

## Fishery Conservation and Management

## § 640.2

### PART 640—SPINY LOBSTER FISHERY OF THE GULF OF MEXICO AND SOUTH ATLANTIC

#### Subpart A—General Provisions

- Sec.
- 640.1 Purpose and scope.
  - 640.2 Definitions.
  - 640.3 Relation to other laws.
  - 640.4 Permits and fees.
  - 640.5 Recordkeeping and reporting. [Reserved]
  - 640.6 Vessel and gear identification.
  - 640.7 Prohibitions.
  - 640.8 Facilitation of enforcement.
  - 640.9 Penalties.

#### Subpart B—Management Measures

- 640.20 Seasons.
- 640.21 Harvest limitations.
- 640.22 Gear and diving restrictions.
- 640.23 Bag/possession limits.
- 640.24 Authorized activities.
- 640.25 Adjustment of management measures.
- 640.26 Tortugas marine reserves.
- 640.27 Spiny lobster import prohibitions.

FIGURE 1 TO PART 640

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

EDITORIAL NOTE: Nomenclature changes to part 640 appear at 74 FR 1152, Jan. 12, 2009.

#### Subpart A—General Provisions

##### § 640.1 Purpose and scope.

(a) The purpose of this part is to implement the Fishery Management Plan for the Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic prepared by the South Atlantic and Gulf of Mexico Fishery Management Councils under the Magnuson-Stevens Act.

(b) This part governs conservation and management of spiny lobster and slipper (Spanish) lobster in the EEZ in the Atlantic Ocean and Gulf of Mexico off the Atlantic and Gulf of Mexico states from the Virginia/North Carolina border south and through the Gulf of Mexico. This part also governs importation of spiny lobster into any place subject to the jurisdiction of the United States.

(c) An owner or operator of a vessel that has legally harvested spiny lobsters in the waters of a foreign nation and possesses spiny lobster, or separated tails, in the EEZ incidental to such foreign harvesting is exempt from

the requirements of this part 640, except for §640.27 with which such an owner or operator must comply, provided proof of lawful harvest in the waters of a foreign nation accompanies such lobsters or tails.

[74 FR 1151, Jan. 12, 2009]

##### § 640.2 Definitions.

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

*Bully net* means a circular frame attached at right angles to the end of a pole and supporting a conical bag of webbing. The webbing is usually held up by means of a cord which is released when the net is dropped over a lobster.

*Carapace length* means the measurement of the carapace (head, body, or front section) of a spiny lobster from the anteriormost edge (front) of the groove between the horns directly above the eyes, along the middorsal line (middle of the back), to the rear edge of the top part of the carapace, excluding any translucent membrane.

*Commercial fishing* means any fishing or fishing activities which result in the harvest of any marine or freshwater organisms, one or more of which (or parts thereof) is sold, traded, or bartered.

*Hoop net* means a frame, circular or otherwise, supporting a shallow bag of webbing and suspended by a line and bridles. The net is baited and lowered to the ocean bottom, to be raised rapidly at a later time to prevent the escape of lobster.

*Import* means—

(1) To land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States; but

(2) Does not include any activity described in paragraph (1) of this definition with respect to fish caught in the U.S. exclusive economic zone by a vessel of the United States.

*Live well* means a shaded container used for holding live lobsters aboard a vessel in which aerated seawater is continuously circulated from the sea.