

§ 665.98

50 CFR Ch. VI (10–1–12 Edition)

the plan’s disapproval and provide the community with the opportunity to modify the plan and resubmit it for review. Reasons for disapproval may include, but are not limited to, the following:

- (i) The applicant failed to disclose material information or made false statements related to the plan.
- (ii) The harvest would contribute to overfishing or would hinder the recovery of an overfished stock, according to the best scientific information available.
- (iii) The activity would be inconsistent with an applicable law.
- (iv) The activity would create a significant enforcement, monitoring, or administrative problem, as determined by the Regional Administrator.
- (5) If approved, the Regional Administrator will publish a notice of the authorization in the FEDERAL REGISTER, and may attach limiting terms and conditions to the authorization including, but not limited to, the following:
 - (i) The maximum amount of each management unit species and potential bycatch species that may be harvested and landed during the term of the authorization.
 - (ii) The number, sizes, names, identification numbers, and federal permit numbers of the vessels authorized to conduct fishing activities.
 - (iii) Type, size, and amount of gear used by each vessel, including trip limits.
 - (iv) The times and places where fishing may or may not be conducted.
 - (v) Notification, observer, vessel monitoring, and reporting requirements.
 - (f) *Duration.* Unless otherwise specified, and unless revoked, suspended, or modified, a plan may be effective for no longer than five years.
 - (g) *Transfer.* Plans authorized under this section are not transferable or assignable.
 - (h) *Sanctions.* The Regional Administrator may revoke, suspend or modify a community development plan in the

case of failure to comply with the terms and conditions of the plan, any other applicable provision of this part, the Magnuson-Stevens Act, or other applicable laws.

- (i) *Program review.* NMFS and the Council will periodically review and assess each plan. If fishery, environmental, or other conditions have changed such that the plan’s goals or requirements are not being met, or the fishery has become in an overfished state or overfishing is occurring, the Regional Administrator may revoke, suspend, or modify the plan.

[75 FR 54046, Sept. 3, 2010]

Subpart B—American Samoa Fisheries

§ 665.98 Management area.

The American Samoa fishery management area is the EEZ seaward of the Territory of American Samoa with the inner boundary coterminous with the seaward boundaries of the Territory of American Samoa and the outer boundary designated as a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured, or is coterminous with adjacent international maritime boundaries.

§ 665.99 Area restrictions.

Fishing is prohibited in all no-take MPAs. The following U.S. EEZ waters around American Samoa are no-take MPAs: Landward of the 50 fm (91.5 m) curve around Rose Atoll, as depicted on National Ocean Survey Chart Number 83484.

§ 665.100 American Samoa bottomfish fisheries. [Reserved]

§ 665.101 Definitions.

As used in §§ 665.100 through 665.119: *American Samoa bottomfish management unit species (American Samoa bottomfish MUS)* means the following fish:

Samoan name	English common name	Scientific name
palu-gutusaliva	red snapper, silvermouth	<i>Aphareus rutilans.</i>
asoama	gray snapper, jobfish	<i>Aprion virescens.</i>
sapoanae	giant trevally, jack	<i>Caranx ignobilis.</i>
tafaui	black trevally, jack	<i>Caranx lugubris.</i>
fausi	blacktip grouper	<i>Epinephelus fasciatus.</i>