

deck so as to be visible from enforcement vessels and aircraft. The official number is the anchovy reduction registration number issued by the State of California.

(b) *Numerals*. The official number must be affixed to each vessel subject to this subpart in block Arabic numerals at least 14 inches (35.56 cm) in height. Markings must be legible and of a color that contrasts with the background.

§ 660.506 Prohibitions.

In addition to the general prohibitions specified in § 600.725, it is unlawful for any person to do any of the following:

(a) Fish for anchovies in the PAFA:

(1) During any applicable closed season or in any applicable closed area specified in this subpart;

(2) During any applicable closure specified in this subpart; or

(3) Aboard a fishing vessel that has not filed an applicable declaration of intent with the State of California.

(b) Take or retain anchovies for reduction purposes in the PAFA unless they are taken with authorized fishing gear as specified in § 660.513.

§ 660.507 Facilitation of enforcement.

See § 600.730 of this chapter.

§ 660.508 Penalties.

See § 600.735 of this chapter.

§ 660.509 Harvest quota.

(a) *Announcement of harvest quotas*. The total harvest quota, reduction harvest quota, subarea B harvest quota, and special allocations will be determined by the Regional Administrator from the estimated spawning biomass according to the formulas in paragraph (b) of this section, and will be announced on or about August 1 as interim final quotas. The quotas will be announced according to the following procedure:

(1) No less than 14 calendar days before the meeting of the Council's Anchovy Planning team and Advisory Subpanel, a document will be published in the FEDERAL REGISTER notifying the public when the estimate of the annual spawning biomass will be available. The document also will announce the

date and location of a meeting of the Council's Anchovy Planning team and Advisory Subpanel, where the estimated spawning biomass and the annual quotas will be reviewed and public comments received. This meeting is expected to convene during the second week of June.

(2) All materials relating to the annual quotas will be forwarded to the Council and its Scientific and Statistical Committee and will be available for public inspection at the Office of the Regional Administrator.

(3) On or about August 1, the interim final quotas will be published in the FEDERAL REGISTER with an opportunity for public comment.

(4) At a regular meeting of the Council, the Council will review the estimated spawning biomass and harvest quotas and offer time for public comment. The Council will either accept the harvest quotas as published or recommend to the Regional Administrator that the numbers be revised. If a revision is requested, a justification for the revision must be provided. An annual quota may be adjusted only if inaccurate data were used or if errors were made in the calculations.

(5) If the Regional Administrator determines that a change in a harvest quota is justified, NMFS will publish a document in the FEDERAL REGISTER notifying the public of the change and the reasons for the change. If no changes are necessary, the interim final quotas will become final quotas, and no notice will be published.

(b) *Determination of harvest quotas*. The total harvest quota in the PAFA will be determined by adding the non-reduction fishery allocation in the PAFA and the reduction harvest quota in the PAFA, and they will be separately determined by the following formulas.

(1) When the estimated spawning biomass is less than 300,000 mt, there will be no reduction harvest quota, and the non-reduction allocation in the PAFA will be 4,900 mt.

(2) When the estimated spawning biomass is equal to or greater than 300,000 mt, the reduction harvest quota in the PAFA will be 70 percent of the estimated spawning biomass in excess of 300,000 mt or 140,000 mt, whichever is

less, and the non-reduction fishery allocation in the PAFA will be 4,900 mt except as specified in § 660.510(b).

(3) When the estimated spawning biomass is less than 50,000 mt for 2 consecutive fishing years, there will be no reduction quota and no non-reduction allocation until the spawning biomass reaches or exceeds 50,000 mt.

(4) There is no limit on the harvest of anchovy for live bait, except that when the spawning biomass is less than 50,000 mt for 2 consecutive fishing years, there will be no live bait harvest until the spawning biomass reaches or exceeds 50,000 mt.

(c) *Subarea B harvest quota.* The reduction harvest quota for subarea B will be equal to the reduction harvest quota in the PAFA minus a reserve of 10 percent of the reduction harvest quota or 9,072 mt, whichever is less. This reserve is allocated to the reduction fishery in subarea A except as provided in paragraph (d) of this section.

(d) *Reallocation of subarea A reserve.* The Secretary may reallocate on June 1 from subarea A to subarea B that portion of the reserve allocated to subarea A under paragraph (c) of this section that will not be harvested in subarea A by the end of the fishing year. This amount will be estimated based on catch to date in the current year and the expected intentions of processors and fishermen in the reduction fishery north of Point Buchon to harvest anchovies in the remaining fishing year. Reallocation under this paragraph will be based first, on a need to increase the subarea B harvest quota and secondly, on the projected reduction harvest in subarea A to the end of the fishing year.

(e) *Procedure for reallocation of subarea A reserve.* (1) The Secretary may, by May 1 each year, determine the need to increase the subarea B harvest quota as provided in paragraph (d) of this section if the expected reduction fishery harvest in subarea B is an amount equal to or greater than the subarea B harvest quota. After making a determination that the subarea B harvest quota needs to be increased as provided in paragraph (d) of this section, the Secretary will make the estimate under paragraph (d) of this section on or about May 15 and, as soon as

practicable after June 1, announce to all reduction fishing vessel owners and operators and licensed anchovy reduction plant operators by notification in the FEDERAL REGISTER and other appropriate notice—

(i) The change in the subarea B quota.

(ii) The reasons for the change.

(iii) A summary of, and responses to, any comments submitted under paragraph (e)(3) of this section.

(2) The Regional Administrator will compile in aggregate form all data used to make the estimates under paragraph (d) of this section and make them available for public inspection during normal business hours at the Southwest Regional Office at the address in Table 1 § 600.502.

(3) Comments from the public on the estimates made under paragraph (d) of this section may be submitted to the Regional Administrator until May 31.

(f) Anchovies harvested for reduction and non-reduction purposes in the PAFA and adjacent territorial sea will be counted toward the total harvest quota.

§ 660.510 Closures.

(a) *Closure of the reduction fishery.* The Secretary will close the reduction fishery during the open season provided in § 660.511 when the total harvest quota in the PAFA is taken. The Secretary will close only the reduction fishery in subarea B when the subarea B reduction harvest quota is taken.

(b) *Closure of the non-reduction fishery.* The Secretary will close the non-reduction fishery in the PAFA only if the total harvest quota is taken.

(c) *Procedure for closing.* (1) When the harvest quotas prescribed in § 660.509 are about to be taken, the Secretary will announce, by notification in the FEDERAL REGISTER and to the Council and the California Department of Fish and Game, the date of closure in one or both subareas.

(2) If a reduction fishery closure is announced, the reduction fishery in the affected subarea will cease on the date of closure specified in the FEDERAL REGISTER document provided by paragraph (c)(1) of this section, and will not resume until a final determination of