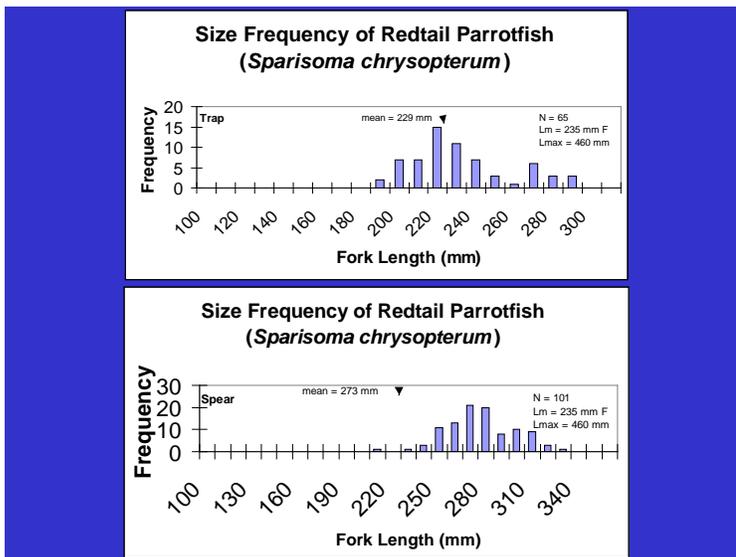
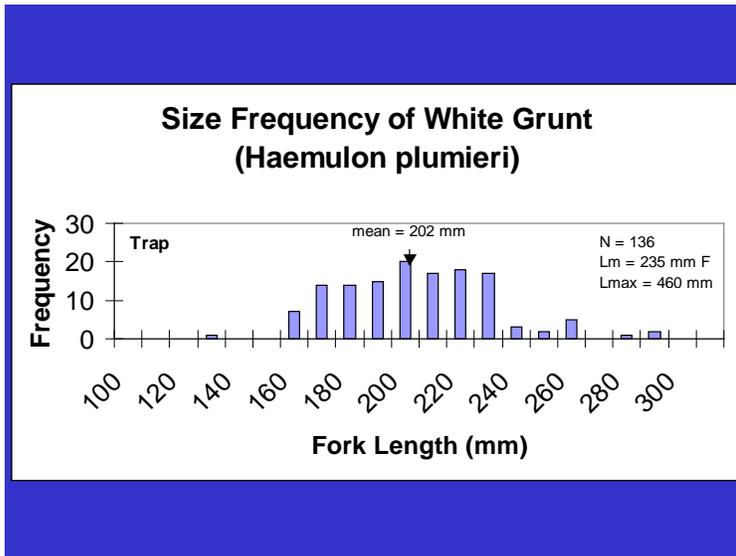
## Red Hind

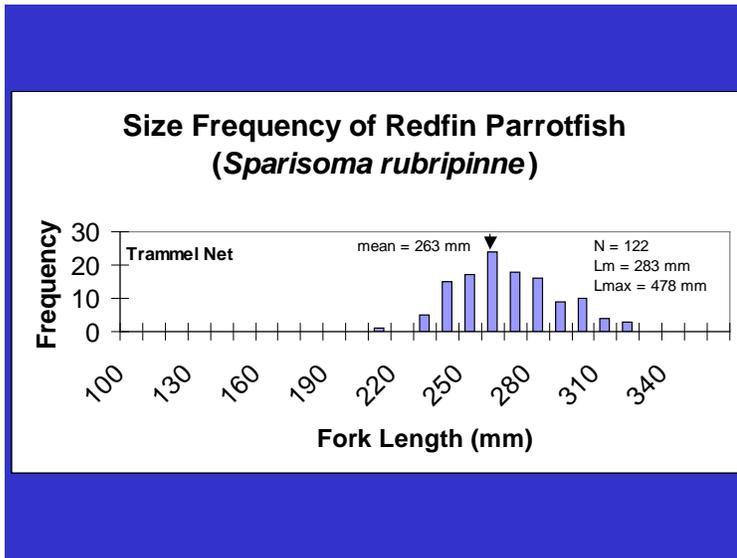


# Fish Size Comparison

## STX-STT/STJ Average Size Comparison from TIP Data







## **2nd Joint Fisheries Advisory Committee Meeting – Commercial Fisheries Regulations**

### **Meeting Minutes**

**November 8 & 9, 2008**

**The Buccaneer Hotel, St. Croix, U.S. Virgin Islands**

W. Tobias, Fish and Wildlife Biologist III, Division of Fish and Wildlife, called the meeting to order at 9:15 am and proceeded with housekeeping business for the meeting. Attendees were provided with a package of reference materials (see List of Documents) and requested to listen to issues presented and participate actively in discussions. Meeting attendance would be recorded daily for per diem reimbursement. Following introductions, the attendees were welcomed by Ann Seiler, Director, Division of Fish and Wildlife, representing Commissioner Mathes.

W. Tobias introduced Dr. Robert Trumble, MRAG Americas Inc., facilitator for the meeting and turned the meeting over to Dr. Trumble. Dr. Trumble identified that the purpose of the meeting was to: (1) review the consensus items from the previous joint meeting (October 27 & 28, 2007) and (2) continue with discussions on the commercial fishing/licensing rules and regulations to reach consensus on those issues or develop viable alternatives to be prepared in a document for public comment.

### AGENDA ITEMS

1.1 Fines and Penalties (See attached Act 3330 Penalties and Fines table from October 2007 meeting)

1.2

a) **Possession of fish out of season**

#### Comments

D. Olsen – need recourse; difficult to make federal case.

M. Pugh – The federal fines should be mirrored.

Others – need territorial fee structure.

T. Daley – have fines that fishers can pay.

**J. Magras – The fine should be not less than \$100.00 and not more than \$500.00.**

D. Gubser – The fine must be great enough to be a deterrent; fine should not be just the cost of doing business.

D. Henry – inability to pay should not be a consideration in a fine as a deterrent; should consider a cultural exemption.

**J. Magras – fine should be assessed for the possession of each fish.**

**b) Fishing in a closed area**

Comments

C. Farchette – The fine should be \$5,000 - \$10,000.

T. Daley – should mark the area that is closed.

C. Farchette – fishers should not set gear close to a closed area.

D. Olsen – Federal enforcement use GPS to identify the closed area.

W. Tobias – Federal agencies do not require closed areas to be marked. Fishers are required to know where the closed areas are located.

D. Henry – Fishers should not push envelope and fish at closure borders.

A. Seiler – All closed areas have coordinates.

**c) Administration**

Comments

Consensus – Leave original language. Not more than \$500 or imprisonment not more than 6 months.

**d) Conservation Officers**

Comments

Consensus – Leave original language. Confiscation of boat.

**e) Registration of fishing boats**

Comments

None – subject passed over.

**f) License**

Comments

None – subject passed over.

**g) Replacement License**

Comments

None – subject passed over.

**h) Suspension of Licenses**

Comments

G. Martinez – Leave as is. Anyone found guilty of a violation can have their license suspended for 1 month (first offense), three months (second offense), and 1 year (third and subsequent offenses). No person whose license has been suspended shall be issued another license.

**i) Reporting Requirements**

Comments

W. Tobias explained the current regulations which require fishers to complete and turn in catch reports on a monthly basis (by the 15<sup>th</sup> of the following month) and allow DFW to

port sample catches a minimum of four times/year/fisher. Penalty for first offense is \$75.00 and \$100.00 for all subsequent offenses and/or the loss of fishing license for three years.

D. Olsen – Annual Catch Limits (ACL's) and Accountability Measures (AM) will be required by the federal government to allow overfished stocks to recover and eliminate overfishing. Landings must not exceed ACL. The fishery must be managed monthly. The NMFS will make major closures in federal waters if ACLs are not met.

R. Trumble – Must have incentives for updated catches.

A. Seiler – How well is compliance with commercial catch report (CCR) submittal?

D. Olsen – 100% compliance is required to renew a fishing license.

D. Gubser – DFW should do electronic entry of CCRs to avoid paperwork.

**j) Turtles**

Comments

Consensus – Leave original language. Not less than \$100 or more than \$600 on each count.

**k) Lobsters**

Comments

Consensus – Leave original language. Not less than \$100 or more than \$600 on each count.

**l) Haul Seines and Fish Traps**

Comments

Consensus – Leave original language. Not less than \$50 or more than \$100 or by imprisonment for up to 30 days on each count.

**m) Fishing with Explosives, etc.**

Comments

Consensus – Leave original language. Not less than \$300 or more than \$500 or by imprisonment for up to 6 months on each count.

**n) Contamination of Fishing Waters**

Comments

Consensus – Leave original language. Not less than \$300 or more than \$500 or by imprisonment for up to 6 months on each count.

**o) Interference with a Fishing Operation**

Comments

Consensus – Leave original language. No fine.

**p) Sale of Local Seafood**

Comments

Consensus – Leave original language. Not less than \$25 or more than \$100.

**q) Penalties: Rewards for Conviction**

Comments

Consensus – Leave original language. Not more than \$500 or imprisonment for up to 1 year.

**r) Reward**

Comments

Consensus – Leave original language. \$50

**1.5 Mandatory Port Sampling**

W. Tobias reviewed the three NMFS programs (State/Federal, Inter-jurisdictional Fisheries and MARFIN) requiring biostatistical information from commercial fishers, their history and sampling methodology. The need to collect a minimum of four port samples/year commercial fisher was addressed. Present regulations require a minimum of four port samples/year/commercial fisher.

Comments

E. Schuster/J. Magras – Not opposed to providing samples but most orient fishers.

A. Seiler – DEE also required training.

D. Henry – Ability to sample should be a condition on the commercial fishing permit.

G. Martinez – Fishers must be kept in the loop and informed.

J. Magras – The CFMC will address the Annual Catch Limit (ACL) process at meetings in the Virgin Islands on November 18 and 19, 2008.

Consensus – Mandatory participation in the commercial fisher data collection programs. Minimum of four port samples/year/commercial fisher indicated as a condition on the commercial fishing permit, when requested.

**1.6 Change from Legislation to Regulation**

Comments

D. Henry – By changing the penalties and fines from legislation to regulation, the code can be amended as opposed to having to make new regulation. Law has precedence. Repeal law before regulation goes into effect. The FAC provides input to the Commissioner on a regulation. The Commissioner then makes the regulation.

Consensus – Change the penalties and fines from legislation to regulation.

**2.0 License Fees for Gears**

Comments

J. Magras – Fishers in STT do not want to see license fees change. The federal government has given the STT Fisherman’s Association a chance to come up with a license for federal waters.

D. Gubser – Where do monies go for permits?

A. Seiler – Fish and Game Fund.

E. Schuster – Fishers and farmers are exempt for 90% of their income. STX Fisherman’s Association is trying to create a limited entry for fishers. Gill and trammel nets have been banned and fishers will go into other gears. Higher fees are needed to support enforcement. The St. Croix shelf is smaller than STT/STJ shelf. We must have limited entry in our fishery.

D. Gubser – The law must cover the islands as one; one permit for the Virgin Islands.

T. Nurnberger – There are many un-utilized licenses. A high license price structure may reduce the number of license holders.

R. Trumble – 1. Support for cutting out unused licenses.  
2. Support for reduced license cost.

J. Magnar – Fishers don’t want to pay.

D. Olsen – STT meeting was disrupted by the thought of increased license fees. The fishers would accept lower fees and stamp costs.

A. Seiler – Alternatives should be kept open. The fishers on St. Croix are different than St. Thomas and St. John.

## 2.1 Master Category

W. Tobias read the alternatives discussed at the October 27/28/ 2007 Joint FAC Meeting. License fees would be based on gear categories (trap, diving, line and net).

| Gear Category Fee (individual) | Masters License (all gears) |
|--------------------------------|-----------------------------|
| \$150.00                       | \$500.00                    |
| \$300.00                       | \$1,000.00                  |
| \$400.00                       | \$1,200.00                  |

### Comments

D. Olsen – ACL’s will have a minor affect on STT/STJ landings. The affect on STX landings would be a 50% reduction. The moratorium reduces fishing effort slowly. Add \$25.00 per gear. He does not want to see STX fishing effort expand to STT (now sees divers from STX in STT). A big increase in license fees is too abrupt.

J. Magras – We must deal with moratorium and license transfers. We are not reducing licenses if the license can be transferred.

J. Magnar – A limited entry license is worth money.

E. Schuster – The moratorium was requested by STX fishers.

D. Henry – Regulations do not go to the legislature for approval. Public comments are required for regulations.

D. Olsen – There should be a minimum activity requirement to hold a license.

**Consensus – Approved DLCA \$1.00 commercial fisherman’s license (sell fish on street).  
Approved DLCA \$2.00 replacement license for commercial fisherman.**

## **2.2 Helpers Permit**

### Comments

D. Gubser – We need a record of helpers so they can be eligible to receive a commercial fishing license.

D. Olsen – He agreed with D. Gubser. Helpers permit should be \$50.00. This motivates fishers to have regular helpers.

C. Farchette – Section 312 of Title 12 VIC states that pot, trap and seine net fishers can have helpers, not divers.

D. Olsen – A breakout session to discuss this.

**R. Trumble – Helpers permit should be discussed over lunch.**

## **3.0 Fisheries Management Issues**

### **3.1 Seasonal Closures**

#### **Conch – Prohibit possession of a species during the closed season.**

##### Comments

M. Pugh – We must prevent restaurants and hotels from selling conch during a closed season.

C. Farchette – Title 12 Section 316C “The fishing, sale, transportation and utilization of all species not expressly included in the closed seasons established by rules and regulations hereunder shall be permitted at any time throughout the year. The sale and transportation of any species of fish that is included in the closed season is permitted during the closed season if such fish is imported from outside the United States Virgin Islands or caught and stored prior to the closed season.”

J. Magnar – Conch and lobster regulations can be over-ridden by federal law.

**Deepwater Snapper – Peak spawning period.**

Comments

No new information. No action taken.

**Mutton Snapper – Prohibit possession in federal and territorial waters from April 1 to June 30.**

Comments

No new information. No action taken.

**Red Hind – Suggested establishing size and bag limits or a no-possession provision in territorial waters annually from December 1-February 28.**

W. Tobias presented slides of red hind lengths from 1983-2008 for Puerto Rico, STT/STJ and STX from NMFS biostatistical data. Fish sizes have increased over time for PR and STT/STJ but decreased in size for the same period on STX.

Comments

T. Daley – Red hind live on the shelf edge (25 fm). Larger fish not being sampled on STX.

No action taken – deferred.

**3.2 Mandatory Monthly Catch Reports**

Comments

Topic generally discussed in 1.5 Mandatory Participation in Port Sampling.

Consensus – Agree to mandatory monthly submittal of catch reports with decreased penalties.

**4.0 Biological Issues**

**4.1 Minimum Fish Sizes**

W. Tobias presented fish length histograms slides from biostatistical data with size at sexual maturity indicated. Most fish species harvested from STX were below the minimum size of sexual maturity.

Comments

J. Magras – STT minimum trap mesh size is 2” square. It took 5 years to get larger fish but its working.

D. Olsen – You need to look at the TIP data to verify if there has been a change in fish size over time and they are in trouble. Kevin Dupigney can do this. Reproductive overfishing will trigger a very strong federal response. STX has a problem and it should be treated all at once.

T. Daley – Because of all the closures in territorial and federal waters, the only open areas we can fish in are nursery areas and the fish are smaller.

D. Olsen – The data shows reproductive overfishing.

J. Magras – There is not enough information presented here. The species are different in the STT fishery. Fish caught and eaten in STX are poisonous in STT/STJ and discarded.

T. Daley – The STX-FAC voted against size limits for fish species.

D. Olsen – The topic should be deferred until DFW can analyze the TIP data. Lengths at sexual maturity should be verified from Fish Base.

T. Nurnberger – The top ten species should be broken down by gear type for data analysis.

**Consensus – Defer until data is analyzed.**

G. Martinez – There is no enforcement at this time; laws are broken every day. Enforcement is not doing their job to protect the species. More regulations that he must follow.

#### **4.2 Spiny Lobster Spawning Time**

W. Tobias presented slides on closed seasons for spiny lobsters in the Caribbean and data on the peak reproductive period on St. Croix.

D. Olsen – The CFMC reports that lobster are being overfished. STX landings of 120,000 lbs is greater than STT landings. STT lobster size has stayed stable for over 40 years. The size limits protect the reproductive ability of the species. There are no large lobsters in the Florida fishery. Lobsters will be in the next round of federal closures.

T. Daley – We don't need a seasonal closure.

J. Magras – The lobster fishery is market driven. All the fish caught in the Virgin Islands are eaten in the Virgin Islands. Fishers scale back fishing effort when they can't sell fish.

D. Olsen – Fisher effort is weather dependent. This fact is excluded by NOAA Fisheries.

E. Schuster – Countries with closures are also countries with white lobster (cocaine).

**Consensus – No change to regulations.**

]

#### **4.3 Conch Shell Disposal**

W. Tobias identified the issue as an action item identified by the STX-FAC at their meeting on July 8, 2008. The STX-FAC voted to allow commercial fishers to bring conch meat to shore instead of conch in the shell. Conch meat must meet a weight criteria of two uncleaned conch/pound or three cleaned conch/pound. Personal use fishers must bring conch to shore in the shell and are responsible for proper shell disposal.

#### Comments

J. Magras – Conch shell should be brought to shore.

E. Schuster – The conch shell requirement is only selectively enforced. The transport of conch in the shell in a vessel is a problem – safety issue. Before the present regulation, only conch meat was brought to shore.

C. Farchette – The conch harvest is small in STT/STJ. There are not enough enforcement personnel to be at all the STX landing sites. Some fishers cut the conch shell under water. St Thomas has conch but is presently not being fished.

T. Daley – The STX-FAC suggested to designate areas to deposit shells. If DEE agrees, we can just land meat and check meat weights.

W. Tobias explained that federal regulations require conch to be landed in the shell. Puerto Rico regulations do not.

E. Schuster – Puerto Rico has a 9 mile Territorial Sea limit.

M. Pugh – STX conch is being exported off-island.

D. Henry – You can not regulate commerce across states.

G. Martinez – The STX-FAC had agreed with the conch meat weight regulation.

A. Seiler – This is an enforcement issue. The STX-FAC recommended using meat weight instead of requiring conch to be landed in the shell. We should move forward on it.

**Consensus – Use STX-FAC recommendation. Commercial fishers may bring conch meat to shore instead of conch in the shell. Conch meat must meet a weight criteria of two uncleaned conch/pound or three cleaned conch/pound. Personal use fishers must bring conch to shore in the shell and are responsible for proper shell disposal.**

#### **4.4 Whelk Restrictions**

##### Comments

E. Schuster – STX-FAC determined that it was unfair to recreational fishers if whelk became a commercial-only harvest. There should be a bag limit of one-5-gallon bucket of whelk in the shell/person/day.

J. Magras – Agrees with E. Schuster. However, he recommends a commercial harvest of five-5 gallon buckets/person/day.

Consensus – Recreational harvest of one-5 gallon bucket of conch in the shell/day and a commercial harvest of five-5 gallon buckets of conch in the shell/day.

#### 4.5 Trap Mesh Size – Hexagonal vs. Square

Comparison of 1 ½” hex vs. 2” square.

##### Comments

H. Clinton – Hexagonal mesh (1 ½”) meets the same criteria as the square wire (2”).

G. Martinez – The 2 inch square wire will not work in STX.

J. Magras – It took STT 5 years to see the effectiveness of increasing the trap mesh to 2”. Initially, there will be a drop in catch but the fish size will increase. Increasing the trap mesh to 2” will help the STX fishers.

T. Daley provided a demonstration of 1 ½” hexagonal wire and 2” square wire. The 1 ½” hexagonal wire had a diagonal opening of 2 3/8”, while the 2” square wire had a diagonal opening of 2”. The 2” square mesh would not catch anything in territorial waters (seagrass).

G. Martinez – STX is different. STX should be allowed to use 1 ½” hexagonal mesh.

M. Pugh – No biodegradable escape panels are used on fish traps.

W. Tobias provided a description of the federal regulations on the use of 1 ½” hexagonal or 2” square mesh on fish traps.

G. Martinez – He debated with D. Olsen at the last FAC Joint Meeting over the issue of trap mesh size. D. Olsen insisted on the 2” square mesh. We must respect the opinion of all fishers. The 1 ½” square mesh should be added as an alternative.

D. Olsen departs at 4:00 pm.

T. Daley – The rationale for 1 ½” hexagonal wire and 2” square was explained in regard to the capture of desirable goatfish on STX which may not be as sought after on STT.

R. Tapia – We must move forward with alternatives. The public will decide.

#### Alternatives

1. 1 ½" hexagonal wire
2. 2" square wire
3. 1 ½" square wire

#### 4.6 Jack Fishery

C. Farchette described the use of seine nets in water up to 90 ft to catch schools of jacks (bigeye scads). Several thousand pounds of jacks can be caught at once. The net is pursued by divers and the catch brailed into small boats. He was concerned of over harvest and wanton waste. Jacks on the bottom of the pile are crushed from the weight of fish on top and discarded. Because of the large quantity caught, fish spoilage is a problem, since the entire catch can not be iced or sold quickly.

E. Schuster – Jacks should have a season or harvest limit.

W. Tobias – DFW conducted a study on bigeye scad funded through a Saltonstall-Kennedy Grant from the NMFS. The information will be provided to the FAC's for discussion.

T. Daley – Jacks are seasonal. There is no problem with the fishery. We should table the issue.

C. Farchette – A full-time commercial fisher is exempt from boat registration and commercial fishing license fee. A part-time fisher must pay for the boat registration and the commercial fishing license.

A. Seiler – Recommends more research on the laws governing a commercial fishing license; what a commercial fishing permit is and the cost.

Consensus – DFW to provide additional information to the FAC's on bigeye scad and the jack fishery.

#### 4.7 Shrimp

Consensus – No change to present regulations (Altona Lagoon and Great Pond – recreational license required/no sale of shrimp).

#### 4.8 Nassau Grouper

Consensus – No change to present regulations.

#### 4.9 Seabirds

Consensus – Attempt proper release of hooked seabirds by retrieval of bird to release the hook; otherwise cut the line/leader at the hook.

#### 4.10 Aquarium Trade

Consensus – No change to present regulations.

#### 4.11 Commercially Extinct Species

W. Tobias explained that blue parrotfish (*Scarus coeruleus*), rainbow parrotfish (*Scarus guacamaia*) and midnight parrotfish (*Scarus coelestinus*), once abundant in inshore waters, were now commercially depleted or commercially extinct species. As such, their remaining numbers warrant protection.

##### Comments

The CFMC-Advisory Panel approved no harvest of these species.

Consensus – Approved no harvest and no possession of blue parrotfish (*Scarus coeruleus*), rainbow parrotfish (*Scarus guacamaia*) and midnight parrotfish (*Scarus coelestinus*).

#### Possession of Fish Out of Season

##### Comments

D. Henry – Suggested making the range of the fine from 0 - \$5,000.00; allowing the judge to make a discretionary decision.

E. Schuster – It was too easy for the judge to let people off.

D. Gubser – suggested separating commercial from recreational.

C. Farchette – DEE has the discretionary ability when issuing tickets.

R. Tapia – BVI uses fines as deterrents.

C. Farchette – We need a minimum and maximum penalty stated.

D. Henry – We need to increase penalty.

##### Alternatives

1. \$100.00 - \$500.00/fish
2. \$500.00 - \$2,500.00/fish
3. Apply federal penalties

End of Session – Day 1 – 5:30 pm.

Day 2 – Start of Session – 8:10 am.

Limited Entry/Fishing Effort Reduction – MRAG Presentation

**Problems**

1. Harvest is decreased because of more fishers
2. Decline in fish abundance
3. Increased restrictions and precautionary regulations
4. Declining profits
5. Others

**Management Tools**

1. Fishers
2. Vessels
3. Gear

**License Limitation Criteria**

1. Moratorium
2. Fishing History
3. Income

**Effort Reduction**

1. Days at sea
2. Vessel buy backs (government purchases vessels and gear)
3. Gear limits – prohibit or reduce number and type of gear

**Trap Limits**

1. Maximum number of traps
2. Proportional reduction
3. Transferable quota
4. Non-transferable quota

**Fish Quotas**

1. Set total allowable catch for a species
2. Total allowable catch may be set fleet-wide
3. Total allowable catch may be set with individual quotas
4. Individual quotas may be transferable or non-transferable.

**Considerations**

1. Appropriateness
2. Nature of rights
3. Eligibility
4. Transferability
5. Fairness

In establishing a limited entry program, the following questions should be asked:

1. What problems do you want to solve?
2. What do you want the fishery to look like 5 -10-20 years from now?

#### Comments

R. Campbell – A limited entry now exists with the moratorium, but license transfers now occur. We must fix the present system. He does not want permits transferable. He has fished in Alaska and experienced the evils of limited entry. Limited entry forces out the little guy. The rich guy buys out the others.

J. Magras – Sixteen licenses have been transferred in St. Croix. This is not reducing the fishing effort. Fishers are selling licenses. Illegal fishers have received licenses. The Commissioner is signing the transfers.

T. Nurnberger – The moratorium was not designed as a limited entry into the fishery but a stop-gap approach to redo the licensing system and fisheries regulations. The Commissioner established an interim rule to allow transfers. The Commissioner is not obligated to take the FAC's recommendation.

T. Daley agreed with T. Nurnberger. The FAC refused to deal with transfers but the Commissioner sent them back for a FAC decision. Fishing is a privilege. Transfers should be allowed within the family.

C. Bailey – A copy of the moratorium document should be made available. We must find out how many fishers were registered at that time and then reduce that number.

E. Schuster – We must revise Act 3330 to define limited entry.

W. Tobias explained the transfer process. Individuals wishing to transfer a fishing permit, or individuals wishing to secure a fishing permit that have located a fisher willing to give up his permit, complete and have notarized a fishing permit transfer request. A copy of the fisher's fishing permit is attached. DFW provides background information to the FAC upon request. The transfer request is reviewed by the FAC and a recommendation forwarded to Commissioner Mathes.

J. Magnar – The St. Thomas Fisherman's Association (STFA) wants transfers only to occur thru bloodline. The STFA met with the Governor and Commissioner and discussed transfers. We want information on all the transfers that have occurred to date.

D. Gubser – The STX-FAC reviews the history of all transfer applicants. The Commissioner has signed transfers that have not been approved by the STX-FAC. The criteria for a license (permit) transfer must be established.

R. Tapia – Under the present moratorium, licenses should not be transferred. Rules are needed for license transfers.

T. Daley – The Commissioner has not met with the FAC. He would like to make a motion to end the problems with transfers and the moratorium. Transfers should be allowed for family members and hardship cases.

E. Schuster – The original moratorium allowed a two-week open registration period. Individuals that were not really fishers applied for a license thinking that they would be of value in the future. License transfers should be allowed only in the fishing method used by the original holder of the license. That way the fishing effort does not increase.

J. Magras – During the meeting with the Governor and Commissioner, the STFA requested that no new fishing permits be issued.

C. Farchette – The FAC needs legal counsel. Title 12 Section 312c identifies the fishing license as a “non-transferable fishing license.”

D. Henry – The law states that the Commissioner must issue a license.

C. Farchette – DEE does not issue fishing licenses to illegal fishers. Our database of fishers is the same as DFW. No permits are issued unless they provide us with a copy of the DFW registration form.

D. Henry – The moratorium should have been approved by the legislature.

T. Daley – The STX-FAC initiated the moratorium. We should not be criticized over the problems now. We must agree now to change the moratorium.

J. Magnar – By right, the FACs need legal counsel. The Commissioner is now receptive to meeting with the FAC.

T. Daley – The FAC’s need to meet together with the Commissioner twice a year.

R. Tapia – The fisheries in the two districts are different. The regulations may have to be different.

R. Trumble – Facilitator

Three distinct issues on license transfers:

1. Law vs Regulation
2. Commercial license eligibility
3. Transferability

BREAKOUT - Three breakout groups were formed to independently address the issues. Leaders of the breakout groups would report to the joint committee.

### **Group 1 - Laws and Regulations Report**

D. Henry – The key is to draft it right and sent it up (to legislature or Governor?). The ability to have a moratorium is not directly addressed by the VIC. This will be researched. (Regulations or laws?) Must be published and should go to the legislature.

#### Comments

J. Magras – We should keep the current moratorium regulation in place.

D. McLean – We need a copy of the moratorium.

### **Group 2 – Commercial License Eligibility**

License limitation wanted.

#### Eligibility Alternatives

1. Existing commercial fishers
  - CCR's submitted
  - Activity
2. Residency
3. Part-time vs. full-time
4. % Income from commercial fishing
5. Income tax submitted
6. Pounds of fish caught
7. Must own a vessel
8. Predate eligibility with current number of commercial fishers
9. Maintain current number of licensed fishers regardless of fishing activity

#### COMMENTS

D. McLean – The residency requirement is not legal. The permit (license) is owned by the government.

### **Group 3 – Transferability**

#### Transferability Alternatives

1. Family
2. Gear Limits (i.e. traps)
3. Gear Restrictions (line only)
4. Helper
5. Residency (permanent/# of days)
6. Back into pool (government) to sell
7. Individual sale of license/permit

#### Comments

E. Schuster – Some fishers lease or rent a boat with the owner as captain.

#### Recommendation

A letter should be prepared to the Commissioner on the current moratorium and the transfer of permits. The alternatives to be addressed in the letter include continuing transfers as presently conducted or setting criteria/standards for the transfers, such as if catch reports have not been filed for 5 years the license dies, and the transfer of active permits vs. inactive permits.

#### Comments

H. Clinton recommended getting sub-committees together to address the three topics.

T. Daley – A timetable should be set so things do not die.

M. Taylor – The teleconference facilities are available at the University of the Virgin Islands.

#### **New Topics**

##### 1. Safe Fishing Zone/Commercial Vessel Traffic

W. Tobias provided a historical background on commercial vessel interference with fishing activities off the southwest coast of St. Croix. An unsuccessful attempt was made by Senator Iles to pass legislation making this area a Safe Fishing Zone. However, the USCG Coast Pilot was modified to identify this area as a fishing zone and commercial vessel traffic were requested to stay seaward of the 100 fathom contour in their ingress to or egress from the south shore industrial complex. This wordage has since been dropped from the Coast Pilot. With the gill and trammel net ban, fishers have been setting more traps but losing gear to passing commercial vessels.

G. Martinez provided the current situation of vessel conflicts and encountered hazards to divers, fisher and gear. He has recently lost a significant number of traps to passing cargo and containership vessels.

#### Comments

R. Tapia – Requested the name of the vessels and he would contact them.

E. Schuster – He had forwarded a package of information to the Coast Guard, which was sent up the chain of command. No response was received back. He also sent correspondence to two senators.

D. Gubser – Inquired if St. Thomas fishers had similar problems with commercial vessels.

R. Tapia – St. Thomas fishers have problems with cruise ships but not as frequently as on St. Croix.

J. Magras – There is a problem with cruise ships anchoring on reef in St. Thomas.

T. Daley – Commercial vessels need to stand clear of the 100 fm contour.

J. Magnar – In 1989, we tried to have regulations passed regarding the cruise ships but the government would not assist.

C. Farchette – We need to lobby the senators for territorial waters. Lang Bank is in federal waters so we need to seek help from the Caribbean Fishery Management Council.

T. Daley – Compatible regulations protect Lang Bank. The federal authorities should prevent traffic through the area. Commercial vessels need to stay beyond the 100 fathom contour.

G. Martinez – We need to have US Coast Guard involvement.

R. Trumble – Facilitator  
Recommendations

1. Develop draft legislation
2. Coast Guard involvement – Notice to Mariners, Update NOAA charts

D. Gubser – US Coast Guard will be more receptive hearing from the legislature rather than the FAC but both approaches should be taken.

C. Farchette – Legislation is needed with fines.

No-Traffic Zone legislation within territorial waters <100 fathoms; navigation lanes - STX only

## 2. Fixed Gear Buffer Zone – Mooring Buoys

W. Tobias provided the background on the establishment of the mooring buoys in territorial waters to reduce anchor damage to coral reefs. The first 20 moorings were established by a project called “Anchors Away” conducted by Island Conservation Efforts on St. Croix in 1989. A similar program was established in St. Thomas by Reef Ecology Foundation. The Division of Fish and Wildlife funded the installation of 50 additional moorings on St. Croix and St. Thomas since that time. The DPNR moorings were funded Boating Infrastructure grants from the US Fish and Wildlife Service. The moorings are for day-use only on a first-come, first-serve basis for fishing, boating and diving enthusiasts. Vessel size is limited to less than 40 ft.

### Comments

M. Pugh – Reported on conflicts with sport diving operators and commercial fishing activities (nets tied from moorings and commercial divers spearing fish next to sport divers).

E. Schuster – There are no restrictions where commercial divers can not go.

C. Farchette – VIC covers this issue. When the sport dive flag is displayed on a vessel, other vessels must keep at a specific distance from the vessel displaying the dive flag.

J. Magnar – The same situation exists in reverse with snorkelers and commercial fishers.

M. Pugh – U.S. Virgin Islands diver operators can not operate in the British Virgin Islands because no permits are issued. This is an issue of safety.

T. Daley – Buffer zones around mooring buoys on the north coast will result in the loss of fishing area.

J. Magnar – The diver operators should request to the National Park Service (NPS) to open up areas closed to fishing for diving. Ask NPS to increase the number of concessionaire permits. Protected areas should be good for diving.

C. Farchette – There are only six concessionaire permits issued for Buck Island. You will need to petition the Department of Interior to request open diving areas.

J. Magras – You need to explain the situation with the superintendent of the NPS and request more permits. The clearance around a vessel involved in an existing activity is 200 ft.

D. McLean – You need to bring others onboard for your cause, like the Department of Tourism, and discuss the problem with the fishers.

C. Farchette – The FAC should write a letter to the Department of Tourism; invite the Department of Tourism to a FAC meeting.

#### **Recommended**

- 1. Research existing legislation.**
- 2. 300 ft buffer around moored or anchored vessels displaying the diving flag.**

R. Tapia – Research existing laws. This is an enforcement issue. Enforcement should be contacted to make at-sea inspections.

G. Martinez – We need to look at proximity of large vessels as well as fishing and dive boats.

T. Nurnberger – We should look at the Florida regulations. Divers must stay within 300 ft of the diver's flag.

M. Pugh – We lack the necessary enforcement.

### 3. Enforcement Issues

### 3.1 Gear Manipulation

#### Comments

C. Farchette – Presently, the owner of the gear (i.e., traps) must be present to check the gear. He recommends deleting “owner’s consent” or “presence” from the regulation.

G. Martinez – He is not against DEE pulling traps to check if they are legal but the trap must be set properly to fish correctly.

J. Magnar – He would like to see DEE more involved in checking traps. The DEE officers can contact fishers to make arrangements to haul traps.

R. Tapia – DEE will meet fisher on fishing grounds and inspect traps.

J. Magras – The traps could be lost if DEE does not return them to the water correctly. Greater enforcement is needed.

W. Tobias – Fishers need the ability to have DEE haul gear, if necessary.

J. Magnar – DEE can not touch property without permission.

D. Henry – DEE must have the ability to enforce federal regulations. He recommends adding a clause to permit the right of inspection/right of entry.

D. McLean – It may be considered unusual search and procedure to haul traps.

C. Farchette – He withdraws his recommendation to delete “owner’s consent” or “presence” from the regulation.

**Consensus – No change of regulation. DEE to contact fisher to set up gear inspections.**

### 3.2 Registration of Multiple Fishing Vessels – Limits Needed

#### Comments

R. Campbell – Fishers need different boats for different fishing methods. He doesn’t see this as a problem.

C. Farchette – Fishers lease vessels out to individuals that aren’t commercial fishers.

R. Tapia – Fishers can presently register multiple fishing vessels without paying registration fees.

C. Farchette – Under the present registration system, the first year that a vessel is registered there is a fee. For subsequent years, the vessel is exempted from fees. The same format is used for multiple vessels owned by a fisher.

J. Magras – Fishers with multiple vessels should pay vessel registrations fees for the other boats.

D. Gubser – He has two boats and will soon have three boats to fish different gear. He doesn't see the reason to change registration fee structure.

E. Schuster – There is an enforcement issue if a registered fisher is not present on the boat.

C. Bryan – The issue will be solved when new regulations are made defining a commercial fisher.

M. Pugh – As a recreational diver operator, she has to pay a registration fee.

R. Tapia – The first boat registered for a commercial fisher should be free. Any additional boats should be registered at \$5.00/ft annually.

**Consensus – The first boat registered for a commercial fisher is free. Additional boats are registered at \$5.00/ft annually.**

### 3.3 License Transfers

#### Comments

**See alternatives proposed following discussion on Limited Entry.**

### 3.4 Net Regulations to Prevent Gill/Trammel Net Substitute

E. Schuster – The new net method is called “fish bagging”. Instead of using a gill or trammel net, divers set a ¼ “-square mesh net as a wall. The fish meet the net and the divers drive the fish into a large circular bag at one end. The parrotfish enter the bag and the bag is pursed. Divers remove the bag from the rest of the net and transport it to the boat. Unwanted fish are released alive; there is no bycatch. A strong current will lay the net down due to the finer mesh. The catch is not as good as with gill and trammel nets.

#### Comments

T. Daley – We need to prevent other nets being used to catch parrotfish.

D. Gubser – Gill and trammel netting is still occurring in St. Croix.

T. Nurnberger – Nets should not be allowed to catch parrotfish.

Consensus – Prohibit the catch of parrotfish and surgeonfish with nets or prohibit the use of net for Caribbean reef fish.

#### Other Topics

##### Land Crabs and Other Crab Species

#### Comments

Research is needed; table for later discussion.

Prohibit all gears not explicitly authorized (define all gears currently used of harvest species)

M. Taylor – Information can be obtained from research documents. Puerto Rico regulations can be used as an example.

E. Schuster/M. Pugh – Regulations are needed for the species.

J. Magras – We need to protect the crabs with a closure during the spawning period.

##### Fishing on Spawning Aggregations

#### Comments

M. Pugh – We must protect spawning aggregations.

J. Magras – Nassau grouper are protected. CFMC requires a 25-year rebuilding period for the stocks. Red hind are protected in the MCD. Every spawning aggregation that is identified becomes protected.

J. Magnar – Spawning areas should be closed during the spawning season but open to fishing after the fish leave.

T. Daley – He agrees with J. Magnar. When fishers catch fish in abundance, it is during the spawning period. Fishers don't trust scientists because they want to protect everything.

G. Martinez – He agrees with T. Daley. There are too many new regulations. He feels that we are over-protecting the resource. The demand for fish is great.

J. Magras – The SFA document passed in 2005 has several seasonal closures (compatible regulations). Puerto Rico has a nine-mile territorial sea and the USVI only has a three-mile territorial sea. Puerto Rico fishers lost nothing with the SFA document. Annual catch limits and accountability measures will take effect without studies on how effective

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the compatible regulations are doing. Closures and no studies; we should revisit this later.

G. Martinez – We need to increase port sampling.

M. Taylor – Spawning aggregations need to be protected so that fishers have fish to harvest in the future.

Recommendation

Remove topic from public comment.

Compatible Regulations for Yellowtail Snapper

W. Tobias explained the harvest regulations for yellowtail snapper in federal waters (12” total length) and inquired if a compatible regulation should be in place for territorial waters.

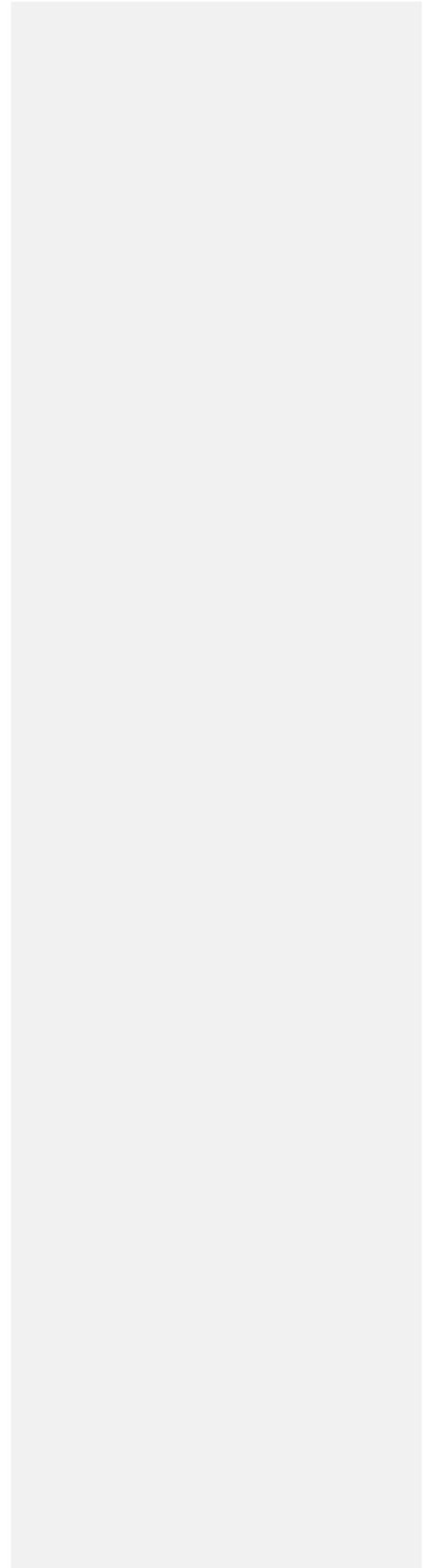
Following a general discussion, the consensus was that is was not necessary.

D. McLean – Recommended that DPNR work up a draft document in several weeks and send it to the Department of Law for review.

The meeting ended at 3:00 pm on 9 November 2009.

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APPENDIX II.I  
DRAFT REGULATIONS DOCUMENTS



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**REVISION OF COMMERCIAL FISHING REGULATIONS**

**VIRGIN ISLAND CODE TITLE 12, CHAPTER 9A**

**WORKING DRAFT DOCUMENT**

**MAY 25, 2010**

**§ 301. Purpose**

The purpose of this chapter is to preserve, manage and protect the fishery resources and to regulate fishing for the sustainable benefit of present and future generations of VI citizens.

**§ 302. Definitions**

In this chapter, unless the context indicates otherwise, the following words, terms and phrases shall have the following meanings:

- (1) "Alien" means a person who is not a United States citizen by birth or naturalization.
- (2) "Angling" means fishing with hand line or rod with naturally or artificially baited hook.
- (3) "Area" means the jurisdictional waters and uplands of either St. Croix or St. Thomas/St. John.
- (4) "Closed Season" means the period of time prescribed by the Commissioner during which it shall be unlawful to catch, possess, offer for sale or import those species of fish, mollusks, crustaceans or other marine or aquatic animals that the Department may deem it advisable to protect during the spawning or breeding season or to restore the fauna in those areas where continuous fishing has depleted fish resources.
- (5) The verb "to catch" means the same as "to fish".
- (6) "Charter Fisherman" means any person employed in the capacity of operating a vessel that carries recreational or sportfishermen for hire.
- (7) "Citizen" means any natural born or naturalized citizen of the United States of America.

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(8) "Coastal waters" means all marine or estuarine waters within the jurisdiction of the territory.

(9) "Commissioner" means the Commissioner of Planning and Natural Resources or his authorized designee or employee.

(10) "Commercial Fisherman" means an individual who is duly licensed to catch, possess and sell fish, shellfish or other marine products in the territory of the U.S. Virgin Islands and meets the requirements of VIC Chapter 12, Title 9A..

(11) "Conservation Officer" means any duly sworn peace officer designated by the Commissioner to enforce the conservation laws of the Virgin Islands (also known as Enforcement Officers).

(12) "Controlled Fishery" means any fishery designated by the Commissioner as on requiring access permits.

(13). "Department" means the Department of Planning and Natural Resources.

(14) "Export" means the shipment from the Regulatory Area to a foreign destination by any means, for any purpose.

(15) "Fish" includes, when used as a noun, fish, oysters, clams, conchs, crabs, lobsters, shrimps, turtles and other marine or aquatic animals, mammals, mollusks and crustaceans and includes any part, product, egg, or offspring thereof, or the dead body or parts thereof.

(16) "Fisherman" means any person engaged in fishing for commercial, sport, personal use or other purposed in marine, estuarine or fresh waters within the territorial jurisdiction of the U.S. Virgin Islands.

(17) The verb "to fish" in all its modes and tenses means to take or attempt to take fish by any method or means, whether or not such method or means results in their capture.

(18) "Fishing" or "fisheries" shall include all acts involved in the use, setting up or operation of any device employed in killing, catching or capturing fish or in transporting or preparing fish for market.

(19) "Identification Tag" means a non-removable plastic tag used to identify fish trap gear, obtainable through a DPNR-DEE officer.

(20) "Jurisdictional Waters" means all inland and estuarine waters extending either three-miles seaward from the shorelines of the territory or to any international boundary located within such there-mile limit, whichever distance is the shorter. The substrate underlying such waters is included in the definition.

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(21) "Import" means to land on, bring into, introduce into, or attempt to land on, bring into, or introduce into the territorial jurisdiction of the United States Virgin Islands, whether or not such landing, bringing or introduction constitutes an importation within the definition of the Customs laws of the United States.

(22) "Lobster" means spiny lobster of the species *Panulirus argus*.

(23) "Net" means mesh not less than 1 1/2-inch square and not greater than 3-inch stretch.

(24) "Optimum" with respect to the yield from a fishery, means the amount of fish (A) which will provide the greatest overall benefit to the territory with particular reference to food production, recreational opportunities and tourist satisfaction; and (B) which is prescribed as such on the basis of the maximum sustainable yield from such fishery, as modified by any relevant economic, social, or ecological factors.

(25) "Person" shall include both natural and artificial persons.

(26) "Personal Use Fisherman" means any person who fishes for recreation, or subsistence, and not for sale, barter or trade.

(27) "Preserved" means chemically treated for preservation, such as with salt, vinegar or nitrates.

(28) "Regulatory Area" means that part of the Atlantic Ocean and Caribbean Sea lying adjacent to and within three nautical miles of the high water mark of St. Croix, St. Thomas, St. John and associated cays.

(29) "Regulated species" includes "bait-fish" vis:

- (a) Blue fry (regulated *Jenkinsia* spp.)
- (b) White fry (regulated *Anchoa* spp.)
- (c) Sprat (*Harengula* spp.)
- (d) Red ear sardine (*Harengula humeralis*)
- (e) Pincher (Pilchard?) (*Sardinella* spp.)

(30) "Resident" means any person who has had the territory as his legal place of residence for 90 days immediately preceding the time of consideration.

(31) "Seine net" means a surrounding net held in a vertical position in the water by a float line or corks at the surface, and a weighted line on the bottom edge.

(32) "Sell" shall include offers for sale, possession for profit, exchange, negotiation or the engagement in any other activity of a commercial nature.

(33) "Seller" means any person who offers for sale any fish to the public.

(34) The word "shall" is mandatory, not directory.

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(35) "Short lobster" means any lobster measuring less than prescribed in Section 319 of this chapter.

(36) "Stretch measure" means the greatest distance between diagonal knots in a single mesh of a dry net. This distance is measured by inserting a flat gauge into ten meshes selected at random, and averaged.

(37) "Take" with respect to marine mammals or sea turtles means to harass, harm, pursue, hunt, shoot, kill, trap, capture, intentionally wound, or collect, or attempt to engage in any such conduct. Whenever the taking of fish is authorized, reference is had to taking by lawful means and in a lawful manner. Any reference to the taking or having in possession of fish shall include the taking or having in possession of any part or portion thereof.

(38) "Territory" means the land and jurisdictional waters of the Virgin Islands of the United States.

(39) "Vessel" means any boat or other type of watercraft capable of being used as a means of transportation on water.

(40) "Virgin Islands" means the United States Virgin Islands.

(41) "Wanton waste" means the willful or deliberate taking and killing, and the subsequent voluntary discard, waste or abandonment of any food or bait fish; provided, however, that the discard of undersized, unmarketable and prohibited species accidentally taken does not constitute wanton waste.

### **§ 303. DUTIES OF THE COMMISSIONER**

(a) The Commissioner shall have the following powers and duties:

(1) To preserve, manage and protect the fishery resources of the territory in the inland and jurisdictional coastal waters thereof.

(2) To regulate the operations of all fishermen vessels of this territory engaged in the taking of fishery resources within or without the boundaries of the territorial waters.

(3) To issue licenses, certificates and registrations for the taking of fishery resources and the processing thereof at sea or on shore within this territory.

(4) To secure and maintain statistical records of the catch of various species of fish by various gear, by area, and to make such records available to fishermen.

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(5) To advise and assist fishermen in the development and use of fishing gear and techniques.

(6) To provide fishing information to the public.

(7) To conduct scientific studies and research, and to publish, or cause to be published, and distributed the results of same to fishermen and other interested persons. All of such duties and operations shall be directed to the broad objective of managing such fishery resources, in the interest of all people in the territory, to the end that they may produce the maximum sustained yield consistent with the protection and preservation of the breeding stock.

(b) The Commissioner shall administer, coordinate and enforce the provisions of this chapter, in cooperation with other appropriate departments of the Territorial and Federal Governments; and in particular shall coordinate his duties and activities with the Department of Commerce in the administration of its duties pursuant to Chapter 27 of Title 11 of this Code.

(c) The Commissioner, subject to the provisions of Chapter 25 of Title 3 of the Code, shall appoint such conservation officers, fisheries biologists, research staff and other personnel as are necessary to the proper and effective administration and enforcement of this chapter and rules and regulations promulgated hereunder.

#### **§ 304. Administration: rules and regulations**

(a) The Commissioner in consultation with the relevant Fisheries Advisory Committees shall prescribe all rules and regulations necessary or desirable for carrying out the duties, obligations, powers and responsibilities conferred upon him under this chapter, which, after being approved in accordance with Chapter 25 of Title 3 of this Code and published as required in Subsection (c) of this section shall have the force and effect of law.

(b) Such rules and regulations may include but not be limited to:

- (1) establishing controlled fisheries with defined numbers of fishermen and quantities of allowable effort;
- (2) specifying the type of and quantity of permitted gear including the mesh sizes and designs of traps, pots, nets, seines and other devices for fishing;
- (3) regulating and prohibiting fishing at such times and places as he may deem it necessary to protect and preserve marine and aquatic resources;
- (4) specifying the species, numbers, size, and/or sex of fish which may be retained by different classes of fishermen;
- (5) requiring gear licenses for the use or possession of any apparatus or device used in fishing;
- (6) denying or prohibiting the use of any type of apparatus, device or method of fishing, and establishing marine reserve areas where no anchoring or fishing of any kind is permitted.
- (7) requiring reporting of catch and fishing effort.

Seine Net

(1) It shall be unlawful for any person in the Regulatory Area to use, attempt to use, or assist in using any seine net with a stretch measure less than 1 1/2" (one and one-half inch) except under the provisions of a special permit issued by the Commissioner for educational or scientific purposes. Possession of such a net in a fishing boat is prima facie evidence of a violation.

(2) It shall be unlawful for any person in the Regulatory Area to use, attempt to use or assist in using any seine net to catch sprat or fry (**FAMILY, GENUS/SPECIES NEEDED**).

(3) It shall be unlawful for any person to export baitfish from the Regulatory Area at any time, for any purpose.

(4) It shall be unlawful for any person to commit wanton waste of baitfish.

Any person convicted of a violation of these regulations will be punished by:

- (a) suspension of the fishing license for a period of one month for the first offense; three months for the second offense; and one year for the third offense. In addition, the offender may:
- (b) be fined up to \$500; and may be
- (c) sentenced to not more than six months in jail.

(c) All rules and regulations shall be published at least once each week for two consecutive weeks in newspapers of general circulation on the island of St. Croix and the islands of St. Thomas and St. John, and shall take effect and be in force at the time specified therein.

- (1) The Commissioner may promulgate emergency regulations for a specific time by public announcement. Such regulations shall expire no later than thirty days after said announcement, unless a sooner time is specified in said announcement.
- (2) Such rules and regulations shall be admitted as evidence in the courts of the territory when accompanied by a statement from the Commissioner certifying that the rule or regulation was lawfully adopted, promulgated and published. Such statement shall be prima facie evidence of proper adoption, promulgations and publication of the rule or regulation

(d) The Commissioner is authorized, from time to time, at his discretion, to cause the statutory laws under his jurisdiction, together with any rules and regulations promulgated by him pursuant to this chapter, to be published in pamphlet form for free distribution in the territory.

(e) The Commissioner shall state in his annual report the number of certificates of number, registrations, licenses, and access permits of each kind granted under this section, and the total amount of the fees and taxes collected thereby.

**§ 305. Conservation officers; powers and authority**

(a) Conservation officers shall have the authority, without warrant, to board, inspect and search any boat, fishing appliance, storage or processing plant, fish house or any warehouse, building or vehicle engaged in transporting any fish or fishery product. Such authority to search and inspect without a search warrant is limited to those cases where such officers have probable cause to believe that fish or any salt water or aquatic products are taken or kept for sale, barter, transportation or other purposes in violation of laws or rules and regulations promulgated under this chapter. Any conservation officer may at any time seize or take possession of any salt water or aquatic products which are out of season, undersized, or unlawfully possessed or transported in violation of any statute or regulation of the Commissioner. For the purpose of this subsection “probable cause to believe” shall mean any instance where on the part of a conservation officer there are facts which would induce any fair-minded person of average intelligence and judgment to believe that the provisions of this chapter have been or are being violated.

(b) Any conservation officer shall be designated “inspection officers” for the purpose of inspecting and affixing identification tags upon fish traps complying with the standards specified in Sections 319 and 321 of this Title before they are introduced into the fishery. It shall be unlawful for any person to possess an untagged fish trap in or on the jurisdictional waters of the Virgin Islands.

(c) It shall be both a civil wrong and a crime for any person to intentionally tamper with the traps, pots, lines, buoys, nets or other equipment belonging to another, without permission except as herein provided. The rule of res judicate shall not bar a civil action for damages following a criminal prosecution.

(d) Conservation officers may arrest any person or persons found tampering with, stealing, or looting gear belonging to another person. Any vessel or other equipment used in the crime shall be seized. Any person so arrested shall be taken immediately before a judge of the Territorial Court and any boat or vessel or other equipment so seized may be confiscated by the Government of the Virgin Islands after proper legal proceedings.

(e) The powers, duties and authority of the enforcement officers, and the Territorial Court and its officers, conferred by Chapter 1, Subchapter VII of this title with reference to conservation tickets and conservation offenses, as well as the rights and liabilities of those charged with those offenses, shall apply equally to violations committed under this chapter. In addition, if a violation is committed from a boat, fishing appliance, storage or processing plant, fish house or any warehouse, building or vehicle engaged in transporting any fish or fishery product, a lien may be placed against it until the fine is paid.”

(f) It is hereby declared unlawful for any person to resist such arrest or in any manner to interfere with said conservation officers while engaged in the performance of the duties imposed upon them by law or rule or regulation of the Commissioner.

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(g) Conservation officers may at any time list, raise or draw a pot or trap with its contents, if any, for the purpose of inspection permitted herein; provided, that due care is taken to protect the catch in any pot or trap if no provision of this chapter has been violated.

(h) In the event conservation officers raise a trap and find that it does not comply (1) with the standards established in this chapter, or (2) has not been tagged, the contents of the trap must be discarded immediately so that live fish may survive, and the trap must be impounded, to be used as evidence.

(i) Classification of Certain Fish Traps as Nuisances

In the event Conservation Officers find an unmarked trap, which is illegal either for a want of biodegradable fastenings or a panel, or because of small mesh, that trap may be disabled by cutting holes at least 18 inches in diameter, on opposite sides of the trap. The disabled traps shall be deposited on designated artificial reef sites to avoid the problem of confusing disabled traps with ghost traps.

(j) If the trap is both unmarked and untagged, the conservation officer may treat such unmarked traps as a public nuisance, and destroy accordingly.

(k) Conservation officers acting in good faith within the scope of their assigned duties and responsibilities shall be immune from any civil liability.

### **§ 306. Duties of Attorney General**

If at any time any question of law or any litigation arises, and the Attorney General is otherwise occupied, and cannot give the time and attention necessary to such question of law or litigation as the occasion demands, the several Assistant Attorneys General shall attend to any such question of law or litigation arising within their respective districts, and if such Assistant Attorneys General are otherwise occupied and cannot give the time and attention necessary to such question of law or litigation as the case may demand, the said Commissioner may employ additional counsel for that particular cause, with the advice and consent of the Attorney General. Such additional counsel's fees shall be paid from the moneys appropriated to the DPNR.

### **§ 307. Injunctions**

Courts of the territory shall have jurisdiction to enforce the fisheries of the territory by injunction.

### **§ 308. Bond of employees**

The Commissioner may require, as he determines, that bond be given by any employee of the Department, payable to the Governor of the territory for the use and benefit of those whom it

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may concern, in such penal sums with good and sufficient surety or sureties approved by the Commissioner conditioned for the faithful performance of the duties of such employee.

### **§ 309. Ownership of navigable waters**

(a) Subject to the provisions of federal laws pertaining to the proprietary rights of the Government of the United States, all beds and bottoms of navigable rivers, streams, lagoons, lakes, sounds, inlets, bays, roadsteads, harbors, oceans, seas or other bodies of water within the jurisdiction of the territory shall be the property of the territory except such as may be held under some grant or alienation heretofore made. No grant, sale, lease or other conveyance of any water bottom shall hereafter be made by the territory or any official thereof.

(b) Subject to the provisions of federal laws pertaining to the proprietary rights of the Government of the United States, all species of fish, mollusks, crustaceans, animals, plants and all other species comprising the marine, estuarine and freshwater fauna and flora within the jurisdiction of the territory, excluding all privately owned enclosed ponds not exceeding fifty (50) acres, are hereby declared to be the property of the Government of the United States Virgin Islands and of common ownership and public use. They may be freely fished, caught, utilized or traded, subject to the limitations of this chapter and the rules and regulations for its enforcement.

### **§ 310. Jurisdiction**

For the purpose of this chapter, the jurisdiction of the territory shall include all inland and estuarine waters and shall extend to three miles from the shorelines of the territory or to any international boundary located within such 3-mile limit, whichever distance is the shorter.

### **§ 311. Fishing**

No person may fish and no vessel or other fishing device may be used in fishing in the territory unless that person holds the necessary licenses and permits, and the vessel and gear are properly registered and licensed as required by this chapter.

### **§ 312. Registration, certification and licensing**

(a) The administration and enforcement of Title 25, Chapter 15 of the Code, regarding the identification and operation of motor boats, shall be vested in the Commissioner, and all fees and monies received under the provisions of said chapter shall be deposited in the Fish and Game Fund created under Chapter 1, Section 81a of this title; provided, that any and all vessels used for or engaged in commercial fishing or the hauling of traps, pots, nets or seines and diving in the territory shall, in addition to the requirements of said chapter, conform to the requirements for displaying numbers and colors as hereinafter described in this section.

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(b) In addition to the motorboat certificate of number fee imposed by Title 25, Chapter 15, Section 293 of the Code, a registration tax of (\$50-\$100-\$500) dollars shall be required for all vessels, boats, schooners or launches used for commercial fishing purposes which are owned in whole or in part by an alien or nonresident of the territory. Such tax shall also be deposited in the Fish and Game Fund.

Any person applying and or receiving a commercial fishing license must have a vessel and such vessel must be registered for commercial fishing. Further, no person may engage in commercial fishing with a vessel registered for recreational purposes unless accompanied by a legal document approved by the Commissioner.

(c) The Commissioner, upon written application from any person eligible for a license hereinafter referred to, and upon payment of the prescribed fee, shall grant and renew fishing licenses for the purpose of fishing in the jurisdictional waters of this territory, provided that management measures limiting the issuance of fishing licenses are not in place. Previous holders of fishing licenses that are re-applying must comply with all current laws and regulations for maintaining said licenses. Such licenses, except as hereinafter provided, shall be granted only to individuals who are citizens of the United States, aliens with permanent residence status and aliens bonded as fishermen who have resided in the territory for at least one year next preceding the date of application for such license, however, no license shall be issued to a minor under eighteen years of age except with the written consent of his or her parent, guardian or custodian and in the discretion of the Commissioner.

(d) Fishing licenses may be transferred to immediate family members or fishing helpers only, provided that criteria established by the Department for commercial fishing license transfers are followed.

(e) All licenses issued pursuant to this section shall be issued by the Commissioner on forms prepared and designed for this purpose. The type of license issued may be varied depending upon the nature of the fishing activity being licensed. Said license shall be valid for one year and shall take effect on July 1 of the year of commencement and shall expire on June 30 of the year of expiration. The fee for licenses purchased for less than the full term shall be prorated accordingly. The Commissioner, after consultation with each Fisheries Advisory Committee, shall by rule, pursuant to Chapter 35 of Title 3 of the Code, prescribe a schedule of fees for each type of license issued under this section.

(f) Each applicant for a commercial fishing license shall state the color scheme of the buoys desired to be used by him, which, if approved by the Commissioner, shall be set forth in his license. All buoys used by the licensee shall be marked accordingly, and all buoys, traps, pots, nets and seines used by him shall be marked with the licensee's number assigned to him by the Commissioner, which shall be burned or cut into the surface thereof. The size of said numbers shall be prescribed by regulation of the Commissioner. All buoys, pots, traps, nets and seines that are not marked as required shall be removed from the jurisdictional waters by any conservation officer and shall be permanently confiscated and disposed of by the Commissioner,

as he deems appropriate. Conservation officers shall in no way be liable for such removal, confiscation or disposal. Before any buoy, pot, trap, net or seine is transferred, sold or given to another person, the owner shall burn or cut the letter "T" into the buoy, pot, trap, net or seine, after his number, to indicate that the buoy, pot, trap, net or seine has been transferred; and the new owner shall burn or cut his number into the buoy, pot, trap, net or seine. It shall be prima facie evidence of a violation of this section if a person has in his possession or uses any buoy, pot, trap, net or seine that has had the permit number removed, altered or defaced. The licensee's number shall, in addition to the number required to be attached by Title 25, Section 293 of the Code, be prominently displayed on the fisherman's boat so as to be readily visible, in the manner specified by the Commissioner in his regulations.

All traps must be either individually buoyed or strings of traps buoyed at both ends. Each violation, per trap, shall constitute a separate offense.

(g) Prior to engaging in fishing in territorial waters, the name and license number of said licensee must be previously entered in a register which shall be provided by the Commissioner and kept in an office or offices designated by the Commissioner.

(h) No person shall take or attempt to take, with the aid or use of any vessel, any fish by pot, trap, net, seine or other contrivance designed for or adapted to the taking of fish, other than by angling, without displaying the buoy colors used by him in accordance with his license by painting the color or colors: (a) on each side of the hull or upon panels attached to each side of the hull, or (b) upon both sides of a single panel which is attached to the boat on top of the bow, or by mounting a buoy, not less than eleven (11) inches in length and four (4) inches in diameter, with his color scheme thereon, in an upright position at least six (6) inches above the roof of the boat. Color schemes painted on the hull of the boat or upon panels shall be displayed as a solid colored strip four (4) inches high and eighteen (18) inches long, each strip abutting another on the longest side, if more than one color, to form a rectangle or square. The rectangle or square thus formed shall have a black border all the way around at least one (1) inch wide. All color schemes so displayed shall be clearly visible from both sides of the boat. The operator of such fishing vessel is responsible to keep all markings legible and in good repair and insure that no part of the vessel, its rigging or fishing gear obstructs the view of the official number and buoy color from enforcement vessels, officers, or aircraft.

(i) Any person licensed under the provisions of the preceding subsections may, upon application to the Commissioner and upon payment of the prescribed fee, obtain one helper's licenses, which shall authorize one person for each such license issued to assist such licensee in fishing in the coastal waters of the territory by means of pots, traps, nets or seines and diving. Said licensee shall retain in his possession any such helper's licenses obtained by him, but such helper's license shall be applicable to any person so assisting said licensee. A licensee shall at all times, while acting in pursuance of his license or being assisted therein, exhibit his license and helper's licenses upon the demand of any conservation officer or other officer qualified to serve criminal process and, upon failure to do so, said officer may arrest any person violating this provision.

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Registered commercial fishers and helpers are required to obtain a photo identification card issued by the Division of Environmental Enforcement. This identification is required to be in their possession while engaged on the vessel engaged in commercial fishing.

(i) Any person or group of persons who shall willfully make a false statement in an application for a license pursuant to this chapter shall be guilty of a violation hereof and upon conviction, shall be subject to the penalty provided in Section 325 of this chapter; provided, that the Commissioner shall declare null and void the license or group of licenses granted by virtue of such statement if he is convinced after a hearing held within sixty days of the occurrence of the alleged falsity, in which the licensee has been given the opportunity to defend himself, that the alleged false statement was willfully made.

(j) Unless otherwise specifically provided by law, every license issued under any provision of this chapter or any other provision of law relating to fish and fisheries or any rules and regulations made under the authority thereof, held by any person convicted of a violation of any law relating to fish and fisheries or any rules or regulations made under the authority thereof by a court of competent jurisdiction, shall be suspended and inoperative for one month and fined \$1500. The penalty for a second offense in one year shall be suspension of license for one year. For a third offense, the license shall be revoked permanently. All suspended or void licenses shall be surrendered forthwith to the Commissioner. No person whose license has become suspended or void shall be issued a new license under authority of any provision of law relating to fish and fisheries during the period of suspension. No fee received for a license suspended or made void under this section shall be refunded.

(k) No license shall be required of those individuals who engage in fishing for the sole purpose of providing food for themselves and their families; provided, that such fishing is not commercial and does not involve pots, traps, set nets or haul seines.

(l) If a license issued under this chapter is lost or destroyed, the licensee may, upon application to the Commissioner, and upon payment of a fee of (\$5 -\$10-\$20) dollars, receive a duplicate thereof; provided, that such application is accompanied by an affidavit setting forth the circumstances of said loss or destruction.

(m) The Commissioner shall state in his annual report the number of certificates of number, registrations and licenses of each kind granted under this section, and the total amount of the fees or taxes collected thereby.

(n) Any person who violates any provision of this section, unless otherwise provided, shall be subject to a fine of not less than fifty (\$50) dollars nor more than five hundred (\$500) dollars.

### **§ 313. Nonresident fishermen**

Any person not a resident of the territory and desiring to engage in commercial fishing in the territory, must conform to the same laws, rules and regulations by which the resident fishermen of the territory are governed and no person not a resident of the territory may bring his catch of fish or part of his catch of fish to sell in the territory unless he obtains the proper license duly issued by the Commissioner, which license shall be granted by the Commissioner only in those cases which will be of benefit to the interest and welfare of the territory. Fish caught or harvested outside the jurisdictional waters of the territory and brought to the territory for consumption, whether in local or foreign vessels, shall be subject to the regulatory requirements and other provisions relative to the harvesting of domestic species.

### **§ 314. Fish and Game Fund**

Moneys received by the territory for fishing licenses, certificates of number, vessel registrations, fines or other penalties relating to fish or fisheries and such sums as may be credited for other reasons for fish or fisheries activities in the territory, including sums received from the Federal Government, shall be credited to the Fish and Game Fund created under Chapter 1, Section 81a of this title, and expended as provided for therein.

### **§ 315. Mandatory Reporting by Commercial Fishers and Compliance Monitoring**

(a) The owner of every boat, vessel or watercraft and the owner of every pot, trap, net, seine or other fishing gear (hereinafter referred to as devices), used for fishing purposes, and every licensee or person registered under Sections 312 and 313 of this chapter shall be required to submit landing reports (commercial catch reports) on a monthly basis (by the 15<sup>th</sup> of the following month), written under oath to the Commissioner. Such reports shall contain specific catch and effort information by species by gear for each fishing trip as deemed essential by the Department for monitoring fishery resources. The Commissioner shall annually, on or before August 15, provide such owner or licensee, upon his application, with suitable blank forms for such reports, so arranged that each day's catch may be separately recorded thereon; and in filling out such reports, such owner or licensee shall give, so far as practicable, the above required results of each day's fishing.

(b) In lieu of said monthly report, the Commissioner may require an owner or licensee to submit landings reports (commercial catch records) on a more frequent basis as the Commissioner may deem advisable.

(c) The license and/or vessel registration of any person who willfully fails to make a report or willfully makes a false report shall be suspended and a new license or registration shall not be issued until such report is made.

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(d) All fishermen are required to allow the Department to port sample their catch a minimum of four times per year. Fishermen who are unable to provide port samples at landings sites are required to contact the Department to arrange port sampling dates.

(e) The Commissioner may require an owner or licensee to allow the Department to port sample their catch on a more frequent basis as the Commissioner may deem advisable.

(d) Any person who willfully violates any provision of this section shall be punished by a fine of not less than seventy-five (\$75) dollars for the first offense. For all subsequent offenses, the penalty shall be one-hundred dollars (\$100) and /or the loss of the fishing license for three years.

**Alternative 1. Minimum fine should be \$1000.**

**§ 316. Closed seasons**

(a) The Commissioner shall announce, at least forty-five (45) days in advance, the beginning of each of the closed seasons prescribed in the regulations issued pursuant to this chapter for the protection of one or more species of fish as herein defined.

1. Queen Conch – *Strombus gigas*

(i) Closed Season - The closed season for queen conch is hereby prescribed to begin June 1 and end October 31 of each successive year.

(ii) No person is permitted to engage in fishing for queen conch, or to possess any conch, or parts of conch except legal empty shells, during the closed season, except as provided in Sections 316-8, 316-9 and 316-10 of these Rules and Regulations.

(iii) Research and Development Area - No person is permitted to harvest queen conch in any area designated by the Commissioner as a Research and Development Area. Notice of such designation of an area shall be pursuant to Title 12 V.I.C. § 304 (c) or as such Subsection may be amended.

(iv) Size limit - No person is permitted to retain, remove, possess, or injure any queen conch that is less than nine inches in shell length from the spire to the distal end or less than 3/8-inch lip thickness, in any location. Harvest of undersized queen conch is prohibited.

(v) Landing Restriction - All conch landed in the Regulatory Area or coastal waters must be alive and intact (in shell) when brought to island on which queen conch is first sold or consumed (Taking conch to offshore cays and islands for purpose of removing from shell is prohibited). For the purpose of this section, if the conch is intended for consumption aboard a vessel, placing the conch on board such vessel shall constitute a landing. No person is permitted to dispose of any queen conch shell by throwing the empty shell back into the water. The total annual landings of queen conch must not

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exceed 50,000 pounds in the district of St. Croix and 50,000 pounds in the district of St. Thomas/St. John. Thereafter, the season will be closed until November 1<sup>st</sup> of that year.

**Alternative 1. Only recreational fishers are required to land queen conch alive and intact (in shell). Commercial fishers may land queen conch meat only.**

(vi) Limitation on Catch - Any person that is harvesting conch for personal use is allowed to take, retain, or land no more than six (6) conch per day, not to exceed twenty-four (24) conch per boat, except that any person who has obtained and possesses a commercial fishing license may take, retain and land daily a maximum of two-hundred (200) conch per registered commercial fishing vessel. No possession of conch meats smaller than two per pound uncleaned or three per pound cleaned.

(vii) Sales Restrictions - No person is permitted to sell or to offer for sale any regulated conch or conch shell which does not conform to the size restrictions or meat weight restrictions. The sale of imported conch meat is prohibited during the closed season. The sale of conch meat is prohibited unless the shipment is accompanied by a CITES export permit and the shipment has been cleared at the Port of Miami.

2. Whelk (West Indian Topshell) – *Cittarium pica*

(i) Closed Season - The closed season for whelk is hereby prescribed to begin April 1 and end September 30 of each successive year.

(ii) Size Restriction - No person is permitted to retain, remove, possess, or injure any whelk in any location which can be passed through a gauge having an inside diameter of not less than two and seven/sixteenths inches (2-7/16").

(iii) Landing Restriction - All whelk landed inland, in the Regulatory Area or coastal waters must be alive and intact (in shell).

(b) The transportation and sale of a species of fish, which is the subject of a closed season, shall be allowed up to the seventh day after the commencement of the closed season in order to permit the liquidation of stock caught before the beginning of such closed season, or as hereafter amended. The Director of Enforcement (DPNR) must be notified of any transportation or sale of stock subsequent to the closed season for purposes of inspection and verification regarding stock liquidation.

(c) The fishing, sale, transportation and utilization of all species not expressly included in the closed seasons established by rules and regulations hereunder shall be permitted at any time throughout the year. The sale and transportation of any species of fish imported from outside the United States Virgin Islands or caught and stored prior to the closed season is prohibited during the closed season.

(d) Sale of Canned or Preserved Species of Fish

The sale and transportation of canned or otherwise preserved (not frozen) species of fish which have been caught before the beginning of the respective closed seasons is as provided at Title 12 V.I.C. § 316 (c), or as hereafter amended. The Director of Enforcement (DPNR) must be notified of any such sale or transportation of preserved species of fish prior to sale or transportation.

(e) Importation of Conch and Sale of Imported Conch

Importation of conch by licensed wholesalers and importers is permitted. Any wholesaler or importer of conch shall maintain and keep accurate records of all conch imported into the United States Virgin Islands. Records shall indicate quantity of conch imported and place of origin and names of retailers to whom conch is sold. Retailers shall keep and have invoices of other record of purchase on premises and shall make available such records to DPNR upon request.

3. Mutton Snapper - *Lutjanus analis*

(i) An annual closed season for Mutton Snapper (aka Virgin Snapper), to afford protection for the Mutton Snapper spawning aggregation in the territorial waters of the United States Virgin Islands is hereby established. The spawning aggregation area is partly in territorial waters of the United States Virgin Islands and partly in federal waters of the United States (Exclusive Economic Zone). This paragraph shall apply only to Territorial waters of the southwest coast of St. Croix, in an area bounded by rhumb lines connecting the points as shown below, and shall commence on March 1 and end on June 30 of each year, commencing 1995:

| <i>Point</i> | <i>North Latitude</i> | <i>West Longitude</i> |
|--------------|-----------------------|-----------------------|
| A            | 17° 37.8''            | 64° 53.0'             |
| B            | 17° 39.0'             | 64° 53.0'             |
| C            | 17° 39.0'             | 64° 50.5'             |
| D            | 17° 38.1'             | 64° 50.5'             |
| E            | 17° 37.8'             | 64° 52.5'             |
| F            | 17° 37.8'             | 64° 53.0'             |

Mutton Snapper in federal waters within this area are protected under Amendment 2 to the Fishery Management Plan for the Reef Fish Fishery of Puerto Rico and the United States Virgin Islands.

**All** fishing is prohibited within the area bounded by rhumb lines connecting these points. Fixed bottom fishing gear (pots, traps and nets) are prohibited year-round in this area.

4. Black Grouper (*Mycteroperca bonaci*), tiger grouper (*Mycteroperca tigris*), yellowfin grouper (*Mycteroperca venenosa*) and yellowedge grouper (*Hyporthodus flavolimbatus*)

(i) From February 1 through April 30 each year, no possession of red, black, tiger, yellowfin or yellowedge grouper.

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5. Vermilion snapper (*Rhomboplites aurorubens*), black snapper (*Apsilus dentatus*), silk snapper (*Lutjanus vivanus*) or blackfin snapper (*Lutjanus buccanella*).
  - (i) From October 1 through December 31 each year, no possession of vermilion, black, silk or blackfin snapper. Applies to St. Thomas/St. John territorial waters only, not St. Croix.
6. Lane Snapper (*Lutjanus synagris*) and Mutton snapper (*Lutjanus analis*)
  - (i) From April 1 through June 30 each year, no possession of lane or mutton snapper.

### **§ 317. Fish for scientific, educational and breeding purposes**

The Department, and any other person or organization with the written permission of the Commissioner, may catch or cause to be caught, for scientific or educational purposes or for fish culture, any fish or marine organism at any time, from the jurisdictional waters of the territory, and may sell or cause to be sold when not otherwise prohibited by law, all or such part of the catch that has been taken and as may not be necessary for scientific or educational purposes or for fish culture. The proceeds, if any, from these sales shall be deposited in the Fisheries and Wildlife Fund.

### **§ 318. Protection of marine turtles, nests and eggs; penalties**

- (a) It is the intent of the Legislature of the United States Virgin Islands to contribute to the preservation of marine turtles in the Caribbean area, said turtles now being close to extinction.
- (b) It shall be unlawful for any person to take, kill, possess, mutilate or in any way destroy any loggerhead, leatherback, hawksbill, ridley or green turtle or any other species of sea turtle, or take or possess any part thereof while such turtle is on the beaches of the territory at any time, or to take or possess any such turtle in the territorial waters at any time. It shall be unlawful to import, export, trade, sell or in any way deal in sea turtles of any kind; provided, however, that the Commissioner may issue written permission to any licensed or publicly owned zoo or exhibitor of marine life to capture such turtles for purposes of live exhibition.
- (c) No person may take, possess, disturb, mutilate, destroy, cause to be destroyed, sell, offer for sale, transfer, molest or harass any sea turtle nest or eggs at any time.
- (d) Any person violating any provision of this section is guilty of a misdemeanor and shall, upon conviction therefore, be punished by a fine of not less than one hundred (\$100) dollars nor more than six hundred (\$600) dollars, or by imprisonment for a period not to exceed one (1) year, or by both such fine and imprisonment.

**Alternative #1. Expand to include all marine mammals.**

### § 319. Lobsters; regulations; penalties

(a) It is intent of the Legislature of the United States Virgin Islands to place restrictions upon the taking of spiny lobsters for the purpose of insuring and maintaining the highest possible production of such lobsters, for commercial purposes, consistent with sensible conservation practices.

(b) No person, firm or corporation shall take or have in his possession at any time, regardless of where taken, any spiny lobster (crawfish or crayfish) of the species *Panulirus argus* unless such spiny lobster (crawfish or crayfish) of the species *Panulirus argus* shall have a carapace measurement of more than three and one-half (31/2) inches. The carapace (head, body, front section) measurement shall be determined by beginning at the anterior most (front) edge of the groove between the horns directly above the eyes, then proceeding along the mid-dorsal line (middle of back) to the rear edge of the top part of the carapace. Spiny lobsters of less than the minimum size limit set forth above may be used as "attractants" in traps or pots, but may not be retained on any vessel or be landed. Such lobsters shall be returned immediately to the water unharmed.

Alternative #1. Small lobster must be released unharmed and may not be used as "attractants" in traps.

(c) Lobsters must remain in a whole condition at all times while being transferred on, above or below the waters of the territory and the practice of wringing or separating the tail (segmented portion) from the body (carapace or head) section is prohibited on the waters of this territory, except by special written permission issued by the Commissioner.

(d) Egg-bearing lobsters of any species shall not be taken, possessed or sold at any time, except that egg-bearing lobsters may be returned to pots or traps in which they have been captured, provided said egg-bearing lobsters are returned to such pots or traps in a live and unharmed condition, are provided with adequate food, and are immediately returned into the water. Such egg-bearing lobsters as are returned to pots or traps as aforementioned, shall not be taken or possessed or sold until the eggs have been naturally released into the water; provided they are of at least the minimum size set forth in Subsection (b) above.

Alternative #1. Egg bearing lobsters must be released unharmed and may not be used as "attractants" in traps.

(e) The practice of stripping, shaving, scraping, clipping or otherwise molesting egg-bearing lobsters in order to remove the eggs is prohibited.

(f) It shall be unlawful for any person to spear, hook or otherwise impale any lobster or use any chemical in the process of its capture. Lobsters may only be captured by hand, snare, pot or trap, so that short or egg-bearing lobsters may be released unharmed or returned to the pot or trap as is herein permitted. It shall be prima facie evidence of a violation of this paragraph if a person has

in his possession or sells any lobster that has been speared, hooked or otherwise impaled.

(g) Traps may be pulled, tended or opened by the owner of the vessel. Should said vessel be tending another person's traps, the written consent of the owner of the traps must be on the tending vessel.

(h) All traps or pots used for fishing must contain on any vertical side or on the top an opening no smaller in diameter than the throat or entrance of the trap or pot. The opening may be covered either by degradable netting made by any of the materials listed below, or by a cover made of any material and fastened to the fish trap or pot with any of the materials listed below:

(1) Untreated fiber of biological origin not more than three millimeters (approximately 1/8 inch) maximum diameter, including, but not limited to: tyre palm, hemp, jute, cotton, wool or silk;

(2) Non-galvanized black iron wire not more than 1/16 inch (approximately 1.59 millimeters) in diameter; that is, 16 gauge wire.

(i) Any person violating any provision of this section is guilty of a misdemeanor and shall upon conviction therefore be punished by a fine of not less than one hundred (\$100) dollars nor more than six hundred (\$600) dollars or by imprisonment for a period not to exceed one (1) year, or by both such fine and imprisonment.

**Alternative #1. – The fine should be per pot/trap.**

#### **New Section**

##### **Shrimp Management – Altona Lagoon and Great Pond, St. Croix**

- (a) All seine nets, gill nets and traps are prohibited in Altona Lagoon, Great Pond and their respective connecting channels to the sea.
- (b) All seine nets, gill nets and traps are prohibited in Christiansted Harbor within 100 yards of the mouth of Altona Lagoon channel. All seine nets, gill nets and traps are prohibited in Great Pond Bay within 100 yards of the mouth of Great Pond channel.
- (c) No motorized vessels are allowed in Altona Lagoon, Great Pond and their respective connecting channels to the sea.
- (d) Monofilament or nylon cast nets of 3/8 inch square mesh (3/4 inch stretch) may be used to harvest shrimp in Altona Lagoon channel and Great Pond channel. Cast nets of knotless nylon netting are prohibited.
- (e) Cast nets of 1 inch square (2 inch stretch) may be used to harvest fish in Altona Lagoon, Great Pond and their respective connecting channels to the sea. Cast nets of knotless nylon netting are prohibited.
- (f) A recreational shrimp fishing license is required to harvest shrimp on St. Croix. The annual fee for this license is \$10.00.
- (g) The sale of Southern Pink Shrimp is prohibited. Vendors selling shrimp must possess a certificate of origin for the shrimp.

- (h) The use of lights to attract shrimp for harvest is prohibited.
- (i) Recreational handlining and rod and reef fishing is permitted in Altona Lagoon, Great Pond and their respective connecting channels to the sea.

#### **New Section**

#### **Tarpon and Bonefish – Recreational Sport Fish**

- (a) Tarpon and bonefish fishing is restricted to catch and release fishing using hook and line only. No take of tarpon or bonefish is allowed.

#### **§ 320. Fishing in freshwater, regulations**

Fishing is hereby prohibited in any public pond, lake, stream or other body of freshwater in the territory by any gear, device or other means except that of angling; provided, that the Commissioner may grant permission, which shall be in writing, for the use of other fishing gear, devices or means of any person or organization for scientific purposes or for live exhibition by any licensed or publicly owned zoo or exhibitor of aquatic life.

#### **§ 321. Fishing gear, regulations**

#### **New Section Proposed - DFW**

- (a). The use of nets for the take of Caribbean reef fish from the territorial waters of the U.S. Virgin Islands is prohibited with the exception of:
  - a) **Circular nets cast by hand (cast net) for baitfish (ballyhoo, sprat or fry GENUS/SPECIES) and shrimp (minimum mesh size of ¼-inch square).**
  - b) **Umbrella or dip nets for round robbin and mackerel scad (jacks GENUS/SPECIES). NET SPECIFICS NEEDED.**
  - c) **Offshore purse seine nets for jacks (blue runner and bigeye scad GENUS/SPECIES). NET SPECIFICS NEEDED.**
  - d) **Surface gillnets for baitfish (ballyhoo, gar and flyingfish). Surface gillnets must be tended at all times, may not be more than 1,800 ft in length, as measured by the float line and may not be used within 20 ft from the bottom. Mesh size may not be smaller than ¾ inch square or 1.5 inch stretch. Only one 1,800 ft bait net is permitted per boat.**
- (b). **Bycatch (non-target species) taken by the use of a permitted net must not exceed more than 5% of the total permitted target species (lbs).**
- (c). **Nets, weirs or bottom entrapment structures other than the traditional fish pot or fish trap may not be used for the capture of stoplight (*Sparisoma viride*), redbtail (*Sparisoma***

***chrysopterum*) and redfin (*Sparisoma rubripinne*) parrotfish and blue tang (*Acanthurus coreuleus*), doctorfish (*Acanthurus chirurgus*) and surgeonfish (*Acanthurus bahianus*).**

(d) Fish pots may be constructed of any material; provided, that the entrance, or one side of the fish pot, or the door or the fastening of the door for the removal of fish shall be constructed of some material less durable (biodegradeable) than that used in the construction of the fish pot itself, such as twine, twine and bamboo or soft wood; the purpose being to permit the escape of fish in fish pots which have been lost accidentally at sea.

(e) No fish trap, fish pot or lobster pot constructed of wire or mesh, in part or in whole, and used within the inland or reef-protected areas of the territorial coastal waters, shall have a wire mesh opening less than one and one-half (1 1/2) inches in its largest vertical dimension, the purpose being to permit the escape of small and juvenile fish.

***(f) Minimum Mesh Size of all Fish Traps in the District of St. Thomas and St. John***

All fish traps placed in the Territorial waters of the Virgin Islands district of St. Thomas/St. John shall have a mesh size of at least two (2) inches square, or, if hexagonal, two (2) inches between opposite sides of a hexagon (as the smallest mesh size).

***(g) Minimum Mesh Size of all Fish Traps in the District of St. Croix***

All fish traps placed in the Territorial waters of the Virgin Islands district of St. Croix shall have a mesh size of at least 1 ½ inch hexagonal mesh as the smallest mesh on two sides of the fish trap.

**Alternative #1 – Increase St. Croix trap mesh size to two-inch square or, is hexagonal, two inches between opposite sides of a hexagonal (as the smallest mesh size).**

(h) All fish traps in Territorial waters of the Virgin Islands must have been inspected and tagged by the Department of Planning and Natural Resources (DPNR).

(i) No person shall use wooden or bamboo or metal buoys on any traps, pot or set in the inland or coastal waters of this territory.

(j) Any boat or vessel equipped with, or any person having in his possession, any gear, apparatus or other device or equipment contrary to the provisions of this chapter shall be considered to be in violation of those provisions.

(k) Any person violating this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than fifty (\$50) dollars nor more than one hundred (\$100)

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dollars or by imprisonment for not more than thirty (30) days on each count, or by both such fine and imprisonment.

**Alternative #1 – Increase fines and penalties for violations.**

**§ 322. Fishing with explosives, poisons, drugs, chemicals, spears, hooks, or similar devices**

(a) It is prohibited to fish by means of explosives in the territory, or to sell or to possess fish caught by means of any kind of explosives. Sharks may not be taken with an implement popularly known as a "bang stick", which is considered an explosive. Harvest of coastal pelagic sharks requires a federal permit from the National Marine Fisheries Service.

(b) Spiny lobsters shall not be taken with explosives, poisons, drugs, or other chemicals, nor with spears, hooks or similar devices.

**Alternative #1 – Include octopus and other reef organisms.**

(c) Any person violating the provisions of this section is guilty of a misdemeanor and shall upon conviction therefore, be punished by a fine of not less than three hundred (\$300) dollars nor more than five hundred (\$500) dollars on each count or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

**Alternative #1 – Increase fines and penalties for violations.**

**§ 323. Contamination of fishing waters**

It is prohibited to throw or cause to be thrown or deposited into any waters of the United States Virgin Islands, oils, acids, poisons or any other substance which destroys or injures fish as defined herein. When any natural or artificial person desires to discharge into any waters of the United States Virgin Islands, whether pond, lagoon, spring, stream, river, channel, sea or other waters, the residue or waste of any factory or industrial enterprise, he shall first obtain all necessary federal and United States Virgin Islands permits. Any artificial person violating the provisions of this section is guilty of a misdemeanor and shall upon conviction therefore, be fined not less than three hundred (\$300) dollars nor more than five hundred (\$500) dollars on each count. Any natural person violating the provisions of this section is guilty of a misdemeanor and shall, upon conviction therefore, be punished by a fine of not less than three hundred (\$300) dollars nor more than five hundred (\$500) dollars on each count or be imprisoned for not more than six (6) months, or by both such fine and imprisonment. The provisions of this section shall not be construed to prevent the Department of Health from throwing into the water any substance necessary for the protection of the public health.

**Alternative #1 – Increase fines and penalties for violations.**

**§ 323a. Interference with commercial fishing**

(a) It shall be unlawful for any person to enter the tidal zone to the lee of the stern of any floating fishing craft at anchor for a distance of one hundred and seventy-five feet by the width of the transom, but not less than 10 feet in width, provided that such craft is not closer than 200 feet from any shoreline, and provided further that such craft is displaying a flag referred to in subsection (b) of this section identifying it as a fishing craft.

(b) The Commissioner, within thirty days from July 27, 1982, shall cause to be made, and shall make available to, all United States Virgin Islands commercial fishermen for a nominal charge identical brightly colored flags of a distinctive nature which can be displayed by such fishermen on their fishing boats while engaged in legitimate fishing activities; provided, however, that the Commissioner shall keep a list of all persons who obtain flags pursuant to the provisions of this subsection.

Alternative #1 – Delete or clarify (a) and (b).

Alternative #2 – It shall be unlawful for individuals to be engaged in commercial fishing activities within 300 ft of a day-use mooring buoy when a charter dive operator displaying a dive flag, recreational fisher or pleasure boater is moored to that buoy.

**§ 324. Sale of local seafood**

No person shall sell, or represent for the purpose of sale, in any form, any seafood as local or native seafood unless the same shall have been originally caught or taken in this territory; nor shall any person so sell, or represent for the purpose of sale, in any form, any crustacean as local or native lobster unless the same is of the species known as *Panulirus argus*; nor shall any person so sell, or represent for the purpose of sale, in any form, any meat as local or native lobster meat unless such meat is wholly from crustaceans of such species. Any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction therefore, shall be punished by a fine of not less than twenty-five (\$25) dollars nor more than one hundred (\$100) dollars on each count.

**§ 325. Penalties; rewards for convictions**

(a) Any person who knowingly counsels, aids or assists in a violation of any provision of this chapter or of any rule or regulation promulgated there under or knowingly shares in any of the proceeds of said violation by receiving or possessing fish, shall be deemed to have incurred the penalties imposed thereby upon the person guilty of such violation.

(b) Any person violating any provision of this chapter, unless otherwise provided, is guilty of a misdemeanor and shall, upon conviction, be subject to a fine of not more than five hundred

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(\$500) dollars or to imprisonment for not more than one (1) year, or to both such fine and imprisonment.

(c) Any penalty imposed under this chapter shall be in addition to the suspension or revocation of licenses, permits, certificates or registrations as authorized by this chapter and to any confiscation and forfeiture proceedings authorized under this chapter.

(d) Any person, other than a person charged with enforcing the provisions of this chapter, furnishing evidence sufficient to convict any violator of sections 318, 319, 322 or 323 of this chapter, shall receive a reward of fifty (\$50) dollars for each conviction. The reward shall be paid by the Commissioner from the Fish and Game Fund upon certification of conviction by the Attorney General.

**Alternative #1 – Increase amount of reward.**

**§ 325a. Public fish markets**

(a) All public fish markets in the United States Virgin Islands heretofore established under the jurisdiction of the Department of Agriculture are hereby transferred to and continued without interruption within the Department of Planning and Natural Resources (DPNR).

(b) The DPNR is authorized to establish a schedule of reasonable fees for the use of the facilities and to issue appropriate rules and regulations in the manner provided by law to govern the use of the fish markets.

**§ 326. Separability**

It is hereby declared to be the intent of the Legislature of the Virgin Islands of the United States that if a court of competent jurisdiction finds any provisions of this chapter to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this chapter shall continue to be separately and fully effective.

**Alternative #1 - Re-institute the Revolving Loan Fund and clearly add an emergency clause.**

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VI Code Chapter 27, Title 11

Chapter 27. Commercial Fishing Promotion

§ 1404. Fishery Advisory Committees

(a) One Fisheries Advisory Committee shall be established in and for the St. Croix area, and on shall be established in and for the St. Thomas/St. John area.

(b) Each Committee shall have no more than fourteen members; one representative from: The Department of Planning and Natural Resources, the Department of Agriculture, the Department of Justice and a marine scientist affiliated with a research or educational facility. The other ten members will be elected from the commercial, sportfishing, and diving communities to represent the marine user groups.

(c) Each Committee will have a Chairperson selected from the members by the Commissioners of Planning and Natural Resources and of Agriculture. The term of the Committee and Chair will be for one year and until his/her successor is appointed.

(d) Each Committee will meet monthly. The established date to be determined by the Committee. All meetings shall be open to the general public.

(e) Each Committee member shall promise to vote objectively, and in those rare cases when objectivity is not possible, to abstain from voting.

(f) Each Committee shall:

- (i) Receive (or generate) management or regulatory proposals for any marine fishery within Territorial Seas.
- (ii) Hold public hearings and meetings, as appropriate, to discuss such proposals and obtain public comment and suggestions;
- (iii) Vote upon and transmit management or regulatory proposals to the Commissioner for his approval and subsequent delivery to the Governor.
- (iii) Adjudicate “hardship” cases where individual fishermen wish to appeal from an adverse licensing decision in “controlled fisheries”.

**Additions #1. - Definition of “Commercial Fishing”**

The catch and sale, or attempt to offer for sale, of any fish or shellfish, including lobster, shrimp, crab, conch or whelk, caught by conventional fishing methods, including but not limited to hook and line, net, diving, spearfishing, etc., for profit.

**Addition #2 - Requirements to be a “Commercial Fisherman”**

- Must make >50% of income from commercial fishing.
- Must file income tax forms as a commercial fisherman.
- Must submit annual commercial fisherman catch records.
- Must be legally licensed to commercially fish.
- Must meet citizenship requirements.
- Must own a registered vessel.
- Must meet residency requirements.

**Addition #3 - Licensing categories for commercial fishermen.**

- “Master’s License” – a commercial fisherman who makes his/her sole income from fishing.
- Register by gear type used (line, diving, net, trap)
- Fee required for each gear type used
- Separate license required for those who wish to sell fish but do not meet “Commercial Fisherman” requirements
- Create one-stop license shop with government agencies (DPNR-DFW, DPNR-DEE, DA, DLCA)

**Addition #4 - Persons engaged in the activity of commercial fishing shall possess all valid permits and licenses.**

**Addition #5 - Establish compatible territorial and federal regulations for yellowtail snapper (12” total length), Nassau grouper (no harvest), seahorses (no harvest) and butterflyfishes (no harvest).**

**PENALTIES, FINES AND FEES**

| <b>Action</b>                    | <b>Section</b> | <b>Proposed</b>   |
|----------------------------------|----------------|---|
| Possessing Fish out of Season    |                | <u>Alternatives</u><br>-\$100 - \$500/fish<br>-\$500 - \$2,500/fish<br>-Apply federal penalties   |
| Fishing in a closed area         |                | Minimum - \$5,000; Maximum - \$10,000   |
| Administration                   | 304            | <u>Alternatives</u><br>-Minimum \$50; maximum \$500<br>-Minimum \$50; maximum \$1000<br>-Minimum \$500; maximum<br>6 months imprisonment  |
| Conservation Officers            | 305            | Fines issues based on ticket book legislation<br>Confiscation of Boat   |
| Registration of fishing boats    | 312            | <u>St Croix</u> (4 gears)<br>Trap/net/line/diving<br><u>St Thomas</u><br>Fish trap/seine net/line/lobster trap/bait net<br><br><u>Alternatives</u><br>-\$150 per gear category, master licenses \$500<br>-\$300 per gear category, master licenses \$1000<br>-\$400 per gear category, master licenses \$1200 |
| License                          | 312            | <u>Alternatives</u><br><u>-\$50</u><br><u>-\$100</u><br><u>-\$500</u>   |
| Replacement License              | 312            | <u>Alternatives</u><br>-\$5<br>-\$10<br>-\$20   |
| Suspension of Licenses           | 312(j)         | 1st offence – 1 month suspension and \$1000 fine<br>2 <sup>nd</sup> offence - 1 year suspension<br>3 <sup>rd</sup> offence - license revoked permanently<br><br>Cumulative lifetime violations, not annual.<br><br>Fines for violations based on rate indicated in the<br>ticket book legislation             |
| Recreational fishing license     | 312(k)         | Deferred for recreational meeting   |
| Violating Reporting Requirements | 315            | 1 <sup>st</sup> offence - \$75  |

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|  |      |  |
|--|------|--|
|  |      | Subsequent offences - \$100 each and/or loss of fishing license for three years.   |
| Turtles  | 318  | <u>Alternatives</u><br>-Minimum \$100; maximum \$600 on each count or by imprisonment for a period of 1 year or both<br>-Minimum \$10,000; maximum \$25,000 on each count                          |
| Lobsters   | 319  | <u>Alternatives</u><br>-Minimum \$100; maximum \$600 on each count or by imprisonment for a period of 1 year or both<br>-Minimum \$500; maximum \$2500 on each count                               |
| Haul Seines and Fish traps                                   | 321  | <u>Alternatives</u><br>-Minimum \$50; maximum \$100 or imprisonment up to 30 days on each count or both<br>-Minimum \$600; maximum \$1200 or imprisonment for up to 30 days on each count          |
| Fishing with Explosives, drugs, chemicals, spears, hooks etc | 322  | <u>Alternatives</u><br>-Minimum \$300; maximum \$500 or imprisonment up to 6 months for each count or both<br>-Minimum \$10,000; maximum \$25,000 or imprisonment for up to 6 months on each count |
| Contamination of fishing waters                              | 323  | <u>Alternatives</u><br>-Minimum \$300; maximum \$500 or imprisonment up to 6 months for each count or both<br>-Not less than \$50,000 per day, commensurate with EPA fine.                         |
| Interference with a fishing operation                        | 323a | Not less than \$10,000 nor more than \$25,000  |
| Sale of Local Seafood  | 324  | <u>Alternatives</u><br>-Minimum \$25; maximum \$100 for each count<br>-Minimum \$500; maximum \$1,000 for each count   |
| Penalties; rewards for convictions                           | 325b | <u>Alternatives</u><br>-Minimum \$50; maximum \$500 or imprisonment for up to 1 year or both<br>-Minimum \$50; maximum \$1,000 or imprisonment for up to 1 year or both                            |
| Reward   | 325d | \$500  |

COMMERCIAL FISHERIES REGULATIONS

JOINT FAC MEETING, OCTOBER 27-28, 2007

CONSENSUS DECISIONS SUMMARY

1. Institutional and Legal Issues
  - Increase fines and penalties
  - Class system for fines and penalties to reflect degrees of infractions
  - Tiered system structured differently for residents and non-residents
  - Minimum and maximum for fines
  - Mandatory participation in port sampling program (at least 4 times/fisher/year)
  - Repeal fines and penalties from legislation to regulation
2. Fisheries Management Issues
  - Mandatory monthly submittal of catch reports
  - Defer recreational and charter licenses for separate meeting
  - Establish license fees based on gear categories (trap, diving, line and net)

|                       | <u>Gear Category Fee (individual)</u> | <u>Masters License (all gears)</u> |
|-----------------------|---------------------------------------|------------------------------------|
| <b>ALTERNATIVE #1</b> | \$150.00                              | \$500.00                           |
| <b>ALTERNATIVE #2</b> | \$300.00                              | \$1,000.00                         |
| <b>ALTERNATIVE #3</b> | \$400.00                              | \$1,200.00                         |

- Seasonal Closures
  - o Conch
    - Prohibit possession of a species during the closed season
  - o Deepwater Snapper
    - **\*Action Point – FAC to obtain more information on peak spawning period**
  - o Mutton Snapper
    - Prohibit possession in federal and territorial waters from April 1-June 30
    - Additional information requested to support management measure
  - o Red Hind
    - Suggested to establish size and bag limits or a no-possession provision in territorial waters annually from December 1-February 28

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- \* Action Point – Defer decision to close fishery for another year until further trap and line samples obtained

### 3. Enforcement

- \*Action Point – Request information from Commissioner Mathes on management of Fish and Game Fund monies.

### 4. Biological Issues

- **Whelk**
  - Establish whelk fishery as a commercial fishery only/no recreational harvest
- **Conch**
  - Establish a commercial harvest limit of 200 conch/boat/day
  - Enforcement to use shell length and meat weight for regulatory purposes (two uncleaned conch or 3 cleaned conch/lb)
  - 50,000 lb quota for STX and STT/STJ
  - Closed season annually from June 1-October 31
  - \* Action Point – Resolve issue of shell disposal at landing sites
- **Spiny Lobsters**
  - \*Action Point – Information needed on possible seasonal lobster closure
- **Shrimp**
  - No change to present regulations for STX
- **Nassau Grouper**
  - No change to present regulations
- **Seabirds**
  - Proper release of hooked seabirds by retrieval of bird to release the hook or cutting of the line/leader at the hook.
- **Aquarium Trade**
  - No change/DPNR permit required
- **Trap Mesh Size**
  - Increase mesh size to 2” in USVI
  - \* Action Point – Make physical comparison of 1.5” hexagonal mesh to 2” square mesh

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- Nets
  - \* Action Point – STX-FAC to describe jack fishery
  - Remove the work “haul” from net fishery and keep existing net regulations to describe STT net fishery
  
- Gill and Trammel Net
  - Include baitfish in existing regulations
  - Net ban under review; no further proposals available for review.
  
- Minimum Fish Size Limits
  - \* Action Point – FAC’s to review, revise and update the list of commercial species harvested in their respective districts.

COMMERCIAL FISHERIES REGULATIONS REVISION

JOINT FAC MEETING, NOVEMBER 8 & 9, 2008

**CONSENSUS DECISIONS SUMMARY**

3. Fines and Penalties (use federal penalties?)

- Possession of fish out of season

**FINES**

|                       |                         |
|-----------------------|-------------------------|
| <b>ALTERNATIVE #1</b> | \$100 - \$500/fish      |
| <b>ALTERNATIVE #2</b> | \$500 - \$2,500/fish    |
| <b>ALTERNATIVE #3</b> | Apply federal penalties |

- Fishing in closed area
  - minimum of \$5,000, maximum of \$10,000
  - all closed areas must have coordinates
- Section 304 Administration
  - No change
  - not more than \$500 or maximum of 6 months imprisonment
- Section 305 Conservation Officers
  - No change
  - confiscation of vessel
- Section 312 Registration of Fishing Boats
  - No change
- Section 312 License
  - No change
- Section 312 Replacement Licenses
  - No change
- Section 312(j) Suspension of Licenses
  - No change
- Section 315 Reporting Requirements

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- Monthly CCRs due by 15<sup>th</sup> of the following month
- Port samples mandatory, minimum of 4 times/year
- \$75 first offense, \$100 for all subsequent offenses and/or loss of fishing license for three years

- Section 318 Turtles
  - No change
  - minimum \$100, maximum \$600 on each count
- Section 318 Lobsters
  - No change
  - minimum \$100, maximum \$600 on each count
- Section 321 Haul Seines and Fish Traps
  - No change
  - minimum \$50, maximum \$100 or imprisonment up to 30 days on each count
- Section 322 Fishing with Explosives, etc.
  - No change
  - minimum \$300, maximum \$500 or imprisonment up to 6 months for each count
- Section 323 Contamination of Fishing Waters
  - No change
  - minimum \$300, maximum \$500 or imprisonment up to 6 months for each count
- Section 323a Interference with a Fishing Operation
  - No change
- Section 324 Sale of Local Seafood
  - No change
  - \$25 minimum, \$100 maximum
- Section 325 Penalties – Rewards for Convictions
  - No change
  - maximum \$500 or imprisonment up to 1 year
- Section 325 Reward
  - No change
  - \$50

#### 4. Mandatory Port Sampling

Mandatory participation in the commercial fisher data collection program – minimum of four port samples/year/commercial fisher with increased penalties for subsequent offenses.

5. License Fees for Gears

- Support for eliminating unused licenses
- Differing opinion for license fees – STX requests high fees and STT wants lower fees.
- Establish license fees based on gear categories (trap, diving, line and net)

- Discussed the following but not a clear consensus:

|                       | <u>Geer Category Fee (individual)</u> | <u>Masters License (all gears)</u> |
|-----------------------|---------------------------------------|------------------------------------|
| <b>ALTERNATIVE #1</b> | \$150.00                              | \$500.00                           |
| <b>ALTERNATIVE #2</b> | \$300.00                              | \$1,000.00                         |
| <b>ALTERNATIVE #3</b> | \$400.00                              | \$1,200.00                         |

- Approved DLCA \$1.00 commercial fisher license to sell fish on the street and \$2.00 replacement license for commercial fishers.
- Helpers permit required(?)

4. Seasonal Closures

- Conch
  - Prohibit possession of a species during the closed season
- Deepwater Snapper
  - From October 1 through December 31 each year, no possession of vermilion, black, silk or blackfin snapper in the district of St. Thomas/St. John territorial waters. St. Croix is exempt.
- Grouper
  - From February 1 through April 30 each year, no possession of red, black, tiger, yellowfin or yellowedge grouper.
- Mutton Snapper
  - Prohibit possession in federal and territorial waters from April 1-June 30
  - Spawning area closure March 1 – June 30
- Red Hind
  - Closure in federal waters on Lang Bank from December 1-February 28

5. Minimum Fish Sizes

- Evidence of reproductive overfishing (i.e., red hind)

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- DFW to provide an analysis of biostatistical data for top ten species by gear type.

6. Spiny Lobsters

- No change

5. Conch

- Keep existing conch regulations with one exception
- Commercial fishers may bring conch meat to shore instead of conch in the shell
- Conch meat must meet a weight criteria of two uncleaned conch/pound or three cleaned conch/pound.
- Personal use (recreational) fishers must bring conch to shore in the shell and are responsible for proper shell disposal.

6. Whelk

- Recreational harvest of one 5-gallon bucket of conch in the shell/day.
- Commercial harvest of five 5-gallon buckets of conch in the shell/day.

7. Trap Mesh Size

|                       | <u>Trap Mesh Size</u> |
|-----------------------|-----------------------|
| <b>ALTERNATIVE #1</b> | 1 ½" hexagonal wire   |
| <b>ALTERNATIVE #2</b> | 2" square wire        |
| <b>ALTERNATIVE #3</b> | 1 ½" square wire      |

8. Jacks

- DFW to provide additional information on bigeye scad and the jack fishery.

9. Shrimp

- No change to present regulations (Altona Lagoon and Great Pond – recreational license required/no sale of shrimp).

10. Nassau Grouper

- No change.

11. Seabirds

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- Attempt proper release of hooked seabirds by retrieval of bird to release the hook; otherwise cut the line/leader at the hook.

12. Aquarium Trade

- No change/DPNR permit required.

13. Commercially Extinct Species

- Approved no harvest and no possession of blue parrotfish (*Scarus coeruleus*), rainbow parrotfish (*Scarus guacamaia*) and midnight parrotfish (*Scarus coelestinus*).

14. Limited Entry

a) Law vs Regulation

Was the moratorium on licenses issued properly by regulation or did it require legislation?

b) Commercial License Eligibility

**ALTERNATIVES**

- Existing commercial fishers
  - i) CCR's submitted
  - ii) Activity
- Residency
- Part-time vs Full-time
- % income from commercial fishing
- Income tax filed
- Pounds of fish caught
- Must own a vessel
- Predate eligibility with current number of commercial fishers
- Maintain current number of licensed fishers regardless of fishing activity

c) Transferability

**ALTERNATIVES**

- Family
- Gear Limits
- Gear Restrictions
- Helper
- Residency
- Back into government pool to sell
- Individual sale of license/permit

Recommendation:

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Prepare a letter to the Commissioner on the current moratorium and the transfer of permits. The alternatives to be addressed in the letter include continuing transfers and presently conducted or setting criteria/standards for the transfers, such as if catch reports have not been filed for 5 years the license dies and the transfer of active permits vs. inactive permits.

15. Safe Fishing Zone/Commercial Vessel Traffic

**ALTERNATIVES**

- a) Develop draft legislation
- b) Coast Guard involvement – Notice to Mariners, Update NOAA Charts
- c) No-Traffic Zone legislation within territorial waters <100 fathoms; navigation lanes – STX only.

16. Fixed Gear Buffer Zone – Mooring Buoys

Recommendation:

- a) Research existing legislation
- b) 300 ft buffer around moored or anchored vessels displaying the diving flag

17. Enforcement Issues

- a) Gear Manipulation
  - No change. DEE must contact fisher to set up gear inspections.
- b) Registration of Multiple Fishing Vessels
  - First boat registered for commercial fisher is free
  - Additional boats are registered at \$5.00/ft annually

18. Net Regulations – Substitute Nets for Gill and Trammel Net Prohibition

**ALTERNATIVES**

- a) Prohibit the catch of parrotfish and surgeonfish with nets
- b) Prohibit the use of nets for Caribbean reef fish

19. Land Crabs and Other Crab Species

Comments

- a) Research/more data is needed
- b) Prohibit all gears not explicitly authorized (define all gears currently used to harvest species)
- c) Protect crabs with a closure during the spawning period.

20. Fishing on Spawning Aggregations

Recommendation

Remove topic

21. Compatible Regulations for Yellowtail Snapper

Recommendation

Delete topic

U.S. Department of Commerce, National Oceanic and Atmospheric Administration  
Grant Award: WC133F05CN1388  
Grant Title: USVI Commercial Fishing Regulations Revision  
Report Period: September 23, 2005 – May 25, 2010 Final Report

United States Virgin Islands

COMMERCIAL & RECREATIONAL FISHER'S

INFORMATION BOOKLET



DEPARTMENT OF PLANNING AND NATURAL RESOURCES

DIVISION OF FISH & WILDLIFE AND

DIVISION OF ENVIRONMENTAL ENFORCEMENT

July 2009

U.S. Virgin Islands Commercial & Recreational Fisher's Information Booklet  
Revised July 2009

Letter from the Commissioner

Department of Planning and Natural Resources

To the Fishing Community of the U.S.V.I.:

I am sure that as a member of the fishing community you can appreciate that our marine and fisheries resources are valuable and important resources to the citizens of the U.S. Virgin Islands. Marine resources are an integral part of our daily lives, providing employment opportunities as well as food for our families. They also provide a source of pleasure for our local and visiting recreational fishers, snorkelers, divers, and tourists. My wish is that you will not only enjoy, but also respect these resources for generations to come.

This booklet is intended to provide you with a brief outline of the various conservation measures taken to preserve the marine and fisheries resources of the U.S. Virgin Islands. From some species, such as sea turtles, all harvest is prohibited in order to preserve these endangered species. For other species, there are various limitations on harvest (such as closed seasons, catch quotas, size limits, or gear restrictions) to increase species reproduction stocks.

With your cooperation and assistance, we can enhance fishing opportunity while protecting these resources for generations to come.

Good Fishing!

Sincerely,



Robert S. Mathes  
Commissioner

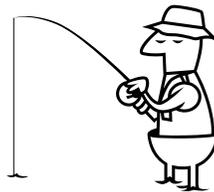


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## TO ALL FISHERS OF THE U.S. VIRGIN ISLANDS

The Department of Planning and Natural Resources (DPNR) is responsible for the conservation and management of our fisheries and enforcement of boating and fisheries regulations (*V.I. Code Title 12 Conservation, Title 25 Navigation, and the Boating Safety Act of 1972*). The Division of Fish & Wildlife and the Division of Environmental Enforcement are two separate divisions within DPNR.

The Division of Fish and Wildlife handles the scientific side of the fishery. The Division of Fish & Wildlife monitors the commercial and recreational fisheries and provides advice and guidance to the Commissioner of DPNR on management of the fisheries. Working with fishers to obtain accurate catch reports is a big part of our job. Accurate and honest reports are essential to help us ensure that the fishery resources of the Virgin Islands will remain sustainable for generations to come.

The Division of Environmental Enforcement is responsible for explaining and enforcing regulations in matters of boating, fishing and the environment in general.

### **RECREATIONAL FISHING (PERSONAL USE)**

General recreational fishing permits are presently not required for recreational fishers. This includes persons who engage in fishing for the sole purpose of providing food for themselves or their families and those who catch and release fish. **Sale of catch by recreational fishers is not allowed.** Also, recreational fishers cannot use the following fishing gear: pots, traps, haul seines, and set-nets (set-nets are a type of net consisting of a wall of fine mesh held up by a float line and anchored on the sea floor). However, recreational fishers are required to have permits to fish in three locations:

1. A recreational shrimp fishing permit is required for the harvesting of shrimp from **Altona Lagoon and Great Pond**, St. Croix. This \$10 one-year permit is available at the Division of Environmental Enforcement St. Croix office (address on back cover).
2. A permit is required to collect baitfish with a cast net within 50 feet of the shoreline or fish with a hook and line in the **St. James Reserve** (Section C, see Appendix 2 map). All other fishing and harvest of other animals and plants is prohibited in this area (see pages 11-12 of this handbook). The line fishing permit is \$2.00 a month, and the bait fishing permit is \$5.00 a month. Both permits may be purchased for a maximum of two months from the Division of Environmental Enforcement St. Thomas office (address on back cover).
3. A permit is required to collect baitfish using only a cast net within 50 ft of the north and west shorelines of Cas Cay in the **Cas Cay/Mangrove Lagoon Marine Reserves**. All other fishing and harvest of other animals and plants is prohibited in this area (see pages 11-12 of this handbook). The bait fishing permit is \$5.00 a month and may be purchased

for a maximum of two months from the Division of Environmental Enforcement St. Thomas office (address on back cover). All fishing is prohibited in the **Inner Mangrove Lagoon** (see page 12).

## COMMERCIAL FISHING

### WHO NEEDS A COMMERCIAL FISHING PERMIT?

A commercial fishing permit costing \$5.00 annually is needed by:

1. All commercial fishers.
2. "Helpers" do not need a commercial fishing permit. However, each commercial fisher must obtain a helper's permit for each helper used or employed by him/her. The permitted commercial fisher **must be onboard** when the "helper" is fishing.
3. Any person who uses a pot, trap, set-net or haul seine, even for personal consumption.
4. Any person who sells or trades any part of his catch, **including charter boat operators who sell or trade their catch.**

Permits shall be issued only to U.S. citizens, permanent residents and aliens bonded as fishers who have lived in the Territory for at least one year. No permit shall be issued to a minor under 17 years old, except with the written consent of his parent or guardian.

All vessels used for commercial fishing, which are owned in whole or in part by an alien or non-resident of the Territory, shall pay a registration tax of \$50.00. The tax shall be deposited in the Fish and Game Fund.

On August 24, 2001, the Department of Planning and Natural Resources implemented a moratorium on issuance of new commercial fishing permits. At the time of printing this booklet, the moratorium was still in place. Permit renewals will only be issued to fishermen who have held a commercial fishing permit within 3 years of June 2001 and have complied with catch reporting requirements.

### FOUR EASY STEPS TO FOLLOW WHEN APPLYING FOR A COMMERCIAL FISHING PERMIT RENEWAL IN THE U.S.V.I.

1. Any person who wants to obtain or renew a commercial fishing permit must first register in person at Division of Fish and Wildlife

(address on back cover), and obtain a copy of this booklet and catch report forms (see Commercial Fisher Catch Report Forms section pages 3-4).

2. Proceed to the Division of Environmental Enforcement (address on back cover). Please present your DFW Registration Form in order to receive your commercial fishing permit. Most fees are waived for commercial fishers. If you are obtaining a commercial fishing permit to use traps, pots, set-nets or haul seines but will not sell your catch, there is no need to continue to step 3 or 4 below.
3. Commercial fishers who plan to sell their catch must also obtain a Farmers' & Fishermen's Certificate of Eligibility. The applications for these certificates can be obtained at the Division of Fish and Wildlife (address on back cover) or the Department of Agriculture (#7944 Estate Dorothea Office, St. Thomas; or Estate Lower Love, St. Croix). Once the application is completed and notarized (a \$5.00 fee is charged), the application is transmitted to the Commissioner's Office at the Department of Agriculture in St. Thomas or St. Croix for his signature. **Please allow 48 hours for approval prior to pickup.**
4. If you plan to sell your catch, you must also obtain a business license (a \$1 fee is charged) from the Department of Licensing and Consumer Affairs (DLCA) (St. Thomas (340) 774-3130 or St. Croix (340) 773-2226). Take all completed forms to the DLCA for processing. You should take your scale in to be certified as well.

Fishers who possess a business license for fishing, issued by the Department of Licensing and Consumer Affairs (DLCA), are entitled to some fee waivers and tax exemptions. Boat Registration Fees are waived provided that the vessel is used to conduct commercial fishing, and all monthly catch reports are turned in on time. **Remember to turn in your catch reports no later than the 15<sup>th</sup> of the following month.**

## COMMERCIAL FISHER CATCH REPORT FORMS

The Division of Fish & Wildlife monitors the health of fishery resources in the Virgin Islands through the use of commercial fisher catch report forms. From these reports, information is collected about fishing activities and is maintained in a confidential database. The accuracy of this information depends upon the cooperation of all commercial fishers. All catch reports are strictly confidential, so please take the time to honestly and completely record all of your fishing activities. Accurate catch reports are essential to fishery management. False catch reports may be misleading and cause undue concern over a fishery resource.

Each year, commercial fishers will receive a packet of 12 forms plus 2 pages of illustrations and instructions. The first 2 pages include maps and instructions on how to report catch and effort. The remaining twelve forms are the catch report forms for the months of July through June. Keep the forms close at hand and record your catch and effort every day that you fish. If you have any questions about completing the form, please call or visit the Division of Fish and Wildlife (address on back cover).

The monthly reports must reach the Division of Fish & Wildlife (address on back cover) no later than 15 days after the end of the month for which the report was prepared. Monthly catch reports may be mailed or submitted in person.

All reports must be completely filled out. If you do not catch any fish, lobster, conch or whelk on a fishing trip, your trip information and effort must still be reported (columns 1-7). If reports are not completely filled out, they do not fulfil the reporting requirement. Incomplete reports will be returned to you for completion. Remember to sign and date your report. Reports submitted in person will be immediately reviewed for completeness. Additional instructions can be provided at this time. All catch report forms received will be stamped with a date and data will be entered into our confidential database. **If even one catch report is not submitted to the Division of Fish and Wildlife, you will not be issued a fishing permit for the following year.**

Any fisher at any time may request a certified summary of his/her own catch records on file. Requests must be made in person because catch records are strictly confidential and may not be revealed to anyone other than the person reporting them. Photo identification must be presented prior to release of any information. If anyone besides the fisher wants information, a notarized letter from the fisher is required before release of any information.

#### LOST OR DESTROYED PERMIT

If a permit is lost or destroyed, the permitted fisher may apply to the Division of Environmental Enforcement to receive a duplicate. A fee of \$2.00 will be assessed.

### **RULES AND REGULATIONS**

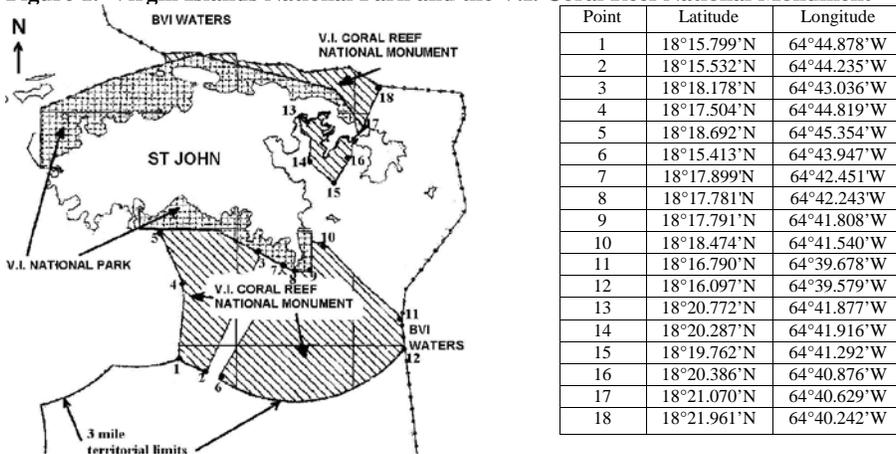
The remainder of this booklet summarizes the rules and regulations for fishing in the U.S. Virgin Islands and adjacent Federal waters. **Unless otherwise stated, these rules and regulations apply to both commercial and recreational (personal use) fishers.** As these are only summaries and as regulations can change, fishers **MUST** watch newspapers, listen to news broadcasts for notice of changes, and contact the Division of Environmental Enforcement (address on back cover) for current and specific Virgin Islands fishing regulations. For current and specific regulations for fishing in Federal waters, fishers **MUST** contact the NOAA-Fisheries at (727) 824-5344 in St. Petersburg, Florida.

If you have any questions concerning fishery matters other than regulations, please call the Division of Fish and Wildlife (address on back cover).

**GENERAL RULES FOR ALL FISHERS**

1. **Boat registration number** (*V.I.C., Title 12, Chapter 9A, § 311 & 312*) - All motorboats must be registered and must display the registration number properly. Annual registration is required on or before July 1st. For commercial fishers, boat registration is at the same time as commercial fishing permit renewal.
2. **Boat safety standards** - All motorboats must meet the safety standards of the Virgin Islands Code and the Federal Boating Safety Act of 1972.
3. **Fishing in BVI/Puerto Rico** -The British Virgin Islands and Puerto Rico each have their own laws and regulations pertaining to fishing. Your U.S. Virgin Islands fishing permit does not permit you to fish in their waters.
4. **V.I. Marine Reserve System** - For information on the rules and regulations of the Virgin Islands Marine Reserve System call the Division of Environmental Enforcement (address on back cover). Also see pages 5-6, and Appendix 2. For information on the St. Croix East End Marine Park, contact the Marine Park Coordinator at (340) 773-3367.
5. **Virgin Islands Coral Reef National Monument** – Anchoring is prohibited, and all fishing is prohibited, except bait fishing in Hurricane Hole and fishing for blue runner. Both require a special permit from National Park Service. For up-to-date information and regulations regarding the V.I. Coral Reef National Monument (south and northeast of St. John, see Figure 1), please contact the U.S. National Park Service’s St. John office at (340) 776-6201 x 254. **The rules and regulations for the V.I. Coral Reef National Monument are different from those of the V.I. National Park waters** (see #6, below).

**Figure 1. Virgin Islands National Park and the V.I. Coral Reef National Monument**

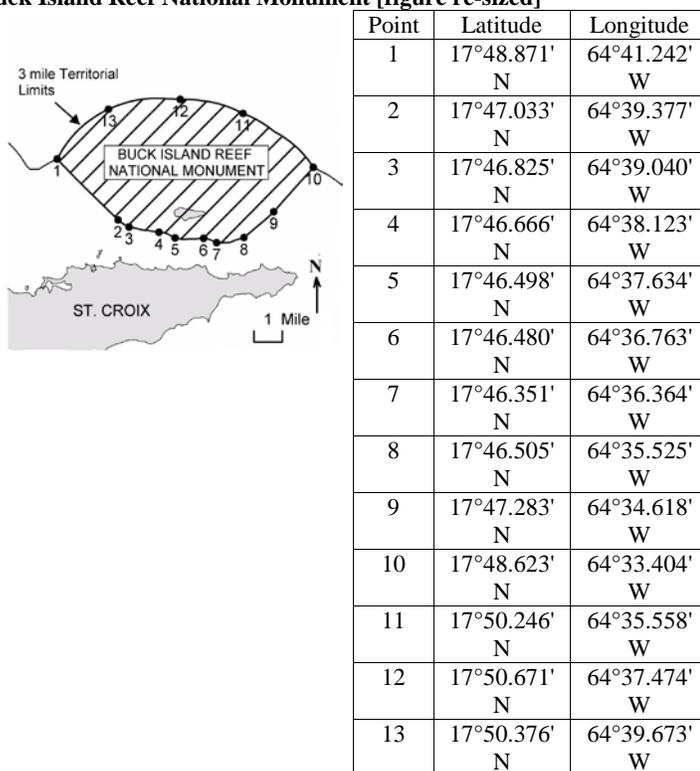


6. **Virgin Islands National Park** – The Virgin Islands National Park on St. John (see

Figure 1) has separate and specific regulations on fishing. Fishing using rod and reel, handline, traps, and bait fish nets is permitted. However, there are restrictions on gear such as trap size and baitfish net size. In addition, there are regulations and limits on the harvest of lobsters, conch, and whelk. The current regulations allow for the harvest of two lobster and/or conch per person per day, and one gallon of whelk in the shell. The use and possession of spearfishing equipment within the park is prohibited. There are three area fishing closures within the V.I. National Park: (1) Red Hook Dock, (2) Cruz Bay Finger Pier and Bulkhead, and (3) all boat exclusion areas. For up-to-date information on fishing regulations within the Virgin Islands National Park, contact the National Park Service on St. John at (340) 776-6201 x 254.

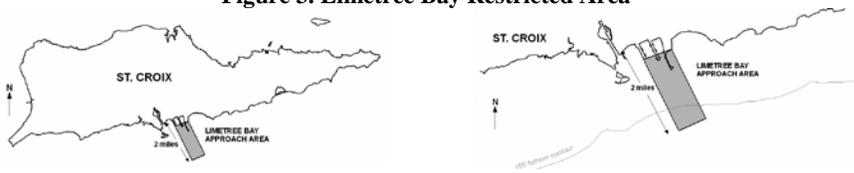
7. **Buck Island Reef National Monument** (36 CFR part 7, 57.73) – All anchoring and fishing are prohibited. For up-to-date information regarding rules and regulations in the Buck Island Reef National Monument, St. Croix (see Figure 2), please contact the U.S. National Park Service’s St. Croix office at (340) 773-1460. Marker buoys located at points 2 thru 9 on Figure 2 below.

**Figure 2. Buck Island Reef National Monument [figure re-sized]**



8. **Limetree Bay Restricted Area, St. Croix** – No vessels may enter the HOVENSA or Cross channels or pass inside the fringing reef upon entering or leaving Alucroix Channel (see Figure 3). This area includes all waters two miles seaward of the HOVENSA facility waterfront. Anchoring or mooring is not permitted. Boats wishing to transit must first obtain permission from HOVENSA. For up-to-date information on restrictions, please contact the HOVENSA Port Captain at (340) 692-3488 or (340) 692-3494 or on VHF Radio channel 11 and the U.S. Coast Guard at (340) 772-5557.

**Figure 3. Limetree Bay Restricted Area**



## LOCAL COMMERCIAL FISHING RULES

1. **Gear Compliance** - Before placing any gear in service, contact the Division of Environmental Enforcement (address on back cover) to make sure it complies with current regulations.
2. **Boat Marking** (*V.I.C., Title 12, Chapter 9A §312g*) - All commercial fishing boats operated by trap, net or line fishers must bear the buoy colors of the permitted fisher.
3. **Marking Fishing Gear** (*V.I.C., Title 12, Chapter 9A §312e*) – All fish traps and nets must be marked with the fisher’s license number. Buoys must also bear the permitted fisher’s color scheme and the license number. The number must be cut or burned into the buoy.
4. **Trap Inspection** (*V.I.C., Title 12, Chapter 9A §304-6*) - All fishers using traps must call the Division of Environmental Enforcement to have the traps inspected and tagged prior to taking them out to sea. For additional information concerning pre-fishing trap inspections and mesh regulations, call the Division of Environmental Enforcement (address on back cover).
5. **Commercial Fishing Permit** (*V.I.C., Title 12, Chapter 9A §312*) - Each commercial fisher is required to have a commercial fishing permit. Commercial fishers must have the number of helpers indicated on their permit. The permitted fisherman must be onboard when the helpers are fishing.
6. **Monthly Commercial Catch Reports** (*V.I.C., Title 12, Chapter 9A §315*) - For the purpose of closely monitoring the fisheries in the USVI, each fisher is required to prepare and submit monthly catch reports to the Division of Fish and Wildlife (address on back cover). Monthly catch reports must be submitted whether the fisher went fishing or not. These reports should be received no later than 15 days after the end of the month for which the report was prepared.
7. **Taxes** - There are Virgin Islands laws that regulate taxes. Please contact the Virgin Islands Government, Department of Licensing and Consumer Affairs (St. Thomas (340) 774-3130; St. Croix (340) 773-2226) if you need information about these laws. Fishers who obtain a commercial fishing business license from the DLCVA may become eligible for a number of tax and fee benefits.
8. **Yearly Sampling of Catch** – Upon the recommendation of the Fisheries Advisory Committees of both St. Thomas/St. John and St. Croix, Commissioner Mathes revised commercial fishing regulations to require the submittal of catch reports on a monthly basis, as well as mandatory port sampling of fishers to be carried out at a minimum of 4 times per year. The sampling of catch will be conducted by representatives of the Division of Fish and Wildlife. Fishermen who fail to comply with mandatory sampling will be subject to penalties (See Penalties on page 9).

## LOCAL FISH SALES REGULATIONS (Commercial Fishers Only)

1. **Fish Sales to the Public** (*V.I.C., Title 23, Chapter 3, Subchapter IX §342*)- The commercial sale of fish to the general public requires a business license issued by the Department of Licensing and Consumer Affairs (St. Thomas (340) 774-3130; or St. Croix (340) 773-2226). A fisher must have a commercial fishing permit to **CATCH** fish and a DLCA license to **SELL** fish. Possession of a federal tuna harvest permit and a dealer permit does not give the authority to sell fish in the U.S. Virgin Islands without a territorial fishing permit and a DLCA license to sell fish.
2. **Local/Native Seafood** (*V.I.C., Title 12, Chapter 9A §324*) - It is prohibited to sell or offer for sale any seafood designated as local or native seafood unless it was caught in the U.S. Virgin Islands. There is one exception to this rule: the spiny lobster, *Panulirus argus*, can be offered for sale as local or native lobster meat, whether caught locally or imported. In any case, the meat must consist entirely of the *Panulirus argus* species in order to be called local or native lobster.
3. **Sale of seafood by non-residents** (*V.I.C., Title 12, Chapter 9A §313*) - Non-residents may not bring their catch of fish or other seafood into the Territory to sell unless they first obtain a business license from the Commissioner of Licensing & Consumer Affairs. Fish or other seafood caught by a foreign vessel and brought into the Territory for sale or consumption is subject to the same regulations as fish and seafood caught from a V.I. registered vessel.
4. **Seafood caught outside the Territory** (*V.I.C., Title 12, Chapter 9A §313*) - Fish or other seafood caught outside the Territory and brought into the Territory for sale or consumption is subject to the same regulations as those governing local species of seafood. This includes regulations pertaining to size of fish, protected species, etc.
5. **Conch Imports** – Conch is protected under the Convention on International Trade in Endangered Species (CITES). Federal law prohibits import of conch unless: (1) the conch is accompanied by a CITES export permit from the appropriate regulatory authority of the exporting country, and (2) it is imported through a federally designated port of entry. The closest designated port to the U.S. Virgin Islands is Miami, Florida. A “Designated Port Exemption” permit is needed to import through San Juan, Puerto Rico. For information or a permit application contact U.S. Fish & Wildlife Service, Office of Law Enforcement in Atlanta, Georgia at (404) 679-7057. **For personal consumption, up to 8 pounds of conch can be imported to the USVI provided that it originates from a CITES approved country.**
6. **St. Croix Fish Sales** (*V.I.C., Title 23 Chapter 3 §342*) – The sale of fresh fish and agricultural products shall be allowed in public fish markets, butcher stalls, on public streets in areas designated by the U.S. Virgin Islands Police Department (V.I.P.D.), or when taken to residences.

## PENALTIES

Anyone convicted of violating any fisheries law or regulation of the U.S. Virgin Islands shall have his permit suspended for one month on the first offence, three months on the second offence and one year on the third and subsequent offences [*V.I.C., Title 12, Chapter 9A, §312-J*]. Fees will not be refunded for a permit that has been suspended or voided.

The fishing license and/or vessel registration of any person who willfully fails to make a report or makes a false report shall be suspended and a new fishing license shall not be issued until such report is made [*VIC Title 12, Chapter 9A, 315(c)*].

Any person violating fisheries laws and regulations of the USVI shall be deemed guilty of a misdemeanor and fined [*V.I.C., Title 12, Chapter 9A §325 & V.I. Territorial Court Order Misc. No. 23/2004 STT/STJ District and Misc. No. 06/2004 STX District*]. Fines for fishing violations are up to \$500, for lobster violations up to \$600 and for violations in wildlife and marine sanctuaries up to \$5,000. Environmental Enforcement officers issue citations for conservation violations similar to those of traffic violations. For further information please call the Division of Environmental Enforcement (address on back cover).

Any commercial fisherman who does not comply with mandatory sampling of their catch at a minimum of four times per year will be subject to penalties identical to those approved for the harvest of Queen Conch [*V.I.C., Title 12, Chapter 9A, §316-1 & 316-4*]. First offence is punishable by a penalty of \$75.00. For all subsequent offenses, the penalty shall be \$100.00 fine and/or the loss of fishing license for three years. Precedence shall be given to the fines and fees established by V.I.C. for the Establishment of Conservation Ticket and Fine Schedule in accordance with V.I.C., Title 12, §99a(b), (c)(3) an (f); V.I.C. Title 12, Chapter 9A, §305(e) and V.I.C. Title 25, Chapter 15, §303(b).

## REWARD FOR CONVICTIONS

*V.I.C. Title 12, Chap 9A § 325* - Any person, other than a law enforcement officer, who furnishes evidence sufficient to convict any violator of the regulations which address marine turtles and their eggs or nests, lobsters and their eggs, fishing with explosives or contaminating public waters shall receive a reward of \$50.00 (fifty dollars) for each conviction from the Commissioner of the Department of Planning and Natural Resources.

## **REPORTING VIOLATIONS**

**For violations in Territorial Waters (from shore to 3 miles offshore), please contact:**

**Division of Environmental Enforcement**

**Cyril E. King Airport  
Terminal Building, 2nd Floor  
St. Thomas, VI 00802  
(340) 774-3320 ext. 5106**

**6003 Anna's Hope  
Christiansted  
St. Croix, VI 00821  
(340) 773-5774**

**For violations in Federal Waters (from 3 to 200 nautical miles offshore), please contact:**

**NOAA - Fisheries Enforcement:  
Puerto Rico – Agent Ken Henline**

**Office – (787) 749-4405**

**Cell – (787) 501-5402**

**NOAA National Enforcement Hotline  
(800) 853-1964**

**St. Petersburg, Florida**

**Main Office – (727) 824-5344**

**Fax – (727) 824-5355**

**Assistant Special Agent-in-Charge, Paul  
Raymond**

**Office – (321) 269-0004**

**Pager – (877) 829-4070**

**Fax – (321) 269-2558**

## U.S. VIRGIN ISLANDS TERRITORIAL WATERS SUMMARY OF FISHING REGULATIONS

### TERRITORIAL WATERS EXTEND FROM SHORE TO 3 MILES OFFSHORE

- 1 **Whelk:** *V.I.C., Title 12, Chapter 9A, §316-6 & 316-7.*  
 Size Limit: Minimum size of shell must be greater than 2 7/16 inches in diameter.  
 Landing Restriction: Must be landed whole in the shell (see Appendix 1).  
**Closed Season** April 1-September 30.  
 :
  
- 2 **Queen Conch:** *V.I.C., Title 12, Chapter 9A, §316-1 & 316-4.*  
 Size Limit: Minimum size of 9 inch shell length from the spire to the distal end, or 3/8 inch lip thickness (see Appendix 1).  
 No harvest of undersized conch.  
 Harvest Quota: No possession of conch meats smaller than two per pound uncleaned or three per pound cleaned.  
 Landing Restriction: 200 conch per day per **registered commercial fishing vessel**.  
 6 conch per day per **recreational (personal use) fisher**; not to exceed 24 per boat per day.  
 Total annual landings of conch must not exceed 50,000 lbs on St. Croix & 50,000lbs on St. Thomas/St. John. Thereafter the season will be closed until November 1<sup>st</sup> of that year.  
 Must be landed alive and whole in the shell at final landing site.  
 No disposal of shell at sea before landing. Taking conch to offshore cays and islands for purpose of removing from shell is prohibited.  
 Transport of conch meat out of shell over open water is prohibited.  
 No sale of undersized conch shell or meat from undersized conch.  
 No sale of imported conch meat unless shipment is accompanied by a CITES export permit and shipment is cleared at the Port of Miami.  
 Closed Season: (See Conch Imports, page 8 for exceptions and further information).  
 June 1 - October 31. Possession of queen conch during the closed season is illegal.
  
- 3 **Caribbean Spiny Lobster:** *V.I.C., Title 12, Chapter 9A, §319.*  
 Size Limit: 3 ½ inch carapace length (see Appendix 1).  
 Landing Restriction: Must be landed whole.  
 No harvest of females with eggs.  
 Gear Restrictions: No spearfishing, hooks, gigs or use of chemicals.
  
- 4 **Shrimp:** *Commissioner Prescribed Rule, V.I.C., Title 12, Chapter 9A, §303(1).*  
 No commercial harvest in Altona Lagoon and Great Pond.

- No sale.  
Recreational permit is required (see page 1).
- 5 **Goliath Grouper (jewfish):** *V.I.C., Title 12, Chapter 9A, §316-14.*  
Endangered species. Harvest prohibited, no possession.
  - 6 **Nassau Grouper** *V.I.C. Title 12, Chapter 9A, §316-14 (e).*  
The possession of Nassau grouper is prohibited year round in the territory until the CFMC has determined that it has recovered.
  - 7 **Billfish:** *V.I.C., Title 12, Chapter 9A.*  
  
Federal regulations for billfish apply in territorial waters. See page 16 for specific regulations.
  - 8 **Billfish, Swordfish, Tuna & Shark:** *V.I.C., Title 12, Chapter 9A.*  
Federal regulations and federal permit requirements apply in territorial waters. See page 16 for specific regulations.
  - 9 **Tarpon & Bonefish:** *V.I.C., Title 12, Chapter 9A, §316-14.*  
No harvest. Catch and release using hook and line only.
  - 10 **Sea Turtles:** *V.I.C., Title 12, Chapter 9A, §318.*  
Endangered species. No harvest, no possession and no harassment of sea turtles or their eggs.
  - 11 **Seabirds** *V.I.C. Title 12, Chapter 2.*  
Seabirds are protected under the Endangered and Indigenous Species Act of 1990. To minimize injury to seabirds, do not discard fishing line at sea.
  - 12 **Aquarium Collecting:** *V.I.C., Title 12, Chapter 9A, §106c.*  
Permit required from the Department of Planning and Natural Resources, Division of Fish and Wildlife.
  - 13 **Traps:** *V.I.C., Title 12, Chapter 9A §304-4, 304-6, & 321.*  
***District of St. Thomas/St. John***  
All fish traps must have minimum 2 inch square or 2 inch hexagonal as the smallest mesh used. All fish traps must be inspected and tagged by the Division of Environmental Enforcement.  
***District of St. Croix***  
*V.I.C., Title 12, Chapter 9A §304-5,304-6, & 321.*  
All old and new traps placed in Territorial waters must have a minimum of 1 ½ inch hexagonal mesh as the smallest mesh on two sides of the fish traps. All fish traps must be inspected and tagged by the Division of Environmental Enforcement.

*V.I.C., Title 12, Chapter 9A §321.*

Each trap must have a minimum of one escape panel fastened by biodegradable material (for example, 1/8 inch untreated jute twine). Colors and license numbers must be displayed on each trap.

Both Districts:

Gear Restrictions:

14 Nets:

Mesh Restrictions:

*V.I.C., Title 12, Chapter 9A, §321.*

Haul seines must have mesh size greater than 1 ½ inch stretch mesh. Seines for catching baitfish must have a mesh size greater than 1 ¼ inch stretch mesh. Haul seines and bait seines may not be taken up to the shore or removed from the water to withdraw fish.

Gear Prohibition:

*V.I.C., Title 12, Chapter 9A, §321-1.*

The use of all gill or trammel nets (single or multiple wall entanglement) are prohibited, with the exception of single-wall surface gillnets for the baitfish ballyhoo, gar and flyingfish. Surface gillnets must be tended at all times, may not be more than 1,800 ft. in length, as measured by the float line, and may not be used within 20 ft from the bottom. Mesh size may not be smaller than ¾ inch square or 1.5 inch stretch. Only one 1,800 ft bait net is permitted per boat. The penalties for gill and trammel net violations are \$1,000 fine and confiscation of vessel and equipment.

15 Year-Round

Closures/Marine Reserves:

No fishing or collecting of any kind is allowed except as noted below.

St. James Reserve  
Permitted Acts:

*V.I.C., Title 12, Chapter 1, §96-3 & 96-4.*

The use of a cast net with a minimum square mesh size of ¼ inch to capture bait fish (“fry”) within 50 feet of the shoreline. Cow and Calf Rocks (in area “C” on Appendix 2 map) are off-limits and are not considered as shorelines. Hook and line fishing is allowed with a permit. See Appendix 2, area “C” for the boundary map.

Fishing Permits:

A special monthly permit obtained from the Division of Environmental Enforcement is required to catch baitfish or hook & line fish in the Reserve. See page 1 for permit details.

Cas Cay/Mangrove Lagoon Reserve

Permitted Acts:

*V.I.C., Title 12, Chapter 1, §96-5.*

The use of a cast net with a minimum square mesh size of ¼ inch to capture bait fish (“fry”) within 50 feet of the north and west shorelines of Cas Cay only. See Appendix 2, area “B” and area “A”.

Fishing Permits:

A special monthly permit obtained from the Division of Environmental Enforcement is required to catch baitfish in the Reserves (see page 1 for permit details).

Prohibited Acts:

In the Inner Mangrove Lagoon (see Appendix 2 map, area “A”), no fishing, no traps, and no seines. In short, no take at all. Use of internal combustion engines is prohibited.

Compass Point Marine Reserve and Wildlife Sanctuary, St. Thomas

*V.I.C., Title 12, Chapter 1, §96-2.*

Designated September 24, 1992. No fishing, hunting or taking of any plant or animals within the marine reserve and wildlife sanctuary. See Appendix 2 map, area “D”.

Salt River Marine Reserve and Wildlife Sanctuary, St. Croix

*V.I.C., Title 12, Chapter 1, §96-12.*

Designated July 19, 1995. It is unlawful to (1) collect, take or possess any fish, coral, bird or other wildlife, or part thereof: (2) use or possess any firearm, bow and arrow, speargun or any trap, net or other contrivance designed to be, or capable of being used to take birds, fish or other wildlife, with the exception of recreational catch and release line fishing with barbless hooks, or to discharge any firearm or release any arrow into the sanctuary. Contact the Division of Environmental Enforcement for complete regulations (address on back cover).

The Small Pond at Frank Bay Wildlife and Marine Sanctuary, St. John

*V.I.C., Title 12, Chapter 1, §96-4.*

Designated on March 24, 2000, signed on April 11, 2001. There are numerous specific prohibitions regarding the sanctuary. Those that relate to fisheries include the following: no hunting, fishing or harvest of fisheries or wildlife resources; the use of a motorized vessel is prohibited within Frank Bay Pond.

16 Seasonal Area Closure:

Mutton Snapper Spawning Area:

*V.I.C., Title 12, Chapter 9A, §316-13.*

No harvest of any species from March 1 through June 30 within the Mutton Snapper Spawning Area (see Appendix 5 map). Joint Territorial and Federal closure is between Long Point and the southwest tip of Sandy Point about 2 miles offshore and is 2.5 miles long and 1 mile wide (see Appendix 5 map).

- 17 **Territorial Marine Parks:** *V.I.C., Title 12, Chapter 1, §98.*  
**St. Croix East End Marine Park** Designated on January 9, 2003. Regulations are pending that will designate certain restricted zones within the park boundaries. Contact the Division of Environmental Enforcement for regulations at (340) 773-5774 or the Marine Park Coordinator at (340) 773-1082 x 2204.
- 18 **Altona Lagoon and Great Pond Shrimp Management** *Commissioner Prescribed Rule 1992 under V.I.C. Title 12, Chapter 9A §303(1).*
- j. All seine nets, gill nets and traps are prohibited in Altona Lagoon, Great Pond and their respective connecting channels to the sea.
  - k. All seine nets, gill nets and traps are prohibited in Christiansted Harbor within 100 yards of the mouth of Altona Lagoon channel. All seine nets, gill nets and traps are prohibited in Great Pond Bay within 100 yards of the mouth of Great Pond channel.
  - l. No motorized vessels are allowed in Altona Lagoon, Great Pond and their respective connecting channels to the sea.
  - m. A recreational shrimp fishing permit from the Division of Environmental Enforcement is required to harvest shrimp on St. Croix. The annual fee for this license is \$10.00.
  - n. Monofilament or nylon cast nets of 3/8 inch square mesh (3/4 inch stretch mesh) may be used to harvest shrimp in Altona Lagoon channel and Great Pond channel. Cast nets of knotless nylon netting are prohibited.
  - o. Cast nets of 1 inch square mesh (2 inch stretch mesh) may be used to harvest fish in Altona Lagoon, Great Pond and their respective connecting channels to the sea. Cast nets of knotless nylon netting are prohibited.
  - p. The sale of southern pink shrimp is prohibited. Vendors selling shrimp must possess a certificate of origin for the shrimp.
  - q. The use of lights to attract shrimp for harvest is prohibited.
  - r. Recreational handlining and rod and reel fishing are permitted in Altona Lagoon, Great Pond and their respective connecting channels to the sea.
- 19 **Seasonal Species Closure:**
- Groupers: *V.I.C., Title 12, Chapter 9A, §316-14(a).*  
From February 1 through April 30, each year, no possession of red, black, tiger, yellowfin, or yellowedge grouper.
- Snappers: *V.I.C., Title 12, Chapter 9A, §316-14(b).*  
From October 1 through December 31, each year, no possession of vermilion, black, silk, or blackfin snapper.
- V.I.C., Title 12, Chapter 9A, §316-14(c)(d).*  
From April 1 through June 30, each year, no possession of lane or mutton snapper.
- 20 **General Provision:** *V.I.C., Title 12, Chapter 9A, §316-14(f).*  
Filleting: The filleting of fish in Territorial/Federal waters of the US Caribbean

is prohibited and it is required that fish captured or possessed in territorial waters be landed with heads and fins intact.

### **WEBSITE REFERENCES**

**Virgin Islands Code** - <http://www.loc.gov/law/guide/us-vi.html>

**Code of Federal Regulations (CFR)** – <http://www.gpoaccess.gov/cfr/index.html>

**DPNR – Division of Fish and Wildlife** – <http://www.vifishandwildlife.com/fish.htm>

**Caribbean Fisheries Management Council** – <http://www.caribbeanfmc.com/>

**National Marine Fisheries Service** – <http://www.nmfs.noaa.gov/>

## FEDERAL WATERS AROUND THE U.S. VIRGIN ISLANDS SUMMARY OF FISHING REGULATIONS

### FEDERAL WATERS EXTEND FROM 3 TO 200 NAUTICAL MILES OFFSHORE

- 1 **Yellowtail Snapper:** 50 CFR 622.37(a) – Minimum 12 inches total length (Appendix 1).
- 2 **Nassau Grouper:** 50 CFR 622.32(b)(ii) - No harvest or possession
- 3 **Goliath Grouper (jewfish):** 50 CFR 622.32(b)(ii) - No harvest or possession.
- 4 **Queen Conch:** 50 CFR 622.32(b)(1)(iv) - No person may fish for, or possess on board a fishing vessel, a Caribbean queen conch in or from the Caribbean EEZ, except during October 1 through June 30 in the area east of 64°34' W. longitude which includes Lang Bank east of St. Croix, U.S. Virgin Islands. 50 CFR 622.37(g) - Minimum size of 9 inch shell length from the spire to the distal end, or 3/8 inch lip thickness (see Appendix 1). 50 CFR 622.38(f) - Queen conch in or from the Caribbean EEZ must be maintained with meat and shell intact. 50 CFR 622.39(e)(2) - The recreational bag limit for queen conch is 3 per person or, if more than 4 persons are aboard, 12 per boat. 50 CFR 622.41(f) - No person may harvest queen conch by diving while using a device that provides a continuous air supply from the surface. 50 CFR 622.44(e) - The bag limit for commercial fishers is not more than 150 queen conch per day.
- 5 **Caribbean Spiny Lobster** 50 CFR 622.2 - Caribbean spiny lobster means *Panulirus argus*. 50 CFR 622.37(b) – Minimum size 3.5 inches carapace length. 50 CFR 622.38(b) - A Caribbean spiny lobster must be maintained with head and carapace intact. 50 CFR 622.32(b) (iii) - Egg-bearing spiny lobster in the Caribbean EEZ must be returned to the water unharmed. An egg-bearing spiny lobster may be retained in a trap, provided the trap is returned immediately to the water. An egg-bearing spiny lobster may not be stripped, scraped, shaved, clipped, or in any other manner molested, in order to remove the eggs. 50 CFR 622.31(j) - Spears and hooks. A spear, hook, or similar device may not be used in the Caribbean EEZ to harvest a Caribbean spiny lobster. The possession of a speared, pierced, or punctured Caribbean spiny lobster in or from the Caribbean EEZ is prima facie evidence of violation of this section.
- 6 **Aquarium Trade:** 50 CFR 622.45(b) - A live red hind or live mutton snapper may not be sold or purchased and used in the marine aquarium trade.
- 7 **Corals:** 50 CFR 622.2 - Caribbean prohibited coral means, a gorgonian, Class Anthozoa, Subclass Octocorallia, Order

Gorgonacea; a live rock; or a stony coral, Class Hydrozoa (fire corals and hydrocorals) or of the Class Anthozoa, Subclass Hexacorallia, Orders Scleractinia (stony corals) and Antipatharia (black corals); or a part thereof. *50 CFR 622.32(b)(1)(i)* - Caribbean prohibited coral may not be fished for or possessed in or from the Caribbean EEZ. *50 CFR 622.45(a)* - No person may sell or purchase a Caribbean prohibited coral harvested in the Caribbean EEZ. A Caribbean prohibited coral that is sold in the U.S. Virgin Islands will be presumed to have been harvested in the Caribbean EEZ, unless it is accompanied by documentation.

- 8 **Billfish:** *50 CFR 635 - No commercial harvest; no sale*  
 Minimum Size Long Bill Spearfish – Retention is prohibited.  
 Regulations: Blue Marlin– 99” Lower Jaw Fork Length (see Appendix 1);  
 White Marlin – 66” Lower Jaw Fork Length (see Appendix 1);  
 Sailfish – 63” Lower Jaw Fork Length (see Appendix 1);  
 Swordfish – 47” Lower Jaw Fork Length (see Appendix 1 and #9 below).
- 9 **Billfish, Swordfish, Tuna & Shark:** *50 CFR 635 - The NOAA Fisheries, Highly Migratory Species Management Division, regulates billfish, swordfish, tuna, and sharks in all waters of the Caribbean Sea.*  
 Permits: **All owners/operators of commercial and recreational vessels harvesting swordfish and certain species of tuna described below and all dealers of these species MUST obtain the required Federal permits:**  
 Recreational: The NOAA Fisheries requires that all vessels involved in the recreational billfish fishery to register and purchase a Highly Migratory Species Permit (HMSP) to participate in billfish fisheries in the Caribbean. The permit also covers tuna (excluding blackfin), sharks, and swordfish. Permit holders are required to report total landings of species covered by HMSP to NOAA Fisheries.  
 Commercial: Commercial fishers must obtain a federal harvest permit to catch and keep yellowfin, bigeye, bluefin, skipjack and albacore tunas.  
 Commercial fishers must obtain a federal dealer’s permit to sell any of the above regulated tuna species. A commercial harvest permit  
 Permit Application: does not allow participation in HMS recreational tournaments.  
 Permit applications are available at the Division of Fish and Wildlife

(address on back cover). For permit information or questions regarding HMSF regulations, contact: Highly Migratory Species Management Office, NOAA Fisheries, 1 Blackburn Drive, Gloucester, MA 01930-2298, phone: (978) 281-9260 or (888) 872-8862; or Christopher Rogers, Chief, Highly Migratory Species Management Division, Office of Sustainable Fisheries, NOAA-Fisheries, 1315 East-West Highway, Silver Springs, Maryland 20910-3282, phone: (301) 713-2347.

The commercial and recreational minimum legal harvest size for yellowfin and bigeye tuna is 27" fork length (see Appendix 1). The recreational minimum for bluefin tuna is 27", however, check NOAA Fisheries for current commercial bluefin limits.

Recreational bag limit (possession) is three yellowfin tuna per person per day. No limit for bigeye, albacore, and skipjack tunas. Check NOAA Fisheries for current bluefin limits.

- 10 **Sea Turtles:** *50 CFR 17.11* - No harvest, possession, or harassment of sea turtles or their eggs.
- 11 **Seabirds:** *50 CFR 10.12* – Seabirds are protected under the Migratory Bird Treaty Act. To minimize injury to seabirds, do not discard fishing line at sea.
- 12 **Traps:**
  - Marking: *50 CFR 622.6(b)(1)(i)(A)* - Trap must display the official number specified for the vessel by the U.S. Virgin Islands. *50 CFR 622.6(b)(1)(ii)(A)* - All individual traps or end of trap lines require a surface buoy that must display the official number and color code.
  - Unmarked Traps: *50 CFR 622.6(b)(1)(iv)* - An unmarked trap or a buoy deployed is illegal and may be disposed of by an authorized officer.
  - Trap Tending: *50 CFR 622.40(a)(1)* - A trap may be pulled or tended only by a person (other than an authorized officer) aboard the trap owner's vessel.
  - Fish Traps: *50 CFR 622.40(c)(1)* - A bare-wire fish trap that has hexagonal mesh openings must have a minimum mesh size of 1.5 inches in the smallest dimension measured between centers of opposite strands. A bare-wire fish trap that has other than hexagonal mesh openings or a fish trap of other than bare wire, such as coated wire or plastic, must

have a minimum mesh size of 2.0 inches in the smallest dimension measured between centers of opposite strands.

*50 CFR 622.40(b)(1)(i)* - A fish trap must have a panel located on one side of the trap, excluding the top, bottom, and side containing the trap entrance. The opening covered by the panel must measure not less than 8 by 8 inches. The mesh size of the panel may not be smaller than the mesh size of the trap. The panel must be attached to the trap with untreated jute twine with a diameter not exceeding 1/8 inch. An access door may serve as the panel, provided it is on an appropriate side, it is hinged only at its bottom, its only other fastening is untreated jute twine with a diameter not exceeding 1/8 inch, and such fastening is at the top of the door so that the door will fall open when such twine degrades. Jute twine used to secure a panel may not be wrapped or overlapped.

Lobster Trap:

*50 CFR 622.40(b)(1)(ii)* - A spiny lobster trap must contain on any vertical side or on the top a panel no smaller in diameter than the throat or entrance of the trap. The panel must be made of or attached by either: untreated fiber of biological origin with a diameter not exceeding 1/8 inch. This includes, but is not limited to tyre palm, hemp, jute, cotton, wool, or silk, or ungalvanized or uncoated iron wire with a diameter not exceeding 1/16 inch that is, 16 gauge wire.

13 **Year-Round**

**Closures:**

Hind Bank Marine  
Conservation District  
(MCD), St. Thomas:

*50 CFR 622.33(b)* - The following activities are prohibited within the Hind Bank MCD: fishing for any species and anchoring by fishing vessels. Appendix 3 provides coordinates and a map of the boundaries of the MCD.

14 **Seasonal Area**

**Closures:**

Grammanik Bank, St.  
Thomas:

*50 CFR 622.33(a)* - Fishing with pots, traps, bottom longlines, gillnets or trammel nets is prohibited year-round in the three seasonally closed areas specified below.

*50 CFR 622.33(a)(3)* - From February 1 through April 30, each year, no person may fish for or possess any species of fish, except highly migratory species, in or from the Grammanik Bank closed area. "Highly migratory species" means bluefin, bigeye, yellowfin, albacore, and skipjack tunas; swordfish; sharks, and white marlin, blue marlin, sailfish, and longbill spearfish. Appendix 3 provides coordinates and a map of the boundaries of the Grammanik Bank seasonal closure area.

Red Hind Spawning  
Aggregation Area, St.  
Croix:

*50 CFR 622.33(a)(2)* - From December 1 through February 28, each year, fishing is prohibited in those parts of the following areas that are in the EEZ. Appendix 4 provides coordinates and a map of the boundaries of the Red Hind Spawning Aggregation seasonal closure

area.

Mutton Snapper  
Spawning  
Aggregation Area, St.  
Croix:

*50 CFR 629.21 & 24* - From March 1 through June 30, each year, fishing is prohibited in that part of the following area that is in the EEZ. Appendix 5 provides coordinates and a map of the boundaries of the Mutton Snapper Spawning Aggregation seasonal closure area.

15 **Seasonal Species**

**Closures:**

Groupers:

*50 CFR 622.33(a)(4)* - From February 1 through April 30, each year, no person may fish for or possess red, black, tiger, yellowfin, or yellowedge grouper.

Snappers:

*50 CFR 622.33(a)(6)* - From October 1 through December 31, each year, no person may fish for or possess vermilion, black, silk, or blackfin snapper.

*50 CFR 622.33(a)(7)* - From April 1 through June 30, each year, no person may fish for or possess lane or mutton snapper.

16 **Gear Prohibition:**

Net Fishing:

*50 CFR 622.31(l)* - A gillnet or trammel net may not be used to fish for Caribbean reef fish or Caribbean spiny lobster. Possession of a gill or trammel net and any Caribbean reef fish or Caribbean spiny lobster is prima facie evidence of violation. A gillnet or trammel net used in the Caribbean EEZ to fish for any other species must be tended at all times.

17 **General Provision:**

Filleting:

*50 CFR 622.3(a)* - Finfish must be maintained with head and fins intact. *50 CFR 622.3(c)* - Shark, swordfish, and tuna species are exempt from this requirement. *50 CFR 622.3(c)(1)* - Bait is exempt from the requirement to be maintained with head and fins intact. *50 CFR 622.3(c)(2)* - Legal-sized finfish possessed for consumption at sea on the harvesting vessel are exempt from the requirement to have head and fins intact, provided: (i) such finfish do not exceed any applicable bag limit; (ii) such finfish do not exceed 1.5 lb (680 g) of finfish parts per person aboard; and (iii) the vessel is equipped to cook such finfish on board.

Anchoring:

*50 CFR 622.41(b)* - Any fishing vessel, recreational or commercial, that fishes for or possesses Caribbean reef fish must ensure that the vessel uses only an anchor retrieval system that recovers the anchor by its crown, thereby preventing the anchor from dragging along the bottom during recovery. For a grapnel hook, this could include an

incorporated anchor rode reversal bar that runs parallel along the shank, which allows the rode to reverse and slip back toward the crown. For a fluke- or plow-type anchor, a trip line consisting of a line from the crown of the anchor to a surface buoy would be required.

## RESUMEN DE REGULACIONES DE PESCA DE AGUAS TERRITORIALES DE LAS ISLAS VÍRGENES

### AGUAS TERRITORIALES - Hasta 3 millas mar afuera

- 1 **Caracoles (Burgaos):** *V.I.C., Title 12, Chapter 9A, §316-6 & 316-7.*  
Límite de Tamaño: Tiene que ser mas grande de 2 7/16 pulgadas de diámetro.  
Restricción de Capturas: Traído entero en el casco (ver apéndice 1).  
Cierre de Temporada: 1 de Abril – 30 de Septiembre
  
- 2 **Carrucho:** *V.I.C., Title 12, Chapter 9A, §316-1 & 316-4.*  
Límite de Tamaño: 9 pulgadas tamaño de casco o 3/8 pulgada de ancho del labio (ver apéndice 1).  
Cuota: **150 carruchos por día por licencia de pescador comercial.**  
Uso Personal: 6 carruchos por día (**pescador recreativo**) por persona.  
Máximo 24 por barco y por día.  
Restricción de Capturas: Traído a tierra entero en el casco.  
Restricción de Venta: Ninguna venta de casco o carrucho de tamaño inferior a lo estipulado en el código anterior.  
No se permite la venta de carrucho importado, al menos que venga acompañado de un certificado de exportación de CITES y el cargamento halla sido declarado a través del Puerto de Miami. (ver “Conch Imports”, pagina 8).  
Cierre de Temporada: (ver “Conch Imports”, pagina 8).  
1 de Julio – 30 de Septiembre
  
- 3 **Langosta:** *V.I.C., Title 12, Chapter 9A, §319.*  
Límite de Tamaño: 3 ½ pulgada tamaño de casco (ver apéndice 1).  
Restricción de Capturas: Traída entera.  
Prohibido capturar hembras con huevos.  
Restricción de Equipo: Prohibido usar arpón o escopeta de pesca ni anzuelos de ningún tipo.
  
- 4 **Camarones** *Commissioner Prescribed Rule, V.I.C., Title 12, Chapter 9A, §303(1).*  
Ningún tipo de pesca comercial en Altona Lagoon y Great Pond.  
Prohibida la venta de camarones.  
Licencia recreativa es requerida (ver pagina 1).
  
- 5 **Mero Guasa:** *Commissioner Prescribed Rule, V.I.C., Title 12, Chapter 2, §104*  
Prohibida la pesca y captura.
  
- 6 **Mero Nassau** *V.I.C. Title 12, Chapter 9A, §316-14 (e).*  
La posesion de Mero Nassau esta prohibido todo el ano en las aguas territorial hasta que el CFMC determine que se ha recuperado.

- 7 **Pez Espada (Aguja):** *50 CFR 635 V.I.C., Title 12, Chapter 9A.*  
Regulaciones federales Ver paginas 24-25 para reglamento específico.
- 8 **Pez Espada, el Tiburón y El Atún (Tuna):** *50 CFR 635 V.I.C., Title 12, Chapter 9A.*  
Regulaciones federales (ver Regulaciones Federales, abajo).
- 9 **Sábalo & Macaco:** *Commissioner Prescribed Rule V.I.C., Title 12, Chapter 9A, §304.*  
Se prohíbe la pesca; solamente se puede usar anzuelos y cordel para captura y libera.
- 10 **Tortugas Marinas (Fanduca):** *V.I.C., Title 12, Chapter 9A, §318.*  
En Peligro de Extinción. Prohibida la pesca, captura y hostigamiento.
- 11 **Pajaros Marinos** *V.I.C. Title 12, Chapter 2.*  
Pajaros marinos estan protegidos por el Endangered and Indigenous Species Act of 1990. Para minimizar heridas a los pajaros marinos o muerte, no desechar cordel de pesca en el mar.
- 12 **Colección Acuario:** *V.I.C., Title 12, Chapter 9A, §106c.*  
Permiso requerido a través de DPNR División de Pesca y Vida Silvestre.
- 13 **Nasas de Pesca:**  
**Distrito de San Tomas y San John:** *V.I.C., Title 12, Chapter 9A, §304-4 & §304-6 & 321*  
**Tamaño de malla:** Toda nasa vieja y nueva en aguas territoriales será de 2" pulgadas hexagonal o 2 pulgadas de malla cuadrada. Todas serán inspeccionadas por la División de Environmental Enforcement.
- Distrito de Santa Cruz:** *V.I.C., Title 12, Chapter 9A §304-5 & §304-6 & 321.*  
**Tamaño de malla:** Toda nasa vieja y nueva en aguas territoriales será de 1 ½ pulgada cuadrada o 1 ½ pulgada hexagonal con la malla mas pequeña en ambos lados de la nasa. Todas las nasas serán inspeccionadas y **marcadas** por la División de Environmental Enforcement.
- Ambos Distritos:** *V.I.C., Title 12, Chapter 9A §321.*  
**Restricción de equipo:** Cada nasa tendrá un panel de escape que estará compuesto de material biodegradable con sogas de 1/8" de yute.
- 14 **Redes:** *V.I.C., Title 12, Chapter 9A §321.*  
**Restricción del Equipo:** **Tamaño de malla:** Trasmallo de arrastre, mas de 1 ½ pulgada de

malla estirada. Los trasmallos para la pesca de carnada pueden tener mallas más pequeñas.  
No deben ser sacados del agua para coger las capturas.

Prohibicion del Equipo: *V.I.C., Title 12, Chapter 9A, §321-1.*  
El uso del trasmallo de ahorque y mallorquín son prohibidos con la exception del trasmallo del superfice de carnada (ballyhoo, gar o volador). Estos trasmallos deben ser atendido en todo momento. No deben ser mas de 1,800 pies en tomaño y no debe utilizarlo menos de 20 pie del fondo. El tamaño de malla no debe ser menos do  $\frac{3}{4}$  de pulgadas o 1.5 pulgadas estirada. Solamente un trasmallo de carnada de 1,800 pies permitido por barco. La penalidad por la violaciones de trasmallo de ahorque y mallorquín: la multa es \$1,000 por barco y confiscation del barco y equipo.

15 **Reservas Marinas:** Ningún tipo de pesca ni captura de ninguna clase esta permitida con la excepción de las siguientes.

**Reserva de St. James:** *V.I.C., Title 12, Chapter 1 §96-3 & §96-4*  
**Leyes Permitidas:** El uso de una taralla de  $\frac{1}{4}$  pulgada para coger carnada mijúa\_50' pies de la orilla. Cow y Calf rocks ("C" en el mapa apéndice 2) están fuera de límite y no son consideradas como orillas. Para límites ver el mapa apéndice 2, área "C".

**Permiso para Pescar:** Un permiso especial mensual es requerido y obtenido de la División de Environmental Enforcement para pescar la carnada y para el uso de cordel en la reserva (ver pagina 1).

**Reserva de Cas Cay y Laguna Manglar:** *V.I.C., Title 12, Chapter 1 §96-5.*  
**Permitido:** Esta permitido el uso de una taralla de  $\frac{1}{4}$  pulgada para capturar (pescar) mijúa\_50' pies de la orilla parte Norte y Oeste de Cas Cay solamente. Ver mapa apéndice 2, área "B" y "A".

**Permiso para Pescar:** Se requiere un permiso especial mensual para pescar carnada en la reserva, se obtiene en la División de Environmental Enforcement (ver pagina 1). La carnada se puede pescar

**Prohibiciones** solamente 50' pies de la orilla Norte y Oeste de Cas Cay.

En la Laguna Manglar (ver mapa apéndice 2, “A” área) esta prohibido todo tipo de pesca, y el uso de motores de combustión.

Compass Point, Reserva Marina y Santuario de Vida Salvaje:

*V.I.C., Title 12, Chapter 1 §96-2.*  
Designado en St. Tomas el 24 de Septiembre de 1992. Todo tipo de caza, pesca, captura y recogida de plantas y animales, dentro de la reserva marina y santuario de vida salvaje esta terminantemente prohibida. Ver mapa apéndice 2, área “D”.

El Santuario de Vida Salvaje y Marina de Salt River en Santa Cruz

*V.I.C., Title 12, Chapter 1 §96-12.*  
Fueron designadas el 19 de Julio de 1995. Están pendientes las regulaciones que prohíben la pesca y la cosecha de recursos de pesca dentro del santuario.

La laguna de Frank Bay: Reserva Marina y Santuario Marino de St. John

*V.I.C., Title 12, Chapter 1 §96-4.*  
Designado en St. John el 24 de Marzo del 2000. Reserva Marina y Santuario de Vida Salvaje, Frank Bay, se prohíbe totalmente todo tipo de pesca y recolección de organismos marinos en la laguna de Frank Bay.

16 Área de Cierre por Temporada:

Área de reproducción de la Sama:

*V.I.C., Title 12, Chapter 9A §316-13.*  
No se permite la pesca de ninguna especie desde el 1 de Marzo hasta el 30 de Junio (ver apéndice 5).

17 Parque Territorial Marino: St. Croix East End Marine park

*V.I.C., Title 12, Chapter 1 §98.*  
Designado el 9 de Enero de 2003. El reglamento esta pendiente ya que actualmente todavía se encuentra en proceso de revisión. Para mas información contacte a la División de Environmental Enforcement en el (340) 773-5774 o el Coordinador del parque en el (340) 773-1082 x 2204.

18 Manejo de Camarones Altona Lagoon y Great Pond

*Commissioner Prescribed Rule 1992 V.I.C. Title 12, Chapter 9A §303(1).*

- a. Todo trasmallo de arrastre, trasmallo de ahorque y nasas de pesca están prohibidos en Altona Lagoon, al igual que en Great Pond y respectivos canales con conexión hacia el mar.
- b. Todo trasmallo de arrastre, trasmallo de ahorque y nasas de pesca están prohibidos en la bahía de Christiansted y dentro 100 yardas de la boca de Altona Lagoon. Todo trasmallo de arrastre, trasmallo de ahorque y nasas de pesca están prohibidos en la bahía de Great Pond y dentro de 100 yardas de el canal de Great Pond.
- c. Ninguna embarcación motorizada esta permitida en Altona Lagoon, Great Pond y canales que conecten al mar.

- d. Tarallas de hilo plástico de malla cuadrada 3/8 pulgadas y malla estirada de 3/4 pulgadas pueden ser usadas para capturar camarones en el canal de Altona Lagoon y Great Pond. están prohibidas las tarallas de hilo de nylon sin nudos.
- e. Tarallas de 1 pulgada de malla cuadrada (2 pulgadas de malla estirada) pueden ser usadas para coger peces en Altona Lagoon, Great Pond y sus respectivos canales conectando al mar. Tarallas de hilo de nylon sin nudos están prohibidas.
- f. Una licencia recreativa para capturar camarones es necesaria en Santa Cruz. El coste anual para obtener esta licencia es \$10.00. Este permiso se solicita a través de la División de Environmental Enforcement.
- g. La venta de camarones esta prohibida. Cualquier persona que tenga camarones para la venta deberá tener un certificado de origen sobre la procedencia de los camarones.
- h. El uso de luces para atraer los camarones esta terminantemente prohibido.
- i. La pesca de cordel de mano y vara esta permitido en Altona Lagoon, Great Pond y respectivos canales que conectan al mar.

19 **Especies Cerradas por Temporadas**

Meros:

*V.I.C., Title 12, Chapter 9A, §316-14(a).*

Desde el 1 de Febrero hasta el 30 de Abril, cada año, no se podrá pescar los meros rojos, negros, tigre, aleta amarilla ni filo amarillo.

Pargos:

*V.I.C., Title 12, Chapter 9A, §316-14(b).*

Desde el 1 de Octubre hasta el 31 de Diciembre, todos los años, ninguna persona podrá poseer o pescar besugo, negras, chopas negras ni chillos.

*V.I.C., Title 12, Chapter 9A, §316-14(c)(d).*

Desde el 1 de abril hasta el 30 de Junio, cada año, no se podrán pescar ni poseer samas ni arrayados.

20 **Normativa General**

Filetear:

*V.I.C., Title 12, Chapter 9A, §316-14(f).*

Esta prohibido filetear pescados en aguas federales del U.S. Caribe y es requerido que pescado capturado o poseido en aguas territoriales deben ser embarcado a orilla entero con cabezas y aletas intactas.

## RESUMEN DE REGULACIONES DE PESCA DE AGUAS FEDERALES DE LAS ISLAS VÍRGENES

### AGUAS FEDERALES - 3 millas hasta 200 millas mar afuera

- 1 **Colirubia:** 50 CFR 622.37(a) – Mínimo de 12 pulgadas tamaño total (ver apéndice 1).
- 2 **Mero Nassau:** 50 CFR 669.22(a) - Prohibida la pesca y captura.
- 3 **Mero Guasa:** 50 CFR 669.22(a) - Prohibida la pesca y captura.
- 4 **Carruchos** 50 CFR 622.32 (b) (1)(iv) – Ninguna persona podrá pescar, poseer carruchos que vengan o que estén en la Zona Económica Exclusiva (EEZ), excepto durante los meses desde el 1 de Octubre hasta el 30 de Junio en el área al este de 64°34'W. que incluye Lang Bank al este de St. Croix, U.S. Virgin Islands. 50 CFR 622.37(g) – Tamaño mínimo de 9 pulgadas de punta a punta, o 3/8 de pulgada en el grosor del labio (ver apéndice 1). 50 CFR 622.38(f) – Los carruchos de la EEZ deberán ser mantenidos con la carne y el casco intactos. 50 CFR 622.39 (e)(2) – Para la pesca recreativa se permite un máximo de 3 carruchos por persona o, en el caso de que hayan mas de 4 personas a bordo del barco, se permitirán un máximo de 12 carruchos por barco. 50 CFR 622.41 (f) – No esta permitida la pesca de carruchos con una fuente de aire que provenga de la superficie. 50 CFR 622.44(e) – El máximo de capturas por pescador comercial por día es de 150 carruchos.
- 5 **Langosta** 50 CFR 622.2 - El nombre de “langosta” se refiere a la especie *Panulirus argus*. 50 CFR 622.37(b) El carapacho debe tener una talla mínima de 3.5 pulgadas de longitud. 50 CFR 622.38(b) La langosta deberá mantenerse intacta. 50 CFR 622.32(b) (iii) – Las langostas que tengan huevos deberán ser devueltas al agua inmediatamente. No esta permitido quitar los huevos de la langosta de ninguna manera. 50 CFR 622.31(j) Los arpones y anzuelos u otras herramientas similares no están autorizadas para la pesca de la langosta en la EEZ. La posesión de una langosta que presente señales de haber sido capturada utilizando métodos no permitidos será considerado como evidencia de violación de de esta sección.
- 6 **Colección Acuarios** 50 CFR 622.45(b) – Se prohíbe la comercialización de cabrillas (*Epinephelus guttatus*) vivas para acuarios (conocidas también por meros pinta), se prohíbe además el comercio de samas (*Lutjanus analis*) vivas para acuarios.

- 7 **Corales** 50 CFR 622.2 – La pesca de corales caribeños esta prohibida para las siguientes categorías: gorgóneas, Clase Anthozoa, Subclase Octocorallia, Orden Gorgonacea; piedra coralina, Clase Hydrozoa (corales de fuego e hidrocorales) o Clase Anthozoa, Subclase Hexacorallia, Orden Scleractinia (piedra coralina) y Antipatharia (coral negro); o partes de los mismos. Estos corales son llamados “Corales Caribeños Prohibidos”. 50 CFR 622.32(b)(1)(i) – Los corales caribeños prohibidos no podrán ser pescados ni se podrán poseer dentro de la EEZ. 50 CFR 622.45(a) Ninguna persona podrá comercializar comprar o vender corales caribeños prohibidos que hayan sido sustraídos de la EEZ. Cualquier coral caribeño prohibido que este en venta en las Islas Vírgenes U.S. será considerado como extraído de la EEZ, a no ser que este acompañado de la documentación reglamentaria.
- 8 **Agujas** 50 CFR 635 – **Prohibida la extracción comercial; prohibida la venta de:** Aguja azul - 99” desde la mandíbula inferior a centro de cola (ver apéndice 1); Aguja blanca – 66” desde mandíbula inferior a centro de cola (ver apéndice 1); Pez Vela – 63” desde mandíbula inferior a centro de cola (ver apéndice 1); Pez Espada (Emperador) 47” desde mandíbula inferior a centro de cola (ver apéndice 1 y #9 abajo).
- 9 **Agujas, Pez Espada, Atunes y Tiburones** 50 CFR 635 – La División de la Gestión de Especies Altamente Migratorias, de NOAA Pesquerías, gestiona y regula las agujas, peces espada, atunes y tiburones en las aguas del Mar Caribe.
- Permisos: **Todos los propietarios u operadores de embarcaciones de pesca, comerciales o recreativos, que extraigan alguna de estas especies DEBERAN obtener los permisos Federales requeridos;**
- Recreativo: NOAA requiere que todas las embarcaciones que de alguna manera estén involucradas en la pesca recreativa de estas especies, deberán registrarse y comprar un permiso de Especies Altamente Migratorias (HMSP) en el Caribe. Este permiso cubre también a los atunes (excluyendo el Albacora o Bonito), tiburones y pez espada. Los titulares de los permisos están obligados a reportar el total de capturas a NOAA.
- Comercial: Los pescadores comerciales deben obtener un permiso federal para poder pescar y conservar atún de aleta amarilla, ojón, atún de aleta azul, bonito, aletas negras y albacora. También deberán obtener una licencia de venta federal para poder vender este pescado. Una licencia de pesca comercial federal de HMSP no autoriza al pescador comercial a participar en los torneos de pesca recreativa.
- Solicitud de Licencias: Los formularios para solicitar las licencias están disponibles en

|   |   |
|---|---|
|   | las oficinas de Fish & Wildlife (dirección al dorso). Para preguntas sobre HMSM, contacte: Highly Migratory Species Management Office, NOAA Fisheries, Blackburn Drive, Gloucester, MA 01930-2298, phone: (978)281-9260 o (888)872-8862; o Christopher Rogers, Chief, Highly Migratory Species Management Division, Office of Sustainable Fisheries, NOAA – Fisheries, 1315 East Highway, Silver Springs, Maryland 20910-3282, phone: (301)713-2347.  |
| Restricciones de Tamaño:                    | Para el atún de aleta amarilla y el ojón deberán tener un tamaño mínimo de 27” de longitud desde el labio inferior al centro de la cola (ver apéndice 1). Para el atún de cola azul el tamaño mínimo es también de 27”, aunque hay que confirmar con NOAA si ha habido algún cambio reciente.   |
| Limite de Capturas:                         | Para el pescador recreativo el límite es de 3 atunes de cola amarilla por persona y por día. No existe límite para el ojón, albacora ni el bonito. Para el atún de cola azul por favor consulte con NOAA.   |
| 10 <b><u>Tortugas Marinas (Fanduca)</u></b> | <i>50 CFR 17.11</i> – No esta permitida la captura, posesión, ni molestar a las tortugas ni los huevos.   |
| 11 <b><u>Pajaros Marinos</u></b>            | <i>50 CFR 10.12</i> – Pajaros marinos estan protegidos por el Acta del Pajaros Migratorio (Migratory Bird Treaty Act). Para minimizar heridas a los pajaros marinos o muerte, no desechar cordel de pesca en el mar.  |
| 11 <b><u>Nasas</u></b>                      |   |
| Marcas:                                     | <i>50 CFR 622.6(b)(1)(i)(A)</i> – Las nasas deberán presentar el numero oficial de la embarcación especificado por las Islas Vírgenes. <i>50 CFR 622.6(b)(1)(ii)(A)</i> – Todas las nasas deberán de ir acompañadas de una boya de superficie en las que se verán números y colores oficiales.  |
| Sin Marcas:                                 | <i>50 CFR 622.6(b)(1)(iv)</i> – Las boyas que no estén marcadas serán consideradas ilegales y podrán ser confiscadas por un oficial autorizado. <i>50 CFR 622.6(a)(1)</i> – Las nasas solo podrán ser levantadas por personas que estén a bordo de la embarcación del propietario de las nasas.   |
| Nasas de Pescado:                           | <i>50 CFR 622.40(c)(1)</i> – Las nasas construidas con la malla hecha de alambre al descubierto formando agujeros hexagonales deberán tener un tamaño mínimo de 1.5 pulgadas en la parte mas pequeña del hexágono. Las que formen la malla con otras formas y no sean de alambre descubierto (plásticos, etc.) deberán tener un tamaño mínimo de 2 pulgadas medidas desde los lados mas juntos de la figura que presente el agujero de la malla. <i>50 CFR 622.40(b)(1)(i)</i> – Las nasas deberán tener un panel en uno de los lados, excluyendo la cara superior e inferior y el lado |

donde se encuentre la entrada de la nasa. La abertura o puerta de salida estará recubierta por el panel y no podrá medir menos de 8x8 pulgadas. La malla del panel no podrá ser de un tamaño menor al del resto de la nasa. El panel deberá estar amarrado a la nasa con un material biodegradable que no este tratado y que no sobrepase 1/8 de pulgada. Una puerta de acceso puede servir como panel, suponiendo que sea del tamaño apropiado, esta puerta deberá tener uno de sus amarres hecho con un material biodegradable como el cáñamo que se descomponga con el tiempo previniendo así que en el caso que la nasa se extravíe la nasa con el tiempo se abra sola y no siga pescando innecesariamente.

Nasas de Langostas: *50 CFR 622.40(b)(1)(ii)* – El nasero (puerta de entrada) deberá ser de menor tamaño que el resto de las caras de la nasa.

12 **Cierres Anuales:**

Distrito de Conservación Marina de Hind Bank (MCD), St. Thomas:

*50 CFR 622.33(b)* – Las actividades siguientes están prohibidas en Hind Bank MCD: toda la pesca, el fondeo y anclaje de cualquier embarcación pesquera. El apéndice numero 3 enseña las coordenadas de los limites del MCD.

13 **Áreas Cerradas por Temporadas:**

*50 CFR 622.33(a)* – La pesca con nasas, calas, trasmallo mallorquín y trasmallo de ahorque esta prohibida durante todo el año en las tres áreas siguientes que se especifican abajo.

Grammanik Bank, St. Thomas:

*50 CFR 622.33(a)(3)* – Desde el 1 de Febrero hasta el 30 de Abril, todos los años, ninguna persona podrá estar en posesión de ningún tipo de pescado, exceptuando aquellas especies que sean altamente migratorias, dentro del área de cierre de Grammanik Bank. El apéndice numero 3 enseña las coordenadas de los limites de Grammanik Bank.

Área de reproducción de Cabrillas, St. Croix:

*50 CFR 622.33(a)(2)* – Desde el 1 de Diciembre hasta el 28 de Febrero, todos lo años la pesca esta prohibida en aquellas áreas dentro de la EEZ. El apéndice numero 4 muestra las coordenadas del cierre en un mapa.

Área de reproducción de las Samas, St. Croix:

*50 CFR 629.21&24* - Desde el 1 de Marzo hasta el 30 de Junio, todos los años, la pesca esta prohibida en las zonas dentro del área EEZ. El apéndice numero 5 muestra las coordenadas del área de cierre en un mapa.

14 **Especies Cerradas por Temporadas**

Meros:

*50 CFR 622.33(a)(4)* – Desde el 1 de Febrero hasta el 30 de Abril, cada año, no se podrá pescar los meros rojos, negros, tigre,

aleta amarilla ni filo amarillo.

Pargos: *50 CFR 622.33(a)(6)* – Desde el 1 de Octubre hasta el 31 de Diciembre, todos los años, ninguna persona podrá poseer o pescar besugo, negras, chopas negras ni chillos.

*50 CFR 622.33(a)(7)* – Desde el 1 de abril hasta el 30 de Junio, cada año, no se podrán pescar ni poseer samas ni arrayados.

15 **Equipos Prohibidos:**

Redes: *50 CFR 622.31(l)* – El trasmallo de ahorque y el mallorquín no pueden ser utilizados para los peces de arrecife caribeños ni para la langosta. La posesión de de trasmallos y de pescado de arrecife será evidencia de violación de la ley. Los trasmallos utilizados para capturar otras especies deberán ser atendidas en todo momento.

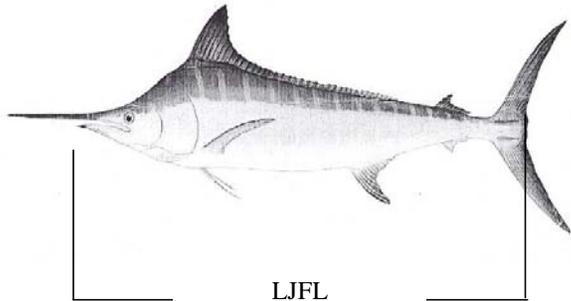
16 **Normativa General**

Filetear: *50CFR 622.3(a)* – El pescado deberá ser mantenido entero, no se podrán cortar las aletas colas ni cabezas. *50 CFR 622.3(c)* – Tiburones, pez espada y atunes están exentos de esta normativa. *50 CFR 622.3(c)(1)* – El pescado que se utiliza como cebo esta excluido de esta normativa. *50 CFR 622.3(c)(2)* – El pescado que se encuentre a bordo de las embarcaciones para consumo de la tripulación esta excluido de esta normativa en los casos siguientes: (i) que el pescado en cuestión no exceda el limite de las cuotas; (ii) que el pescado en cuestión no exceda 1.5 lb (680 g) en cada pedazo de pescado por persona; (iii) que la embarcación tenga equipo para cocinar el pescado a bordo.

Anclaje: *50 CRF 622.41(b)* – Cualquier embarcación de pesca comercial o recreativa deberá disponer de un sistema de anclaje que asegure la recogida del ancla por la corona, de esta manera de previene contra el arrastre del ancla y la destrucción del fondo marino cuando se levanta el ancla. En el caso de un gancho “Grapnel”, se puede incluir un eslabón reversible que corra paralelo al brazo del ancla, lo que permite volver en dirección a la corona y evitar así el desgarrar del fondo. Para las anclas tipo “fluke” o “plow” una línea o cabo deberá ir atado desde la corona o cabeza del ancla hasta una boya en la superficie.

**APPENDIX 1**  
**Length Measurements for Billfish, Finfish, Spiny Lobster, Conch and Whelk**  
**Medidas de longitud para Peces de Pico, Finfish, Langostas, Burgaos y Carruchos**

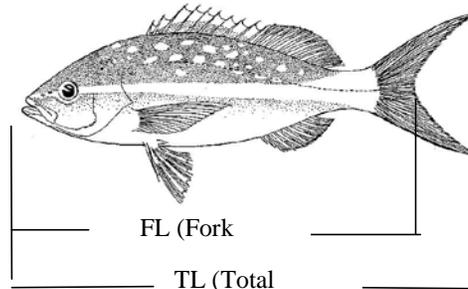
BILLFISH (Peces de Pico, Pez Espada, Marlin, Pez Vela)



**LJFL**  
(Lower Jaw Fork)

Blue Marlin 99" ; Sailfish 63" ; White Marlin 66" ; Swordfish 47"

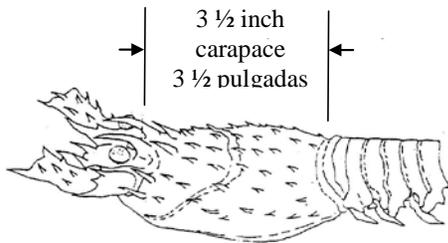
FINFISH  
 (Such as Yellowtail Snapper or Tuna)  
 (Como Colirrubias o Atunes)



**FL (Fork**

**TL (Total**

**LOBSTER**  
**LANGOSTA**



3 ½ inch  
carapace  
3 ½ pulgadas

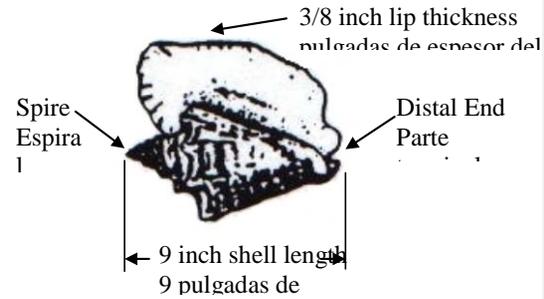
Carapace length is measured  
along the midline

**WHELK**  
**BURGAO**



2

**CONCH**  
**CARRUCHO**



3/8 inch lip thickness  
pulgadas de espesor del

Spire  
Espira

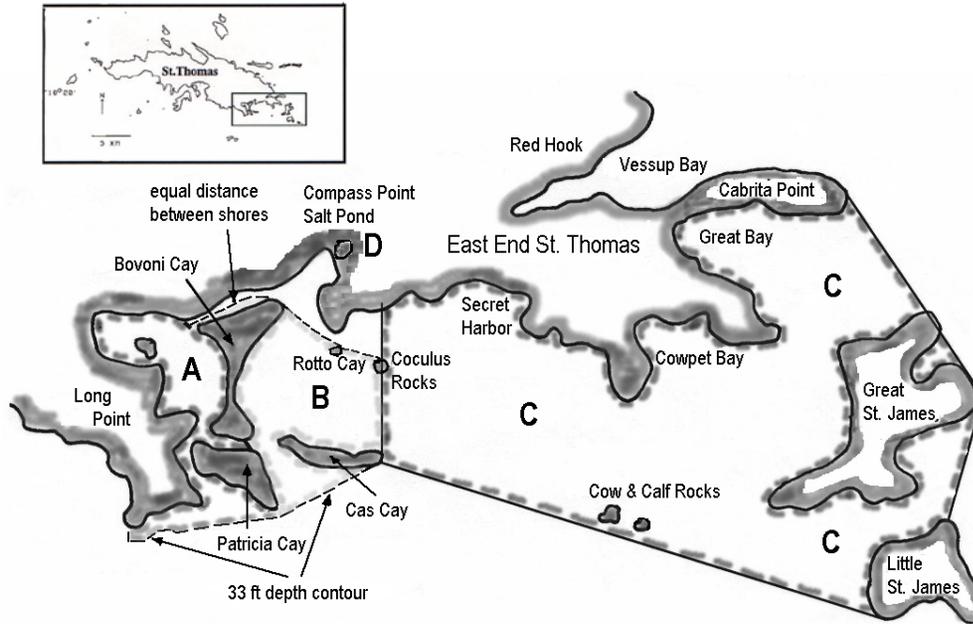
Distal End  
Parte

9 inch shell length  
9 pulgadas de

**APPENDIX 2**

***Southeast St. Thomas Marine Reserves and Wildlife Sanctuaries***

(See page 12 of this handbook for summaries of regulations pertaining to these areas)



**REGULATIONS**

**A. Inner Mangrove Lagoon:** No fishing or take of any natural resources is allowed. No internal combustion engines are allowed. Electric motors, sails or paddles are acceptable. Engines cause wakes, noise, and pollution.



**B. Cas Cay/Mangrove Lagoon:** No fishing or take of any natural resources is allowed, except that use of a cast net for baitfish within 50 feet of the north and west shorelines of Cas Cay is allowed only with a permit from DPNR Enforcement (774-3320).



**C. St. James** — No fishing or take of any natural resources is allowed, except that baitfishing using a cast net within 50 feet of the shoreline (except for Cow and Calf Rocks) and fishing by hook and line is allowed only with a permit from DPNR Enforcement (774-3320).

**D. Compass Point Salt Pond** — No fishing, hunting, or take of any natural resources is allowed within this marine reserve and wildlife sanctuary.



**For A, B, C, and D - No take of conch, lobster, and whelk**



These areas have been protected for a variety of reasons, all of which will benefit your use and enjoyment of our marine natural resources. These marine reserves:

1. Contribute to commercial and recreational fishery resources by protecting a portion of the spawning stock from exploitation.
2. Preserve important coral reef, mangrove, and seagrass habitats for larval, juvenile, and adult fish and invertebrates, such as lobster and conch.

3. Provide coastal and marine viewing and recreation areas for the general public, snorkel and SCUBA divers, school groups, and scientists.

For more information on these marine reserves and wildlife sanctuaries, please call the Division of Fish and Wildlife, DPNR, at 775-6762. To obtain permits or to report violations, please call the Division of Environmental Enforcement at 774-3320.

### APPENDIX 3

#### HIND BANK MARINE CONSERVATION DISTRICT, ST. THOMAS

The Hind Bank Marine Conservation District (MCD) is **closed year round**. Fishing is prohibited in the 14 square mile area south of western St. Thomas. The following points define the corners of the closed area:

- A – 18° 13.2'N, 65° 06.0'W
- B – 18° 13.2'N, 64° 59.0'W
- C – 18° 11.8'N, 64° 59.0'W
- D – 18° 10.7'N, 65° 06.0'W

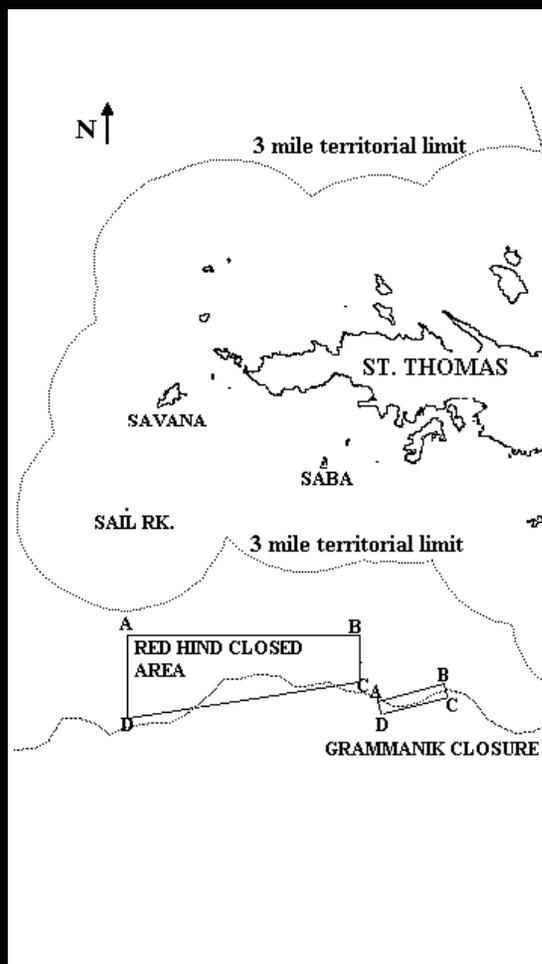
#### GRAMMANIK BANK SEASONAL CLOSURE, ST. THOMAS

**February 1 to April 30**

The Grammanik Bank Seasonal Closure is from February 1 to April 30. The following points define the corners of the closed area:

- A – 18° 11.898'N, 64° 56.328'W
- B – 18° 11.645'N, 64° 56.225'W
- C – 18° 11.058'N, 64° 57.810'W
- D – 18° 11.311'N, 64° 57.913'W

*Fishing with pots, traps, bottom longlines, gillnets or trammel nets is prohibited year-round here.*



#### CIERRE DEL AREA DE MERO PINTO EN EL DISTRITO DE CONSERVACION MARINA EN ST. THOMAS, ISLAS VIRGENES AMERICANAS

El area de desove para el mero pinto (cabrilla) esta **cerrada todo el año**. Pescar esta prohibido en el area de 14 millas cuadradas al sur-oeste de la isla de San Thomas. Las coordenadas siguientes definen los limites del area cenada:

- A – 18° 13.2'N, 65° 06.0'W
- B – 18° 13.2'N, 64° 59.0'W
- C – 18° 11.8'N, 64° 59.0'W
- D – 18° 10.7'N, 65° 06.0'W

#### CIERRE DEL BANCO GRAMMANIK, ST. THOMAS

**Del 1 de Febrero al 30 de Abril**  
El cierre de temporada en el "Grammanik Bank" en St. Tomas, va desde el 1 de Febrero hasta el 30 de Abril. Las coordenadas siguientes designan el area de cierre:

- A – 18° 11.898'N, 64° 56.328'W
- B – 18° 11.645'N, 64° 56.225'W
- C – 18° 11.058'N, 64° 57.810'W
- D – 18° 11.311'N, 64° 57.913'W

**Pescar con nasa, palangres de fondo, trasmallos mallorquines y de ahorque esta prohibido durante todo el año.**

#### APPENDIX 4

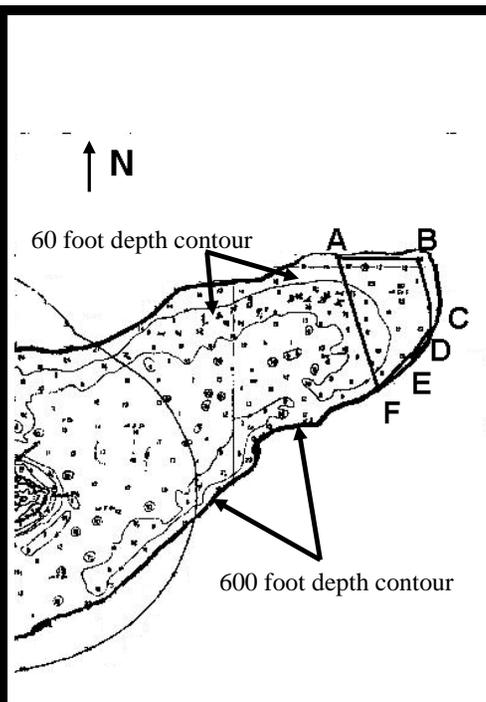
##### RED HIND SPAWNING AGGREGATION SEASONAL CLOSURE, ST. CROIX

December 1 to February 28

The Red Hind Spawning Aggregation seasonal closure is from December 1 to February 28. Fishing is prohibited. The following points define the corners of the closed area:

- A - 17° 50.2'N, 64° 27.9'W
- B - 17° 50.1'N, 64° 26.1'W
- C - 17° 49.2'N, 64° 25.8'W
- D - 17° 48.6'N, 64° 25.8'W
- E - 17° 48.1'N, 64° 26.1'W
- F - 17° 47.5'N, 64° 26.9'W

*Fishing with pots, traps, bottom longlines, gillnets or trammel nets is prohibited year-round here.*



##### CIERRE DE MERO PINTO (CABRILLA) SANTA CRUZ,

ISLAS VIRGENES, AMERICANAS

El area de desove del mero cabrilla estara cerrada desde el 1 de Diciembre hasta el 28 de Febrero. Los siguientes puntos definen los limites del area cerrada:

- A - 17° 50.2'N, 64° 27.9'W
- B - 17° 50.1'N, 64° 26.1'W
- C - 17° 49.2'N, 64° 25.8'W
- D - 17° 48.6'N, 65° 25.8'W
- E - 17° 48.1'N, 64° 26.1'W
- F - 17° 47.5'N, 64° 26.9'W

**Pescar con nasa, palangres de fondo, trasmallos mallorquines y de ahorque esta prohibido durante todo el año.**

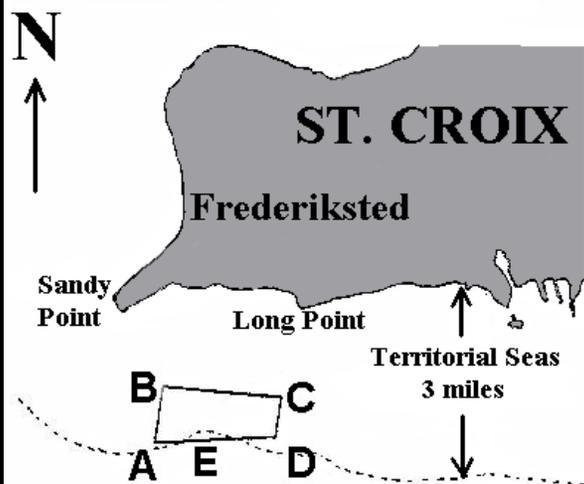
## APPENDIX 5

### MUTTON SNAPPER SPAWNING AGGREGATION SEASONAL CLOSURE, ST. CROIX March 1 to June 30

The Mutton Snapper Spawning Aggregation seasonal closure is from March 1 to June 30. The area is partly in territorial waters and partly in federal waters. The area closure is 2.5 miles in length, about 1 mile in width, and starts 2.0 miles from shore (see map). The area is defined by the following points:

- A - 17° 37.8'N, 64° 53.0'W
- B - 17° 39.0'N, 64° 53.0'W
- C - 17° 39.0'N, 64° 50.5'W
- D - 17° 38.1'N, 64° 50.5'W
- E - 17° 37.8'N, 64° 52.5'W

*Fishing with pots, traps, bottom longlines, gillnets or trammel nets is prohibited year-round here.*



### CIERRE DE AREA DE DESOLVE DE LA SAMA EN SANTA CRUZ, ISLAS VIRGENES, AMERICANAS MARZO 1 – JUNIO 30

El área de cierre comienza Marzo 1 y termina Junio 30 de cada año. El área cerrada es de 2.5 millas a lo largo, 1 milla de ancho empezando a 2.0 millas de distancia de la costa (ver mapa). El área de cierre es la que se encuentra dentro de las siguientes coordenadas:

- A - 17° 37.8'N, 64° 53.0'W
- B - 17° 39.0'N, 64° 53.0'W
- C - 17° 39.0'N, 64° 50.5'W
- D - 17° 38.1'N, 64° 50.5'W
- E - 17° 37.8'N, 64° 52.5'W

**Pescar con nasa, palangres de fondo, trasmallos mallorquines y de ahorque esta prohibido durante todo el año.**

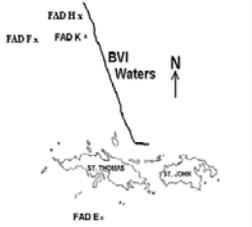
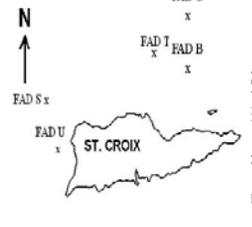
**FISH AGGREGATING DEVICES (FADs)**

The Division of Fish and Wildlife has deployed fish aggregating devices (FADs). The surface FADs consist of a 58" diameter steel sphere surface buoy with a radar reflector and strobe light. Submerged FADs consist of 1 or 2 metal canisters at least 50 ft below the surface.

Please record your catch near each buoy in your catch reports.

Tying off to FADs is prohibited.

**PLEASE REPORT LOST OR DAMAGED FADs IMMEDIATELY TO THE DIVISION OF FISH AND WILDLIFE – WE MIGHT BE ABLE TO FIND IT AND RE-**

| Island     | FAD | Geographic  | Depth (ft) | Location from Land   |
|------------|-----|---|------------|--|
| St. Croix  |     |  |            |  |
| St. Croix  | B   | 17° 51.72' N;<br>64° 30.873' W  | 3,400      | Surface buoy, 7 nm NE of East Point  |
| St. Croix  | U   | 17° 44.0' N;<br>64° 54.6' W   | 2,000      | Submerged buoy, 2 nm W of Sprat Hole* U.S. Navy underwater                         |
| St. Thomas | E   | 18° 11.05' N;<br>64° 55.87' W   | 1,465      | Submerged buoys; 10 nm S. of Charlotte Amalie Harbour                              |
| St. Thomas | F   | 18° 35.4' N;<br>65° 03.4' W   | 1,360      | Surface buoy; 9.8 nm north of Cricket Rock   |
| St. Thomas | K   | 18° 36.4' N;<br>64° 58.4' W   | 235        | Submerged buoy; 13 nm north of Little Hans Lollick                                 |
| St. Thomas | L   | 18 09.26' N;<br>64 50.167' W  | 2501       | Surface buoy; 12nm SE of Charlotte Amalie  |
| St. Thomas | H   | 18° 38.3' N;<br>65° 58.8' W   | 1,610      | Surface buoy; 14.5 nm north of Outer Brass Island                                  |

**ARTEFACTO ATRACTOR DE PECES (FADS)**

El Departamento de Planificación y Recursos Naturales, División de Pesca y Vida Salvaje ha colocado artefactos atradores de peces, (FADs). Los atradores son boyas de 58" pulgadas de diámetro esfericas metalicas con reflectores de radar y señalización luminosa.

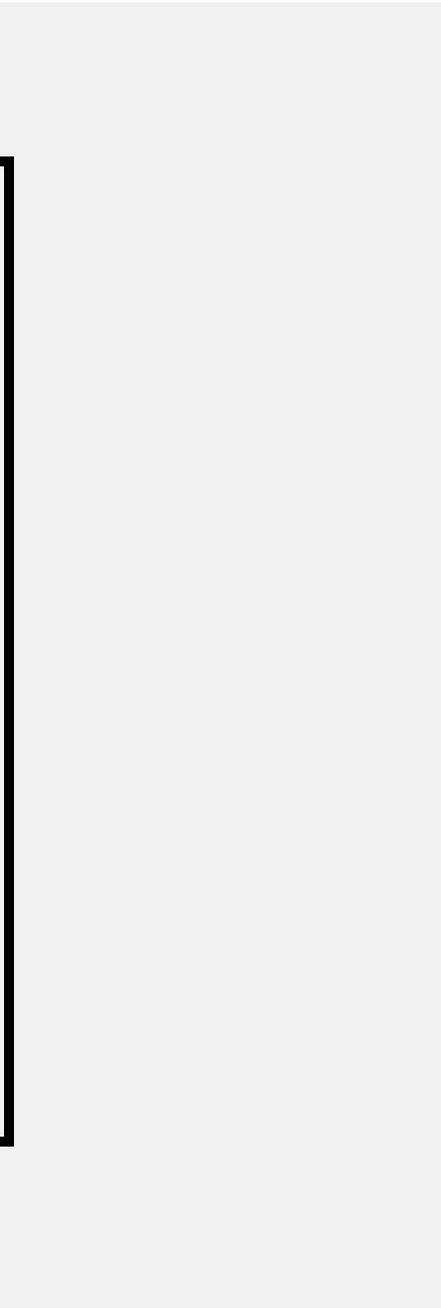
Por favor registre sus capturas cerca de los FADs en su reporte pesquero mensual.

Atar la embarcación a un FAD es ilegal.

**POR FAVOR EN EL CASO DE OBSERVAR UN FAD A LA DERIVA O AVERIADO COMUNIQUESE INMEDIATAMENTE CON LA DIVISION DE FISH & WILDLIFE (QUIZAS PODAMOS RECUPERARLO Y REUTILIZARLO).**

**USE IT.**

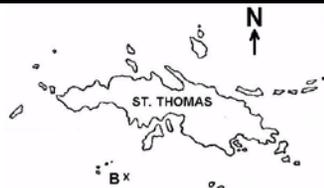
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**APPENDIX 6**

**APPENDIX 7**

| ARTIFICIAL REEFS  | <u>Island</u> | <u>Artificial Reef No.</u> | <u>Geographic Coordinates*</u>                     | <u>Depth (ft)</u> | <u>Location from Land</u> | ARRECIFES ARTIFICIALES   |
|---|---------------|----------------------------|--|-------------------|---------------------------|--|
| <p>The Division of Fish and Wildlife has various artificial reef sites permitted.</p>   | St. Thomas    | B                          | 18 <sup>o</sup> 17.4' N<br>64 <sup>o</sup> 59.0' W | 85-100            | 1 nm SE of Saba Island    | <p>La División de Pesca y Vida Silvestre del Departamento de Planificación y Recursos Naturales, ha implantado varios arrecifes artificiales alrededor de las Islas Vírgenes Americanas.</p> |
|   | St. Croix     | D                          | 17 <sup>o</sup> 45.1' N<br>64 <sup>o</sup> 53.8' W | 45-120            | Butler Bay                |  |
| <p>*note: The geographic coordinates identify the center point of the artificial reef site. Each site is approximately 1 square nautical mile (<math>\pm</math> ½ mile from the center point listed above).</p> |               |                            |  |                   |                           |  |



**Specific Items at the St. Thomas Artificial Reef**

|    | Geographic Coordinates |              | Description of Materials       |
|----|------------------------|--------------|--------------------------------|
| 1  | 18° 17.811'N           | 64° 59.501'W | Steel barge                    |
| 2  | 18° 17.772'N           | 64° 59.460'W | Steel debris                   |
| 3  | 18° 17.767'N           | 64° 59.433'W | Cargo ship                     |
| 4  | 18° 17.501'N           | 64° 59.139'W | Steel ferry                    |
| 5  | 18° 17.051'N           | 64° 58.981'W | Steel freighter                |
| 6  | 18° 17.393'N           | 64° 58.665'W | Bow section of fiberglass boat |
| 7  | 18° 17.481'N           | 64° 58.667'W | Steel I-beams                  |
| 8  | 18° 17.421'N           | 64° 58.695'W | Steel I-beams                  |
| 9  | 18° 17.566'N           | 64° 58.658'W | Concrete dock slabs            |
| 10 | 18° 17.014'N           | 64° 58.593'W | Steel barge                    |
| 11 | 18° 17.410'N           | 64° 58.408'W | Steel barge                    |
| 12 | 18° 17.456'N           | 64° 59.618'W | Steel barge                    |
| 13 | 18° 17.995'N           | 64° 58.752'W | Sailboat                       |
| 14 | 18° 17.945'N           | 64° 58.708'W | Steel debris and scrap metal   |



**Specific Items at the St. Croix Artificial Reef**

|   | Geographic Coordinates |              | Description of Materials              |
|---|------------------------|--------------|---------------------------------------|
| 1 | 17° 44.963'N           | 64° 53.815'W | Tires; Autos                          |
| 2 | 17° 45.043'N           | 64° 53.716'W | Steel Tugboat, <i>North Wind</i>      |
| 3 | 17° 45.138'N           | 64° 53.713'W | Steel freighter; <i>Suffolk Maid</i>  |
| 4 | 17° 45.066'N           | 64° 53.073'W | Steel cylinders                       |
| 5 | 17° 45.131'N           | 64° 53.731'W | Steel cargo vessel; <i>Rosa Maria</i> |
| 6 | 17° 45.061'N           | 64° 53.755'W | Fuel barge; <i>Virgin Islander</i>    |
| 7 | 17° 44.899'N           | 64° 53.788'W | Pier debris                           |
| 8 | 17° 45.181'N           | 64° 53.727'W | Steel Tugboat; <i>Coakley Bay</i>     |





**DIVISION OF FISH AND WILDLIFE**

6291 Estate Nazareth  
St. Thomas, VI 00802  
(340) 775-6762

45 Mars Hill Complex  
Frederiksted, St. Croix, VI 00840  
(340) 773-1082

**DIVISION OF ENVIRONMENTAL ENFORCEMENT**

Cyril E. King Airport  
Terminal Building, 2nd Floor  
St. Thomas, VI 00802  
(340) 774-3320 ext. 5106

6003 Anna's Hope  
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