

## Fishery Conservation and Management

## § 622.491

(iv) Any other information that may be necessary for the issuance or administration of the permit.

### § 622.471 Prohibited gear and methods.

Also see §622.9 for additional prohibited gear and methods that apply more broadly to multiple fisheries or in some cases all fisheries.

(a) *Power-assisted tools.* A power-assisted tool may not be used in the Caribbean EEZ to take a Caribbean coral reef resource.

(b) [Reserved]

### § 622.472 Prohibited species.

(a) *General.* The harvest and possession restrictions of this section apply without regard to whether the species is harvested by a vessel operating under a commercial vessel permit. The operator of a vessel that fishes in the EEZ is responsible for the limit applicable to that vessel.

(b) *Caribbean prohibited coral.* Caribbean prohibited coral may not be fished for or possessed in or from the Caribbean EEZ. The taking of Caribbean prohibited coral in the Caribbean EEZ is not considered unlawful possession provided it is returned immediately to the sea in the general area of fishing.

### § 622.473 Restrictions on sale/purchase.

(a) *Caribbean prohibited coral.* (1) No person may sell or purchase a Caribbean prohibited coral harvested in the Caribbean EEZ.

(2) A Caribbean prohibited coral that is sold in Puerto Rico or the U.S. Virgin Islands will be presumed to have been harvested in the Caribbean EEZ, unless it is accompanied by documentation showing that it was harvested elsewhere. Such documentation must contain:

(i) The information specified in subpart K of part 300 of this title for marking containers or packages of fish or wildlife that are imported, exported, or transported in interstate commerce.

(ii) The name and home port of the vessel, or the name and address of the individual, harvesting the Caribbean prohibited coral.

(iii) The port and date of landing the Caribbean prohibited coral.

(iv) A statement signed by the person selling the Caribbean prohibited coral attesting that, to the best of his or her knowledge, information, and belief, such Caribbean prohibited coral was harvested other than in the Caribbean EEZ or the waters of Puerto Rico or the U.S. Virgin Islands.

(b) [Reserved]

### § 622.474 Adjustment of management measures.

In accordance with the framework procedure of the Fishery Management Plan for Corals and Reef Associated Plants and Invertebrates of Puerto Rico and the U.S. Virgin Islands, the RA may establish or modify the following items:

(a) Fishery management units (FMUs), quotas, trip limits, bag limits, size limits, closed seasons or areas, gear restrictions, fishing years, MSY, OY, TAC, MFMT, MSST, OFL, ABC control rules, ACLs, AMs, ACTs, and actions to minimize the interaction of fishing gear with endangered species or marine mammals.

(b) [Reserved]

## Subpart V—Queen Conch Resources of Puerto Rico and the U.S. Virgin Islands

### § 622.490 Prohibited gear and methods.

Also see §622.9 for additional prohibited gear and methods that apply more broadly to multiple fisheries or in some cases all fisheries.

(a) In the Caribbean EEZ, no person may harvest queen conch by diving while using a device that provides a continuous air supply from the surface.

(b) [Reserved]

### § 622.491 Seasonal and area closures.

(a) No person may fish for or possess on board a fishing vessel a Caribbean queen conch in or from the Caribbean EEZ, except from November 1 through May 31 in the area east of 64°34' W. longitude which includes Lang Bank east of St. Croix, U.S. Virgin Islands.

(b) Pursuant to the procedures and criteria established in the FMP for Queen Conch Resources in Puerto Rico and the U.S. Virgin Islands, when the ACL, as specified in §622.12(a)(2)(i)(A), is reached or projected to be reached,

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the Regional Administrator will close the Caribbean EEZ to the harvest and possession of queen conch, in the area east of 64°34' W. longitude which includes Lang Bank, east of St. Croix, U.S. Virgin Islands, by filing a notification of closure with the Office of the Federal Register. During the closure, no person may fish for or possess on board a fishing vessel, a Caribbean queen conch, in or from the Caribbean EEZ, in the area east of 64°34' W. longitude which includes Lang Bank, east of St. Croix, U.S. Virgin Islands.

[78 FR 22952, Apr. 17, 2013, as amended at 78 FR 56173, Sept. 12, 2013]

**§ 622.492 Minimum size limit.**

(a) The minimum size limit for Caribbean queen conch is 9 inches (22.9 cm) in length, that is, from the tip of the spire to the distal end of the shell, and 3/8 inch (9.5 mm) in lip width at its widest point. A queen conch with a length of at least 9 inches (22.9 cm) or a lip width of at least 3/8 inch (9.5 mm) is not undersized.

(b) A Caribbean queen conch not in compliance with its size limit, as specified in this section, in or from the Caribbean EEZ, may not be possessed, sold, or purchased and must be released immediately with a minimum of harm. The operator of a vessel that fishes in the EEZ is responsible for ensuring that Caribbean queen conch on board are in compliance with the size limit specified in this section.

**§ 622.493 Landing Caribbean queen conch intact.**

(a) A Caribbean queen conch in or from the Caribbean EEZ must be maintained with meat and shell intact.

(b) The operator of a vessel that fishes in the EEZ is responsible for ensuring that Caribbean queen conch on that vessel in the EEZ are maintained intact and, if taken from the EEZ, are maintained intact through offloading ashore, as specified in this section.

**§ 622.494 Bag limit.**

(a) *Applicability.* Section 622.11(a) provides the general applicability for bag and possession limits. However, § 622.11(a)(1) notwithstanding, the bag limit of paragraph (b) of this section does not apply to a person who has a

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valid commercial fishing license issued by Puerto Rico or the U.S. Virgin Islands.

(b) *Bag limit.* The bag limit for queen conch in or from the Caribbean EEZ is 3 per person or, if more than 4 persons are aboard, 12 per boat.

**§ 622.495 Commercial trip limit.**

Commercial trip limits are limits on the amount of the applicable species that may be possessed on board or landed, purchased, or sold from a vessel per day. A person who fishes in the EEZ may not combine a trip limit specified in this section with any trip or possession limit applicable to state waters. A species subject to a trip limit specified in this section taken in the EEZ may not be transferred at sea, regardless of where such transfer takes place, and such species may not be transferred in the EEZ.

(a) *Applicability.* The trip limit of paragraph (b) of this section applies to a vessel that has at least one person on board with a valid commercial fishing license issued by Puerto Rico or the U.S. Virgin Islands. If no person on board the vessel has a valid commercial fishing license issued by Puerto Rico or the U.S. Virgin Islands, the bag limit specified in § 622.494(b) applies.

(b) *Trip limit.* The trip limit for queen conch in or from the Caribbean EEZ is 200 queen conch per day.

[78 FR 22952, Apr. 17, 2013, as amended at 78 FR 56173, Sept. 12, 2013]

**§ 622.496 Annual catch limits (ACLs), annual catch targets (ACTs), and accountability measures (AMs).**

See § 622.12 for applicable ACLs and AMs.

**§ 622.497 Adjustment of management measures.**

In accordance with the framework procedure of the Fishery Management Plan for Queen Conch Resources of Puerto Rico and the U.S. Virgin Islands, the RA may establish or modify the following items:

(a) Quotas, trip limits, bag limits, size limits, closed seasons or areas, gear restrictions, fishing year, MSY, OY, TAC, MFMT, MSST, OFL, ABC control rules, ACLs, AMs, ACTs, and actions to minimize the interaction of