

**Draft Recreational Fishing
Rules and Regulations
Title 12, Chapter 2, Subchapter 106**



GOVERNMENT OF THE US VIRGIN ISLANDS
DEPARTMENT OF PLANNING AND NATURAL RESOURCES
DIVISION OF FISH AND WILDLIFE

DEPARTMENT OF PLANNING AND NATURAL RESOURCES
DIVISION OF FISH AND WILDLIFE
RECREATIONAL FISHING

PROPOSED RECREATIONAL FISHING
RULES AND REGULATIONS

Submitted this ___ day of ___, 2021

To

GOVERNOR ALBERT BRYAN, JR

By

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Commissioner

Department of Planning and Natural Resources

Title 3, Chapter 22, Section 401 states in pertinent part that the Department of Planning and Natural Resources (“DPNR”) “shall administer and enforce all laws pertaining to: (1) fish and wildlife.” [3 V.I.C. §401(a)(1)]. Furthermore, “it is the duty of the Department, and it is empowered to:

(3) foster, promote and undertake programs and projects for the conservation and development of the natural resources of the United States Virgin Islands; [3 V.I.C. §401(b)(3)].

(7) provide for the conservation, maintenance and management of United States Virgin Islands wildlife, the resources thereof, and its habitat, and to make investigations to determine the effects of domestic sewage, industrial wastes and other polluting substances on wildlife and means of alleviating dangerous and undesirable effects of pollution; [3 V.I.C. §401(b)(7)].

Pursuant to 3 V.I.C. §401, DPNR is mandated to administer and enforce wildlife laws including the prohibited activities outlined in 12 V.I.C. §105, wherein “No person may take, catch, possess, injure, harass, kill, or attempt to take, catch, possess, injure, harass or kill, or sell or offer for sale, or transport or export, whether or not for sale, any indigenous species, including live rock; except that persons holding valid fishing or hunting licenses, scientific or aquarium collecting permits, or indigenous species retention permits, may operate within the scope and under the terms and conditions expressed in those licenses and permits.” [12 V.I.C. §105(a)].

Except as otherwise provided, the Commissioner of Conservation and Cultural Affairs [sic] shall administer the provisions of this chapter. [12 V.I.C. §1]. The Commissioner of DPNR shall administer sport fish restoration and management projects, “designed for the restoration and management of all species of fish which have material value in connection with sports or recreation in the marine or fresh waters of the Virgin Islands, including:

- (1) such research into problems of fish management and culture as may be necessary to efficient administration affecting fish resources;
- (2) the acquisition of such facts as are necessary to guide and direct the regulation of fishing by law, including the extent of the fish population, the drain on the fish supply from fishing or natural causes, the necessity of legal regulation of fishing and the effects of any measures of regulation that are applied;” [12 V.I.C. §81c].

The Fish and Wildlife Restoration Trust Fund is “held in trust for the benefit of DPNR, Division of Fish and Wildlife, to fund fish restoration and management projects pursuant to section 81c.” [12 V.I.C. §81d(a)]. Monies from “all sport and recreational fishing licenses, permits and related fees collected under this title” are to be deposited into this trust. [12 V.I.C. §81d(c)].

It is the duty of DPNR, and DPNR is empowered, with the approval of the Governor, to “issue rules and regulations, not inconsistent with the provisions of this chapter, as may be necessary or appropriate for the implementation and effectuation of its powers, duties and functions.” [3 V.I.C. §401(b)(16)].

U.S. VIRGIN ISLANDS RULES & REGULATIONS (“VIRR”)

Title 12. Conservation

Chapter 2. Protection of Indigenous, Endangered and Threatened Fish, Wildlife and Plants

Subchapter 106. Recreational Fishing

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ADDITIONS:

CVIR 12-002-000, Subchapter 106

Pursuant to authority granted in Title 3 V.I.C., Chapter 22, Section 401(b)(16), Title 12 V.I.C., Chapter 1, Sections 1, 81c, and 81d, and Title 12 V.I.C., Chapter 2, Section 105, DPNR submits the rules and regulations as follows as CVIR 12-002-000, Subchapter 106, Recreational Fishing:

§106-1: Declaration of Policy

The purpose of these Rules & Regulations is to preserve, manage, and protect fishery resources, to regulate recreational fishing, and to secure its development in all marine, estuarine and freshwaters within the jurisdiction of the United States Virgin Islands.

These Rules & Regulations are intended to contribute to uniform and coordinated procedures for administration of fisheries management provisions of the Virgin Islands Code (V.I.C.) These Regulations are to be interpreted and applied consistent with the V.I.C. The definitions, policies, or other provisions of the Code are to be read together with these Regulations.

§106-2: Definitions

Terms defined by Title 12 V.I.C. §302 shall have the same meaning when used herein. Additional terms used herein shall mean as follows:

- (a) “Angling” means Fishing with hand line or rod with naturally or artificially baited hook.
- (b) “Cast Net” means a type of circular falling net, weighted on its periphery, which is thrown and retrieved by hand.
- (c) “Catch and Release” means Fishing where immediate release is required back to the waters from which the Fish was removed, without avoidable injury, and no take or retention is permitted.
- (d) “Charter Fishing Operation” means any business that utilizes one or more Charter Fishing Vessels.
- (e) “Charter Fishing Vessel” means any for hire vessel from which Fishing or other recreational Take of Fish is conducted.
- (f) “Closed season” means the period of time prescribed by the Commissioner during which it shall be unlawful to catch 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.
- (g) “Commissioner” means the Commissioner of the Department of Planning and Natural Resources.
- (h) “Conservation Officers” means the enforcement officers of the Department of Planning and Natural Resources.
- (i) “Department” means the Department of Planning and Natural Resources (DPNR).
- (j) “Dip Net” means a handheld and hand-operated net where mesh or netting is fastened in a frame not exceeding 3ft at its widest point.

- (k) “Division” means the Division of Fish and Wildlife.
- (l) “Estuary” or “Estuarine” means that part of a river or stream or other body of water having a tidal connection with the sea, where the sea water is measurably diluted with fresh water derived from land drainage.
- (m) “Licensed Recreational Fisher” means any person who has been registered, certified, or licensed to catch/harvest Fish for personal use in the Territorial waters of the Virgin Islands.
- (n) “Recreational Fishing License” means a license issued to a recreational fisher who has applied to and fulfilled all requirements of the Department and been issued permission to become a recreational fisher.
- (o) “Tag” is issued to a person whose intent it is to personally recreate or consume a single Fish stock whereas a license is for all approved activities and species of Fish except for those covered by Tags.
- (p) “Fish” includes, when used as a noun, fish, oysters, clams, conches, 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.
- (q) The verb ‘to catch’ means the same as “to fish.”
- (r) 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.
- (s) “Fishery resource” means any Fish, any stock of Fish, any species of Fish, and any habitat of Fish.
- (t) “Personal Use” shall include harvesting of Fish for consumption or recreation but not for sale.
- (u) “Recreational Fisher” means any person harvesting or taking Fish for personal use or consumption, not for the purpose of sale, barter, or trade, in any form, any Fish.
- (v) “Resident” means any natural person who has had the Territory as their legal place of residence for one full year immediately preceding the time of consideration.
- (w) The verb “to sell” in all its modes and tenses shall include offers for sale, possession for profit, exchange, negotiation, or the engagement in any other activity of a commercial nature.
- (x) “Seller” means any person who offers for sale, possession for profit, exchange, negotiation, or the engagement in any other activity of a commercial nature any Fish.
- (y) “Scientific or educational purposes” means purposes directly related to learning, teaching, training, research, and development that are part of the instructional or research functions performed by an accredited educational or research institution or other authorized educational organization that do not include commercial, professional or any other for-profit purposes.
- (z) The word “shall” is mandatory, not discretionary.
- (aa) “Spear Fishing” means the taking of Fish by the means of a spear by hand or through the instrumentality of a mechanically propelled, single, or multi-pronged spear or lance, barbed or barbless.
- (bb) The verb “to take” in all its modes and tenses means to harass, harm, pursue, hunt, shoot, kill, trap, capture, intentionally wound, or collect, or attempt to engage in any such conduct.

§106-3: Duties of the Division

- (a) The Division shall issue Recreational Licenses and registrations for the Taking of fishery resources and the processing thereof at sea or on shore within this Territory.

- (b) The Division shall administer, coordinate, and support enforcement of the provisions of these rules and regulations promulgated hereunder, in cooperation with other appropriate divisions and departments of the Territorial and Federal Governments.
- (c) The Division, subject to the provisions of 3 V.I.C. Chapter 25, shall appoint such fisheries scientists, research staff and other personnel as are necessary to the proper and effective administration and support of enforcement of these rules and regulations promulgated hereunder.

§106-4: Conservation Officers

Conservation officers have the powers and authorities set forth in 12 V.I.C. §305 including without limitation the authority to enforce these regulations.

§106-5: Jurisdiction

For the purpose of these Regulations, the jurisdiction of the Territory shall include all inland freshwater and Estuarine waters and shall extend to either 3 miles from the shorelines of the Territory or to any international boundary located within such 3-mile limit, whichever distance is shorter.

Lands and submerged lands located in the Territory which have been designated as federally protected, including those lands and submerged lands under the jurisdiction of the Department of the Interior, and lands and submerged lands designated by the Territory as protected, including but not limited to designated marine parks, are subject to these regulations as well as supplemental regulations related to their federal or territorial designation which may restrict the right to Fish within designated areas. The more restrictive of the regulations shall be applicable.

§106-6: Fishing

No person may engage in Fishing and no vessel or other fishing device may be used in Fishing in the Territory unless registered, certified, or licensed in accordance with the provisions of these regulations or 12 V.I.C. Chapter 9A pertaining to Commercial Fishing, as applicable.

§106-7: Registration and Licensing

- (a) The Division, upon written or digital application from any person eligible for a Recreational Fishing License (“License”) or Tag hereinafter referred to, and upon payment of the prescribed fee, shall grant and renew Licenses and Tags for the purpose of Recreational Fishing in the jurisdictional waters of this Territory.
- (b) All Licenses and Tags issued pursuant to this section shall be issued by the Division on forms prepared and designed for this purpose. Said Licenses and Tags shall be valid for the length of time specified, appropriate to the category of License or Tag, from the date of issue. The Division shall prescribe a schedule of fees for each type of License and Tag issued under this section.

- (c) Prior to engaging in Fishing in Territorial waters, the name, contact information and License number of licensees must be previously entered in a register and database which shall be provided by the Division and kept in an office or offices designated by the Division. The register and database are to be kept in such a state as meets Federal reporting requirements for Recreational Fishing, including but not limited to the requirements for state exemption status pursuant to 50 C.F.R. part 600, subpart P, the National Saltwater Angler Registry.
- (d) The following persons are exempt from all License and Tag fees as hereafter described:
- (1) Any person under and up to 16 years of age provided they abide by all other fishing regulations and age can be verified upon request with a government issued ID, Junior Angler Card, or birth certificate.
- (e) The following persons are exempt from License or Tag fee requirements when registering for a License or Tag as hereafter described:
- (1) Residents enrolled in the Supplemental Nutrition Assistance Program (Food Stamp) Medicaid or WIC provided that enrollment can be verified with government issued documentation and that such Fishing is for the purpose of providing food for themselves and their families.
 - (2) Any person over 62 years of age, provided age can be verified with a government issued ID or birth certificate.
 - (3) Any person actively serving in the U.S. Armed Forces and stationed in the Virgin Islands, provided current assignment can be verified with government issued documentation.
 - (4) Any person with a disability as proscribed by the Americans With Disabilities Act (ADA), provided their status can be verified with government issued ID or documentation, or self - declaration.
 - (5) Any person with a current commercial fishing license valid in the Territory, provided status can be verified with government issued ID or documentation.
- (f) License fees for non-exempt persons will be charged as follows:
- (1) Residents of the Virgin Islands must register with the Division and purchase an annual license for fifteen (\$15) dollars to engage in Recreational Fishing.
 - (2) Non-residents and visitors to the Virgin Islands must register with the Division and purchase either an annual license for forty-five (\$45) dollars, a 30-day license for thirty (\$30) dollars or a 7-day license for twenty (\$20) to engage in Recreational Fishing.
- (g) Charter Fishing Operations must register with the Division and purchase an annual Charter Vessel Fishing License, per Charter Fishing Vessel, for two hundred and twenty-five (\$225) dollars for up to six passengers or five hundred (\$500) for greater than six passengers to engage in Recreational Fishing.
- (1) Individuals up to the number stated on the boat's Charter Vessel Fishing License may Fish from the vessel under that license without possessing individual licenses.
 - (2) Charter Vessel Fishing License holders must submit monthly catch report data as required by the Division to remain eligible for the license.
- (h) Tags must be purchased for the following recreational activities, which are not included under the License: Take of land crab, shrimping, and Take for aquariums. These Tags may be

purchased and used independently of a standard License. Tag fees for non-exempt persons will be charged as follows:

- (1) Land crab, ten (\$10) dollars annually.
- (2) Shrimping, ten (\$10) dollars annually.
- (3) Aquarium, ten (\$10) dollars annually pursuant to 12 VIC §106.

- (i) If a hard copy License issued under this section is lost or destroyed, the licensee may, upon application to the Division, and upon payment of a fee of twelve (\$12) dollars, receive a duplicate thereof.
- (j) The Division shall state in its annual report the number of registrations and Licenses of each kind granted under this section, and the total amount of the fees or taxes collected thereby to be deposited into the Fish and Wildlife Restoration Trust Fund as stipulated in 12 V.I.C. §81d.
- (k) The Division shall establish the Fisheries Conservation Card program to provide an opportunity for non-recreational Fishers to support the Division's conservation and restoration mandates. Cards may be purchased for ten (\$10) dollars and do not grant the right to Fish. Monies from cards issued under this program shall be credited to the Fish and Wildlife Restoration Trust Fund pursuant to 12 V.I.C. §81d, for use by Department of Planning and Natural Resources, Division of Fish and Wildlife, solely to fund Fish restoration and management projects.
- (l) The Division shall establish the Junior Angler program to provide educational information about fisheries' resources to youth. The Division shall issue any person under 16 years of age providing proof of age and completing an application, a Junior Angler card, authorizing Fishing without a license until the card holder reaches the card holder's 16th (sixteenth) birthday.
- (m) Any person who violates any provision of this section, unless otherwise provided, shall be subject to a fine of not less than twenty (\$20) dollars nor more than ten thousand (\$10,000) dollars which shall be levied based on cost of the resources violated.
 - (1) Persons found in violation of licensing requirements, for their first offense, may have the fine waived if the fine was for less than one hundred (\$100) and the violator:
 - (A) Purchases and registers for the correct license on site of infraction in the presence of the enforcement officer; or
 - (B) Presents correct registration within thirty (30) days at the appropriate enforcement office corresponding to the issuance of the fine to have the violation voided.
 - (2) Persons found in violation of licensing requirements, for their second offense, may have half of the cost of the fine waived if the fine was for less than one hundred (\$100) and the violator:
 - (A) Purchases and registers for the correct License on site of infraction in the presence of the enforcement officer; or
 - (B) Presents correct registration within thirty (30) days at the appropriate enforcement office corresponding to the issuance of the fine to have the violation adjusted.

§106-8: Authorized Vendors

Fishers may register for and purchase licenses from the Division at Division authorized government offices or vendor locations as managed by the Division. These may include but are not limited to marinas, dive and fishing shops, and adventure outfitters. All vendors must be approved by the Division, demonstrate understanding of regulations and have mechanisms in place to provide all Recreational Fisher's registration information as well as complete revenue from License sales to the Division in a regular and timely manner. The vendor shall have an authorized vendor license from the Division prior to being issued a license from the Department of Licensing and Consumer Affairs; both a license from the Division and from Department of Licensing and Consumer Affairs are required prior to becoming an active vendor. Potential vendors must complete an application form through the Division, be approved at the discretion of the Division, and sign an agreement outlining the responsibilities of the vendor and the Division, including management of funds.

The sale of licenses by a non-authorized vendor, the retention of revenue from licenses, or untimely or incomplete transfer of registration information to the Division (as determined by the Division), shall be subject to a fine of not less than twenty (\$20) dollars nor more than two hundred (\$200) dollars per instance of sale, retention, or withholding of information as well as potential withdrawal of approved vendor status at the discretion of the Division and violators of these provisions will face penalties pursuant to 12 V.I.C. §107.

This constitutes fraud, and the perpetrator may be subjected to criminal penalties pursuant to 14 V.I.C. §834.

§106-9: Fish and Wildlife Restoration Trust Fund

Moneys received by the Territory for Licenses, fines or other penalties relating to Fish or fisheries and such sums as may be credited for other reasons for recreational Fish or fisheries activities in the Territory, including sums received from the federal government, shall be credited to the Fish and Wildlife Restoration Trust Fund pursuant to 12 V.I.C. §81d, for use by the Division solely to fund Fish restoration and management projects.

§106-10: Closed Seasons

The Commissioner shall announce, at least forty-five (45) days in advance, the beginning of each of the closed seasons or limit restrictions prescribed for the protection of one or more species of Fish.

The recreational Take of any Fish under a closed season declared territorially or federally is prohibited in Territorial waters and subject to a fine of not less than twenty (\$20) nor more than one hundred (\$100) dollars per Fish.

§106-11: Protection of Midnight, Blue, and Rainbow Parrotfish

No person may recreationally Fish or possess midnight, blue, or rainbow parrotfish. Such Fish caught must be released with a minimum of harm.

§106-12: Protection of Marine Turtles, Nests and Eggs

There shall be no recreational Take of marine turtles, nests, and eggs. Marine turtles, nests, and eggs protections and penalties apply to Recreational Fishers pursuant to 12 V.I.C. §318.

§106-13: Whelk; Regulations

A recreational fishing license is required to Take whelk. There is a recreational catch limit of no more than twenty-four (24) whelk, per person, per day. Such Take is subject to the size limits, landing restrictions, closed season, and penalties set forth in 12 V.I.R.R. §316-5, 12 V.I.R.R. §316-6, and 12 V.I.R.R. §316-7.

§106-14: Dolphinfish and Wahoo Combined; Regulations

There is a combined recreational catch limit of no more than ten (10) dolphinfish or wahoo, per person, per day, not to exceed thirty-two (32) per vessel per day, and not to exceed four (4) wahoo per person, per day, or twenty (20) wahoo per vessel, per day.

§106-15: Lobsters; Regulations

A recreational fishing license is required to Take lobster. Such Take is subject to the size limits, regulations, and penalties set forth in 12 V.I.C. §319.

- (a) There is a recreational catch limit of no more than three lobsters, per person, per trip or ten per vessel, per trip, whichever is fewer.
 - (1) Any person who violates this catch limit, unless otherwise provided, shall be subject to a fine of not less than one hundred (\$100) dollars nor more than six hundred (\$600) dollars.

§106-16: Take of Invasive and Nuisance Species

No license is needed nor any limit in place for individuals to Take any species on the list of aquatic nuisance species in the USVI Invasive Species Action Plan as declared by the Commissioner.

Organized, systemic take of species of Invasive and Nuisance Species is permitted with conditional approval from the Division and does not require participants to hold individual Licenses. It is prohibited for approved recreational individuals or groups of individuals to Sell any Fish taken.

§106-17: Estuarine Fishing

Recreational Fishing in Estuarine waters is permitted unless the Estuary is inside of restricted or protected area that prohibits fishing. There is no Recreational Fishing permitted in Estuarine waters where commercial fishing is prohibited pursuant to 12 V.I.C. Chapter 9A and its accompanying rules and regulations.

Violators of these provisions will face penalties pursuant to 12 V.I.C. §107.

§106-18: Freshwater Fishing

Except as permitted in this chapter, Recreational 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 besides Angling or Dip Net. There is a recreational Freshwater fishing catch limit of six (6) Fish per person, per day.

Violators of these provisions will face penalties pursuant to 12 V.I.C. §107.

§106-19: Take for Aquariums

Any recreational Take of Fish for aquariums requires an active aquarium Tag. Aquarium collecting must be conducted pursuant to 12 V.I.C. §105(a) and §105(b), and 12 V.I.C. §106 pertaining to permits and licenses for scientists and aquarium collectors. For-profit aquarium Fishing must be conducted in accordance with 12 V.I.C. §106(c). There is a recreational aquarium fishing catch limit of five (5) Fish per person, per day.

Use of slurp guns is prohibited and all aquarium collecting activities must comply with the regulations of this section.

Dip Nets may be used To Fish for aquarium specimens in salt, estuarine, or freshwater.

Live red hind or live mutton snapper may not be sold or purchased and used in the marine aquarium trade.

Violators of these provisions will face penalties pursuant to 12 V.I.C. §107.

§106-20: Science, Education, and Breeding

Fishing for scientific, educational, and breeding purposes shall be conducted pursuant to 12 V.I.C. §317 and any violation will result in penalties pursuant to 12 V.I.C. §325.

§106-21: Shrimping

Any recreational Take of shrimp requires an active shrimping Tag. Recreational shrimping is subject to all gear and location restrictions under 12 V.I.C. Chapter 9A.

§106-22: Land Crabs

Any recreational Take of land crabs requires an active land crab Tag.

§106-23: Spearfishing

No person may engage in recreational Spearfishing and no vessel or other Fishing device may be used in recreational Spearfishing in the Territory unless registered, certified, or licensed in accordance with the provisions of these regulations. Recreational Spearfishing of lobsters is prohibited.

Violators of these provisions will face penalties pursuant to 12 V.I.C. §107.

§106-24: Recreational Fishing Gear

Recreational Fishers are permitted to Fish by means of Angling, Dip Net, handheld Cast Nets, and Spearfishing, subject to these regulations. Lobsters may be taken by snare, and octopus by hook, in accordance with all applicable regulations and limits. Persons holding recreational fishing licenses may not utilize any other method or means to Fish.

Violators of these provisions will face penalties pursuant to 12 V.I.C. §107.

§106-25: Purchase and Sale of Seafood

No Recreational Fisher May Sell any Fish. No Charter Vessel Operation may sell any Fish caught during a trip under which recreational Take of Fish was conducted.

No person shall purchase Fish from any Seller other than a Seller holding an authorized license pursuant to 12 V.I.C. Chapter 9A.

Any person caught in violation of this section shall be punished by a fine of not less than twenty-five (\$25) dollars nor more than one hundred (\$100) dollars per Fish sold in contravention of this section.

§106-26: Reporting Requirements

The Division shall develop and oversee an incentive program for the submission of recreational catch reports.

The Division shall establish and update recreational catch reporting requirements as it deems necessary for the successful monitoring of the health of fishery resources in the territory.

§106-27: Fees are Non-Refundable

Refunds may not be issued for purchased licenses or Tags.

§106-28: Waiver of these Provisions

The Commissioner may waive any provision of these Rules and Regulations for islands under a State of Emergency provided that such waiver does not violate Federal Mandates or agreements.