

For the reasons set out in the preamble, 50 CFR parts 622 and 640 are proposed to be amended as follows:

PART 622--FISHERIES OF THE CARIBBEAN, GULF, AND SOUTH ATLANTIC

1. The authority citation for part 622 continues to read as follows:

Authority: 16 U.S.C. 1801 et seq.

2. In § 622.6, a sentence is added to the end of paragraph (b) (iv) to read as follows:

§ 622.6 Vessel and gear identification.

\* \* \* \* \*

(b) \* \* \*

(iv) \* \* \* In the EEZ off Florida, during times other than the authorized fishing season, a Caribbean spiny lobster trap, buoy, or any connecting lines will be considered derelict and may be disposed of in accordance with Rules 68B-55.002 and 68B-55.004 of the Florida Administrative Code.

\* \* \* \* \*

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

3. The authority for part 640 continues to read as follows:

Authority: 16 U.S.C. 1801 et seq.

4. In § 640.1, the first sentence of paragraph (b) is revised to read as follows:

§ 640.1 Purpose and scope.

\* \* \* \* \*

(b) This part governs the conservation and management of Caribbean spiny lobster (spiny 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. \* \* \*

\* \* \* \* \*

5. In § 640.2, the definitions for "spiny lobster" and "slipper (Spanish) lobster" are removed and the definition for "Caribbean spiny lobster or spiny lobster" is added to read as follows:

§ 640.2 Definitions and acronyms.

\* \* \* \* \*

Caribbean spiny lobster or spiny lobster means the species Panulirus argus, or a part thereof.

\* \* \* \* \*

6. In § 640.4, paragraphs (a) (1) (i) and (a) (2) are revised to read as follows:

§ 640.4 Permits and fees.

(a) \* \* \*

(1) \* \* \*

(i) EEZ off Florida and spiny lobster landed in Florida.

For a person to sell, trade, or barter, or attempt to sell, trade, or barter, a spiny lobster harvested or possessed in the EEZ off Florida, or harvested in the EEZ other than off Florida and landed from a fishing vessel in Florida, or for a person to be exempt from the daily bag and possession limit specified in 640.23(b)(1) for such spiny lobster, such person must have the licenses and certificates specified to be a "commercial harvester," as defined in Rule 68B-24.002, Florida Administrative Code, in effect as of July 1, 2008. 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 Division of Marine Fisheries Management, 620 South Meridian Street, Tallahassee, FL 32399; telephone: 850-488-4676. Copies may be inspected at the Office of the Regional Administrator; the Office of Sustainable Fisheries, NMFS, 1315 East-West Highway, Silver Spring, MD; or the Office of the Federal Register, 800 North Capitol Street NW, Suite 700, Washington, DC.

\* \* \* \* \*

(2) Tail-separation permits. For a person to possess aboard a fishing vessel a separated spiny lobster tail in or from the EEZ, a Federal tail-separation permit must be issued to the vessel and must be on board. Permitting prerequisites for the tail-separation permit are either a Federal vessel permit for spiny lobster or a valid Florida Saltwater Products License with a Florida Restricted Species Endorsement and a Crawfish Endorsement.

\* \* \* \* \*

7. In § 640.6, paragraphs (a) and (c) are revised to read as follows:

§ 640.6 Vessel and gear identification.

(a) \* \* \*

(1) An owner or operator of a vessel that is used to harvest spiny lobster by traps in the EEZ off Florida must comply with the vessel and gear identification requirements specified in sections 379.367(2)(a)1. and 379.367(3), Florida Statutes, in effect as of July 1, 2009, and in Rule 68B-24.006(3), (4), and (5), Florida Administrative Code, in effect as of July 1, 2008.

In addition, spiny lobster trap lines must be marked with the color COLOR, along the entire length of the trap line. All traps used to harvest spiny lobster in the EEZ off Florida must

comply with this trap line color marking requirement no later than August 1, 2014.

(2) An owner or operator of a vessel that is used to harvest spiny lobsters by diving in the EEZ off Florida must comply with the vessel identification requirements applicable to the harvesting of spiny lobsters by diving in Florida's waters in Rule 68B-24.006(6), Florida Administrative Code, in effect as of July 1, 2008.

(3) The incorporation by reference in paragraphs (a)(1) and (a)(2) of this section of sections 379.367(2)(a)1. and 379.367(3), Florida Statutes, Rule 68B-24.006(3), (4), and (5), and (6) Florida Administrative Code, 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 Division of Marine Fisheries Management, 620 South Meridian Street, Tallahassee, FL 32399; telephone: 850-488-4676. Copies may be inspected at the Office of the Regional Administrator; the Office of Sustainable Fisheries, NMFS, 1315 East-West Highway, Silver Spring, MD; or the Office of the Federal Register, 800 North Capitol Street NW, Suite 700, Washington, DC.

\* \* \* \* \*

(c) Unmarked traps and buoys. An unmarked spiny lobster trap or buoy in the EEZ is illegal gear.

(i) EEZ off Florida. Such trap or buoy, and any connecting lines, during times other than the authorized fishing season, will be considered derelict and may be disposed of in accordance with Rules 68B-55.002 and 68B-55.004 of the Florida Administrative Code. An owner of such trap or buoy remains subject to appropriate civil penalties.

(ii) EEZ other than off Florida. 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.

8. In § 640.7, paragraph (g) is revised to read as follows:

§ 640.7 Prohibitions.

\* \* \* \* \*

(g) Fail to return immediately to the water a berried spiny lobster; strip eggs from or otherwise molest a berried spiny lobster; or possess a spiny lobster, or part thereof, from which eggs, swimmerettes, or pleopods have been removed or stripped; as specified in • 640.21(a).

\* \* \* \* \*

9. In § 640.20, paragraph (b) (3) (iii) is removed, and paragraph (b) (3) (i) is revised and two sentences are added at the end of paragraph (b) (3) (ii) to read as follows:

§ 640.20 Seasons.

\* \* \* \* \*

(b) \* \* \*

(3) \* \* \*

(i) In the EEZ off Florida, the rules and regulations applicable to the possession of spiny lobster traps in Florida's waters in Rule 68B-24.005(3), (4), and (5), Florida Administrative Code, in effect as of June 1, 1994, apply in their entirety to the possession of spiny lobster traps in the EEZ off Florida. 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 Division of Marine Fisheries Management, 620 South Meridian Street, Tallahassee, FL 32399; telephone: 850-488-4676. Copies may be inspected at the Office of the Regional Administrator; the Office of Sustainable Fisheries, NMFS, 1315 East-West Highway, Silver Spring, MD; or the Office of the Federal Register, 800 North Capitol Street NW, Suite 700, Washington, DC. A spiny lobster trap, buoy, or rope in the EEZ off Florida, during periods not authorized in this paragraph will be considered derelict and may be disposed of in

accordance with Rules 68B-55.002 and 68B-55.004 of the Florida Administrative Code. An owner of such trap, buoy, or rope remains subject to appropriate civil penalties.

(ii) \* \* \* A spiny lobster trap, buoy, or rope in the EEZ off the Gulf states, other than Florida, during periods not authorized in this paragraph 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, buoy, or rope remains subject to appropriate civil penalties.

\* \* \* \* \*

10. In § 640.21, paragraph (a), the second sentence of paragraph (c), and paragraph (d) are revised to read as follows:  
§ 640.21 Harvest limitations.

(a) Berried lobsters. A berried (egg-bearing) spiny lobster in or from the EEZ must be returned immediately to the water unharmed. If found in a trap in the EEZ, a berried spiny lobster may not be retained in the trap. A berried spiny lobster in or from the EEZ may not be stripped of its eggs or otherwise molested. The possession of a spiny lobster, or part thereof, in or from the EEZ from which eggs, swimmerettes, or pleopods have been removed or stripped is prohibited.

\* \* \* \* \*

(c) Undersized attractants. \* \* \* No more than fifty undersized spiny lobsters and one per trap aboard the vessel, may be retained aboard for use as attractants. \* \* \*

(d) Tail separation.

(1) The possession aboard a fishing vessel of a separated spiny lobster tail in or from the EEZ is authorized only when the possession is incidental to fishing exclusively in the EEZ on a trip of 48 hours or more and a Federal tail-separation permit, and either a Federal vessel permit for spiny lobster or a valid Florida Saltwater Products License with a Florida Restricted Species Endorsement and a Crawfish Endorsement, as specified in • 640.4(a)(2), has been issued to and are on board the vessel.

(2) Spiny lobster must be landed either all whole or all tailed on a single fishing trip.

\* \* \* \* \*

11. In § 640.22, paragraphs (a)(3) and (b)(3)(i) are revised and paragraph (b)(4) is added to read as follows:

§ 640.22 Gear and diving restrictions.

(a) \* \* \*

(3) Poisons and explosives may not be used to take a spiny lobster in the EEZ. For the purposes of this paragraph (a)(3), chlorine, bleach, and similar substances, which are used to flush a spiny lobster out of rocks or coral, are poisons. A

vessel in the spiny lobster fishery may not possess on board in the EEZ any dynamite or similar explosive substance.

\* \* \* \* \*

(b) \* \* \*

(3) \* \* \*

(i) For traps in the EEZ off Florida, by the Division of Law Enforcement, Florida Fish and Wildlife Conservation Commission, in accordance with the procedures in Rule 68B-24.006(7), Florida Administrative Code, in effect as of July 1, 2008. 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 Division of Marine Fisheries Management, 620 South Meridian Street, Tallahassee, FL 32399; telephone: 850-488-4676. Copies may be inspected at the Office of the Regional Administrator; the Office of Sustainable Fisheries, NMFS, 1315 East-West Highway, Silver Spring, MD; or the Office of the Federal Register, 800 North Capitol Street NW, Suite 700, Washington, DC.

\* \* \* \* \*

(4) Fishing with spiny lobster trap gear is prohibited year-round in the following areas bounded by rhumb lines connecting, in order, the points listed.

(i) Lobster Large Area 1.

Point	North Lat.	West Long.
A	24°34'0"	81°32'0"
B	24°34'0"	81°31'0"
C	24°33'0"	81°31'0"
D	24°33'0"	81°32'0"
A	24°34'0"	81°32'0"

(ii) Lobster Large Area 2.

Point	North Lat.	West Long.
A	24°32'0"	81°31'30"
B	24°32'0"	81°29'30"
C	24°31'0"	81°29'30"
D	24°31'0"	81°31'30"
A	24°32'0"	81°31'30"

(iii) Lobster Large Area 3.

Point	North Lat.	West Long.
A	24°34'0"	81°25'0"
B	24°34'0"	81°23'30"
C	24°33'0"	81°23'30"
D	24°33'0"	81°24'0"
E	24°32'0"	81°24'0"
F	24°32'0"	81°25'0"
A	24°34'0"	81°25'0"

(iv) Lobster Large Area 4.

Point	North Lat.	West Long.
A	24°36'0"	81°15'0"
B	24°36'0"	81°14'0"
C	24°35'0"	81°14'0"
D	24°35'0"	81°15'0"
A	24°36'0"	81°15'0"

(v) Lobster Large Area 5.

Point	North Lat.	West Long.
-------	------------	------------

A	24°38'0"	81°6'30"
B	24°38'0"	81°6'0"
C	24°37'0"	81°6'0"
D	24°37'0"	81°6'30"
A	24°38'0"	81°6'30"

(vi) Lobster Large Area 6.

Point	North Lat.	West Long.
A	24°45'0"	80°47'0"
B	24°45'0"	80°46'0"
C	24°46'0"	80°46'0"
D	24°46'0"	80°45'0"
E	24°45'0"	80°45'0"
F	24°45'0"	80°46'0"
G	24°44'0"	80°46'0"
H	24°44'0"	80°47'0"
A	24°45'0"	80°47'0"

(vii) Lobster Large Area 7.

Point	North Lat.	West Long.
A	24°57'0"	80°29'30"
B	24°57'0"	80°28'0"
C	24°56'0"	80°28'0"
D	24°56'0"	80°29'30"
A	24°57'0"	80°29'30"

(viii) Lobster Large Area 8.

Point	North Lat.	West Long.
A	25°0'30"	80°26'0"
B	25°0'30"	80°25'0"
C	25°0'0"	80°25'0"
D	25°0'0"	80°24'0"
E	24°58'30"	80°24'0"
F	24°58'30"	80°26'0"
A	25°0'30"	80°26'0"

(ix) Lobster Large Area 9.

Point	North Lat.	West Long.
A	25°3'0"	80°24'0"
B	25°3'0"	80°22'0"
C	25°1'0"	80°22'0"
D	25°1'0"	80°24'0"
A	25°3'0"	80°24'0"

(x) Lobster Large Area 10.

Point	North Lat.	West Long.
A	25°4'0"	80°22'0"
B	25°4'0"	80°21'0"
C	25°3'0"	80°21'0"
D	25°3'0"	80°22'0"
A	25°4'0"	80°22'0"

(xi) Lobster Large Area 11.

Point	North Lat.	West Long.
A	25°3'0"	80°21'0"
B	25°3'0"	80°20'0"
C	25°2'0"	80°20'0"
D	25°2'0"	80°21'0"
A	25°3'0"	80°21'0"

(xii) Lobster Large Area 12.

Point	North Lat.	West Long.
A	25°4'0"	80°20'0"
B	25°4'0"	80°19'0"
C	25°3'0"	80°19'0"
D	25°3'0"	80°20'0"
A	25°4'0"	80°20'0"

(xiii) Lobster Large Area 13.

Point	North Lat.	West Long.
-------	------------	------------

A	25°8'30"	80°18'30"
B	25°8'30"	80°17'0"
C	25°7'0"	80°17'0"
D	25°7'0"	80°18'30"
A	25°8'30"	80°18'30"

(xiv) Lobster Large Area 14.

Point	North Lat.	West Long.
A	25°10'0"	80°17'30"
B	25°10'0"	80°17'0"
C	25°9'0"	80°17'0"
D	25°9'0"	80°17'30"
A	25°10'0"	80°17'30"

(xv) Lobster Large Area 15

Point	North Lat.	West Long.
A	25°10'0"	80°16'30"
B	25°10'0"	80°15'30"
C	25°9'0"	80°15'30"
D	25°9'0"	80°16'30"
A	25°10'0"	80°16'30"

(xvi) Lobster Large Area 16

Point	North Lat.	West Long.
A	25°11'0"	80°17'0"
B	25°11'0"	80°15'30"
C	25°10'0"	80°15'30"
D	25°10'0"	80°17'0"
A	25°11'0"	80°17'0"

(xvii) Lobster Large Area 17

Point	North Lat.	West Long.
A	25°13'30"	80°16'0"
B	25°13'30"	80°15'0"
C	25°12'30"	80°15'0"

D	25°12'30"	80°16'0"
A	25°13'30"	80°16'0"

(xviii) Lobster Large Area 18

Point	North Lat.	West Long.
A	25°11'30"	80°15'0"
B	25°11'30"	80°14'0"
C	25°10'30"	80°14'0"
D	25°10'30"	80°15'0"
A	25°11'30"	80°15'0"

(xix) Lobster Large Area 19

Point	North Lat.	West Long.
A	25°13'0"	80°15'0"
B	25°13'0"	80°14'0"
C	25°12'0"	80°14'0"
D	25°12'0"	80°15'0"
A	25°13'0"	80°15'0"

(xx) Lobster Large Area 20

Point	North Lat.	West Long.
A	25°12'30"	80°14'0"
B	25°12'30"	80°13'0"
C	25°11'0"	80°13'0"
D	25°11'0"	80°14'0"
A	25°12'30"	80°14'0"

(xxi) Lobster Large Area 21

Point	North Lat.	West Long.
A	25°17'30"	80°14'0"
B	25°17'30"	80°11'30"
C	25°14'30"	80°11'30"
D	25°14'30"	80°14'0"
A	25°17'30"	80°14'0"

(xxii) Lobster Large Area 22

Point	North Lat.	West Long.
A	25°22'0"	80°11'0"
B	25°22'0"	80°9'0"
C	25°19'0"	80°9'0"
D	25°19'0"	80°11'0"
A	25°22'0"	80°11'0"

(xxiii) Lobster Large Area 23

Point	North Lat.	West Long.
A	25°23'30"	80°9'30"
B	25°23'30"	80°8'30"
C	25°22'30"	80°8'30"
D	25°22'30"	80°9'30"
A	25°23'30"	80°9'30"

(xxiv) Lobster Large Area 24

Point	North Lat.	West Long.
A	25°25'30"	80°8'0"
B	25°25'30"	80°7'0"
C	25°24'30"	80°7'0"
D	25°24'30"	80°8'0"
A	25°25'30"	80°8'0"

12. Section 640.25 is revised to read as follows:

§ 640.25 Adjustment of management measures.

In accordance with the framework procedure of the Fishery Management Plan for the Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic, the Regional Administrator may establish or modify the following items: reporting and monitoring requirements, permitting requirements, bag and

possession limits, size limits, vessel trip limits, closed seasons, closed areas, reopening of sectors that have been prematurely closed, annual catch limits (ACLs), annual catch targets (ACTs), quotas, accountability measures (AMs), maximum sustainable yield (or proxy), optimum yield, total allowable catch (TAC), management parameters such as overfished and overfishing definitions, gear restrictions, gear markings and identification, vessel identification requirements, allowable biological catch (ABC) and ABC control rule, rebuilding plans, and restrictions relative to conditions of harvested fish (such as tailing lobster, undersized attractants, and use as bait).

13. Add § 622.28 to subpart B to read as follows:

§ 622.28 Accountability measures.

For recreational and commercial spiny lobster landings combined, the applicable ACL is 7.32 million lb (3.32 million kg), whole weight. The applicable combined ACT is 6.00 million lb, (2.72 million kg) whole weight.