

**Steven Atran**

---

**From:** Morgan Kilgour  
**Sent:** Thursday, September 28, 2017 11:12 AM  
**To:** Doug Gregory; Carrie Simmons; Emily Muehlstein; Steven Atran  
**Cc:** Claire Roberts  
**Subject:** FW: legal question about Golden Crab Gulf of Mexico

[Here is the email trail from Mara](#)

---

**From:** Morgan Kilgour  
**Sent:** Monday, May 08, 2017 7:58 AM  
**To:** 'Mara Levy - NOAA Federal' <mara.levy@noaa.gov>  
**Subject:** RE: legal question about Golden Crab Gulf of Mexico

[Thank you so much! I really appreciate it.](#)

**From:** Mara Levy - NOAA Federal [<mailto:mara.levy@noaa.gov>]  
**Sent:** Thursday, May 04, 2017 1:19 PM  
**To:** Morgan Kilgour <[morgan.kilgour@gulfcouncil.org](mailto:morgan.kilgour@gulfcouncil.org)>  
**Cc:** Susan Gerhart ([susan.gerhart@noaa.gov](mailto:susan.gerhart@noaa.gov)) <[susan.gerhart@noaa.gov](mailto:susan.gerhart@noaa.gov)>; Emily Muehlstein <[emily.muehlstein@gulfcouncil.org](mailto:emily.muehlstein@gulfcouncil.org)>  
**Subject:** Re: legal question about Golden Crab Gulf of Mexico

Hi Morgan,

Trapping for golden crabs in the Gulf is not allowed. Although traps are listed as an authorized gear for golden crabs in 600.725(v), that provision states:

"The list of fisheries and authorized gear does not, in any way, alter or supersede any definitions or regulations contained elsewhere in this chapter. 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."

As you note, there is a prohibition on the use of "fish traps" in the Gulf EEZ and a fish trap is defined very broadly to include any trap capable of taking finfish except a trap historically used for blue crab, stone crab, and spiny lobster. No exemption from the definition for golden crab traps.

For comparison, if you look at the definition of "fish trap" for the South Atlantic it does contain a specific exemption for golden crab traps.

If you have any other questions let me know.

Thanks,  
Mara

On Tue, May 2, 2017 at 12:12 PM, Morgan Kilgour <[morgan.kilgour@gulfcouncil.org](mailto:morgan.kilgour@gulfcouncil.org)> wrote:

| Hello Mara,

We are continually getting questions from fishermen and scientists on the golden crab fishery (current question is below). I have asked before as I am unsure of the answer (I may be remembering incorrectly). 1<sup>st</sup>, Golden crab are not managed by the Gulf Council. However, is trapping allowed for golden crabs? 600.724 has traps as allowed for the golden crab fishery. But, in 622, under prohibited gear it states fish traps. Fish traps are defined as “(2) In the Gulf EEZ, a trap and its component parts (including the lines and buoys), regardless of the construction material, used for or capable of taking finfish, except a trap historically used in the directed fishery for crustaceans (that is, blue crab, stone crab, and spiny lobster).” Does this mean only blue crab, stone crab, and spiny lobster? Most deepwater traps are capable of taking finfish.

What do I tell people that ask about this fishery? Previously, I was trapping for golden crab wasn't allowed. Now, I understand that this may not be the case?

Thank you for indulging me,

Morgan

Hello

I am considering fishing the golden crabs in the gulf. I would be using a catcher/processor to harvest these crabs. What type of permits would I need for this fishery and is VMS required? I have lived in Sarasota Fl. for 27 years. I have been a commercial fisherman here and many parts of the world. Is there any current catching of Golden crabs in the Gulf of Mexico? Is there any stock assessment of the Golden crab in the gulf of Mexico?

Regards Kelly

**From:** Susan Gerhart - NOAA Federal [mailto:[susan.gerhart@noaa.gov](mailto:susan.gerhart@noaa.gov)]

**Sent:** Tuesday, May 02, 2017 11:57 AM

**To:** Morgan Kilgour <[morgan.kilgour@gulfcouncil.org](mailto:morgan.kilgour@gulfcouncil.org)>

**Subject:** Re: FW: Golden Crab Gulf of Mexico

I don't think so. The trap prohibition is meant to prevent fish traps. But that gear list in 600s is not always up to date. You should probably double check with Mara.

*Susan Gerhart*

*Gulf Branch Chief*

*NOAA Fisheries Service  
Southeast Regional Office*

On Tue, May 2, 2017 at 11:54 AM, Morgan Kilgour <[morgan.kilgour@gulfcouncil.org](mailto:morgan.kilgour@gulfcouncil.org)> wrote:

In 622, fish traps are a prohibited gear, and a fish trap is (2) In the Gulf EEZ, a trap and its component parts (including the lines and buoys), regardless of the construction material, used for or capable of taking finfish, except a trap historically used in the directed fishery for crustaceans (that is, blue crab, stone crab, and spiny lobster).

Doesn't that mean that blue crab, stone crab and spiny are the *only* crustaceans that can be fished in the EEZ?

**From:** Susan Gerhart - NOAA Federal [mailto:[susan.gerhart@noaa.gov](mailto:susan.gerhart@noaa.gov)]

**Sent:** Tuesday, May 02, 2017 11:52 AM

**To:** Morgan Kilgour <[morgan.kilgour@gulfcouncil.org](mailto:morgan.kilgour@gulfcouncil.org)>

**Subject:** Re: FW: Golden Crab Gulf of Mexico

We do not manage golden crab - that doesn't mean they can't be fished. Allowable gear for golden crab fishing can be found in 600.724 of the CFR. It is #8 on the Gulf list.

If they want to use gear not on this list, the following applies:

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).

*Susan Gerhart*

*Gulf Branch Chief*

*NOAA Fisheries Service*

*Southeast Regional Office*

On Tue, May 2, 2017 at 11:46 AM, Morgan Kilgour <[morgan.kilgour@gulfcouncil.org](mailto:morgan.kilgour@gulfcouncil.org)> wrote:

I know that we have talked about this before, but perhaps this is something we need to clearly address???

---

**From:** Gulf Council  
**Sent:** Tuesday, May 02, 2017 11:24 AM  
**To:** Morgan Kilgour <[morgan.kilgour@gulfcouncil.org](mailto:morgan.kilgour@gulfcouncil.org)>  
**Subject:** FW: Golden Crab Gulf of Mexico

Hi Morgan,

Can you respond to Kelly? (and cc me so I know the answer). For some reason, I don't think it's permissible to harvest golden crab in the Gulf EEZ, but I assume you'll know more about it than I do!

Thanks!

Em

---

**From:** Kelly Madden <[kellymadden1@hotmail.com](mailto:kellymadden1@hotmail.com)>  
**Date:** Monday, May 1, 2017 at 11:47 AM  
**To:** John Milner <[GulfCouncil@gulfcouncil.org](mailto:GulfCouncil@gulfcouncil.org)>  
**Subject:** Golden Crab Gulf of Mexico

Hello

I am considering fishing the golden crabs in the gulf. I would be using a catcher/processor to harvest these crabs. What type of permits would I need for this fishery and is VMS required? I have lived in Sarasota FL for 27 years. I have been a commercial fisherman here and many parts of the world. Is there any current catching of Golden crabs in the Gulf of Mexico? Is there any stock assessment of the Golden crab in the gulf of Mexico?

Regards Kelly

--  
Mara B. Levy  
Attorney-Advisor  
Southeast Section

NOAA Office of the General Counsel  
U.S. Department of Commerce  
(727) 824-5302

**CONFIDENTIALITY NOTICE:** This e-mail message, including any attachment, is for the sole use of the intended recipient(s) and may contain confidential attorney-client communications and/or attorney work product. If you are not the intended recipient(s), please contact the sender by reply e-mail and destroy all copies of the original message and attachments. Please do not distribute or release the contents of this email or any attachment without the express permission of the Office of General Counsel.