



NOAA FISHERIES

Trawl Gear and Other Net Gear in Federal Waters off Puerto Rico, St. Thomas and St. John, and St. Croix

Draft Options/Decision Paper

**178th Caribbean Fishery Management Council
Regular Meeting
April 19-20, 2022**



Overview

Issues Addressed in this Options/Decision Paper

- Consider a potential prohibition on the use of bottom trawl gear and certain net gear in U.S. Caribbean federal waters as a precautionary approach to prevent negative impacts on the seabed (e.g., bottom trawling: destruction of coral habitat and sponge habitat), and on target and non-target species (i.e., bycatch).
- Certain bottom tending gear (i.e., pots, traps, bottom longlines, gillnets or trammel nets) prohibited in Council-managed seasonally closed areas (Marine Managed Areas – as defined in the Options paper). There are no specific prohibitions on the use of trawl gear in these or other areas, with the exception of the Hind Bank MCD.
- Gillnets and trammel nets have been prohibited for the harvest of reef fish and spiny lobster since 2005. Gillnets are allowed for the harvest of other species (e.g., baitfish) in federal waters but they must be tended at all times.
- There are no federal regulations regarding the use of gillnets or trammel nets for the harvest of Council-managed pelagic species, which are new to management under the island-based FMPs.

Overview

Council Motions at 176th Meeting (Dec 2021):

Motion 1: Prohibit the use of trawling gear from within the marine protected areas (i.e., Council MMAs) of the U.S. Caribbean EEZ.

Motion 2: Request staff to develop an options paper to prohibit the use of gillnets, trammel nets, trawl nets, drift nets, and purse seines for harvesting fish in the U.S. Caribbean EEZ.

Overview

Trawls

[50 CFR 600.10](#) defines trawl as a cone or funnel-shaped net that is towed through the waters, and can include a pair trawl that is towed simultaneously by two boats.

Bottom Trawling: fishing practice that herds and captures the target species by towing a net along the ocean floor (NMFS). Examples: otter trawls, beam trawls, towed dredges.

Mid-water Trawling (pelagic trawl): large net towed through the water column

- Authorized gear type for use in the non-FMP commercial fisheries under each of the St. Croix, St. Thomas and St. John, and Puerto Rico FMPs.
- No evidence trawl gear is or has been used for fishing in federal waters of the U.S. Caribbean (except exploratory fishing/research).
- Puerto Rico territorial fishing regulations prohibit the use of trawl gear and drift nets in its jurisdictional waters.
- USVI do not have specific regulations prohibiting the use of trawl gear in their territorial waters.

Overview

Trawls (Cont.)

- In 2004 (EFH Amendment/FEIS), CFMC recommended taking action to ban the use of trawls in the EEZ.
 - Rationale: Not used by commercial fishermen at the time but recognized a potential for future use. Direct impact to corals; adverse fishing impacts on sensitive and important habitat. No action was taken at the time.
- Reasons for CFMC current interest in prohibiting trawl use in Council MMAs and/or U.S. Caribbean EEZ:
 - (1) trawls have the potential to damage coral habitat including deep-water corals, also sponge habitat and deep-water sponges (Discussion at CFMC Meeting, Dec 2021);
 - (2) trawls can entangle protected species;
 - (3) trawls can damage Caribbean habitats designated as essential fish habitat (EFH) and habitat areas of particular concern for managed species under the MSA.
 - (4) Economic considerations related to the use of trawling gear (e.g., damage or loss of gear) as well as implications for the bycatch of managed and unmanaged species.

Overview

Trawls (Cont.)

- Interest in potential implications (if any) that continuing to allow trawling for non-FMP species as an authorized gear type in the EEZ (including in Council MMAs) may have on the whether the existing Council MMAs qualify as conservation areas under Executive Order (E.O.) 14008.
- E.O. 14008 establishes a goal of conserving at least 30 percent of the lands and waters in the United States by 2030.
- Efforts are underway to determine how much of the lands and waters already qualify as conserved. For example, the Council Coordination Committee has established a subcommittee on area-based management to review MMAs to assess the level of protection they provide.
- The Council has been interested in whether areas it has protected will or could meet any conservation standards developed to implement the E.O.

Overview

Gillnets and Trammel Nets (drift nets): Nets that hang vertically in the water column without being anchored to the bottom

- Authorized gear type for the commercial harvest of managed and non-managed pelagic species and the commercial harvest of non-FMP species in each of the island management areas (50 CFR 600.10),
- Trammel nets are not authorized gear types for any U.S. Caribbean fisheries.

Purse Seines: large wall of netting deployed around an entire area or school of fish.

- Not an authorized gear type for any U.S. Caribbean fisheries.

For purse seines and trammel nets (and other non-authorized gear), a person could petition the Council to use these gear types. At that time, the Council and NMFS could take action whether to allow or prohibit the use of the gear.

50 CFR 600.725(v): A person or vessel is prohibited from engaging in fishing or employing fishing gear when such fishing gear is prohibited or restricted by regulation under an FMP or other applicable law. However, after December 1, 1999, an individual fisherman may notify the appropriate Council, or the Director, in the case of Atlantic highly migratory species, of the intent to use a gear or participate in a fishery not already on the list. Ninety days after such notification, the individual may use the gear or participate in that fishery unless regulatory action is taken to prohibit the use of the gear or participate in the fishery (e.g., through emergency or interim regulations).

Overview

Net Fishery Issues/Characteristics for the CFMC to consider:

- The use of certain nets to catch baitfish (e.g., cast nets, surface gillnets [single-walled, tended at all times]).
 - The use of surface gillnets to harvest flying fish from federal waters (particularly in St. Croix)
- Reporting and monitoring needs
- Compatibility (or lack of) of regulations with territorial waters (e.g., gillnet use is allowed in Puerto Rico waters)
- Need for any HMS exceptions
- Management of pelagic migratory species in other regions (e.g., dolphinfish in the South Atlantic), which are transboundary shared resources (i.e., migratory nature of pelagic species)
- Regulations that already protect EFH in the U.S. Caribbean

Action: Prohibition on the Use of Trawl Gear, Gillnets, Trammel Nets, and Purse Seines in the U.S. Caribbean EEZ

Option 1. No action. Retain the authorized gear types for commercial and recreational harvest in federal waters off St. Croix, St. Thomas and St. John, and Puerto Rico.

Option 2. Prohibit the use of trawling gear in federal waters off St. Croix, St. Thomas and St. John, and Puerto Rico.

Sub-option 2a. For all fishing in CFMC seasonally closed areas/marine managed areas (MMA) in federal waters off St. Croix, St. Thomas and St. John, and Puerto Rico.

Sub-Option 2b. For all fishing in federal waters off St. Croix, St. Thomas and St. John, and Puerto Rico.

Action: Prohibition on the Use of Trawl Gear, Gillnets, Trammel Nets, and Purse Seines in the U.S. Caribbean EEZ (Cont.)

Option 3. Prohibit the use of gillnets (type of drift net) in federal waters off St. Croix, St. Thomas and St. John, and Puerto Rico:

Sub-Option 3a. For all fishing.

Sub-Option 3b. For all fishing except for baitfish (as defined in regulations).

****Gillnets used for harvesting baitfish (i.e., bait nets) would need to be defined to be excluded. Council also to decide if an exception would apply to all sectors or not.**

Option 4. Prohibit the use of trammel nets (type of drift net) for all fishing in federal waters off St. Croix, St. Thomas and St. John, and Puerto Rico.

Option 5. Prohibit the use of purse seines for all fishing in federal waters off St. Croix, St. Thomas and St. John, and Puerto Rico.

Action (Cont.)

Option 1:

- Would retain all trawl and drift net gear types authorized for harvest of all commercial and recreational species under each of the St. Croix, St. Thomas and St. John, and Puerto Rico fisheries, including bottom and mid-water trawls, and gillnets.

Gear Type	Authorized Fisheries (PR, STT, STX)	Notes
Trawl Gear	Commercial Non-FMP Species	Not Used. Banned in PR waters
Gillnets	Commercial Pelagic Species Commercial Non-FMP Species Commercial Non-FMP Pelagic Species	Not allowed for CFMC Reef Fish, Spiny Lobster, MMAs. Allowed in Puerto Rico waters Not Allowed in USVI waters
*Trammel Nets	Not Authorized	Specific gillnets used for baitfish allowed
*Purse Seines	Not Authorized	Not Used

Action (Cont.)

Option 2: Prohibit the use of trawling gear in federal waters off St. Croix, St. Thomas and St. John, and Puerto Rico.

- Broad prohibition on the use of all trawl gear (i.e., bottom and midwater trawl) for harvest of all commercial and recreational species (i.e., managed and non-managed) applicable only in Council-managed seasonally closed areas/MMAs (**Sub-Option 2a**) or throughout the EEZs of Puerto Rico, St. Croix, and St. Thomas and St. John (**Sub-Option 2b**).
- By taking this action, the Council would prevent negative potential ecological and biological and physical effects from the use of trawl gear in the future (e.g., habitat destruction, bycatch) in Council MMAs (**Sub-Option 2a**) or throughout the whole EEZ (**Sub-Option 2b**).

Action (Cont.)

Option 3: Prohibit the use of gillnets in federal waters off St. Croix, St. Thomas and St. John, and Puerto Rico.

- Broad prohibition on the use of gillnets for fishing for all commercial and recreational species (i.e., managed and non-managed) (**Sub-Option 3a**) or for all fishing with the exception on the use of gillnet for the harvest of baitfish (**Sub-Option 3b**).
- Would require the Council to clearly define baitfish and specify the type of gillnet used for harvesting baitfish as well as if the exception would apply to both the commercial and recreational sector.
- Minimal use of gillnets for pelagics and non-FMP species (depth, distance from coast, preference for other gear).
- By taking this action, the Council would prevent negative ecological and biological effects from the use of gillnets (e.g., prevention of bycatch of undersized individuals, protected species, other target and non-target species).
- Allowing the use of certain types of gillnets used for catching baitfish commercially and/or recreationally would allow fishermen to continue using these specific bait nets in federal waters (**Sub-Option 3b**).

Action (*Cont.*)

Option 4

- Would prohibit the use of trammel nets for all fishing in the EEZ off Puerto Rico, St. Thomas and St. John, and St. Croix.
- Trammel nets are already prohibited for fishing for Council-managed reef fish and spiny lobster in federal waters of all three island management areas and are also banned in Council MMAs.

Option 5

- Would prohibit the use of purse seines for all fishing in the EEZ off Puerto Rico, St. Thomas and St. John, and St. Croix.
- Purse seines are not used in federal and territorial waters of the U.S. Caribbean.

None of these gear types are listed as an authorized gear type under any U.S. Caribbean fisheries in federal regulations at 50 CFR 600.10.

Option 4 and **Option 5** would specifically prohibit the use of these gear types, therefore it would not be possible for a fishermen to request the use of the gear as would otherwise be allowed under federal regulations for gears that are not included in the NMFS authorized gear list.

Next Steps

Council to decide if moving forward with action:

If yes,

- a. Indicate if any changes are needed to the scope of the action and/or alternatives
- b. Identify information requirements and sources
- c. Creation of IPT for development of amendment

Additional Slides

Bait Nets Regulations in PR and USVI Waters

In the USVI, the only type of gillnet allowed are single-wall surface gillnets targeting baitfish.

- Nets may not be more than 1,800 ft in length as measured by the float line, and may not be used within 20 ft of the bottom.
- Mesh size may not be smaller than 0.75-inch square or 1.5-inch stretch.
- Only one bait net is permitted per boat and all other prohibited nets may not be possessed onboard vessels in territorial waters.
- St. Croix baitfish species caught: ballyhoo, gar, flying fish, round Jack, and big eye scad.
- Approx. number of fishers that use these nets: 3

In Puerto Rico, this fishery uses bottom and surface gillnets (*trasmallo* or *filete*) and trammel nets (*mallorquín*) consisting of a trammel with three net cloths tied to a line of buoys.

- Gillnets or trammel nets cannot have mesh size greater than 6 inches (as measured from knot to knot of extension).
- For trammel nets, the outer cloths may not have a mesh larger than 6 inches (from knot to knot). Additionally, trammel nets used for bait fishing may not be more than a quarter 0.25 inch (knot-to-knot opening).
- DRNA Regulation 7949, permits the use of gillnets and trammel nets, except in inner water and rivers mouths. Additionally, it prohibits the use of gillnets and trammel nets in conjunction with diving equipment (“Scuba”), except by written authorization from the Secretary for the capture of lionfish⁷.



Bait net in St. Croix – Fisherman Jose Alberto Sánchez
(Source: C. Farchette)