

Fishery Management Plan for the Spiny Lobster Fishery of Puerto Rico and the U.S. Virgin Islands

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The Council's Spiny Lobster FMP (CFMC 1981; 49 FR 50049) was implemented in January 1985, and was supported by an EIS. The FMP defined the Caribbean spiny lobster fishery management unit to include *Panulirus argus* (Caribbean spiny lobster), described objectives for the spiny lobster fishery, and established management measures to achieve those objectives.

Primary management measures included:

- § The definition of MSY as 830,000 lbs per year;
- § The definition of OY as "all the non-[egg-bearing] spiny lobsters in the management area having a carapace length of 3.5 inches or greater that can be harvested on an annual basis," which was estimated to range from 582,000 to 830,000 lbs per year;
- § A prohibition on the retention of egg-bearing (berried) lobsters (berried female lobsters may be kept in pots or traps until the eggs are shed), and on all lobsters with a carapace length of less than 3.5 inches;
- § A requirement to land lobster whole;
- § A requirement to include a self-destruct panel and/or self-destruct door fastenings on traps and pots;
- § A requirement to identify and mark traps, pots, buoys, and boats; and
- § A prohibition on the use of poisons, drugs, or other chemicals, and on the use of spears, hooks, explosives, or similar devices to take spiny lobsters.

Amendment 1 to the Spiny Lobster FMP (CFMC 1990a; 56 FR 19098), implemented in May 1991, added to the FMP definitions of overfished and overfishing, and outlined framework actions that could be taken should overfishing occur. The amendment defined "overfished" as a biomass level below 20% of the spawning potential ratio (SPR). It defined "overfishing" as a harvest rate that is not consistent with a program implemented to rebuild the stock to the 20% SPR. An Environmental Assessment (EA) and a finding of no significant impact (FONSI) supported that amendment.

Fishery Management Plan for the Reef Fish Fishery (that contains Yellowtail Snapper) of Puerto Rico and the U.S. Virgin Islands

The Council's Reef Fish FMP (CFMC 1985; 50 FR 34850) was implemented in September 1985. The FMP, which was supported by an EIS, defined the reef fish fishery management unit to include shallow water species only, described objectives for the shallow water reef fish fishery, and established management measures to achieve those objectives. Primary management measures relative to the management of yellowtail snapper included:

- § The definition of MSY as equal to 7.7 million lbs;
- § The definition of OY as "all of the fishes in the management unit that can be harvested by U.S. fishermen under the provisions of the FMP...This amount is currently estimated at 7.7 million lbs;"
- § The specification of criteria for the construction of fish traps, which included a minimum 1 1/4-inch mesh size requirement and a requirement that fish traps contain a self-destruct panel and/or self-destruct door fastening;
- § A requirement to identify and mark gear and boats;
- § A prohibition on the use of poisons, drugs, and other chemicals and explosives to take reef fish;
- § A prohibition on the take of yellowtail snapper that measure less than 8 inches total length for the first fishing year, to be increased one inch per year until the minimum size limit reached 12 inches;

Amendment 1 to the Reef fish FMP (CFMC 1990b; 55 FR 46214) was implemented in December 1990. That amendment was supported by an EA with a FONSI. Primary management measures relative to yellowtail snapper included:

- § An increase in the minimum mesh size for traps to 2 inches;
- § A prohibition on fishing in an area southwest of St. Thomas, USVI from December 1 through February 28 of each year, a period that coincides with the spawning season for red hind (this seasonal closure would later become a year-round closure with the implementation of the Hind Bank Marine Conservation District through Amendment 1 to the Coral FMP).

Amendment 1 also defined overfished and overfishing for shallow water reef fish. "Overfished" was defined as a biomass level below 20% of the spawning stock biomass per recruit (SSBR) that would occur in the absence of fishing. For stocks that are overfished, "overfishing" was defined as a rate of harvest that is not consistent with a program that has been established to rebuild a stock or stock complex to the 20% SSBR level. For stocks that are not overfished, "overfishing" was defined as "a harvesting rate that if continued would lead to a state of the stock or stock complex that would not at least allow a harvest of OY on a continuing basis."

A regulatory amendment to the Reef Fish FMP (CFMC 1991; 56 FR 48755) was implemented October 1991. The primary management measures contained in this amendment, which was supported by an EA with a FONSI, relative to yellowtail snapper included:

- § A modification to the mesh size increase implemented through Amendment 1 to allow a mesh size of 1.5 inches for hexagonal mesh, and a change in the effective date of the 2-inch minimum mesh size requirement for square mesh to September 13, 1993; and
- § A change in the specifications for degradable panels for fish traps related to the required number of panels (required two panels per trap), and their size, location, construction, and method of attachment.

Amendment 2 to the Reef Fish FMP (CFMC 1993; 58 FR 53145), implemented in November 1993, was supported by an SEIS. That amendment redefined the reef fish fishery management unit (Table 3) to include the major species of deep water reef fish and marine aquarium finfish. Primary management measures relative to yellowtail snapper implemented through this amendment included:

- § A prohibition on fishing in an area off the west coast of Puerto Rico (Tourmaline Bank) from December 1 through February 28 each year, a period that coincides with the spawning season for red hind;
- § A prohibition on fishing in an area off the east coast of St. Croix, USVI (Lang Bank) from December 1 through February 28 each year, a period that coincides with the spawning season for red hind; and
- § A prohibition on fishing in an area off the southwest coast of St. Croix, USVI from March 1 through June 30 each year, a period that coincides with the spawning season for mutton snapper.

Existing definitions of MSY and OY were applied to all reef fish within the revised FMU, with the exception of marine aquarium finfish.

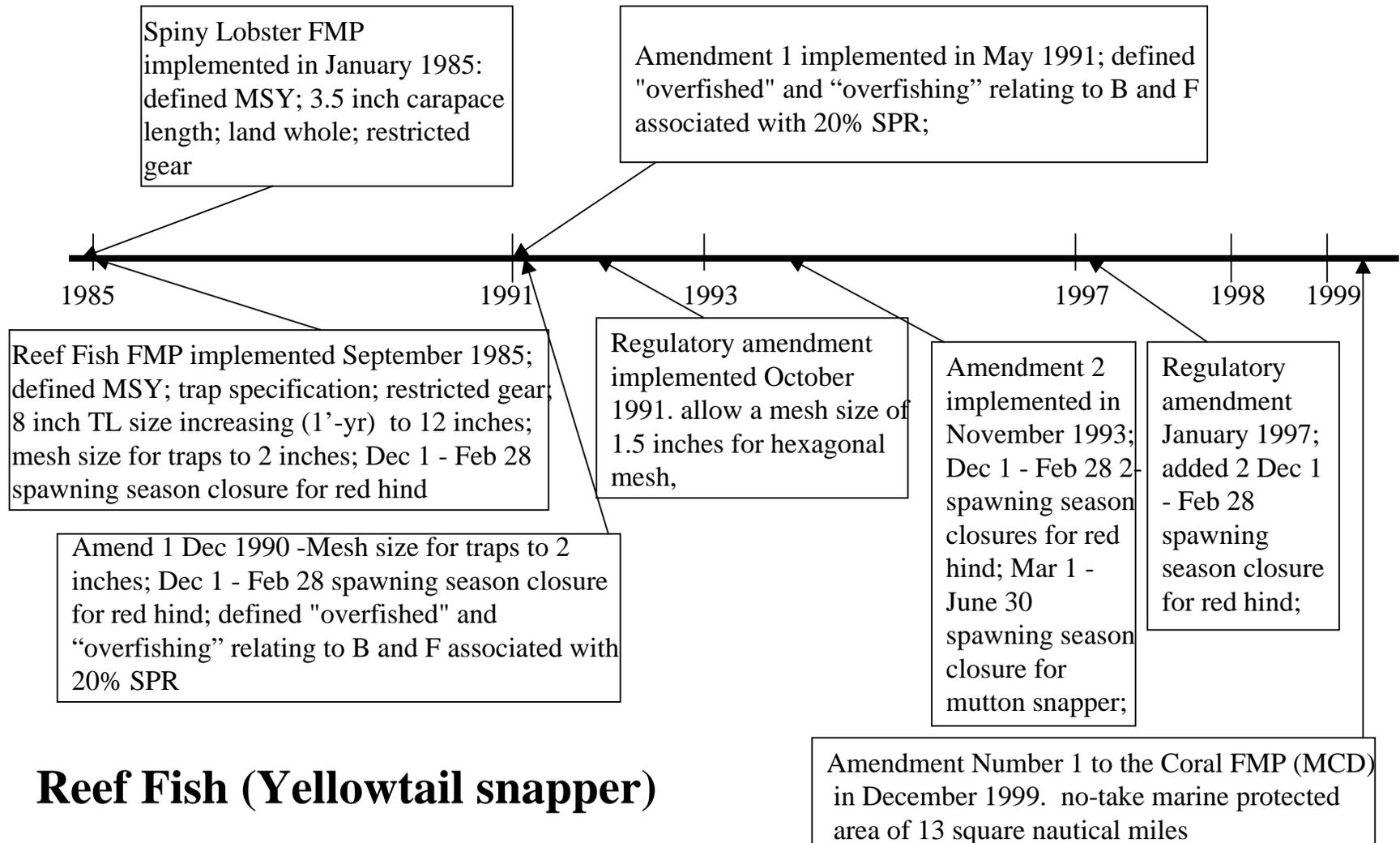
A technical amendment to the Reef Fish FMP (59 FR 11560), implemented in April 1994, clarified the minimum mesh size allowed for fish traps.

Finally, an additional regulatory amendment to the Reef Fish FMP (CFMC 1996b; 61 FR 64485) was implemented in January 1997. That action, supported by an EA, reduced the size of the Tourmaline Bank closure that was originally implemented in 1993. The regulation prohibited fishing in two areas off the west coast of Puerto Rico (Abrir La Sierra Bank (Buoy 6) and Bajo de Cico) from 1 December to 28 February of each year, a period that coincides with the spawning season of red hind.

Amendment Number 1 to the Coral FMP (CFMC 1999; 64 FR 60132), implemented the Marine Conservation District (MCD) in December 1999. This amendment prohibited anchoring of fishing vessels and created a no-take marine protected area of 13 square nautical miles, south of St. Thomas, USVI. An interim rule to close Grammanik Bank south of St. Thomas (adjacent to the MCD) to protect spawning aggregations of yellowfin grouper for three months has been submitted by Council at the request of NGOs and must be effective February 1, 2005 (69 FR 67104, November 16, 2004). The closure is expected to protect other species (i.e., Nassau grouper and red hind) that spawn during the same period in the same area. An option to continue this seasonal closure in subsequent years is contained in the SFA Amendment

The existing MSY and OY definitions contained in the Shallow Water Reef Fish FMP do not meet the current SFA requirements. The Council in conjunction with SERO has developed a Comprehensive SFA Amendment that, when implemented, revises status determination criteria to be SFA compliant. The SFA Amendment is the public comment stage. The Council is expected to submit the SFA Amendment for Secretarial review and approval early in 2005.

Spiny lobster



Reef Fish (Yellowtail snapper)