

(b) *Permit Area 2.* Lobsters may be taken only with lobster traps or by hand. Lobsters may not be taken by means of poisons, drugs, other chemicals, spears, nets, hooks, or explosives.

[61 FR 34572, July 2, 1996, as amended at 62 FR 35450, July 1, 1997; 63 FR 20540, Apr. 27, 1998]

EFFECTIVE DATE NOTE: At 63 FR 40379, July 29, 1998, §660.48 was amended by suspending paragraph (a)(7) and by adding paragraph (a)(10), effective July 23, 1998, through Dec. 31, 1998. For the convenience of the user, the added text is set forth as follows:

§ 660.48 Gear restrictions.

(a) * * *

(10) A vessel whose owner has a limited access permit issued under this subpart and has an operating VMS unit certified by NMFS may transit the Crustaceans Permit Area 1, including the Crustaceans Permit Area 1 VMS Subarea, with lobster traps on board for the purpose of moving to another lobster grounds or returning to port following the closure date, as specified in §660.50, providing the vessel does not stop or fish and is making steady progress to another lobster grounds or back to port as determined by NMFS.

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§ 660.49 At-sea observer coverage.

All fishing vessels subject to this subpart and subpart B of this part must carry an observer when requested to do so by the Regional Director.

§ 660.50 Harvest limitation program.

(a) *General.* A harvest guideline for Permit Area 1 will be set annually for the calendar year and shall:

(1) Apply to the total catch of spiny and slipper lobsters.

(2) Be expressed in terms of numbers of lobsters.

(b) *Harvest guideline.* (1) The Regional Director shall use information from daily lobster catch reports and lobster sales reports from previous years, and may use information from research sampling and other sources, to establish the annual harvest guideline in accordance with the FMP.

(2) NMFS shall publish a document indicating the annual harvest guideline in the FEDERAL REGISTER by February

28 of each year and shall use other means to notify permit holders of the harvest guideline for the year.

(3) The Regional Director shall determine, on the basis of the information reported to NMFS during the open season by the operator of each vessel fishing, when the harvest guideline will be reached. Notice of this determination, with a specification of the closure date after which fishing for lobster or further landings of lobster taken in Permit Area 1 will be prohibited, will be provided to each permit holder and operator of each permitted vessel or announced in the FEDERAL REGISTER. At least 5 days advance notice of the effective date of the prohibition on landings will be given.

(4) Each permit holder and operator of each permitted vessel will be provided the following information, which will also be published in the FEDERAL REGISTER:

(i) Determination of when the harvest guideline will be reached;

(ii) Closure date after which the possession of lobster traps in Crustaceans Permit Area 1 VMS Subarea is prohibited by permitted vessels carrying VMS units;

(iii) Closure date after which the possession of lobster traps in Crustaceans Permit Area 1 is prohibited by permitted vessels without VMS units; and

(iv) Specification when further landings of lobster taken by permitted vessels without VMS units will be prohibited.

(c) *Monitoring and adjustment.* The operator of each vessel fishing during the open season shall report lobster catch (by species) and effort (number of trap hauls) data while at sea to NMFS in Honolulu. The Regional Director shall notify permit holders of the reporting method, schedule, and logistics at least 30 days prior to the opening of the fishing season.

[61 FR 34572, July 2, 1996, as amended at 62 FR 35450, July 1, 1997; 63 FR 20541, Apr. 27, 1998]

EFFECTIVE DATE NOTE: At 63 FR 40379, July 29, 1998, §660.50 was amended by suspending paragraph (b)(4) and by adding paragraphs (b)(5) through (b)(8), effective July 23, 1998, through Dec. 31, 1998. For the convenience of the user, the added text follows: