

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 Part 640

[Docket No. 2614-107]

Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic

AGENCY: National Oceanic and Atmospheric Administration, (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NOAA issues final regulations to implement the Fishery Management Plan for the Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic. The intended effect of these regulations is to prevent overfishing, increase the yield from the fishery, reduce user-group conflicts, and obtain the basic information required for improved management of the fishery.

EFFECTIVE DATES: June 30, 1982; except for §§ 640.8, 640.20(c), 640.21, 640.22, 640.23, 640.24, and those prohibitions in § 640.7 that cross-reference these sections, which are effective on July 26, 1982.

ADDRESSES: A copy of the Regulatory Impact Review may be obtained from Jack T. Brawner, Regional Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, FL 33702.

FOR FURTHER INFORMATION CONTACT: Jack T. Brawner, 813-893-3141.

SUPPLEMENTARY INFORMATION: These regulations implement the Fishery Management Plan for Spiny Lobster in the Gulf of Mexico and South Atlantic (FMP). This FMP was prepared jointly by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils). The Assistant Administrator for Fisheries, NOAA, approved the FMP on February 2, 1982, under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act). A notice of proposed rulemaking was published on March 12, 1982 (47 FR 10878), initiating a 45-day comment period which ended April 26, 1982.

An emergency interim rule implementing the closed season portion of the FMP was published on March 30, 1982 (47 FR 13353), under section 305(e) of the Magnuson Act. The interim rule was effective for 45 days (April 1 through May 15) and was extended for an additional 45 days on May 16, 1982 (47 FR 21256).

The preamble to the notice of proposed rulemaking contains information on the spiny lobster fishery,

its economic value, and its relative importance to the recreational and commercial sectors. The problems in the fishery (i.e., harvest of undersized lobsters and harvest during the spawning season) and the management measures to resolve them are also discussed in detail.

Section 640.5, Recordkeeping and reporting, was reserved in the proposed regulations. This section is also being reserved in this final rule, because the reporting system has not been completely developed and forms have not yet been prepared. It is anticipated that the mandatory reporting system will be implemented by regulatory amendment shortly after sampling procedures and reporting forms are developed and approved. The forms will be submitted to the Office of Management and Budget for approval under section 3507 of the Paperwork Reduction Act, Pub. L. 96-511.

Response to Comments

No comments were received on the FMP during the public comment period; however, the Coast Guard recommended several changes in the proposed regulations. One other comment was received which opposed implementing by emergency regulations the closed season in the FCZ.

That commenter, representing spiny lobster fishermen who fish beyond the fishery conservation zone (FCZ) during Florida's closed season, strongly objected to the emergency interim rule to close the fishing season. The following specific objections were raised: (1) No emergency exists; (2) the rule prevents all feasible fishing for spiny lobster beyond Florida's territorial limits; (3) the 200-mile limit is inappropriate because lobsters do not migrate across the Gulf Stream into Florida's waters; and (4) the rule was introduced in a manner designed to avoid public protest.

In the judgment of the Councils, the National Marine Fisheries Service (NMFS), and numerous fishermen who testified at public hearings, the increasing harvest of lobsters from the FCZ during the time the State has a closed fishing season to protect the major reproductive period constituted a resource emergency. The spiny lobster fishery is a high-value fishery subjected to intensive fishing effort. Extensive harvest during the spawning season would seriously reduce reproductive potential and result in recruitment overfishing.

The emergency rule governs fishing for spiny lobster in portions of the Atlantic Ocean and Gulf of Mexico over which the United States exercises

exclusive management authority. Lobster fishing outside of U.S. waters during the closed season is not governed by these regulations. However, lobster fishermen transporting their catch from outside U.S. waters through the FCZ must document, with proper bills of lading, that the lobsters were taken from waters outside the FCZ and, therefore, were not taken in violation of the regulations.

Although the issue of larval recruitment has not been resolved conclusively, the Councils and NMFS believe there is sufficient scientific evidence to indicate that lobsters spawning in the FCZ may contribute significantly to the stock within U.S. waters. The protection of the spawning stock during the closed season is considered to be a sound conservation measure. The question of whether lobsters spawning beyond U.S. waters contribute to the U.S. stock is irrelevant, because the regulations do not pertain to fishing activities beyond the FCZ.

The Councils and NMFS ensured that the public would have an adequate opportunity to comment on all aspects of the FMP, including the closed season. Eight public hearings, including three in the Florida Keys, were held (February 10 through February 19, 1981) to receive public comment on the FMP. A 45-day comment period (January 23, 1981, through March 9, 1981) was also provided to allow the public to send written comments on the draft environmental impact statement. There was strong support for the measure from both commercial and recreational fishermen, and no comments objecting to the closed season were received. An additional 45-day public comment period on the FMP and proposed regulations was initiated by publication of the proposed rule in the Federal Register on March 12, 1982.

Changes From the Proposed Rule

This final rule differs from the proposed rule in that a provision has been added, § 640.20(d), to prohibit possession of spiny lobsters in the FCZ during the closed season. A new paragraph (e) was added to § 640.7, Prohibitions, to reference this provision. These modifications are consistent with the FMP and the intended effect of the proposed rule and will facilitate enforcement of the closed season. This prohibition eliminates the burden of requiring enforcement personnel to observe the actual takings of lobsters from the FCZ during the closed season, and the allowance for possession of lobsters accompanied by a proper bill of lading will avoid any adverse impacts

fishermen who have legally harvested lobsters.

To further protect undersized lobsters and in keeping with the intent of the FMP, a sentence was added to § 640.22(b) specifying that undersized lobsters may not be retained aboard vessels that are docked. Other changes, discussed in the following paragraphs, have been made in the final rule in response to comments received during the public comment period. In addition, minor changes have been made to clarify the definitions of "commercial fisherman," "degradable panel," "fishery conservation zone," "Regional Director," and the texts of §§ 640.1, 640.4, 640.7(j), 640.20 (a)(1) and (d), and 640.22(a). Also, a new paragraph (d) was added to § 640.6 to clarify that each trap or string of traps is to be marked with a buoy.

The Coast Guard provided the only comments received on the proposed regulations. It recommended that § 640.3(b) be revised to include Monitor Marine Sanctuary, Key Largo Coral Reef Marine Sanctuary and Gray's Reef National Marine Sanctuary. Section 640.3(b) was rewritten to clarify that these regulations apply within the boundaries of any national park,

monument, or marine sanctuary within FCZ.

The Coast Guard also noted that the vessel identification requirements as written in § 640.6 apply to all vessels fishing recreationally or commercially, with or without traps. The Councils intended that the identification system would apply only to vessels engaged in the spiny lobster trap fishery. Section 640.6 of the final rule has been revised to clarify that requirement.

The Coast Guard also recommended that the language in § 640.8 be revised to reflect more accurately current boarding practices and to accommodate fishermen. Section 640.8 has been rewritten to comply with the Coast Guard's suggestions.

Classification

The Assistant Administrator, after considering all comments received on the FMP, emergency regulations, and proposed regulations, has determined that the FMP and the final regulations comply with the national standards, other provisions of the Magnuson Act, and other applicable law.

The adoption and implementation of the FMP is a major Federal action that will have a significant impact on the quality of the human environment.

Under the National Environmental Policy Act and NOAA Directive 02-10, a draft environmental impact statement was filed with the Environmental

Protection Agency. The notice of availability was published on January 23, 1981 (46 FR 7433). The final environmental impact statement was filed and a notice of availability was published on March 19, 1982 (47 FR 11980).

The NOAA Administrator has determined that these rules are not major under Executive Order 12291. A Regulatory Impact Review (RIR) has been prepared which analyzes the expected benefits and costs of the regulatory action. The review provides the basis for the Administrator's determination. The RIR indicates that the final regulations will result in benefits to fishermen and the economy which substantially exceed the total costs incurred by government and the private sector. Benefits expected to accrue during the first year of implementation include a \$3.3 million increase in industry revenue, increased recreational participation, and a substantial reduction of user-group conflicts. The regulations are designed to prevent overfishing and increase the landings of spiny lobsters without unduly burdening any user groups.

These regulations will be enforced via a State/Federal cooperative agreement that will maximize cost effectiveness. Enforcement will be accomplished with existing resources. Compliance with the regulation requiring vessel and gear markings will impose a minimal burden on new participants; virtually all current participants have complied with this requirement by adopting the markings required by the State of Florida.

The implementing regulations do not contain any information collection requirements, as defined by the Paperwork Reduction Act, for individuals, small businesses, or other persons, since the data collection system will not be implemented at this time. Prior to implementation of the data collection system, forms will be approved by the Office of Management and Budget.

These regulations will have a significant impact on a substantial number of small entities under the Regulatory Flexibility Act. A final regulatory flexibility analysis has been prepared in compliance with the Regulatory Flexibility Act, and has been combined with the RIR which is summarized above and is available (see "addresses").

The Assistant Administrator has determined that there is good cause to waive all or part of the 30-day period of delayed effectiveness required under the Administrative Procedure Act (APA). The closed season in the FCZ is intended to occur concurrently with the

closure of State waters by the State of Florida. The State waters are closed to spiny lobster fishing from April 1 through July 25. This year, the season was closed in the FCZ by an emergency interim rule. The interim rule expires on June 29, but the closed season does not end until July 25. To maintain the continuity of the closed season and protect the spawning stock in the FCZ, it is essential that certain portions of these final regulations governing the closure be implemented on June 30 (see "effective dates"). All remaining sections of the regulations will be effective on July 26 to coincide with the beginning of the fishing season.

List of Subjects in 50 CFR Part 640

Fish; Fisheries; Fishing.

Dated: June 30, 1982.

William G. Gordon.

Assistant Administrator for Fisheries,
National Marine Fisheries Service.

50 CFR is amended by adding a new Part 640 to read as follows:

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 Vessels, permits, and fees.
- 640.5 Recordkeeping and reporting.
- [Reserved]
- 640.6 Gear and vessel identification.
- 640.7 General prohibitions.
- 640.8 Enforcement.
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Subpart B—Management Measures

- 640.20 Seasons.
- 640.21 Harvest limitations.
- 640.22 Size limitations.
- 640.23 Gear limitations.
- 640.24 Authorized activities.

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

Subpart A—General Provisions

§ 640.1 Purpose and scope.

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 developed by the South Atlantic and Gulf of Mexico Fishery Management Councils under the Magnuson Act. The regulations in this Part govern fishing for spiny lobster by vessels of the United States within the FCZ in the Atlantic Ocean and Gulf of Mexico along the coast of the South Atlantic States from the Virginia/North Carolina border south and through the Gulf of Mexico.

§ 640.2 Definitions.

In addition to the definitions in the Magnuson Act, and unless the context requires otherwise, the terms used in this part have the following meanings:

Authorized Officer means:

(a) Any commissioned, warrant, or petty officer of the United States Coast Guard;

(b) Any certified enforcement officer or special agent of the National Marine Fisheries Service;

(c) Any officer designated by the head of any Federal or State agency which

has entered into an agreement with the Secretary and the Commandant of the Coast Guard to enforce the provisions of the Magnuson Act; or

(d) Any Coast Guard personnel accompanying and acting under the direction of any person described in paragraph (a) of this definition.

Carapace length means a head-length measurement taken from the orbital notch inside the orbital spine, in a line parallel to the lateral rostral sulcus, to the posterior margin of the cephalothorax (Figure 1).

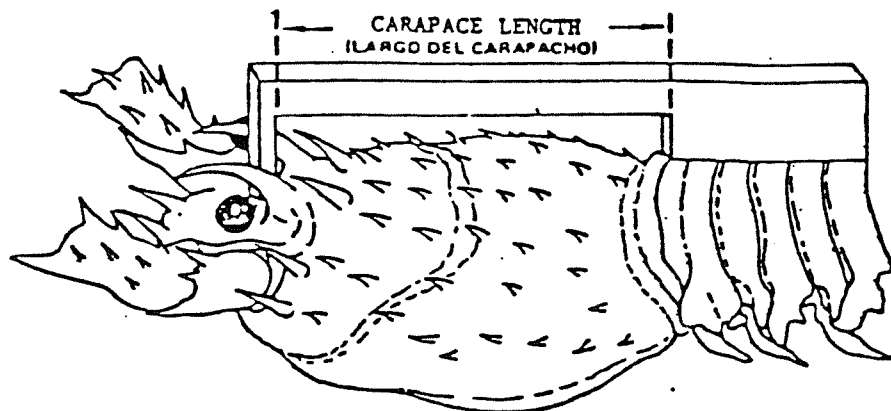


Figure 1

Center Director means the Center Director, Southeast Fisheries Center, National Marine Fisheries Service, 75 Virginia Beach Drive, Miami, Florida 33149; telephone 305-361-5761.

Commercial fisherman means a fisherman who sells all or any part of his catch.

Degradable panel means a panel constructed of wood, cotton, or other material that will degrade at the same rate as a wooden trap.

Fish includes the spiny lobster, *Panulirus argus*.

Fishery conservation zone (FCZ) means that area adjacent to the United States which, except where modified to accommodate international boundaries, encompasses all waters from the seaward boundary of each of the coastal States to a line on which each point is 200 nautical miles from the baseline from which the territorial sea of the United States is measured.

Fishing means any activity, other than scientific research conducted by a scientific research vessel, which involves:

(a) The catching, taking, or harvesting of fish;

(b) The attempted catching, taking, or harvesting of fish;

(c) Any other activity which can reasonably be expected to result in the catching, taking, or harvesting of fish; or

(d) Any operations at sea in support of, or in preparation for, any activity described in paragraph (a), (b), or (c) of this definition.

Fishing vessel means any vessel, boat, ship, or other craft which is used for, equipped to be used for, or of a type which is normally used for:

(a) Fishing; or

(b) Aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but not limited to, preparation, supply, storage, refrigeration, transportation, or processing.

Live box means a container used for holding live lobsters aboard a vessel.

Magnuson Act means the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*).

Management area means that area of the FCZ adjacent to the territorial sea off the coasts of the States adjacent to the Gulf of Mexico and off the Atlantic Coast south of the Virginia-North Carolina border.

Operator, with respect to any vessel, means the master or other individual on board and in charge of that vessel.

Owner, with respect to any vessel means:

(a) Any person who owns that vessel in whole or in part;

(b) Any charterer of the vessel, whether bareboat, time, or voyage;

(c) Any person who acts in the

capacity of a charterer, including, but not limited to, parties to a management agreement, operating agreement, or other similar arrangement that bestows control over the destination, function, or operation of the vessel; or

(d) Any agent designated as such by any person described in paragraph (a), (b), or (c) of this definition.

Person means any individual (whether or not a citizen of the United States), corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any Federal, State, local, or foreign government or any entity of any such government.

Recreational fisherman means a fisherman who does not sell any part of his catch.

Regional Director means the Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Koger Boulevard, St. Petersburg, Florida 33702; telephone 813-893-3141, or his designee.

Secretary means the Secretary of Commerce or a designee.

Spiny lobster means the species *Panulirus argus*.

Tail length means the measurement, with the tail in a straight, flat position, from the anterior end of the exoskeleton ("shell") of the first abdominal (tail) segment to the tip of the closed tail.

U.S.-harvested fish means fish caught, taken, or harvested by vessels of the United States within any fishery regulated under the Magnuson Act.

Vessel of the United States means:

(a) A vessel documented or numbered by the U.S. Coast Guard under U.S. law; or

(b) A vessel under five net tons which is registered under the laws of any State.

§ 640.3 Relation to other laws.

(a) The regulations in this Part apply within the boundaries of any national park, monument, or marine sanctuary in the Gulf of Mexico and South Atlantic FCZ.

(b) Persons affected by these regulations should be aware that other Federal and State statutes and regulations may apply to their activities.

(c) Certain responsibilities relating to data collection and enforcement may be performed by authorized State personnel under a cooperative agreement entered into by the State, the U.S. Coast Guard, and the Secretary.

§ 640.4 Vessel permits and fees.

No permits are required for fishing vessels engaged in commercial fishing for spiny lobsters within the FCZ (but

see vessel identification requirements in § 640.6(a)).

§ 640.5 Recordkeeping and reporting.
(Revised)

§ 640.6 Gear and vessel identification.

(a) Traps, buoys, and all vessels and boats engaged in the spiny lobster trap fishery must be identified by the number and color code issued by the Regional Director, or through Florida's identification system.

(b) An application for a Federal number and color code must be submitted and signed by the owner or operator of the vessel on an appropriate form obtained from the Regional Director. The application must be submitted to the Regional Director 45 days prior to the date on which the applicant desires receipt of the number and color code.

(c) Vessels and boats engaged in the spiny lobster trap fishery must permanently and conspicuously display such color code and number in a manner as to be readily identifiable from the air and water; such color representation must be in the form of a circle at least 20 inches in diameter and the identification number must be at least 10 inches high.

(d) Each trap, unless part of a string of traps, must be marked by a floating buoy, a buoy designed to be submerged and automatically released at a certain time. Each string of traps must be marked with a buoy at each end of the string.

(e) Buoys must be of such color as to be easily distinguished, seen, and located; the identification number must be legible and at least 3 inches high on each buoy.

(f) Each trap, can, drum, or similar device must have a legible identification number at least 3 inches high permanently attached as in the case of buoys.

(g) All spiny lobster traps fished in the FCZ will be presumed to be the property of the most recently documented owner.

(h) Upon the sale or transfer of all or part of an owner's interest in spiny lobster traps which are fished in the FCZ, that owner must report the sale or transfer within 15 days to the Regional Director if the identification number and color code for those traps were issued by the Regional Director.

(i) Unmarked spiny lobster traps fished in the FCZ at any time are illegal gear, which may be disposed of in any appropriate manner by the Secretary or the Secretary's designee (including an Authorized Officer). Lines and buoys are considered part of the trap. If owners of these unmarked traps can be

ascertained, those owners remain subject to appropriate civil penalties.

§ 640.7 General prohibitions.

It is unlawful for any person to:

(a) Fish for spiny lobster without a vessel number, or falsify or fail to affix and maintain vessel and gear markings, as required by § 640.6;

(b) Fail to comply immediately with enforcement and boarding procedures specified in § 640.8;

(c) Place traps in the water or harvest spiny lobsters from traps before or after the dates specified in § 640.20(a);

(d) Harvest spiny lobster by methods other than traps during the closed season specified in § 640.20 (b) and (c);

(e) Possess spiny lobster or any parts thereof in the FCZ, except as specified in § 640.20;

(f) Retain on board or possess on land any berried lobster taken in the FCZ;

(g) Strip eggs from or otherwise molest any berried lobster;

(h) Pull or tend traps except during the hours specified in § 640.21(b);

(i) Willfully tend, open, pull, or otherwise molest another person's traps, except as provided in § 640.21(b);

(j) Catch or retain more lobsters during the special nontrap recreational fishery than are specified in § 640.21(c);

(k) Retain lobsters smaller than the minimum size, except as specified in § 640.22;

(l) Use traps without degradable panels, or prohibited gear or methods, as specified in § 640.23;

(m) Possess, have custody or control of, ship, transport, offer for sale, sell, purchase, import without a proper bill of lading, land or export any spiny lobster or parts thereof taken or retained in violation of the Magnuson Act, this part, or any other regulation promulgated under the Magnuson Act;

(n) Refuse to permit an Authorized Officer to board a fishing vessel subject to such person's control for purposes of conducting any search or inspection in connection with the enforcement of the Magnuson Act, this part, or any other regulation or permit issued under the Magnuson Act;

(o) Forcibly assault, resist, oppose, impede, intimidate or interfere with any Authorized Officer in the conduct of any search or inspection described in paragraph (n) of this section;

(p) Resist a lawful arrest for any act prohibited by this part;

(q) Interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, knowing that such other person has committed any act prohibited by this part;

(r) Transfer directly or indirectly, or attempt to so transfer, any U.S.-

harvested fish to any foreign fishing vessel while such foreign vessel is within the FCZ, unless the foreign fishing vessel has been issued a permit under Section 204 of the Magnuson Act which authorizes the receipt by such vessel of the U.S.-harvested fish of the species concerned; or

(s) Violate any other provision of this part, the Magnuson Act, or any regulation or permit issued under the Magnuson Act.

§ 640.8 Enforcement.

(a) *General.* The operator of any fishing vessel subject to this part shall immediately comply with instructions issued by an Authorized Officer to facilitate safe boarding and inspection of the vessel, its gear, equipment, documents, and catch for purposes of enforcing the Magnuson Act and this part.

(b) *Signals.* Upon being approached by a Coast Guard cutter or aircraft, or any other vessel or aircraft authorized to enforce the Magnuson Act, the operator of a fishing vessel shall be alert for signals conveying enforcement instructions. The VHF-FM radiotelephone is the normal method of communicating between vessels. However, visual methods or loudhailer may be used if the radio does not work. The following signals, extracted from U.S. Hydrographic Office publication H.O. 102 International Code of Signals, may be communicated by flashing light or signal flags:

(1) "L" means "You should stop your vessel instantly."

(2) "SQ3" means "You should stop or heave to; I am going to board you."

(3) "AA AA AA etc." is the call to an unknown station or general call. The operator should respond by identifying his vessel by radio, visual signals, or illuminating his vessel identification required by § 640.6(a) and (b).

(4) "RY-CY" means "You should proceed at low speed. A boat is coming to you."

(c) *Boarding.* A vessel signaled to stop or heave to for boarding must:

(1) Stop immediately and lay to or maneuver in such a way as to permit the Authorized Officer and his party aboard;

(2) Provide a safe ladder for the Authorized Officer and his party, if necessary;

(3) When necessary to facilitate the boarding, provide a man rope, safety line, and illumination for the ladder; and

(4) Take such other actions as necessary to ensure the safety of the

Authorized Officer and his party and to facilitate the boarding.

§ 640.20 Penalties.

person or fishing vessel found to be in violation of this part is subject to the civil and criminal penalty provisions and forfeiture provisions of the Magnuson Act, and to 50 CFR Parts 620 (Citations) and 621 (Civil Procedures) and other applicable law.

Subpart B—Management Measures

§ 640.20 Seasons.

(a) *Trap fishery.* (1) The trap fishing season for spiny lobster begins on July 26, one hour before official sunrise, and ends March 31, one hour after official sunset. Traps may be placed in the water on or after July 21, but spiny lobsters may not be harvested until the beginning of the season. Traps must be removed prior to April 6; any spiny lobsters taken between April 1 and April 6 must be returned to the water unharmed.

(2) Traps in the management area during the period between 0001 hours April 6 and 2400 hours July 20 will be considered unclaimed or abandoned property and may be disposed of according to § 640.6(i).

(b) *Non-trap fishery.* The fishing season for other harvesting methods begins 0001 hours July 28 and ends 2400 hours March 31.

(c) *Non-trap recreational fishery.* There is a special non-trap recreational fishing season the first full weekend preceding July 21 from 0001 hours

Saturday until 2400 hours Sunday.

(d) *Possession.* Spiny lobsters or any parts thereof may be possessed in the FCZ only during the seasons specified in paragraphs (a), (b), and (c) of this section, unless accompanied by a proper bill of lading or other proof indicating lawful harvest outside the FCZ.

§ 640.21 Harvest limitations.

(a) *Berried lobsters.* All berried (egg-bearing) lobsters must be returned to the water unharmed. Berried lobsters may not be stripped of their eggs or otherwise molested. If found in a trap, a berried lobster may be retained in the trap if it is immediately returned to the water.

(b) *Pulling traps.* (1) Traps may be pulled or tended only during the period beginning one hour before official sunrise and ending one hour after official sunset.

(2) Traps may be pulled or tended only by the owner's vessel, unless the boat tending another person's trap has on board written consent of the trap owner.

(c) *Recreational catch.* During the two-day season described in § 640.20(c), the catch is limited to six lobsters per person per day, up to a maximum of 24 lobsters per boat per day.

§ 640.22 Size limitations.

(a) *Carapace length.* Except as provided in paragraph (b) of this section, spiny lobsters with a carapace length of 3.0 inches or less, or with a tail length of less than 5.5 inches, must be returned immediately to the water unharmed.

(b) *Attractants.* Live lobsters under the minimum size may be held in a shaded live box aboard a vessel for use as attractants in traps. No more than three undersized lobsters for each trap carried on board, or 200 undersized lobsters, whichever is greater, may be retained. Undersized lobsters to be used as attractants in traps may not be retained aboard vessels or boats that are docked.

§ 640.23 Gear limitations.

(a) *Degradable panel.* Traps constructed of material other than wood must have a panel constructed of wood, cotton, or other degradable material located in the upper half of the sides or on top of the trap, that, when removed, will leave an opening in the trap no smaller than the diameter found at the throat or entrance of the trap.

(b) *Prohibited gear and methods.* (1) Spiny lobster may not be taken with spears, hooks, or similar devices, or gear containing such devices. In the FCZ, the possession of speared, pierced, or punctured lobsters is prima-facie evidence that prohibited gear was used to take such lobsters.

(2) Spiny lobsters may not be taken with poisons or explosives.

§ 640.24 Authorized activities.

The Secretary may authorize, for the acquisition of information and data, activities otherwise prohibited by these regulations.

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