

Figure 3. Seaward boundary lines of the Southern New England Nearshore Area (Area 2) and the Offshore Area (Area 3).

PART 654—STONE CRAB FISHERY OF THE GULF OF MEXICO

Subpart A—General Measures

Sec.

- 654.1 Purpose and scope.
- 654.2 Definitions.

- 654.3 Relation to other laws.
- 654.4 Permits and fees. [Reserved]
- 654.5 Recordkeeping and reporting. [Reserved]
- 654.6 Vessel and gear identification.
- 654.7 Prohibitions.
- 654.8 Facilitation of enforcement.
- 654.9 Penalties.

Subpart B—Management Measures

- 654.20 Seasons.
- 654.21 Harvest limitations.
- 654.22 Gear restrictions.
- 654.23 Southwest Florida seasonal trawl closure.
- 654.24 Shrimp/stone crab separation zones.
- 654.25 Prevention of gear conflicts.
- 654.26 Adjustment of management measures.
- 654.27 Specifically authorized activities.

APPENDIX A TO PART 654—FIGURES

FIGURE 1—STONE CRAB CLAW

FIGURE 2—SOUTHWEST FLORIDA SEASONAL TRAWL CLOSURE

FIGURE 3—SHRIMP/STONE CRAB SEPARATION ZONES

AUTHORITY: 16 U.S.C. 1801 *et seq.*

SOURCE: 60 FR 13919, Mar. 15, 1995, unless otherwise noted.

Subpart A—General Measures**§ 654.1 Purpose and scope.**

(a) The purpose of this part is to implement the Fishery Management Plan for the Stone Crab Fishery of the Gulf of Mexico, prepared by the Gulf of Mexico Fishery Management Council under the Magnuson Act.

(b) This part governs conservation and management of stone crab and restricts the trawl fishery in the management area.

(c) “EEZ” refers to the EEZ in the management area, unless the context clearly indicates otherwise.

§ 654.2 Definitions.

In addition to the definitions in the Magnuson Act and in § 620.2 of this chapter, the terms used in this part have the following meanings:

Management area means the EEZ off the coast of Florida from a line extending directly south from the Alabama/Florida boundary (87°31’06” W. long.) to a line extending directly east from the Dade/Monroe County, FL boundary (25°20.4’ N. lat.).

Regional Director means the Director, Southeast Region, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702, telephone: 813-570-5301; or a designee.

Stone crab means *Menippe mercenaria*, *M. adina* or the hybrid, *M. adina* X *M. mercenaria*, or a part thereof.

§ 654.3 Relation to other laws.

(a) The relation of this part to other laws is set forth in § 620.3 of this chapter and paragraphs (b), (c), and (d) of this section.

(b) The regulations in this part are intended to be compatible with, and do not supersede, similar regulations in effect for the Everglades National Park (36 CFR 7.45).

(c) The regulations in this part are intended to be compatible with similar regulations and statutes in effect in Florida’s waters.

(d) Under Amendment 6 to the Fishery Management Plan for the Stone Crab Fishery of the Gulf of Mexico, there is a temporary moratorium on the issuance by the Regional Director of Federal identification numbers and color codes for vessels and gear in the stone crab fishery in the management area. The moratorium will end not later than June 30, 2002. During the moratorium, fishermen must obtain identification numbers and color codes for these vessels and gear from the State of Florida. (See § 654.6(a).)

[60 FR 13919, Mar. 15, 1995, as amended at 63 FR 44595, Aug. 20, 1998]

§ 654.4 Permits and fees. [Reserved]**§ 654.5 Recordkeeping and reporting. [Reserved]****§ 654.6 Vessel and gear identification.**

(a) An owner or operator of a vessel that is used to harvest stone crabs by traps in the management area must comply with the vessel and gear identification requirements applicable to the harvesting of stone crabs by traps in Florida’s waters in effect as of April 14, 1995, in Rule 62N-8.001 and Rule 46-

13.002(2) (e) and (f), Florida Administrative Code. This incorporation by reference was approved by the Director of the Office of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from the Florida Marine Fisheries Commission, 2540 Executive Center Circle West, Suite 106, Tallahassee, FL 32301; telephone: 904-487-0554. Copies may be inspected at the office of the Regional Director; the Office of Fisheries Conservation and Management, NMFS, 1315 East-West Highway, Silver

Fishery Conservation and Management

§ 654.20

Spring, MD 20910; or the Office of the Federal Register, 800 North Capitol Street, NW, Suite 700, Washington, DC.

(b) A stone crab trap or buoy in the EEZ that is not in compliance with the gear identification requirements specified in paragraph (a) of this section is illegal. Such trap or buoy, and any connecting lines, will be considered unclaimed or abandoned property and may be disposed of in any manner considered appropriate by the Assistant Administrator or an authorized officer. An owner of such trap or buoy remains subject to appropriate civil penalties. A stone crab trap will be presumed to be the property of the most recently documented owner.

[60 FR 13919, Mar. 15, 1995; 60 FR 20196, Apr. 28, 1995]

§654.7 Prohibitions.

In addition to the general prohibitions specified in §620.7 of this chapter, it is unlawful for any person to do any of the following:

(a) Falsify or fail to display and maintain vessel and gear identification, as required by §654.6(a).

(b) Possess a stone crab in the management area during the period specified in §654.20(a).

(c) Possess a stone crab trap in the management area during the period specified in §654.20(c).

(d) Remove from a stone crab in or from the management area, or possess in the management area, a claw that is less than the minimum size limit specified in §654.21(a).

(e) Fail to return immediately to the water unharmed an egg-bearing stone crab, or strip eggs from or otherwise molest an egg-bearing stone crab; as specified in §654.21(b).

(f) Hold a stone crab in or from the management area aboard a vessel other than as specified in §654.21(c).

(g) Use or possess in the management area a stone crab trap that does not have a biodegradable panel, as specified in §654.22(a).

(h) Pull or tend a stone crab trap in the management area other than during daylight hours, as specified in §654.22(b).

(i) Willfully tend, open, pull, or otherwise molest another fisherman's

trap, buoy, or line in the management area, as specified in §654.22(c).

(j) Trawl in a closed area or during a closed season, as specified in §§654.23 or 654.24, or as may be implemented under §654.25(b).

(k) Place a stone crab trap in a closed area or during a closed season, as specified in §654.24, or as may be implemented under §654.25(b).

(l) Interfere with fishing or obstruct or damage fishing gear or the fishing vessel of another, as specified in §654.25(a).

(m) Make any false statement, oral or written, to an authorized officer concerning the taking, catching, harvesting, landing, purchase, sale, possession, or transfer of stone crab.

(n) Interfere with, obstruct, delay, or prevent by any means an investigation, search, seizure, or disposition of seized property in connection with enforcement of the Magnuson Act.

§654.8 Facilitation of enforcement.

See §620.8 of this chapter.

§654.9 Penalties.

See §620.9 of this chapter.

Subpart B—Management Measures

§654.20 Seasons.

(a) *Closed season.* No person may possess a stone crab in the management area from 12:01 a.m., local time, May 16, through 12 p.m. midnight, local time, October 14, each year. Holding a stone crab in a trap in the water during a soak period or during a removal period (see paragraph (b) of this section), or during any extension thereto, is not deemed possession, provided that, if the trap is removed from the water during such period, such crab is returned immediately to the water with its claws unharvested.

(b) *Placement of traps.* (1) *Prior to the fishing season.* The period of October 5 through October 14 is established as a trap soak period. A stone crab trap may be placed in the management area not earlier than 1 hour before sunrise on October 5.

(2) *After the fishing season.* The period of May 16 through May 20 is established as a trap removal period. A stone crab

trap must be removed from the management area not later than 1 hour after sunset on May 20, unless an extension to the removal period is granted under paragraph (b)(2)(i) of this section and the extension authorization is carried aboard the fishing vessel as specified in paragraph (b)(2)(ii) of this section.

(i) An extension of the removal period may be granted by Florida in accordance with Rule 46–13.002(2)(b), Florida Administrative Code, in effect as of April 14, 1995. This incorporation by reference was approved by the Director of the Office of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from the Florida Marine Fisheries Commission, 2540 Executive Center Circle West, Suite 106, Tallahassee, FL 32301; telephone: 904–487–0554. Copies may be inspected at the office of the Regional Director, or the Office of the Federal Register, 800 North Capitol Street, N.W., Suite 700, Washington, DC.

(ii) The extension authorization must be carried aboard the fishing vessel. The operator of a fishing vessel must present the authorization for inspection upon request of an authorized officer.

(c) *Possession of stone crab traps.* A stone crab trap may not be possessed in the management area from the end of the trap removal period, or an extension thereto, to the beginning of the trap soak period, as specified in paragraph (b) of this section. A stone crab trap, float, or rope in the management area during this period will be considered unclaimed or abandoned property and may be disposed of in any manner considered appropriate by the Assistant Administrator or an authorized officer. An owner of such trap, float, or rope remains subject to appropriate civil penalties.

§ 654.21 Harvest limitations.

(a) *Claw size.* No person may remove from a stone crab in or from the management area, or possess in the management area, a claw with a propodus measuring less than 2.75 inches (7.0 cm), measured in a straight line from the elbow to the tip of the lower immovable finger. The propodus is the

largest section of the claw assembly that has both a movable and immovable finger and is located farthest from the body when the entire appendage is extended. (See Appendix A, Figure 1, of this part.)

(b) *Egg-bearing stone crabs.* An egg-bearing stone crab in or from the management area must be returned immediately to the water unharmed—without removal of a claw. An egg-bearing stone crab may not be stripped of its eggs or otherwise molested.

(c) *Holding stone crabs.* A live stone crab in or from the management area may be held aboard a vessel until such time as a legal-sized claw is removed, provided it is held in a container that is shaded from direct sunlight and it is wet with sea water as necessary to keep it in a damp condition. Containers holding stone crabs must be stacked in a manner that does not compress the crabs. A stone crab body from which a legal-sized claw has been removed must be returned to the sea before the vessel reaches shore or a port or dock.

§ 654.22 Gear restrictions.

(a) *Biodegradable panels.* A stone crab trap used or possessed in the management area must have a panel constructed of wood or cotton and located on a side of the trap at least two slats above the bottom, or on the top of the trap, which, when removed, will leave an opening in the trap measuring at least 2.5 inches by 5 inches (6.35 cm by 12.7 cm).

(b) *Daylight hours.* A stone crab trap in the management area may be pulled or tended during daylight hours only—that is, from 1 hour before sunrise to 1 hour after sunset.

(c) *Gear belonging to others.* No fisherman may willfully tend, open, pull, or otherwise molest another fisherman's trap, buoy, or line in the management area without the prior written consent of that fisherman.

§ 654.23 Southwest Florida seasonal trawl closure.

From January 1 to 1 hour after sunset (local time) May 20, each year, the area described in this section is closed to trawling, including trawling for live

Fishery Conservation and Management

§ 654.24

bait. The area is that part of the management area shoreward of a line connecting the following points (see Appendix A, Figure 2, of this part):

Point	North Latitude	West Longitude
B ¹	26°16'	81°58.5'
C	26°00'	82°04'
D	25°09'	81°47.6'
E	24°54.5'	81°50.5'
M ¹	24°49.3'	81°46.4'

¹ On the seaward limit of Florida's waters.

§ 654.24 Shrimp/stone crab separation zones.

Five zones are established in the management area and Florida's waters off Citrus and Hernando Counties for

the separation of shrimp trawling and stone crab trapping. The zones are as shown in Appendix A, Figure 3, of this part. Although Zone II is entirely within Florida's waters, it is included in this section and Appendix A, Figure 3, of this part for the convenience of fishermen. Restrictions that apply to Zone II and those parts of the other zones that are in Florida's waters are contained in Rule 46-38.001, Florida Administrative Code. Geographical coordinates of the points referred to in this paragraph and shown in Appendix A, Figure 3, of this part are as follows (loran readings are unofficial and are included only for the convenience of fishermen):

Point	North latitude	West longitude	Loran Chain 7980			
			W	X	Y	Z
A	28°59'30"	82°45'36"	14416.5	31409.4	45259.1	62895.3
B	28°59'30"	83°00'10"	14396.0	31386.3	45376.8	63000.0
C	28°26'01"	82°59'47"	14301.5	31205.9	45103.2	63000.0
D	28°26'01"	82°56'54"	14307.0	31212.2	45080.0	62981.3
E	28°41'39"	82°55'25"	14353.7	31300.2	45193.9	62970.0
F	28°41'39"	82°56'09"	14352.4	31298.6	45199.4	62975.0
G	28°48'56"	82°56'19"	14372.6	31337.2	45260.0	62975.0
H	28°53'51"	82°51'19"	14393.9	31371.8	45260.0	62938.7
I	28°54'43"	82°44'52"	(¹)	(¹)	(¹)	(¹)
J	28°51'09"	82°44'00"	(²)	(²)	(²)	(²)
K	28°50'59"	82°54'16"	14381.6	31351.8	45260.0	62960.0
L	28°41'39"	82°53'56"	14356.2	31303.0	45181.7	62960.0
M	28°41'39"	82°38'46"	(³)	(³)	(³)	(³)
N	28°41'39"	82°53'12"	14357.4	31304.4	45176.0	62955.0
O	28°30'51"	82°55'11"	14323.7	31242.4	45104.9	62970.0
P	28°40'00"	82°53'08"	14352.9	31295.7	45161.8	62955.0
Q	28°40'00"	82°47'58"	14361.3	31305.4	45120.0	62920.0
R	28°35'14"	82°47'47"	14348.6	31280.6	45080.0	62920.0
S	28°30'51"	82°52'55"	14327.7	31247.0	45086.6	62955.0
T	28°27'46"	82°55'09"	14315.2	31225.8	45080.0	62970.0
U	28°30'51"	82°52'09"	14329.1	31248.6	45080.0	62949.9

¹ Crystal River Entrance Light 1A.

² Long Pt. (southwest tip).

³ Shoreline.

(a) *Zone I* is enclosed by rhumb lines connecting, in order, points A, B, C, D, T, E, F, G, H, I, and J, plus the shoreline between points A and J. It is unlawful to trawl in that part of Zone I that is in the EEZ during the period October 5 through May 20, each year.

(b) *Zone II* is enclosed by rhumb lines connecting, in order, points J, I, H, K, L, and M, plus the shoreline between points J and M.

(c) *Zone III* is enclosed by rhumb lines connecting, in order, points P, Q, R, U, S, and P. It is unlawful to trawl in that part of Zone III that is in the

EEZ during the period October 5 through May 20, each year.

(d) *Zone IV* is enclosed by rhumb lines connecting, in order, points E, N, S, O, and E.

(1) It is unlawful to place a stone crab trap in that part of Zone IV that is in the EEZ during the periods October 5 through December 1, and April 2 through May 20, each year.

(2) It is unlawful to trawl in that part of Zone IV that is in the EEZ during the period December 2 through April 1, each year.

§ 654.25

(e) *Zone V* is enclosed by rhumb lines connecting, in order, points F, G, K, L, and F.

(1) It is unlawful to place a stone crab trap in that part of *Zone V* that is in the EEZ during the periods October 5 through November 30, and March 16 through May 20, each year.

(2) It is unlawful to trawl in that part of *Zone V* that it is in the EEZ during the period December 1 through March 15, each year.

(f) A stone crab trap, float, or rope in the management area during a period not authorized by this section will be considered unclaimed or abandoned property and may be disposed of in any manner considered appropriate by the Assistant Administrator or an authorized officer. An owner of such trap, float, or rope remains subject to appropriate civil penalties. A stone crab trap will be presumed to be the property of the most recently documented owner.

§ 654.25 Prevention of gear conflicts.

(a) No person may knowingly place in the management area any article, including fishing gear, that interferes with fishing or obstructs or damages fishing gear or the fishing vessel of another; or knowingly use fishing gear in such a fashion that it obstructs or damages the fishing gear or fishing vessel of another.

(b) In accordance with the procedures and limitations of the Fishery Management Plan for the Stone Crab Fishery of the Gulf of Mexico, the Regional Director may modify or establish separa-

50 CFR Ch. VI (10–1–99 Edition)

tion zones for shrimp trawling and the use of fixed gear as may be necessary and appropriate to prevent gear conflicts. Necessary prohibitions or restrictions will be published in the FEDERAL REGISTER.

§ 654.26 Adjustment of management measures.

In accordance with the procedures and limitations of the fishery management plan for the Stone Crab Fishery of the Gulf of Mexico, the Regional Director may establish or modify the following management measures: Limitations on the number of traps that may be fished by each vessel; construction characteristics of traps; gear and vessel identification requirements; gear that may be used or prohibited in a directed fishery; bycatch levels in non-directed fisheries; seasons; soak/removal periods and requirements for traps; use, possession and handling of stone crabs aboard vessels; and minimum legal sizes.

§ 654.27 Specifically authorized activities.

The Regional Director may authorize, for the acquisition of information and data, activities otherwise prohibited by the regulations in this part.

APPENDIX A TO PART 654—FIGURES

Figure 1—Stone Crab Claw

Figure 2—Southwest Florida Seasonal Trawl Closure

Figure 3—Shrimp/Stone Crab Separation Zones

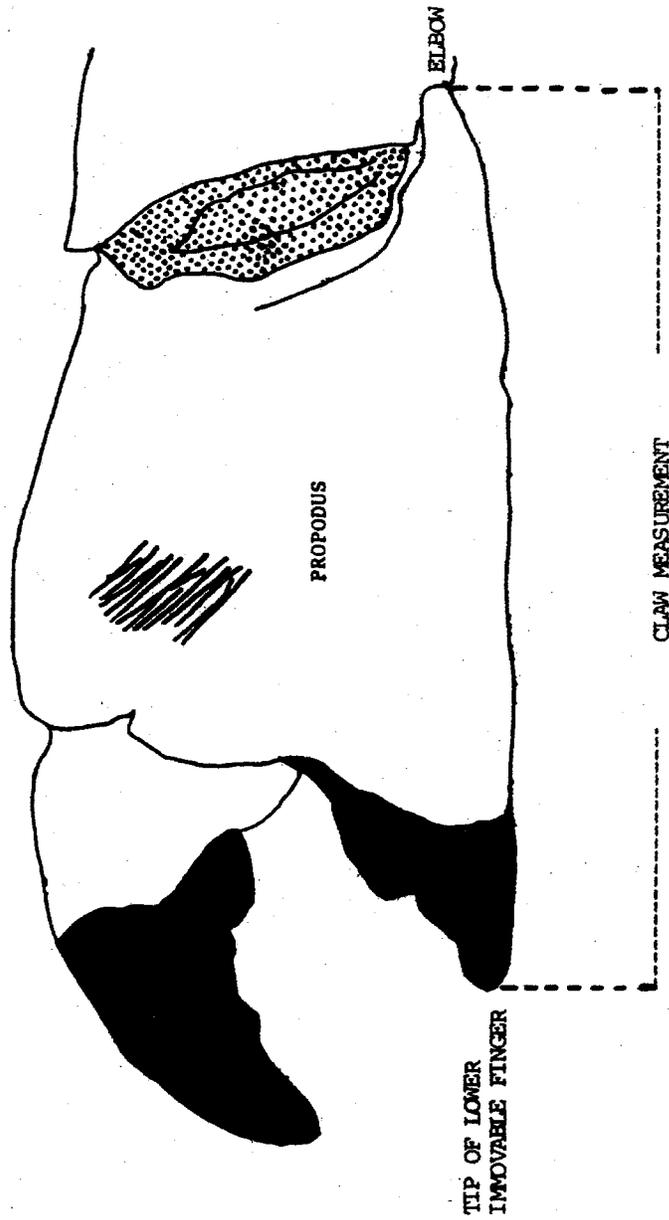


FIGURE 1. STONE CRAB CLAW

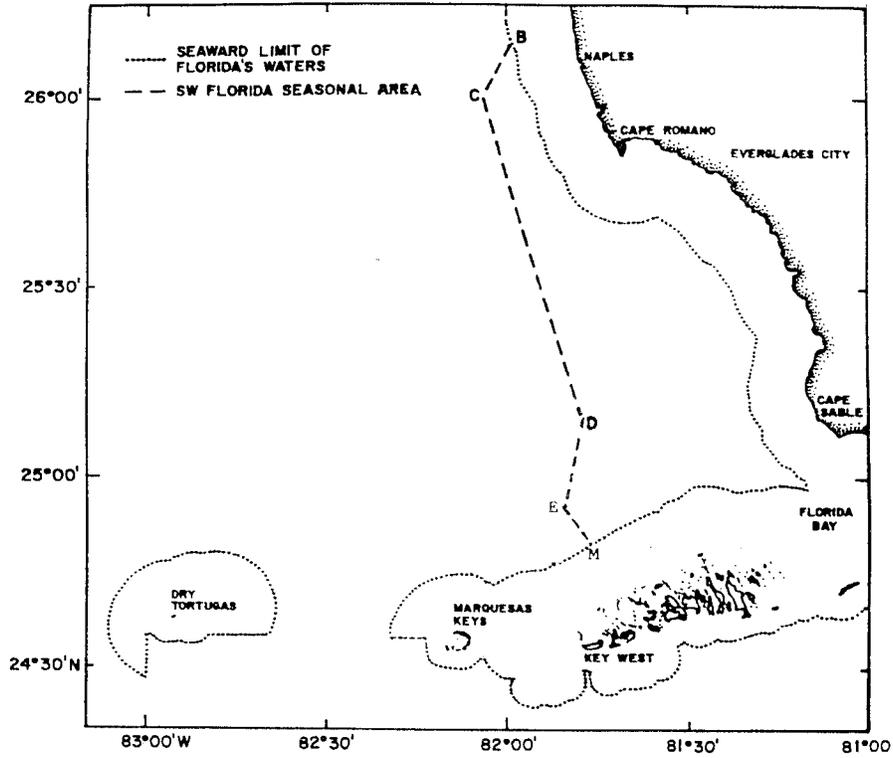


FIGURE 2. SOUTHWEST FLORIDA SEASONAL TRAWL CLOSURE

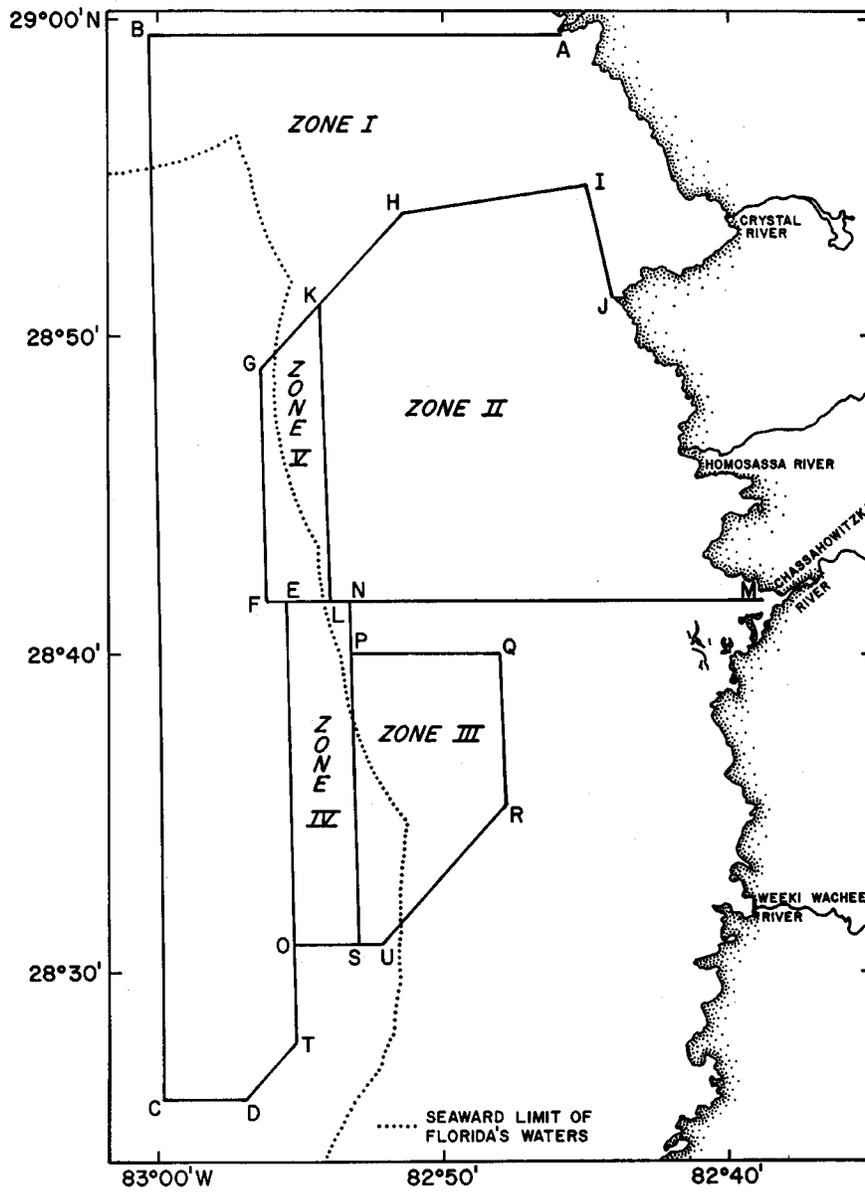


Figure 3. Shrimp/stone crab separation zones.