

Virgin Islands Rules and Regulations Concerning: Commercial Fishing

Current through February 25, 2021

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Title 7. Agriculture

Chapter 1. Encouragement of Agriculture

Subchapter 8. Loans to Farmers and Fishermen

7 V.I. R. & Regs. § 8-2

8-2. Application for loans

An application may be filed by any resident at least 21 years of age or an emancipated minor, who, to the satisfaction of the Commissioner, has demonstrated proficiency in farming or fishing and is a good credit risk. For the purposes of these Regulations, a farmer is defined as one who cultivates land or raises animals for profit, and a fisherman is defined as one who **fishes** for a profit. The application shall be in writing on the official form furnished by the Department of Agriculture and Labor. The Department of Agriculture and Labor may require the applicant to furnish such additional information as it deems necessary to assist in the making of loans.

Title 11. Commerce and Trade
Chapter 27. Commercial Fishing Promotion
Subchapter 1405. Farmers and Fishermen's Loan Fund

11 V.I. R. & Regs. § 1405-2

1405-2. Definitions

For the purpose of this subchapter, the following words or terms shall have the following meanings:

- (a) "Applicant" means any farmer or fisherman who has submitted an application for a loan or grant from the fund.
- (b) "Application" means a request for a loan or grant from the fund.
- (c) "Commissioner" means the Commissioner of the Virgin Islands Department of Commerce or his designee.
- (d) "Farmer" means any citizen of the United States domiciled in the United States Virgin Islands or any holder of an alien registration receipt card (United States Department of Justice Form No. 1-151) domiciled in the United States Virgin Islands who meets the eligibility requirements of section 1405-4 and is or will be actively engaged, either on a full-time or part-time basis, in producing food crops, poultry or livestock amounting to gross sales of a minimum of \$1,000 annually.
- (e) "Fisherman" means any citizen of the United States domiciled in the United States Virgin Islands or any holder of an alien registration receipt card (United States Department of Justice Form No. 1-151) domiciled in the United States Virgin Islands who meets the eligibility requirements of subsection 1405-4 and is or will be actively engaged, either on a full-time or part-time basis, in commercial fishing in the United States Virgin Islands.
- (f) "Fund" means the Farmers and Fishermen's Loan Revolving Fund created in the Virgin Islands Department of Commerce as set forth at [11 V.I.C. § 1405](#) (Act No. 5026), including any amendments thereto.
- (g) "Loan" means a sum of money lent from the fund.
- (h) "Grant" means a sum of money given free of repayment obligation to the fund in the absence of misrepresentation or misuse of grant funds.
- (i) "SBDA" means the Virgin Islands Small Business Development Administration.
- (j) "Loan Policy Board" means the SBDA Loan Policy Board established by [11 V.I.C. § 1253](#).

11 V.I. R. & Regs. § 1405-3

1405-3. Application for loans and grants to be made through SBDA; approval by Commissioner

A single application form will be used for both loans and grants, and an application for both a loan and grant may be filed at the same time on one application.

- (a) An application must be submitted on SBDA loan forms which have been approved by the Commissioner, and shall be available to the public through the Virgin Islands Small Business Development Agency Offices.
- (b) Applications must be submitted to the SBDA which shall review and process the application in the same manner as an SBDA loan.
- (c) An application for a grant only will be treated as an application for a loan, if it is determined the applicant has a good credit standing and would otherwise qualify for a loan.

(d) Final approval or denial will be made by the Commissioner after reviewing the recommendations of the SBDA Loan Policy Board.

11 V.I. R. & Regs. § 1405-4

1405-4. Eligibility

(a) In order to be eligible for a loan or grant from the Fund:

(1) Applicant must be a farmer or fisherman as defined in section 1405-2 above.

(2) Applicant must provide adequate financial information to establish applicant's credit standing and ability, or lack thereof to repay a loan from the fund.

(3) Applicant must have the necessary license(s) to engage in commercial fishing or commercial farming, as applicable, in the United States Virgin Islands.

(4) Applicant must have been engaged in commercial fishing or commercial farming, as applicable, for at least three (3) years in the United States Virgin Islands. Applicants who are engaged solely in producing food crops, poultry or livestock, or in fishing, for home use or pleasure shall not be eligible for a loan or grant from the Fund.

(5) Applicant must clearly establish that the loan or grant will be utilized for the purpose of commercial farming or commercial fishing.

(6) Applicant must demonstrate that he devotes, or will devote, a substantial part of his total time of employment to commercial farming or commercial fishing.

(7) In the case of a request for a grant, applicant must also submit a notarized statement of loss or damage due to an emergency or major disaster as defined at 23 V.I.C. § 1124.

(b) Notwithstanding any other provision of this section, the SBDA Loan Policy Board may recommend the Commissioner issue a grant or loan to an applicant who does not meet all of the eligibility requirements required by this section, if the Loan Policy Board specifically finds conditions exist which require relaxation of these eligibility requirements. The Loan Policy Board shall state its reasons for such a recommendation to the Commissioner noting any terms they deem appropriate in order to ensure that there is a reasonable assurance of repayment in the case of the loan, and that this loan or grant will achieve the purposes of this fund. Upon such recommendation the Commissioner may with written findings on the record waive the requirements of this subsection.

11 V.I. R. & Regs. § 1405-5

1405-5. Purpose of loan or grant

Loans or grants may be made from the fund for any of the following purposes:

(a) Purchase of equipment, supplies, and implements used in commercial farming or commercial fishing.

(b) Purchase or repairs of motors, pumps, plumbing, electrical parts and other similar machinery or parts.

(c) Purchase or repairs of vehicles used for selling or delivering produce, poultry, livestock, fish, and other seafood.

11 V.I. R. & Regs. § 1405-6

1405-6. Maximum amount of loan

Loans shall not exceed five thousand dollars (\$5,000) to any individual. Loans in excess of three thousand dollars (\$3,000) may be subject to disbursement control by the Commissioner.

11 V.I. R. & Regs. § 1405-8

1405-8. Rate of interest

Interest on loans shall be at a rate not to exceed four (4) percent per annum.

Title 12. Conservation

Chapter 1. Wildlife and Marine Sanctuaries

Subchapter 96. Prohibited Acts in Wildlife and Marine Sanctuaries; Subchapter 98. St. Croix East End Marine Park

12 V.I. R. & Regs. § 96-2

96-2. Acts Prohibited in the Cas Cay/Mangrove Lagoon Marine Reserve and Wildlife Sanctuary.

Except under a permit or specific authorization of the Commissioner, it is unlawful to:

(a) Water:

- (1) take or possess any bird, fish or other wildlife (including any living organism), or part thereof;
- (2) use or possess any firearm, bow and arrow, or any trap or other contrivance designed to be, or capable of being, used to take fish, birds or other wildlife, or to discharge any firearm or release any arrow into or within the marine reserve and wildlife sanctuary;
- (3) anchor beyond seven (7) days within the boundaries of the marine reserve and wildlife sanctuary;
- (4) anchor boats without functioning sewage holding tanks;
- (5) use in the inner lagoon (defined as the area within the marine reserve and wildlife sanctuary west of a line from Turpentine Run to the eastern end of Patricia Cay) any internal combustion engine;
- (6) operate any powered vessel in excess of five (5) miles per hour;
- (7) moor any vessel after July 1, 1996; vessels with current mooring permits must have a functioning holding tank capable of being discharged at a pump-out facility or beyond three miles at sea (no new mooring permits will be granted for this area).

(b) Land:

- (1) conduct the following activities:
 - (A) picnicking in/at non-designated areas;
 - (B) camping;
 - (C) hunting;
 - (D) use of fire, except in a self-contained charcoal-briquette or gas grill;
 - (E) possession of firearm(s);
 - (F) playing of amplified music;
 - (G) disturbing or removal of any plant, animal or mineral;
 - (H) store, repair, maintain or construct any vessel or vehicle.

12 V.I. R. & Regs. § 96-4

96-4. Prohibited or Otherwise Regulated Acts in the Frank Bay Wildlife and Marine Sanctuary.

(a) The following activities are prohibited within the Frank Bay Pond, Wildlife and Marine Sanctuary, unless a permit is granted or there is other specific authorization from the Commissioner. It is unlawful to:

- (1) collect, take or possess any bird, fish, coral or other wildlife, or part thereof;
 - (2) use or possess any firearm, bow and arrow or any trap or other contrivance designed to be, or capable of being used to take birds, fish or other wildlife, or to discharge any firearm or release any arrow into the sanctuary;
 - (3) throw, place or deposit any waste into the sanctuary;
 - (4) bring livestock or dogs into the sanctuary;
 - (5) collect, take, possess or harmfully disturb any plant, soil, rock or other material;
 - (6) destroy, injure or harmfully disturb any sanctuary animal;
 - (7) feed any sanctuary animal;
 - (8) store, maintain, repair, construct, use or abandon any vehicle or vessel in the sanctuary;
 - (9) camp, make fire or picnic at non-designated sites in the sanctuary;
 - (10) dredge, fill, excavate or otherwise alter the pond bed of the sanctuary, or construct, place or abandon any structure, material or other matter on the pond bed of the sanctuary;
 - (11) use any motorized vehicle or vessel, except on existing roads, within the sanctuary;
 - (12) discharge, release or deposit any materials or substances of any kind into the sanctuary waters;
 - (13) remove, deface, damage or tamper with any archaeological or historical resources within the boundary of the sanctuary;
 - (14) discharge, release or deposit, from beyond the boundary of the sanctuary, any material or other matter that subsequently enters the sanctuary and degrades the natural resources or other values of the sanctuary;
 - (15) mark, deface or damage in any way whatsoever, or displace, remove or tamper with any sign, notice or placard, whether temporary or permanent or with any navigational aid, monument, stake, post, buoy, scientific equipment or boundary marker installed by the Commissioner.
- (b) There is a rebuttable presumption that any natural resource found in the possession of a person within the sanctuary, has been collected or removed from within the sanctuary.

12 V.I. R. & Regs. § 96-12

96-12. Prohibited or Otherwise Regulated Acts in the Salt River Bay Marine Reserve and Wildlife Sanctuary.

- (a) The following activities are prohibited within the Salt River Bay Marine Reserve and Wildlife Sanctuary, unless a permit is granted or there is other specific authorization from the Commissioner. 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, spear gun 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;
 - (3) throw, place or deposit any waste into the sanctuary;
 - (4) bring livestock or domestic animals into the sanctuary;
 - (5) collect, take, possess or harmfully disturb any plant, soil, rock or other material, either marine or terrestrial;
 - (6) destroy, injure or harmfully disturb any sanctuary animal, either marine or terrestrial;

- (7) feed any sanctuary animal, either marine or terrestrial;
 - (8) store, maintain, repair, construct, use or abandon any vehicle or vessel in the sanctuary;
 - (9) camp, make fire or picnic at undesignated sites in the sanctuary;
 - (10) dredge, fill, excavate or otherwise alter the seabed or shoreline of the sanctuary, or construct, place or abandon any structure, material or other matter on the seabed of the sanctuary;
 - (11) use any motorized vehicle except on existing roads within the sanctuary;
 - (12) use any motorized vessel except as specified for restricted areas in [V.I. Code tit. 25, § 297-3](#) within the sanctuary;
 - (13) use any “Personal Watercraft” or “Thrillcraft” within the sanctuary;
 - (14) discharge, release or deposit any material or substance of any kind into the sanctuary waters;
 - (15) excavate, remove, deface, damage or tamper with any archaeological or historical resources or possess or use metal detectors within the boundary of the sanctuary;
 - (16) discharge, release or deposit, from beyond the boundary of the sanctuary, any material, substance or other matter that subsequently enters the sanctuary and degrades the natural resources or other values of the sanctuary;
 - (17) mark, deface or damage in any way whatsoever, or displace, remove or tamper with any sign, notice or placard, whether temporary or permanent or any navigational aid, monument, stake, post, buoy, scientific equipment or boundary marker installed by the United States Government or the Government of the Virgin Islands;
 - (18) short term anchor (14 days or less) outside a designated anchoring area;
 - (19) long term anchor or moor any vessel or surface platform without obtaining a mooring permit issued by the Department of Planning and Natural Resources;
 - (20) anchor or moor any surface or underwater vessel or platform outside designated anchoring or mooring areas; and
 - (21) anchor during hurricanes only in designated hurricane anchorage areas.
- (b) There is a presumption that any item listed in these paragraphs (natural, historical or archaeological resources) found in the possession of a person within the sanctuary has been collected or removed illegally from within the sanctuary.

12 V.I. R. & Regs. § 98-3

98-3. Definitions.

The following definitions apply to the Marine Park Regulations:

“Act” means Act No. 6572 promulgated by U.S. Virgin Islands Government establishing the St. Croix East End Marine Park and authorizing the establishment of other marine parks.

“Adjudication” means the Department of Planning and Natural Resources' process for formulating a final administrative decision.

“Adverse Effect” means any factor, force, or action that independently or cumulatively damages, diminishes, degrades, impairs, destroys, or otherwise harms any Park resource as defined in this section or any of the qualities, values, or purposes for which the Park is designated.

“Airboat” means a vessel operated by means of a motor driven propeller that pushes air for momentum.

“Anchored” or “Anchoring” means that a vessel is held, wholly or partially, by the resistance of the anchor dropped to the bottom and attached to the bow.

“Authorized Permit” means a permit issued by the Department of Planning and Natural Resources that allows for the removal of marine resources for commercial, recreational or scientific purposes within the Park's boundaries.

“Cast Net Bait Fishing” means

(a) the use of a hand-thrown, conical net made of nylon or monofilament, weighted on the bottom edge, to encircle and catch baitfish, such as herring (a.k.a. sprat and fry) (Family Clupeidae - redear sardine, false pilchard, thread herring and dwarf herring), anchovy (Family Engraulidae - dusky anchovy) and halfbeaks (Family Hemiramphidae - ballyhoo).

(b) the use of a gill net that does not exceed eight (8) feet in depth and a span of six hundred (600) feet.

“Closed” means that all entry or use is prohibited.

“Commercial Activity” means an activity undertaken for financial gain.

“Commission” means the Virgin Islands Coastal Zone Management Commission established by V.I. Code Annot. Title 12, Section 904(a).

“Commissioner” means the Commissioner of the Department of Planning and Natural Resources.

“Committee” means the committee established by V.I. Code Annot. Title 12 Section 904(a) whose jurisdiction includes the park; such committees include the St. Croix Coastal Zone Management Committee, the St. Thomas Coastal Zone Management Committee and the St. John Coastal Zone Management Committee. With respect to the St. Croix East End Marine Park, “Committee” or “CZM Committee” means the St. Croix CZM Committee.

“Conservation ticket” means a form, prescribed by the Commissioner or the Commission, upon which a Notice of Violation or a Notice of Violation and Assessment may be written.

“Concessionaire” means a person operating a concession (business) for profit (i.e. boat tours, guide fishers, kayaking, SCUBA guides, etc.).

“Coral” means the corals of the Class Hydrozoa, Order Milleporina (fire corals); Class Anthozoa, Subclass Octocorallia (gorgonians, telestaceans, soft corals), Subclass Hexacorallia, Order Scleractinia (stony corals), and Order Antipatharia (black corals).

“Coral communities” means the marine habitat where coral growth occurs.

“Decision” means an initial or final decision of the hearing officer.

“Department” means the Department of Planning and Natural Resources.

“Emergency” means an unexpected situation that poses an immediate danger to life, health, property, Park or marine resources and demands immediate action to prevent or mitigate loss or damage to life, health, property or essential public services.

“Existing Management Area” means areas within or near the Park that are managed by other agencies or another Federal or Territorial authority of competent jurisdiction as of the effective date of these Marine Park Regulations where restrictions already exist.

“Exotic Species” means a species of plant, invertebrate, fish, amphibian, reptile, or mammal whose natural zoogeographic range would not have included the waters of the Caribbean and adjacent tropical waters without passive or active introduction to these areas through anthropogenic means.

“Final Administrative Decision” means an order or decision of the Department, by a hearing officer, assessing a civil penalty or permit sanction which is not subject to further Departmental review under these Marine Park Regulations and which is subject to collection proceedings and judicial review in an appropriate court, as authorized by law.

“Fish” when used as a noun, means fish, oysters, clams, conchs, crabs, lobsters, shrimps, turtles and other marine or aquatic animals, mammals, molluscs and crustaceans and includes any part, product, egg, or offspring thereof, or the dead body or parts thereof, as stated in the Virgin Islands Code Title 12, Section 302.

“Fisheries Enhancement Device” means a natural or man-made material at the surface, in the water column or on the bottom, to serve as habitat for the colonization or aggregation of fish.

“Fishing” or “fisheries” means the catching, taking, or harvesting of fish, all acts involved in the use, setting up or operation of any device employed in killing, catching, taking, or harvesting fish, the attempted catching, taking or harvesting of fish; or any other activity which can reasonably be expected to result in the catching, taking, or harvesting of fish or any operation within the park in support of, or in preparation for, any activity described in this subparagraph. The verb “to fish” in all its modes and tenses means to take, capture, kill, or harvest or attempt to take, capture, kill or harvest fish by any method or means, whether or not such method or means results in their capture.

(1) **“Recreational Fishing”** means any fishing using hand line or rod and reel from the shoreline or from a vessel not operated for commercial purposes or for the purpose of scientific research. Recreational Fishing must not involve the sale, barter or trade of part or all of the catch.

(2) **“Commercial Fishing”** means the sale, barter, or trade of part or all of a catch.

(3) **“Catch and Release Guide Fishery”** means a for-profit fishery in which guides, registered and licensed to fish in the USVI and The Park, employ rod and reel line fishing techniques from vessels or the shoreline to catch and release inshore recreational gamefish species. Only barbless, single J- hook baits (live, dead or artificial) or barbed or barbless circle hooks may be used.

“Forfeiture” includes, but is not limited to, surrender or relinquishment of any claim to an item by written agreement or otherwise; or loss of any claim to, and transfer of title to an item to the Park or the Department by court order or by order of the Commissioner, pursuant to statute.

“Gray water” means untreated wastewater that does not contain black waste (sewage)

“Hardbottom” means a flat, hard, carbonate-based material having a low percent live cover of scleractinian and milleporid corals. Portions of this habitat type may be covered by a thin veneer of sand with occasional coral and gorgonian outcroppings.

“Hearing Officer” means any person designated by the Commissioner to preside over hearings under these Marine Park Regulations.

“Historical /Cultural Resources” means a structure, place, site or object having historic, archaeological, scientific, architectural or other cultural significance to the United States Virgin Islands.

“Idle Speed Only/No Wake Zone” means a portion of the Park where the speed at which a boat is operated does not produce a wake.

“Injure/Injury” means damage, either accidental or intentional, to park, marine, cultural or historic resources within the boundaries of the Marine Park.

“Initial Administrative Decision” means a decision of the Hearing Officer which, under applicable statute and these Marine Park Regulations, is subject to review by the Commissioner, but which becomes the final administrative decision in the absence of such review.

“Live Rock” means any living marine organism or an assemblage thereof attached to a hard substrate, including dead coral, rock, or mollusc shells.

“Marine Life Species” means any species of marine mammal, reptile, seabird, fish, invertebrate, or plant.

“Marine Park Advisory Committee (MPAC)” means a group of stakeholder representatives that provide advisory services to the Commissioner of DPNR, including periodic consultation, effectiveness evaluations, progress reviews, work plan review, and assist in developing management plans.

“Marine Park Office” means an office focused on activities within the Marine Park.

“Marine Protected Area” or **“Marine Park”** or **“Park”** means an area of the marine environment that has been reserved by federal, state, territorial, or local laws or regulations to provide lasting protection for part or all of the natural, historic and cultural resources therein.

“Marine Resource(s)” means all biotic (living organisms, e.g. marine life species) and abiotic (non-living, physical environment, e.g. sand, rock, bedrock) components of the marine environment.

“Military Activity” means any activity conducted by the U.S. Department of Defense with or without participation by foreign forces, other than civil engineering and other civil works projects conducted by the U.S. Army Corps of Engineers.

“Moored” when applied to a vessel, means that the vessel has cast and fastened to a mooring cable which will hold it and not allow it to detach itself therefrom for a greater distance than the length of the cable and where the vessel's anchor has not been cast from the vessel.

“Mooring” means a semi-permanent anchorage installation consisting of an approved mooring system.

“Mooring Areas” mean those areas which are portions of waters within the Park that are designated as such by the appropriate Rules and Regulations.

“Mooring Permit” means a written authorization by the Department of Planning and Natural Resources to place a mooring as defined in Title 25 Section 405 of the Virgin Islands Code. The issuance of a mooring permit is contingent upon payment of the appropriate mooring permit fee.

“Mooring Year” means the period for which a mooring space is assigned.

“No Access Buffer Zone” means a portion of the Park where vessels are prohibited from entering regardless of the method of propulsion.

“No Motor Area” means an area of the Park where the use of internal combustion motors is prohibited. A vessel with an internal combustion motor may access a no motor zone only through the use of a push pole, paddle, sail, electric motor or similar means of operation but is prohibited from using its internal combustion motor.

“No-Take Zone” means an area where all living marine resources are protected through prohibitions on **fishing** and the removal or disturbance of any living or non-living marine resource, except as necessary for research or monitoring to evaluate Park effectiveness.

“Not available for immediate use” means not readily accessible for immediate use, i.e., by being stowed unbaited in a cabin, locker, rod holder, or similar storage area, or by being securely covered and lashed to a deck or bulkhead.

“Notice of Violation” (“NOV”) means a written notice issued by an Environmental Enforcement Officer, or other authorized personnel, which accuses a respondent of a violation of these Marine Park regulations.

“Notice of Violation and Assessment” (“NOVA”) means a written notice issued by the Commissioner which accuses a respondent of a violation of these Marine Park Regulations and assesses a civil penalty for the violation.

“Officially Marked Channel” means a channel marked by Federal, Territorial, or Park officials with competent jurisdiction with navigational aids except for channels marked idle speed only/no wake.

“Open Zone” means an area where there are no special restrictions on fishing, boating and diving activities, as prescribed by these Marine Park Regulations contained herein and consistent with Title 12, Section 98 of the Virgin Islands Code.

“Owner” means the person listed as owner on the vessel Certificate of Registration or the documentation certificate.

“Park Wildlife” means any species of fauna, including avifauna, which occupy or utilize the Park’s resources as nursery areas, feeding grounds, nesting sites, shelter, or other habitat during any portion of their life cycles.

“Party” means a Respondent or the Department. It also includes joint respondents, vessel owners or permit holders and any other persons allowed to participate in any administrative proceeding concerning these rules and regulations.

“Payment Agreement” means any promissory note, security agreement, settlement agreement or other contract, specifying terms according to which a permit holder agrees to pay a Marine Park Civil Penalty.

“Permit” means any license, permit, certificate or other approval issued by the Marine Park office.

“Permittee” means the person to whom a valid permit has been issued by DPNR or any agent or employee of said person authorized to act under the terms of the permit.

“Permitting” means the process for granting, revoking, renewing, denying or otherwise limiting, amending or conditioning a permit.

“Person” means any individual, corporation or governmental body, other than a party, competent to make an oath or affirmation, offer testimony and otherwise assist in the adjudication process.

“Personal Watercraft” (also known as “water scooter”, “jet-ski”, “wave runner”, “seadoo”, etc.) An engine-driven watercraft, usually driven by an inboard motor powering a water jet pump, capable of quick maneuverability and reaching speeds of up to, and in excess of, forty (40) miles per hour and upon which the driver (and passengers) sits, kneels or stands rather than in the conventional manner of sitting or standing inside of the vessel.

“Prop Dredging” means the use of a vessel’s propulsion wash to dredge or otherwise alter the seabed. Prop dredging includes, but is not limited to, the use of propulsion with deflectors or similar means of dredging or otherwise altering the seabed. Prop dredging does not include the disturbance to bottom sediments resulting from vessel operation according to safe boating standards.

“Prop Scarring” means the injury to seagrass or other immobile organisms attached to the seabed caused by operation of a vessel in a manner that allows its propeller or other running gear, or any part thereof, to cause such injury (e.g. cutting seagrass rhizomes).

“Recreational Zone” means an area designated for swimming, snorkelling, diving, boating, shoreline take line **fishing**, catch and release line **fishing**, and cast net bait **fishing** and where activities that would compromise the recreational values of the area are prohibited.

“Recreational Shoreline Fishing” means personal use (take) or catch and release **fishing** with handline or rod and reel **fishing** techniques within 100 feet of the shoreline. Only barbless, single J-hook baits (live, dead or artificial), or barbed or barbless circle hooks may be used.

“Seagrass” means any species of marine angiosperms (flowering plants) that inhabit portions of the seabed. These species include, but are not limited to: *Thalassia testudinum* (turtle grass); *Syringodium filiforme* (manatee grass); *Halodule wrightii* (shoal grass); *Halophila decipiens* (paddle grass), *H. engelmannii* (star grass), *H. johnsonii* (Johnson’s seagrass); and *Ruppia maritima* (widgeon grass).

“Shoreline” for the purposes of these Rules and Regulations shall mean the area along the coastlines of St. Croix from the seaward line of low tide, running inland a distance of fifty (50) feet; or to the extreme seaward boundary of natural vegetation which spreads continuously inland; or to a natural barrier; whichever is the shortest distance.

“Special-use Permit” means a permit that temporarily allows a permittee to conduct work in a specific area of the Park and includes, but is not limited to scientific research, educational purposes, special events, recovery or restoration of a Park resource, monitoring to prevent use or user conflicts, monitoring to facilitate access and use, or monitoring to promote public use and understanding of Park resources.

“St. Croix East End Marine Park (STXEEMP)” an area established by legislative approval on December 23, 2002 to protect territorially significant marine resources, promote sustainability of marine ecosystems, including coral reefs, seagrass beds, wildlife habitats and other resources and to conserve and preserve significant natural areas for the use and benefit of future generations, as a unit of the territorial system of marine parks.

“St. Croix East End Marine Park Management Plan” means the document that sets forth the management objectives, policies and strategies for managing the St. Croix East End Marine Park and addresses the St. Croix East End Marine Park’s administrative structure, resource use, boundaries, use zones, financial support, staffing and monitoring plans, and which was approved by the Virgin Islands Coastal Zone Management Commission on July 19, 2002.

“Traditional Fishing” means those commercial or recreational fishing activities that were customarily conducted within the Park prior to its designation as a protected area in the Management Plan for the Park.

These fishing activities include, but are not limited to, the use of fish traps, seine nets, gill nets, trammel nets, spear fishing, hand collection or gigs for conch, lobster, octopus and whelk (with or without the use of scuba gear), bottom longline, etc.

“Vessel” means a watercraft of any description, including, but not limited to, motorized and non-motorized watercraft, airboats, and floatplanes which, while maneuvering on the water, are capable of being used as a means of transportation in/on the waters of the Park. For purposes of this section the terms “vessel,” “watercraft,” and “boat” are interchangeable.

“Wildlife Preserve Zone” means an area where some or all of the biological resources are protected from removal or disturbance; term includes reserves established to protect threatened or endangered species.

12 V.I. R. & Regs. § 98-4

98-4. Prohibited Activities - Park-wide.

(a) The following activities, whether purposeful or not, are prohibited throughout the Park and thus are unlawful for any person to conduct or cause to be conducted:

(1) Removal of, injury to or possession of coral or live rock

(A) Moving, removing, taking, harvesting, damaging, disturbing, breaking, cutting, or otherwise injuring, or possessing (regardless of where taken) any living or dead coral, or coral formation, or attempting any of these activities except as permitted pursuant to section 98-7 of these Rules and Regulations.

(B) Harvesting, or attempting to harvest, any live rock from the Park, or possessing (regardless of where taken) any live rock within the Park, except as permitted pursuant to section 98-7 of these Rules and Regulations.

(2) Alteration of, or construction on, the seabed

Drilling into, dredging, or otherwise altering the seabed of the Park, or engaging in prop dredging; or constructing, placing or abandoning any structure, material, or other matter on the seabed of the Park, except as an incidental result of:

- (A) Anchoring vessels in a manner not otherwise prohibited by these Marine Park Regulations;
- (B) Traditional fishing activities not otherwise prohibited;
- (C) Installation and maintenance of navigational aids by, or pursuant to, valid authorization by any Federal and/or Territorial authority;
- (D) Construction, repair, replacement, or rehabilitation of docks, piers, or marinas with less than ten slips authorized by any permit, approval, or other authorization issued by the Commissioner, the Committee or any Federal agency;
- (E) Scientific investigations permitted in compliance with section 98-7 of these Rules and Regulations;
- (F) Establishment of artificial reefs and fisheries enhancement devices;
- (G) Installation or maintenance of mooring or marker buoys.

(3) *Discharge or deposit of certain materials*

Within the boundary of the park, discharging, depositing, placing, or abandoning, or allowing the discharge, deposit, placement or abandonment of, any natural or man-made material that a person or vessel has brought into the Park from outside of the Park except:

- (A) Fish, fish parts, chumming material, or bait used or produced incidental to and while conducting a traditional fishing activity in the Park;
- (B) Water generated by routine vessel operations (e.g. deck wash down and graywater) excluding oily wastes from bilge pumping;
- (C) As permitted pursuant to section 98-7 of these Rules and Regulations, or other valid permit issued by a Federal or Territorial agency with jurisdiction to issue said permit.

(4) *Method of Operating Vessels*

- (A) Operating a vessel in such a manner as to strike or otherwise injure coral, seagrass, or any other immobile organism attached to the seabed, including, but not limited to, operating a vessel in such a manner as to cause prop scarring;
- (B) Having a vessel anchored or moored in a manner inconsistent with these Marine Park Regulations;
- (C) Except in officially marked channels, operating a vessel in a manner which creates a wake:
 - (i) Within an area designated idle speed only/no wake;
 - (ii) Within 100 yards of navigational aids indicating emergent or shallow reefs (international diamond warning symbol);
 - (iii) Within 100 feet of the red and white "divers down" flag (or blue and white "alpha" flag in Federal waters); or
 - (iv) Within 100 feet of stationary vessels.
 - (v) Operating vessels in such a manner as to harass, or injure or to take wading, roosting, or nesting birds, turtles, or marine mammals.
 - (vi) Operating vessels in such a manner which endangers any life limb, marine resources or property.

(5) *Diving without a flag*

The red and white "divers down" flag or the blue and white "alpha" flag must be flown in a conspicuous manner while SCUBA diving.

(6) The release of exotic species

Introducing or releasing an exotic species of plant or animal.

(7) Damage or removal of markers

Marking, defacing, damaging, moving, removing, or tampering with any official Park signs, notices, or placards, whether temporary or permanent, or any navigational aids, monuments, stakes, posts, mooring buoys, boundary buoys, trap buoys, scientific equipment or other property or equipment belonging to the Government of the Virgin Islands or any of the departments under its supervision without proper authorization.

(8) Movement of, removal of, injury to, or possession of the Park's historical or cultural resources

Moving, removing, injuring, possessing, or attempting to move, remove, injure, or possess, any Park historical resource.

(9) Taking or possession of marine life species

Taking, possessing, or landing any marine life species or part thereof, within the Park in any manner inconsistent with these Rules and Regulations.

(10) Commercial activity

The sale of any consumer item, or the conduct of any commercial activity except as authorized by special permit issued by the Marine Park Office.

(11) Interference with law enforcement

Interfering with, obstructing, delaying or preventing an investigation, search, seizure, or disposition of seized property in connection with the enforcement of these Marine Park Rules and Regulations or a permit issued under these rules.

(12) Anchoring vessels in hardbottom or coral communities

The anchoring of vessels is permitted in sand only. Anchoring is prohibited in hardbottom or coral communities.

(b) Notwithstanding the prohibitions in this section and any access and use restrictions imposed pursuant thereto, a person may conduct an activity specifically authorized by, and conducted in accordance with the scope, purpose, terms, and conditions of a Park permit issued pursuant to Section 98-7 of these Marine Park Regulations.

(c) Notwithstanding the prohibitions in this section, and any access and use restrictions imposed pursuant thereto, a person may conduct an activity specifically authorized by a valid Federal, or Territorial lease, permit, license, approval, or other authorization in existence on the effective date of these Marine Park Regulations, or by any valid right of recreational use or access in existence on the effective date of these Marine Park Regulations, provided that the holder of such authorization or right complies with Section 98-7 and with any terms and conditions on the exercise of such authorization or right imposed by the CZM Committee as a condition of a permit, as he or she deems reasonably necessary to achieve the purposes for which the Park was designated.

(d) Notwithstanding the prohibitions in this section and in Section 98-7, and any access and use restrictions imposed pursuant thereto, a person may conduct an activity specifically authorized by any valid Federal or Territorial lease, permit, license, approval, or other authorization issued after the effective date of these Marine Park Regulations, provided that the applicant complies with Section 98-7, the St. Croix CZM Committee notifies the applicant and authorizing agency that he or she does not object to the issuance of the authorization, and the applicant complies with any terms and conditions the St. Croix CZM Committee deems reasonably necessary to protect the Park's resources and qualities. Amendments, renewals and extensions of

authorizations in existence on the effective date of these Marine Park Regulations constitute authorizations issued after the effective date of these Marine Park Regulations.

(e) The prohibitions contained in this section do not apply to Environmental Enforcement Officers while performing enforcement duties and/or responding to emergencies that threaten life, property, or the environment in their official capacity.

(f) Notwithstanding paragraph (a) of this section, in no event may a permit issue under Section 98-7, authorizing, or otherwise approving, the exploration for, leasing, development, or production of minerals or hydrocarbons within The Park, the disposal of dredged material within the Marine Park or the discharge of medical or hazardous waste, discharge of solid waste, burning or stockpiling of debris, or the discharge or disposal of untreated or primary treated sewage.

12 V.I. R. & Regs. § 98-5

98-5. Prohibited Activities by Park Zones.

(a) In addition to the prohibitions set forth in Section 98-4, which apply park-wide, the following Marine Park Regulations apply with respect to activities conducted within the Park zones described in this section and in Appendix (II) to these Marine Park Regulations. Activities located within two or more overlapping Park zones are concurrently subject to the Marine Park Regulations applicable to each overlapping zone.

(b) No-Take Zone

Operating a vessel greater than 150 feet in registered length is prohibited in all No-Take Zones, except if such vessel is a public vessel and its operation is essential for national defense, law enforcement, or responses to emergencies that threaten life, property, or the environment.

(1) Removing, taking, damaging, breaking, cutting, spearing or similarly injuring any marine resource, by hand or by hand gear is prohibited.

(2) Fishing is prohibited.

No commercial or recreational fishing is allowed. Gear capable of harvesting fish that may be aboard a vessel in a No Take Zone, must be stowed in such a manner that it is not available for immediate use when entering and during transit through No Take Zones. Vessels measuring 150 feet or less may transit through a No Take Zone with legally harvested fish or other catch, provided that all fishing gear is stowed on board such that it is not available for immediate use.

(3) The removal of or injury to any living or nonliving marine resource, except as necessary for research or monitoring to evaluate Park effectiveness is prohibited.

(4) Operating a personal watercraft, operating an airboat, or water skiing is prohibited.

(c) Wildlife Preserve Zone

(1) With respect to vessel traffic, marine portions of the Wildlife Preserve Zone listed in Appendix II to these Marine Park Regulations or portions thereof may be designated by the Committee to be "idle speed only/ no-wake," "no-motor" or "no-access buffer" areas or "closed". The Marine Park Coordinator, in cooperation with other Federal and Territorial resource management authorities, as appropriate, shall post signs conspicuously, using mounting posts, buoys, or other means according to location and purpose, at appropriate intervals and locations, clearly delineating an area as an "idle speed only/no wake," a "no-motor," or a "no access buffer" area, and allowing instant, long-range recognition by boaters. Such signs shall display the official logo of the Park.

(2) The following activities are prohibited within the Wildlife Preserve Zone listed in Appendix II to these Marine Park Regulations:

(A) operating a vessel at a speed greater than idle speed only/no wake in those marine portions of the Wildlife Preserve Zone designated as an "idle speed only/no wake" area in Appendix II to these Marine Park Regulations,

(B) using an internal combustion motor or engine in those marine portions of the Wildlife Preserve Zone designated as a "no-motor" area which will be listed in Appendix II to these Marine Park Regulations. Persons may access a "no-motor" area only through the use of a push pole, paddle, sail, electric motor or similar means of propulsion.

(C) entering by vessel those marine portions of the Wildlife Preserve Zone designated as a "no-access buffer" area which will be listed in Appendix II to these Marine Park Regulations,

(D) using gill or trammel nets

(3) The Committee shall coordinate with other Federal and Territorial resource management authorities, as appropriate, in the establishment and enforcement of access restrictions described in paragraph (c)(2)(A) - (D) of this section in the marine portions of the Wildlife Preserve Zone.

(4) The Committee may modify the number and location of access restrictions described in paragraph (c) (2)(A) - (D) of this section within the marine portions of the Wildlife Preserve Area if the Committee finds that such action is reasonably necessary to minimize disturbances to Park wildlife, or to ensure protection and preservation of Park wildlife consistent with the purposes of the Park designation and other applicable laws governing the protection and preservation of Park's wildlife resources. The Committee will effect such modification by:

(A) Publishing a notice and an opportunity for public comments in a newspaper of general circulation in the Virgin Islands;

(B) Posting a notice regarding the time and place where maps depicting the precise locations of such restrictions will be made available for public inspection; and

(C) Posting official signs delineating such restrictions.

(d) *Recreational Zone*

(1) This zone provides an area for swimming, snorkelling, diving, and boating, shoreline recreational take line fishing.

(2) Catch and release guide fishing and cast net bait fishing are allowed only with a valid Marine Park Permit issued pursuant to Section 98-7 of these Rules and Regulations. Gill nets used for bait fishing cannot exceed eight (8) feet in depth and a span of six hundred (600) feet.

(2) All other traditional fishing methods, as defined in Section 98-3, are prohibited.

Title 12. Conservation
Chapter 9A. Commercial Fishing
Subchapter 316. Closed Seasons

12 V.I. R. & Regs. § 301-1

301-1. Purpose, References.

Title 12 VIC, Section 301, provides as follows:

The purpose of this chapter is to preserve, manage and protect the fishery resources, to regulate fishing and to secure its increase and development in all marine, estuarine and freshwaters within the jurisdiction of the United States Virgin Islands.

Source: Subchapter 301 (originally of Chapter 10.)

Commercial Fishing, renumbered Chapter 9A for codification to avoid conflict with previous chapter 10), enacted by the Legislature of the Virgin Islands and approved by the Governor on November 21, 1972. Authority: Title 12 VIC, Secs. 301-307, 316 and 325.

These Rules and Regulations are promulgated under and supplement the Commercial Fishing provisions of Title 12 VIC, Chapter 9A. These Rules and Regulations are intended to establish uniform and coordinated procedures for administration of the commercial fishing provisions of the Virgin Islands Code. These Rules and Regulations are to be interpreted and applied consistent with the V.I. Code. The definitions, policies, or other provisions of the Code are to be read together with these Rules and Regulations.

12 V.I. R. & Regs. § 302-1

302-1. Definitions.

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

- (a) "Commissioner" means the Commissioner of the Department of Planning and Natural Resources.
- (b) "Conservation Officers" means the enforcement officers of the Department of Planning and Natural Resources.
- (c) "Department" means the Department of Planning and Natural Resources (DPNR).
- (d) "Licensed Commercial Fisherman" means any person who has been registered, certified or licensed to harvest fish in order to make a profit in the territorial waters of the Virgin Islands.
- (e) "Personal Use" shall include harvesting of fish not to make a profit.
- (f) "Preserved" means chemically treated for preservation, such as with salt, vinegar or nitrates.
- (g) "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.
- (h) "Seller" means any person who offers for sale any fish to the public.

12 V.I. R. & Regs. § 303-1

303-1. Duties and Powers.

The duties and powers of the Commissioner are as provided at Title 12 V.I.C. § 303.

12 V.I. R. & Regs. § 304-1

304-1. Promulgation of Rules and Regulations.

The Commissioner's authority to prescribe all rules and regulations is as provided at Title 12 V.I.C. § 304.

12 V.I. R. & Regs. § 304-3

304-3. Violation of Rules and Regulations; Penalty.

Violation of any Rule or Regulation promulgated herein is punishable as provided at Title 12 V.I.C. § 304 (d), or as such Subsection may be amended hereafter. Each violation, per trap, shall constitute a separate offense.

12 V.I. R. & Regs. § 304-4

304-4. Minimum Mesh Size of all Fish Traps in the District of St. Thomas and St. John.

Commencing March 1, 1995, all new **fish** traps placed in the Territorial waters of the District of St. Thomas and St. John shall be constructed in a manner which provides that at least the top and bottom or the sides shall have wire mesh with openings of at least two (2) inches square, or, if hexagonal, one and one-half (1.5) inches as the shortest distance between opposite sides of a hexagon (as the smallest mesh size). New **fish** traps not consistent with the foregoing shall not be constructed nor placed in Territorial waters within this District after March 1, 1995.

Commencing January 1, 1998, all **fish** traps placed in Territorial waters of the District of St. Thomas and St. John shall conform to the foregoing; if not newly constructed, all **fish** traps shall be modified to have at least the top and bottom or the sides made of wire mesh of at least two (2) inches square, or, if hexagonal, one and one-half (1.5) inches as the shortest distance between opposite sides of a hexagon (as the smallest mesh size).

Commencing January 1, 2000, all **fish** traps placed in the Territorial waters of the Virgin Islands 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).

12 V.I. R. & Regs. § 304-5

304-5. Minimum Mesh Size of all Fish Traps in the District of St. Croix.

Commencing June 1, 1995, all new fish traps placed in the Territorial Waters of the District of St. Croix shall be constructed in a manner which provides that at least the top and bottom or the sides shall have wire mesh with openings of at least one and one-half (1.5) inches square, or, if hexagonal, one and one-half (1.5) inches as the shortest distance between opposite sides of a hexagon (as the smallest mesh size). New fish traps not consistent with the foregoing shall not be placed in the Territorial waters of the District of St. Croix after June 1, 1995.

Commencing June 1, 1998, all fish traps placed in the Territorial waters of the District of St. Croix shall conform to the foregoing or, if not newly constructed, shall be modified to have at least the top and bottom or the sides

made of wire mesh of at least one and one-half (1.5) inches square, or, if hexagonal, one and one-half (1.5) inches as the shortest distance between opposite sides of a hexagon (as the smallest mesh size).

Commencing January 1, 2000, all fish traps placed in the Territorial waters of the Virgin Islands 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).

12 V.I. R. & Regs. § 304-6

304-6. Fish Trap Inspection.

Commencing June 1, 1995, all new fish traps to be placed in Territorial waters of the Virgin Islands, prior to being placed in said waters, must first be inspected and tagged by the Department of Planning and Natural Resources (DPNR) in order to ensure conformity with existing regulations.

Commencing June 1, 1998, 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).

12 V.I. R. & Regs. § 305-1

305-1. Appointment by the Commissioner.

Appointment of Conservation Officers and their powers and authority are as provided at Title 12 V.I.C. § 305 and as amended hereafter.

12 V.I. R. & Regs. § 306-1

306-1. Authority to Employ Additional Counsel.

Authority to employ additional counsel is as provided at Title 12 V.I.C. § 306 and as may be amended hereafter.

12 V.I. R. & Regs. § 307-1

307-1. Injunctive Jurisdiction of Territorial Courts.

Courts of the Territory injunctive jurisdiction to enforce the fisheries laws and rules & regulations of the Territory is as provided at Title 12 V.I.C. § 307.

12 V.I. R. & Regs. § 316-1

316-1. Closed Season for Conch.

(a) Pursuant to Title 12 V.I.C. § 316 the closed season for conch is hereby prescribed to begin July 1 and end September 30 of each successive year.

(b) No person is permitted to engage in fishing for conch, or to possess any conch, or parts of conch, except empty shells, during this period, except as provided at Sections 316-8, 316-9 & 316-10 of these Rules and Regulations.

(c) No person is permitted to harvest 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.

(d) No person is permitted to retain, remove, possess, or injure any conch, that is less than nine inches in length or less than 3/8 inch lip thickness, in any location.

12 V.I. R. & Regs. § 316-2

316-2. Conch Landing Restriction.

(a) All conch landed in the Regulatory Area or coastal waters must be alive and intact (in shell) when brought to island on which conch is first sold or consumed (taking conch to off-shore 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.

(b) No person is permitted to dispose of any conch shell by throwing the empty shell back into the water.

12 V.I. R. & Regs. § 316-3

316-3. Limitation on Catch--Conch.

Any person that is harvesting conch for personal use is allowed to take, retain, or land no more than six (6) conchs per day, not to exceed twenty-four (24) conchs per boat, except that any person who has obtained and possesses a commercial fishing license may take, retain and land daily a maximum of one hundred fifty (150) conchs.

12 V.I. R. & Regs. § 316-4

316-4. Conch 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.

12 V.I. R. & Regs. § 316-5

316-5. Closed Season for Whelk.

Pursuant to Title 12 V.I.C. § 316 the closed season for whelk is hereby prescribed to begin April 1 and end September 30 of each successive year.

12 V.I. R. & Regs. § 316-6

316-6. Whelk 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")

12 V.I. R. & Regs. § 316-7

316-7. Whelk Landing Restriction.

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

12 V.I. R. & Regs. § 316-8

316-8. Transportation of Fish After Season Closed.

The transportation and sale of fish which is the subject of a closed season is allowed only as provided at Title 12 V.I.C. § 316 (b), 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.

12 V.I. R. & Regs. § 316-9

316-9. Sale of Canned or Preserved Species of Fish.

The sale and transportation of canned or otherwise preserved 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.

12 V.I. R. & Regs. § 316-10

316-10. 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 or other record of purchase on premises and shall make available such records to DPNR upon request.

12 V.I. R. & Regs. § 316-13

316-13. Establishment of a Limited Closed Season for Mutton Snapper.

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. This 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 off 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:

Point North Latitude West Longitude

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'
A	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.

12 V.I. R. & Regs. § 316-14

316-14. Possession of Certain Species of Fish Prohibited.

The possession of the following species of fish is prohibited during the time periods set forth below:

- (a) The possession of red grouper, tiger grouper, yellowedge grouper, black grouper, and yellowfin grouper is prohibited from February 1st through April 30th of each year in the territory.
- (b) The possession of black, blackfin, vermillion and silk snapper is prohibited from October 1st to December 31st of each year in St. Thomas/St. John District.
- (c) The possession of mutton snapper is prohibited from April 1st to June 30th of each year in the territory.
- (d) The possession of lane snapper is prohibited from April 1st to June 30th of each year in the territory.
- (e) The possession of Nassau grouper is prohibited year round in the territory until the CFMC has determined that it has recovered.
- (f) The filleting of fish in Federal waters of the U.S. Caribbean is prohibited and it is required that fish captured or possessed in territorial waters be landed with heads and fins intact.
- (g) Restrict tarpon and bonefish fishing to catch and release using hook and line only. No take of tarpon or bonefish is allowed.

12 V.I. R. & Regs. § 321-1

321-1. Prohibited Use of Certain Nets, Penalties.

The use of all gill and trammel nets, single or multiple wall entanglement nets, are prohibited in the territory, with the exception of single-wall surface gillnets for the baitfish ballyhoo (Family Hemiramphidae), gar (Family Belonidae) and flyingfish (Family Exocoetidae). Surface gillnets must be tended at all time, 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 3/4 inch square or 1.5 inch stretch. Only one 1,800-ft bait net is permitted per boat. Restricted gill and trammel nets may not be used.

12 V.I. R. & Regs. § 321-1

325-1. Additional Penalties

Additional penalties and rewards for convictions are as provided at Title 12 V.I.C. § 325, or as amended hereafter. Any penalty imposed shall be in addition to the suspension or revocation of licenses, permits,

certificates or registrations as authorized by law and to any confiscation and forfeiture proceedings authorized by law.

Title 25. Navigation

Chapter 7. Administration of Harbors

Subchapter 131. Harbor Regulations for ST. Thomas and ST. Croix; Fees

25 V.I. R. & Regs. § 131-29

131-29. Fish Nets.

Fish nets, or fish traps, or other obstructions to navigation are prohibited in any passages, or entrances to ports, or in those places where, in the opinion of the Marine Manager, such nets, fish traps, or other obstructions may interfere with navigation, and it shall be the duty of the owners or persons in charge thereof to remove them immediately upon receiving notice from the Marine Manager. The owners or persons responsible for such obstructions to navigation shall be held liable for any damage caused by these obstructions. For the safety of navigation, the Marine Manager may remove any such obstruction immediately if he deems it necessary.

Title 29. Public Planning and Development

Chapter 10. Virgin Islands Port Authority

Subchapter 543-a. Harbors and Ports

29 V.I. R. & Regs. § 543-A-17

543-A-17. Obstruction of fairways by fishermen or others.

Fish nets, fish traps or any obstruction to navigation are prohibited in any of the passages, channels, entrances to harbors, or in those places where, in the opinion of the Authority or Hovic Marine Manager, such nets, fish traps, or other obstructions may interfere with navigation, and it shall be the duty of the owners or persons responsible therefor, to remove them immediately upon notice from the Authority or Hovic Marine Manager. For the safety of navigation, the Authority or Hovic Marine Manager may remove such obstructions immediately, if they deem it necessary.

Title 33. Taxation and Finance

Subtitle 1. Miscellaneous Internal Revenue Taxes

Part I. Normal Taxes and Surtaxes

Chapter 3. Miscellaneous Excise Taxes; Gross Receipts, Taxes, Etc.

Subchapter 43. Definitions, Rate and Base of Gross Receipts Tax; Exemptions

33 V.I. R. & Regs. § 43-4

43-4. Exemptions

The gross receipts tax shall not apply to the following:

(a) Commissions paid for the sale of V.I. lottery tickets.

(b) Producers of agriculture products within the Virgin Islands.

A producer of agriculture products means any individual, partnership, firm, cooperative or corporation which has income wholly or partially derived from fishing or the production of food, including but not limited to:

(1) tilling of the soil for fruit, grain, or vegetable;

(2) the raising of livestock for meat, poultry, eggs, milk or other dairy products;

(3) the catching of fish;

(4) the production of honey and other apiary products;

(5) the propagation and rearing of any aquatic species for human consumption;

(6) the production, manufacture, canning or processing of food products or by-products thereof originating in the Virgin Islands, and referred to in paragraphs (1) through (5) above.

(c) All banks as defined in Title 9, chapter 1, section 1 (V.I.C.).

(d) Franchised bus operators.

(e) Any person, firm, or corporation that purchases, for installation in the Virgin Islands, or which constructs in the Virgin Islands, a reverse osmosis water production plant shall, upon certification by the Commissioner of Public Works, be exempt from the payment of 50 percent of excise taxes on the purchase of the plant or on materials for the construction or installation of such plant and from 50 percent of the gross receipts taxes imposed by the Government of the Virgin Islands on such person, firm or corporation for a period of eight years or until the total exemptions equal 50 percent of the cost of purchasing, constructing or installing such plant; provided, however, that a person, firm or corporation which receives an excise or gross receipts exemption under any other provision of law shall not be eligible for an exemption under this subsection.

Raw materials and component parts brought into the Virgin Islands by manufacturers and assemblers of watches and watch movements, holding an I.D.C. certificate, are exempt from all excise taxes (except gasoline taxes).

Contractors with the Government of the Virgin Islands for public works, projects or undertakings are not exempt.

All persons engaged in business, whose annual gross receipts are less than \$350,000, are entitled to a monthly exemption of \$5,000 in computing their tax liability, as set forth in section 43-4 above.