

## Fishery Conservation and Management

§ 665.402

### ~~§ 665.270 Gold coral harvest moratorium.~~

~~Fishing for, taking, or retaining any gold coral in any precious coral permit area is prohibited through June 30, 2018.~~

~~[78 FR 32182, May 29, 2013]~~

## Subpart D—Mariana Archipelago Fisheries

### § 665.398 Management area.

The Mariana fishery management area is the EEZ seaward of Guam and CNMI with the inner boundary a line coterminous with the seaward boundaries of Guam and CNMI and the outer boundary 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.

### § 665.399 Area restrictions.

Anchoring by all fishing vessels over 50 ft (15.25 m) LOA is prohibited in the

U.S. EEZ seaward of Guam west of 144°30' E. long. except in the event of an emergency caused by ocean conditions or by a vessel malfunction that can be documented.

### § 665.400 Mariana bottomfish fisheries. [Reserved]

#### § 665.401 Definitions.

As used in §§ 665.400 through 665.419:

*CNMI commercial bottomfish permit* means the permit required by § 665.404(a)(2) to engage in commercial fishing for Mariana bottomfish MUS in the CNMI management subarea.

*Guam bottomfish permit* means the permit required by § 665.404(a)(1) to use a large vessel to fish for, land, or transship Mariana bottomfish MUS shoreward of the outer boundary of the Guam subarea of the Mariana fishery management area.

*Mariana bottomfish management unit species (Mariana bottomfish MUS)* means the following fish:

| Local name Chamorro/Carolinian           | English common name            | Scientific name                      |
|--|--------------------------------|--------------------------------------|
| Lehi/maroobw .....                       | red snapper, silvermouth ..... | <i>Aphareus rutilans</i> .           |
| Gogunafon/aiwe .....                     | gray snapper, jobfish .....    | <i>Aprion virescens</i> .            |
| Tarakitu/etam .....                      | Giant trevally, jack .....     | <i>Caranx ignobilis</i> .            |
| Tarakiton attelong/orong .....           | Black trevally, jack .....     | <i>Caranx lugubris</i> .             |
| Gadao/meteyil .....                      | blacktip grouper .....         | <i>Epinephelus fasciatus</i> .       |
| Bueli/bwele .....                        | lunartail grouper .....        | <i>Variola louti</i> .               |
| Buninas agaga/falaghal moroobw .....     | red snapper .....              | <i>Etelis carbunculus</i> .          |
| Abuninas/taighulupegh .....              | red snapper .....              | <i>Etelis coruscans</i> .            |
| Mafuti/atigh .....                       | redgill emperor .....          | <i>Lethrinus rubrioperculatus</i> .  |
| Mafuti/loot .....                        | Ambon emperor .....            | <i>Lethrinus amboinensis</i> .       |
| Funai/saas .....                         | blueline snapper .....         | <i>Lutjanus kasmira</i> .            |
| Buninas/falaghal-maroobw .....           | yellowtail snapper .....       | <i>Pristipomoides auricilla</i> .    |
| Buninas or pakapaka/falaghal-maroobw ... | pink snapper .....             | <i>Pristipomoides filamentosus</i> . |
| Buninas/falaghal-maroobw .....           | yelloweye snapper .....        | <i>Pristipomoides flavipinnis</i> .  |
| .....                                    | pink snapper .....             | <i>Pristipomoides seiboldii</i> .    |
| Buninas rayao amariyu/falaghal-maroobw   | snapper .....                  | <i>Pristipomoides zonatus</i> .      |
| Tarakiton tadong/Meseyugh .....          | amberjack .....                | <i>Seriola dumerilii</i> .           |

### § 665.402 Management subareas.

The Mariana fishery management area is divided into bottomfish management subareas with the following designations and boundaries:

(a) *Guam Management Subarea* means the EEZ seaward of the Territory of Guam, with the inner boundary defined as a line coterminous with the seaward boundary of the Territory of Guam.

(b) *CNMI Management Subarea* means the EEZ seaward of the CNMI. The

CNMI Management Subarea is further divided into subareas with the following designations and boundaries:

(1) *CNMI Inshore Area* means that portion of the EEZ within 3 nautical miles from the shoreline of the CNMI.

(2) *CNMI Offshore Area* means that portion of the EEZ seaward of 3 nautical miles from the shoreline of the CNMI.

(c) The outer boundary of each fishery management area is a line drawn in such a manner that each point on it is

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200 nautical miles from the baseline from which the territorial sea is measured, or is coterminous with adjacent international maritime boundaries, except that the outer boundary of the CNMI Inshore Area is 3 nautical miles from the shoreline. The boundary between the fishery management areas of Guam and CNMI extends to those points which are equidistant between Guam and the island of Rota in the CNMI. CNMI and Guam management subareas are divided by a line intersecting these two points: 148° E. long., 12° N. lat., and 142° E. long., 16° N. lat.

### § 665.403 Bottomfish fishery area management.

(a) *Guam large vessel bottomfish prohibited area (Area GU-1)*. A large vessel of the United States, as defined in § 665.12, may not be used to fish for Mariana bottomfish MUS in the Guam large vessel bottomfish prohibited area, defined as the U.S. EEZ waters surrounding Guam that are enclosed by straight lines connecting the following coordinates in the order listed:

| Point        | N. lat.   | E. long.   |
|--------------|-----------|------------|
| GU-1-A ..... | 14°16'    | 144°17'    |
| GU-1-B ..... | 13°50'    | 143°52'    |
| GU-1-C ..... | 13°17'    | 143°46'    |
| GU-1-D ..... | 12°50'    | 143°54'    |
| GU-1-E ..... | 12°30'    | 144°14'    |
| GU-1-F ..... | 12°25'    | 144°51'    |
| GU-1-G ..... | 12°57'    | 145°33'    |
| GU-1-H ..... | 13°12'    | 145°43'    |
| GU-1-I ..... | 13°29'44" | 145°48'27" |
| GU-1-A ..... | 14°16'    | 144°17'    |

(b) *CNMI medium and large vessel bottomfish prohibited areas*. A medium or large vessel of the United States, as defined in § 665.12, may not be used to fish commercially for Mariana bottomfish MUS in the following areas:

(1) *CNMI Southern Islands (Area NM-1)*. The CNMI Southern Islands prohibited area is defined as the waters of the U.S. EEZ surrounding CNMI that are enclosed by straight lines connecting the following coordinates in the order listed:

| Point        | N. lat.   | E. long. |
|--------------|-----------|----------|
| NM-1-A ..... | 14°9'     | 144°15'  |
| NM-1-B ..... | 16°10'47" | 145°12'  |
| NM-1-C ..... | 16°10'47" | 146°53'  |
| NM-1-D ..... | 14°48'    | 146°33'  |
| NM-1-E ..... | 13°27'    | 145°43'  |
| NM-1-A ..... | 14°9'     | 144°15'  |

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(2) *CNMI Alamagan Island (Area NM-2)*. The CNMI Alamagan Island prohibited area is defined as the waters of the U.S. EEZ surrounding CNMI that are enclosed by straight lines connecting the following coordinates in the order listed:

| Point        | N. lat. | E. long. |
|--------------|---------|----------|
| NM-2-A ..... | 17°26'  | 145°40'  |
| NM-2-B ..... | 17°46'  | 145°40'  |
| NM-2-C ..... | 17°46'  | 146°00'  |
| NM-2-D ..... | 17°26'  | 146°00'  |
| NM-2-A ..... | 17°26'  | 145°40'  |

### § 665.404 Permits.

(a) *Applicability*—(1) *Guam large vessel*. The owner of any large vessel used to fish for, land, or transship Mariana bottomfish MUS shoreward of the outer boundary of the Guam subarea must have a permit issued under this section, and the permit must be registered for use with that vessel.

(2) Commonwealth of the Northern Mariana Islands (CNMI) commercial. The owner of any vessel used to commercially fish for, transship, receive, or land Mariana bottomfish MUS shoreward of the outer boundary of the CNMI management subarea must have a permit issued under this section, and the permit must be registered for use with that vessel.

(b) *Submission*. An application for a permit required under this section must be submitted to PIRO as described in § 665.13.

### § 665.405 Prohibitions.

In addition to the general prohibitions specified in § 600.725 of this chapter and § 665.15, it is unlawful for any person to do any of the following:

(a) Fish for Mariana bottomfish MUS using gear prohibited under § 665.406.

(b) Use a large vessel that does not have a valid Guam bottomfish permit registered for use with that vessel to fish for, land, or transship Mariana bottomfish MUS shoreward of the outer boundary of the Guam management subarea of the bottomfish fishery management area in violation of § 665.404(a).

(c) Use a large vessel to fish for Mariana bottomfish MUS within the Guam large vessel bottomfish prohibited area, as defined in § 665.403(a).

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(d) Land or transship, shoreward of the outer boundary of the Guam management subarea of the bottomfish fishery management area, Mariana bottomfish MUS that were harvested in violation of § 665.405(c).

(e) Use a vessel to fish commercially for Mariana bottomfish MUS shoreward of the outer boundary of the CNMI management subarea without a valid CNMI commercial bottomfish permit registered for use with that vessel, in violation of § 665.404(a)(2).

(f) Use a medium or large vessel, as defined in § 665.12, to fish for Mariana bottomfish MUS within the CNMI medium and large vessel bottomfish prohibited areas, as defined in § 665.403(b).

(g) Retain, land, possess, sell, or offer for sale, shoreward of the outer boundary of the CNMI management subarea, Mariana bottomfish MUS that were harvested in violation of § 665.405(f), except that Mariana bottomfish MUS that are harvested legally may be transferred to a receiving vessel shoreward of the outer boundary of the CNMI medium and large vessel bottomfish prohibited area as defined in § 665.403(b).

(h) Falsify or fail to make, keep, maintain, or submit a Federal logbook as required under § 665.14(b) when using a vessel to engage in commercial fishing for Mariana bottomfish MUS shoreward of the outer boundary of the CNMI management subarea in violation of § 665.14(b).

### § 665.406 Gear restrictions.

(a) Bottom trawls and bottom set gillnets. Fishing for bottomfish with

bottom trawls and bottom set gillnets is prohibited.

(b) *Possession of gear.* Possession of a bottom trawl and bottom set gillnet by any vessel having a permit under § 665.404 or otherwise established to be fishing for bottomfish in the management subareas is prohibited.

(c) *Poisons and explosives.* The possession or use of any poisons, explosives, or intoxicating substances for the purpose of harvesting bottomfish is prohibited.

### § 665.407 At-sea observer coverage.

All fishing vessels subject to §§ 665.400 through 665.407 must carry an observer when directed to do so by the Regional Administrator.

### §§ 665.408–665.419 [Reserved]

### § 665.420 Mariana coral reef ecosystem fisheries. [Reserved]

### § 665.421 Definitions.

As used in §§ 665.420 through 665.439:

*Mariana coral reef ecosystem management unit species (Mariana coral reef ecosystem MUS)* means all of the Currently Harvested Coral Reef Taxa and Potentially Harvested Coral Reef Taxa listed in this section and which spend the majority of their non-pelagic (post-settlement) life stages within waters less than or equal to 50 fathoms in total depth.

Mariana Currently Harvested Coral Reef Taxa:

| Family name                  | Local name (Chamorro/Carolinian) | English common name             | Scientific name                  |
|------------------------------|----------------------------------|---------------------------------|----------------------------------|
| Acanthuridae (Surgeonfishes) | .....                            | orange-spot surgeonfish .....   | <i>Acanthurus olivaceus</i> .    |
|                              | hugupao dangulo/mowagh .....     | yellowfin surgeonfish .....     | <i>Acanthurus xanthopterus</i> . |
|                              | Kichu/limell .....               | convict tang .....              | <i>Acanthurus triostegus</i> .   |
|                              | .....                            | eye-striped surgeonfish .....   | <i>Acanthurus dussumieri</i> .   |
|                              | .....                            | blue-lined surgeon .....        | <i>Acanthurus nigroris</i> .     |
|                              | .....                            | whitebar surgeonfish .....      | <i>Acanthurus leucopareius</i> . |
|                              | .....                            | whitebar surgeonfish .....      | <i>Acanthurus leucopareius</i> . |
|                              | Hiyok/filaang .....              | blue-banded surgeonfish .....   | <i>Acanthurus lineatus</i> .     |
|                              | .....                            | blackstreak surgeonfish .....   | <i>Acanthurus nigricauda</i> .   |
|                              | .....                            | whitecheek surgeonfish .....    | <i>Acanthurus nigricans</i> .    |
|                              | .....                            | white-spotted surgeonfish ..... | <i>Acanthurus guttatus</i> .     |
|                              | .....                            | ringtail surgeonfish .....      | <i>Acanthurus blochii</i> .      |
|                              | .....                            | brown surgeonfish .....         | <i>Acanthurus nigrofusus</i> .   |
|                              | .....                            | mimic surgeonfish .....         | <i>Acanthurus pyroferus</i> .    |
|                              | .....                            | Yellow tang .....               | <i>Zebrasoma flavescens</i> .    |
|                              | .....                            | striped bristletooth .....      | <i>Ctenochaetus striatus</i> .   |
|                              | .....                            | twospot bristletooth .....      | <i>Ctenochaetus binotatus</i> .  |
|                              | tataga/igh-falafal .....         | bluespine unicornfish .....     | <i>Naso unicornus</i> .          |
|                              | hangon/bwulaalay .....           | orangespine unicornfish .....   | <i>Naso lituratus</i> .          |

| Family name                                  | Local name (Chamorro/<br>Carolinian)     | English common name                                | Scientific name                                |
|--|--|--|--|
| Balistidae (Triggerfishes)                   |  | humpnose unicornfish .....                         | <i>Naso tuberosus</i> .                        |
|  |  | black tongue unicornfish .....                     | <i>Naso hexacanthus</i> .                      |
|  |  | bignose unicornfish .....                          | <i>Naso vlamingii</i> .                        |
|  |  | whitemargin unicornfish .....                      | <i>Naso annulatus</i> .                        |
|  |  | spotted unicornfish .....                          | <i>Naso brevirostris</i> .                     |
|  |  | humpback unicornfish .....                         | <i>Naso brachycentron</i> .                    |
|  |  | gray unicornfish .....                             | <i>Naso caesius</i> .                          |
|  |  | titan triggerfish .....                            | <i>Balistoides viridescens</i> .               |
|  |  | clown triggerfish .....                            | <i>Balistoides conspicillum</i> .              |
|  |  | orange striped triggerfish .....                   | <i>Balistapus undulatus</i> .                  |
|  |  | pinktail triggerfish .....                         | <i>Melichthys vidua</i> .                      |
|  |  | black triggerfish .....                            | <i>Melichthys niger</i> .                      |
|  |  | blue triggerfish .....                             | <i>Pseudobalistes fuscus</i> .                 |
|  |  | Picassofish .....                                  | <i>Rhinecanthus aculeatus</i> .                |
| Carangidae (Jacks)                           | atulai/peti .....                        | wedged Picassofish .....                           | <i>Balistoides rectangulus</i> .               |
|  |  | bridled triggerfish .....                          | <i>Sufflamen fraenatus</i> .                   |
| Carcharinidae (Sharks)                       |  | Bigeye scad .....                                  | <i>Selar crumenophthalmus</i> .                |
|  |  | mackerel scad .....                                | <i>Decapterus macarellus</i> .                 |
| Holocentridae (Soldierfish/<br>Squirrelfish. | saksak/mweel .....                       | grey reef shark .....                              | <i>Carcharhinus amblyrhynchos</i> .            |
|  |  | silvertip shark .....                              | <i>Carcharhinus albimarginatus</i> .           |
|  |  | Galapagos shark .....                              | <i>Carcharhinus galapagensis</i> .             |
|  |  | blacktip reef shark .....                          | <i>Carcharhinus melanopterus</i> .             |
|  |  | whitetail reef shark .....                         | <i>Triaenodon obesus</i> .                     |
|  |  | bigscale soldierfish .....                         | <i>Myripristis berndti</i> .                   |
|  |  | bronze soldierfish .....                           | <i>Myripristis adusta</i> .                    |
|  |  | blotcheye soldierfish .....                        | <i>Myripristis murdjan</i> .                   |
|  |  | brick soldierfish .....                            | <i>Myripristis amaena</i> .                    |
|  |  | scarlet soldierfish .....                          | <i>Myripristis pralinia</i> .                  |
| Kuhliidae (Flagtails)                        | sagamelon .....                          | violet soldierfish .....                           | <i>Myripristis violacea</i> .                  |
|  |  | whitetail soldierfish .....                        | <i>Myripristis vittata</i> .                   |
|  |  | yellowfin soldierfish .....                        | <i>Myripristis chryseres</i> .                 |
|  |  | pearly soldierfish .....                           | <i>Myripristis kuntee</i> .                    |
|  |  | tailspot squirrelfish .....                        | <i>Sargocentron</i><br><i>caudimaculatum</i> . |
|  |  | file-lined squirrelfish .....                      | <i>Sargocentron microstoma</i> .               |
|  |  | crown squirrelfish .....                           | <i>Sargocentron diadema</i> .                  |
|  |  | blue-lined squirrelfish .....                      | <i>Sargocentron tiere</i> .                    |
|  |  | saber or long jaw squirrelfish .....               | <i>Sargocentron spiniferum</i> .               |
|  |  | spotfin squirrelfish .....                         | <i>Neoniphon</i> spp.                          |
| Kyphosidae (Rudderfish)                      | Guili .....                              | barred flag-tail .....                             | <i>Kuhlia mugil</i> .                          |
|  |  | rudderfish .....                                   | <i>Kyphosus biggibus</i> .                     |
| Labridae (Wrasses)                           | Guili/schpwul .....                      | rudderfish .....                                   | <i>Kyphosus cinerascens</i> .                  |
|  |  | floral wrasse .....                                | <i>Kyphosus vaigiensis</i> .                   |
|  |  | napoleon wrasse .....                              | <i>Cheilinus chlorourus</i> .                  |
|  |  | triple-tail wrasse .....                           | <i>Cheilinus undulatus</i> .                   |
|  |  | harlequin tuskfish, red-breast-<br>ed wrasse ..... | <i>Cheilinus trilobatus</i> .                  |
|  |  | ring-tailed wrasse .....                           | <i>Cheilinus fasciatus</i> .                   |
|  |  | razor wrasse .....                                 | <i>Oxycheilinus unifasciatus</i> .             |
|  |  | whitepatch wrasse .....                            | <i>Xyrichtys pavo</i> .                        |
|  |  | cigar wrasse .....                                 | <i>Xyrichtys aneitensis</i> .                  |
|  |  | blackeye thicklip .....                            | <i>Cheilio inermis</i> .                       |
| Mullidae (Goatfishes)                        | satmoneti/wichigh .....                  | barred thicklip .....                              | <i>Hemigymnus melapterus</i> .                 |
|  |  | three-spot wrasse .....                            | <i>Hemigymnus fasciatus</i> .                  |
|  |  | checkerboard wrasse .....                          | <i>Halichoeres trimaculatus</i> .              |
|  |  | weedy surge wrasse .....                           | <i>Halichoeres hortulanus</i> .                |
|  |  | three-spot wrasse .....                            | <i>Halichoeres margaritaceus</i> .             |
|  |  | surge wrasse .....                                 | <i>Halichoeres trimaculatus</i> .              |
|  |  | red ribbon wrasse .....                            | <i>Thalassoma purpureum</i> .                  |
|  |  | sunset wrasse .....                                | <i>Thalassoma quinquevittatum</i> .            |
|  |  | longface wrasse .....                              | <i>Thalassoma lutescens</i> .                  |
|  |  | rockmover wrasse .....                             | <i>Hologymnosus doliatus</i> .                 |
|  | satmoneti (adult) ti'ao (juve-<br>nile). | yellow goatfish .....                              | <i>Novaculichthys taeniourus</i> .             |
|  |  | yellowfin goatfish .....                           | <i>Mulloidichthys</i> spp.                     |
|  |  | yellowstripe goatfish .....                        | <i>Mulloidichthys vanicolensis</i> .           |
|  |  |  | <i>Mulloidichthys flaviolineatus</i> .         |
|  |  | banded goatfish .....                              | <i>Parupeneus</i> spp.                         |
|  |  | dash-dot goatfish .....                            | <i>Parupeneus barberinus</i> .                 |
|  |  | doublebar goatfish .....                           | <i>Parupeneus bifasciatus</i> .                |
|  |  | redspot goatfish .....                             | <i>Parupeneus heptacanthus</i> .               |
|  |  | white-lined goatfish .....                         | <i>Parupeneus ciliatus</i> .                   |
|  |  |  |  |

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| Family name                       | Local name (Chamorro/Carolinian)    | English common name               | Scientific name                       |
|-----------------------------------|-------------------------------------|-----------------------------------|---------------------------------------|
|                                   | satmoneti (adult) ti'ao (juvenile). | yellow saddle goatfish .....      | <i>Parupeneus cyclostomas</i> .       |
|                                   | satmoneti (adult) ti'ao (juvenile). | side-spot goatfish .....          | <i>Parupeneus pleurostigma</i> .      |
|                                   | satmoneti (adult) ti'ao (juvenile). | multi-barred goatfish .....       | <i>Parupeneus multifaciatas</i> .     |
| Mugilidae (Mulletts) .....        | laiguan (adult) Agues (juvenile).   | band tail goatfish .....          | <i>Upeneus arge</i> .                 |
|                                   | laiguan (adult) Agues (juvenile).   | striped mullet .....              | <i>Mugil cephalus</i> .               |
|                                   | laiguan (adult) Agues (juvenile).   | Engel's mullet .....              | <i>Moolgarda engeli</i> .             |
|                                   | laiguan (adult) Agues (juvenile).   | fringelip mullet .....            | <i>Crenimugil crenilabis</i> .        |
| Muraenidae (Moray eels) .....     | .....                               | yellow margin moray eel .....     | <i>Gymnothorax flavimarginatus</i> .  |
|                                   | .....                               | giant moray eel .....             | <i>Gymnothorax javanicus</i> .        |
|                                   | .....                               | undulated moray eel .....         | <i>Gymnothorax undulatus</i> .        |
| Octopodidae (Octopus) .....       | gamsun .....                        | octopus .....                     | <i>Octopus cyanea</i> .               |
|                                   | gamsun .....                        | octopus .....                     | <i>Octopus ornatus</i> .              |
| Polynemidae .....                 | .....                               | threadfin .....                   | <i>Polydactylus sexfilis</i> .        |
| Pricanthidae (Bigeye) .....       | .....                               | glasseye .....                    | <i>Heteropriacanthus cruentatus</i> . |
|                                   | .....                               | Bigeye .....                      | <i>Priacanthus hamrur</i> .           |
| Scaridae (Parrotfishes) .....     | atuhong/roow .....                  | humphead parrotfish .....         | <i>Bolbometopon muricatum</i> .       |
|                                   | palakse (sm.) laggua (lg.) .....    | parrotfish .....                  | <i>Scarus spp.</i>                    |
|                                   | gualafi/oscha .....                 | Pacific longnose parrotfish ..... | <i>Hipposcarus longiceps</i> .        |
|                                   | palaksin chaguan .....              | stareye parrotfish .....          | <i>Calotomus carolinus</i> .          |
| Scombridae .....                  | White tuna/ayul .....               | dogtooth tuna .....               | <i>Gymnosarda unicolor</i> .          |
| Siganidae (Rabbitfish) .....      | hiting/manahok/llegh .....          | forktail rabbitfish .....         | <i>Siganus aregentus</i> .            |
|                                   | hiting .....                        | golden rabbitfish .....           | <i>Siganus guttatus</i> .             |
|                                   | hiting galagu .....                 | gold-spot rabbitfish .....        | <i>Siganus punctatissimus</i> .       |
|                                   | .....                               | Randall's rabbitfish .....        | <i>Siganus randalli</i> .             |
|                                   | hiting/sesyon/palawa .....          | scribbled rabbitfish .....        | <i>Siganus spinus</i> .               |
|                                   | hiting .....                        | vermiculate rabbitfish .....      | <i>Siganus vermiculatus</i> .         |
| Sphyrnaeidae (Barracuda) .....    | .....                               | Heller's barracuda .....          | <i>Sphyrna helleri</i> .              |
|                                   | .....                               | great barracuda .....             | <i>Sphyrna barracuda</i> .            |
| Turbinidae (turban/green snails). | aliling pulan/aliling tulompu ....  | green snails .....                | <i>Turbo spp.</i>                     |
|                                   | .....                               | turban shells.                    |                                       |

## Mariana Potentially Harvested Coral Reef Taxa:

| English common name   | Scientific name                |
|---|--------------------------------|
| Wrasses (Those species not listed as Currently Harvested Coral Reef Taxa or CHCRT).         | Labridae.                      |
| Sharks .....  | Carcharhinidae, Sphyrnidae.    |
| Rays and skates .....   | Dasyatidae, Myliobatidae.      |
| Groupers (Those species not listed as CHCRT or Bottomfish Management Unit Species or BMUS). | Serranidae.                    |
| Jacks and Scads (Those species not listed as CHCRT or BMUS).                                | Carangidae.                    |
| Solderfishes and Squirrelfishes (Those species not listed as CHCRT).                        | Holocentridae.                 |
| Goatfishes (Those species not listed as CHCRT) .....  | Mullidae.                      |
| Surgeonfishes (Those species not listed as CHCRT) .....                                     | Acanthuridae.                  |
| Batfishes .....   | Ephippidae.                    |
| Monos .....   | Monodactylidae.                |
| Sweetlips .....   | Haemulidae.                    |
| Remoras .....   | Echeneidae.                    |
| Tilefishes .....  | Malacanthidae.                 |
| Emperors (Those species not listed as CHCRT) .....  | Lethrinidae.                   |
| Dotybacks .....   | Pseudochromidae.               |
| Prettyfins .....  | Plesiopidae.                   |
| Eels (Those species not listed as CHCRT) .....  | Muraenidae,                    |
|   | Chlopsidae,                    |
|   | Congridae,                     |
|   | Ophichthidae.                  |
| Cardinalfishes .....  | Apogonidae.                    |
| Moorish Idols .....   | Zanclidae.                     |
| Trumpetfish .....   | <i>Aulostomus chinensis</i> .  |
| Cornetfish .....  | <i>Fistularia commersoni</i> . |
| Butterfly fishes .....  | Chaetodontidae.                |
| Angelfishes .....   | Pomacanthidae.                 |
| Damselfishes .....  | Pomacentridae.                 |

| English common name   | Scientific name                 |
|---|---------------------------------|
| Scorpionfishes .....  | Scorpaenidae.                   |
| Coral crouchers .....   | Caracanthidae.                  |
| Flashlightfishes .....  | Anomalopidae.                   |
| Herrings .....  | Clupeidae.                      |
| Anchovies .....   | Engraulidae.                    |
| Gobies .....  | Gobiidae.                       |
| Blennies .....  | Blenniidae.                     |
| Barracudas (Those species not listed as CHCRT) .....  | Sphyraenidae.                   |
| Snappers (Those species not listed as CHCRT or BMUS) .....  | Lutjanidae.                     |
| Trigger fishes (Those species not listed as CHCRT) .....  | Balistidae.                     |
| Rabbitfishes (Those species not listed as CHCRT) .....  | Siganidae.                      |
| Sandperches .....   | Pinguipedidae.                  |
| Dog tooth tuna .....  | <i>Gymnosarda unicolor</i> .    |
| Rudderfishes (Those species not listed as CHCRT) .....  | Kyphosidae.                     |
| Flounders, Soles .....  | Bothidae.                       |
|   | Soleidae.                       |
| Trunkfishes .....   | Ostraciidae.                    |
| Fusiliers .....   | Caesionidae.                    |
| Hawkfishes .....  | Cirrhitidae.                    |
| Frogfishes .....  | Antennariidae.                  |
| Pipefishes, Seahorses .....   | Syngnathidae.                   |
| Puffer fishes, Porcupine fishes .....   | Tetradontidae.                  |
| Blue corals .....   | Heliopora.                      |
| Organpipe corals .....  | Tubipora.                       |
| Ahermatypic corals .....  | Azooxanthellates.               |
| Sea cucumbers, Sea urchins (Those species not listed as CHCRT).                                   | Echinoderms.                    |
| Sea snails .....  | Mollusca.                       |
| Turban shells .....   | Gastropoda.                     |
| Sea slugs .....   | <i>Trochus</i> spp.             |
| Black lipped pearl oyster .....   | Opisthobranchs.                 |
| Giant clam .....  | <i>Pinctada margaritifera</i> . |
| Other Clams .....   | Tridacnidae.                    |
| Mushroom corals .....   | Other Bivalves.                 |
| Small and large coral polyps.   | Fungiidae.                      |
| Fire corals .....   |                                 |
| Soft corals, Gorgonians.  | Millepora.                      |
| Anemones .....  | Actinaria.                      |
| Soft zoanthid corals .....  | Zoanthinaria.                   |
|   | Hydrozoans, Bryzoans.           |
| Sea squirts .....   | Tunicates.                      |
| Sponges .....   | Porifera.                       |
|   | Cephalopods.                    |
| Lobsters, Shrimps/Mantis shrimps, true crabs and hermit crabs (Those species not listed as CMUS). | Crustacea.                      |
| Lace corals .....   | Stylasteridae.                  |
| Hydroid corals .....  | Solanderidae.                   |
| Seaweed .....   | Algae.                          |
| Segmented worms .....   | Annelids.                       |
| Live rock.  |                                 |

All other Mariana coral reef ecosystem MUS that are marine plants, invertebrates, and fishes that are not listed in the Mariana CHCRT table or are not Mariana bottomfish, crustacean, precious coral or western Pacific pelagic MUS.

**§ 665.422 Management area.**

The Mariana coral reef management area consists of the U.S. EEZ around Guam and the offshore area of the CNMI or that portion of the U.S. EEZ around CNMI between three nautical miles offshore and the outer boundary of the U.S. EEZ. The inner boundary of the management area is the seaward boundaries of the Territory of Guam, and a line three nautical miles seaward from the shoreline of CNMI. The outer boundary of the management area is

the outer boundary of the U.S. EEZ or adjacent international maritime boundaries. The CNMI and Guam management area is divided by a line intersecting these two points: 148° E. long., 12° N. lat., and 142° E. long., 16° N. lat.

**§ 665.423 Relation to other laws.**

To ensure consistency between the management regimes of different Federal agencies with shared management responsibilities of fishery resources

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within the Mariana coral reef ecosystem management area, fishing for Mariana coral reef ecosystem MUS is not allowed within the boundary of a National Wildlife Refuge unless specifically authorized by the USFWS, regardless of whether that refuge was established by action of the President or the Secretary of the Interior.

### § 665.424 Permits and fees.

(a) *Applicability.* Unless otherwise specified in this subpart, § 665.13 applies to coral reef ecosystem permits.

(1) *Special permit.* Any person of the United States fishing for, taking or retaining Mariana coral reef ecosystem MUS must have a special permit if they, or a vessel which they operate, is used to fish for any:

(i) Mariana coral reef ecosystem MUS in low-use MPAs as defined in § 665.399;

(ii) Mariana Potentially Harvested Coral Reef Taxa in the coral reef ecosystem management area; or

(iii) Mariana Coral reef ecosystem MUS in the Mariana coral reef ecosystem management area with any gear not specifically allowed in this subpart.

(2) *Transshipment permit.* A receiving vessel must be registered for use with a transshipment permit if that vessel is used in the Mariana coral reef ecosystem management area to land or transship Mariana PHCRT, or any Mariana coral reef ecosystem MUS harvested within low-use MPAs.

(3) *Exceptions.* The following persons are not required to have a permit under this section:

(i) Any person issued a permit to fish under any FEP who incidentally catches Mariana coral reef ecosystem MUS while fishing for bottomfish MUS, crustacean MUS, western Pacific pelagic MUS, precious coral, or seamount groundfish.

(ii) Any person fishing for Mariana CHCRT outside of an MPA, who does not retain any incidentally caught Mariana PHCRT.

(iii) Any person collecting marine organisms for scientific research as described in § 665.17, or § 600.745 of this chapter.

(b) *Validity.* Each permit will be valid for fishing only in the fishery management area specified on the permit.

(c) *General requirements.* General requirements governing application information, issuance, fees, expiration, replacement, transfer, alteration, display, sanctions, and appeals for permits are contained in § 665.13.

(d) *Special permit.* The Regional Administrator shall issue a special permit in accordance with the criteria and procedures specified in this section.

(1) *Application.* An applicant for a special or transshipment permit issued under this section must complete, and submit to the Regional Administrator, a Special Coral Reef Ecosystem Fishing Permit Application Form issued by NMFS. Information in the application form must include, but is not limited to, a statement describing the objectives of the fishing activity for which a special permit is needed, including a general description of the expected disposition of the resources harvested under the permit (i.e., stored live, fresh, frozen, preserved; sold for food, ornamental, research, or other use; and a description of the planned fishing operation, including location of fishing and gear operation, amount and species (directed and incidental) expected to be harvested and estimated habitat and protected species impacts).

(2) *Incomplete applications.* The Regional Administrator may request from an applicant additional information necessary to make the determinations required under this section. An applicant will be notified of an incomplete application within 10 working days of receipt of the application. An incomplete application will not be considered until corrected and completed in writing.

(3) *Issuance.* (i) If an application contains all of the required information, the Regional Administrator will forward copies of the application within 30 days to the Council, the USCG, the fishery management agency of the affected state, and other interested parties who have identified themselves to the Council, and the USFWS.

(ii) Within 60 days following receipt of a complete application, the Regional Administrator will consult with the

Council through its Executive Director, USFWS, and the Director of the affected state fishery management agency concerning the permit application, and will receive their recommendations for approval or disapproval of the application based on:

(A) Information provided by the applicant;

(B) The current domestic annual harvesting and processing capacity of the directed and incidental species for which a special permit is being requested;

(C) The current status of resources to be harvested in relation to the overfishing definition in the FEP;

(D) Estimated ecosystem, habitat, and protected species impacts of the proposed activity; and

(E) Other biological and ecological information relevant to the proposal. The applicant will be provided with an opportunity to appear in support of the application.

(iii) Following a review of the Council's recommendation and supporting rationale, the Regional Administrator may:

(A) Concur with the Council's recommendation and, after finding that it is consistent with the goals and objectives of the FEP, the national standards, the Endangered Species Act, and other applicable laws, approve or deny a special permit; or

(B) Reject the Council's recommendation, in which case, written reasons will be provided by the Regional Administrator to the Council for the rejection.

(iv) If the Regional Administrator does not receive a recommendation from the Council within 60 days of Council receipt of the permit application, the Regional Administrator can make a determination of approval or denial independently.

(v) Within 30 working days after the consultation in paragraph (d)(3)(ii) of this section, or as soon as practicable thereafter, NMFS will notify the applicant in writing of the decision to grant or deny the special permit and, if denied, the reasons for the denial. Grounds for denial of a special permit include the following:

(A) The applicant has failed to disclose material information required, or

has made false statements as to any material fact, in connection with his or her application.

(B) According to the best scientific information available, the directed or incidental catch in the season or location specified under the permit would detrimentally affect any coral reef resource or coral reef ecosystem in a significant way, including, but not limited to, issues related to spawning grounds or seasons, protected species interactions, EFH, and habitat areas of particular concern (HAPC).

(C) Issuance of the special permit would inequitably allocate fishing privileges among domestic fishermen or would have economic allocation as its sole purpose.

(D) The method or amount of harvest in the season and/or location stated on the permit is considered inappropriate based on previous human or natural impacts in the given area.

(E) NMFS has determined that the maximum number of permits for a given area in a given season has been reached and allocating additional permits in the same area would be detrimental to the resource.

(F) The activity proposed under the special permit would create a significant enforcement problem.

(vi) The Regional Administrator may attach conditions to the special permit, if it is granted, consistent with the management objectives of the FEP, including, but not limited to:

(A) The maximum amount of each resource that can be harvested and landed during the term of the special permit, including trip limits, where appropriate.

(B) The times and places where fishing may be conducted.

(C) The type, size, and amount of gear which may be used by each vessel operated under the special permit.

(D) Data reporting requirements.

(E) Such other conditions as may be necessary to ensure compliance with the purposes of the special permit consistent with the objectives of the FEP.

(4) Appeals of permit actions.

(i) Except as provided in subpart D of 15 CFR part 904, any applicant for a permit or a permit holder may appeal the granting, denial, conditioning, or suspension of their permit or a permit



affecting their interests to the Regional Administrator. In order to be considered by the Regional Administrator, such appeal must be in writing, must state the action(s) appealed, and the reasons therefore, and must be submitted within 30 days of the original action(s) by the Regional Administrator. The appellant may request an informal hearing on the appeal.

(ii) Upon receipt of an appeal authorized by this section, the Regional Administrator will notify the permit applicant, or permit holder as appropriate, and will request such additional information and in such form as will allow action upon the appeal. Upon receipt of sufficient information, the Regional Administrator will rule on the appeal in accordance with the permit eligibility criteria set forth in this section and the FEP, as appropriate, based upon information relative to the application on file at NMFS and the Council and any additional information, the summary record kept of any hearing and the hearing officer's recommended decision, if any, and such other considerations as deemed appropriate. The Regional Administrator will notify all interested persons of the decision, and the reasons therefore, in writing, normally within 30 days of the receipt of sufficient information, unless additional time is needed for a hearing.

(iii) If a hearing is requested, or if the Regional Administrator determines that one is appropriate, the Regional Administrator may grant an informal hearing before a hearing officer designated for that purpose after first giving notice of the time, place, and subject matter of the hearing in the FEDERAL REGISTER. Such a hearing shall normally be held no later than 30 days following publication of the notice in the FEDERAL REGISTER, unless the hearing officer extends the time for reasons deemed equitable. The appellant, the applicant (if different), and, at the discretion of the hearing officer, other interested parties, may appear personally and/or be represented by counsel at the hearing and submit information and present arguments as determined appropriate by the hearing officer. Within 30 days of the last day of the hearing, the hearing officer shall

recommend in writing a decision to the Regional Administrator.

(iv) The Regional Administrator may adopt the hearing officer's recommended decision, in whole or in part, or may reject or modify it. In any event, the Regional Administrator will notify interested persons of the decision, and the reason(s) therefore, in writing, within 30 days of receipt of the hearing officer's recommended decision. The Regional Administrator's action constitutes final action for the agency for the purposes of the Administrative Procedure Act.

(5) The Regional Administrator may extend, for good cause, any time limit prescribed in this section for a period not to exceed 30 days, either upon his or her own motion or upon written request from the Council, appellant or applicant stating the reason(s) therefore.

#### § 665.425 Prohibitions.

In addition to the general prohibitions specified in § 600.725 of this chapter and § 665.15 of this part, it is unlawful for any person to do any of the following:

(a) Fish for, take, retain, possess or land any Mariana coral reef ecosystem MUS in any low-use MPA as defined in § 665.399 unless:

(1) A valid permit has been issued for the hand harvester or the fishing vessel operator that specifies the applicable area of harvest;

(2) A permit is not required, as outlined in § 665.424 of this part; or

(3) The Mariana coral reef ecosystem MUS possessed on board the vessel originated outside the management area and this can be demonstrated through receipts of purchase, invoices, fishing logbooks or other documentation.

(b) Fish for, take, or retain any Mariana coral reef ecosystem MUS species:

(1) That is determined overfished with subsequent rulemaking by the Regional Administrator.

(2) By means of gear or methods prohibited under § 665.427.

(3) In a low-use MPA without a valid special permit.

(4) In violation of any permit issued under §§ 665.13 or 665.424.

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(c) Fish for, take, or retain any wild live rock or live hard coral except under a valid special permit for scientific research, aquaculture seed stock collection or traditional and ceremonial purposes by indigenous people.

**§ 665.426 Notifications.**

Any special permit holder subject to the requirements of this subpart must contact the appropriate NMFS enforcement agent in American Samoa, Guam, or Hawaii at least 24 hours before landing any Mariana coral reef ecosystem MUS unit species harvested under a special permit, and report the port and the approximate date and time at which the catch will be landed.

**§ 665.427 Allowable gear and gear restrictions.**

(a) Mariana coral reef ecosystem MUS may be taken only with the following allowable gear and methods:

- (1) Hand harvest;
- (2) Spear;
- (3) Slurp gun;
- (4) Hand net/dip net;
- (5) Hoop net for Kona crab;
- (6) Throw net;
- (7) Barrier net;
- (8) Surround/purse net that is attended at all times;
- (9) Hook-and-line (includes handline (powered or not), rod-and-reel, and trolling);
- (10) Crab and fish traps with vessel ID number affixed; and
- (11) Remote-operating vehicles/submersibles.

(b) Mariana coral reef ecosystem MUS may not be taken by means of poisons, explosives, or intoxicating substances. Possession or use of these materials by any permit holder under this subpart who is established to be fishing for Mariana coral reef ecosystem MUS in the management area is prohibited.

(c) Existing FEP fisheries shall follow the allowable gear and methods outlined in their respective plans.

(d) Any person who intends to fish with new gear not included in this section must describe the new gear and its method of deployment in the special permit application. A decision on the permissibility of this gear type will be made by the Regional Administrator

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after consultation with the Council and the director of the affected state fishery management agency.

**§ 665.428 Gear identification.**

(a) The vessel number must be affixed to all fish and crab traps on board the vessel or deployed in the water by any vessel or person holding a permit under §§ 665.13 or 665.424 or that is otherwise established to be fishing for Mariana coral reef ecosystem MUS in the management area.

(b) *Enforcement action.* (1) Traps not marked in compliance with paragraph (a) of this section and found deployed in the coral reef ecosystem management area will be considered unclaimed or abandoned property, and may be disposed of in any manner considered appropriate by NMFS or an authorized officer.

(2) Unattended surround nets or bait seine nets found deployed in the coral reef ecosystem management area will be considered unclaimed or abandoned property, and may be disposed of in any manner considered appropriate by NMFS or an authorized officer.

**§§ 665.429–665.439 [Reserved]**

**§ 665.440 Mariana crustacean fisheries. [Reserved]**

**§ 665.441 Definitions.**

As used in §§ 665.440 through 665.459:

*Crustacean Permit Area 5 (Permit Area 5)* means the EEZ around Guam and the EEZ seaward of points 3 nautical miles from the shoreline of the CNMI.

*Mariana crustacean management unit species* means the following crustaceans:

| Local name        | English common name   | Scientific name  |
|-------------------|-----------------------|--|
| Mahonggang .....  | spiny lobster .....   | <i>Panulirus marginatus</i> ,<br><i>Panulirus penicillatus</i> . |
| pa'pangpang ..... | slipper lobster ..... | Scyllaridae.   |
|                   | Kona crab .....       | <i>Ranina ranina</i> .   |
|                   | deepwater shrimp      | <i>Heterocarpus</i> spp.   |

**§ 665.442 Permits.**

(a) *Applicability.* (1) The owner of any vessel used to fish for lobster in Permit Area 3 must have a permit issued for such a vessel.

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(2) The owner of any vessel used to fish for deepwater shrimp in Crustacean Permit Area 5 must have a permit issued for that vessel.

(b) *General requirements.* General requirements governing application information, issuance, fees, expiration, replacement, transfer, alteration, display, sanctions, and appeals for permits issued under this section, as applicable, are contained in §665.13.

(c) *Application.* An application for a permit required under this section shall be submitted to PIRO as described in §665.13. If the application for a limited access permit is submitted on behalf of a partnership or corporation, the application must be accompanied by a supplementary information sheet obtained from PIRO and contain the names and mailing addresses of all partners or shareholders and their respective percentage of ownership in the partnership or corporation.

### § 665.443 Prohibitions.

In addition to the general prohibitions specified in §600.725 of this chapter and §665.15, it is unlawful for any person in Crustacean Permit Area 5 to fish for, take, or retain deepwater shrimp without a permit issued under §665.442.

### § 665.444 Notifications.

(a) The operator of any vessel subject to the requirements of this subpart must:

(1) Report, not less than 24 hours, but not more than 36 hours, before landing, the port, the approximate date and the approximate time at which spiny and slipper lobsters will be landed.

(2) Report, not less than 6 hours and not more than 12 hours before off-loading, the location and time that off-loading of spiny and slipper lobsters will begin.

(b) The Regional Administrator will notify permit holders of any change in the reporting method and schedule required in paragraphs (a)(1) and (2) of this section at least 30 days prior to the opening of the fishing season.

### § 665.445 At-sea observer coverage.

All fishing vessels subject to §§665.440 through 665.445 and subpart A of this part must carry an observer when requested to do so by the Regional Administrator.

### §§ 665.446–665.459 [Reserved]

### § 665.460 Mariana precious coral fisheries. [Reserved]

### § 665.461 Definitions.

*Mariana precious coral management unit species* means any coral of the genus *Corallium* in addition to the following species of corals:

| English common name                        | Scientific name  |
|--|--|
| Pink coral (also known as red coral) ..... | <i>Corallium secundum</i> , <i>Corallium regale</i> , <i>Corallium laauense</i> .                  |
| Gold coral .....                           | <i>Gerardia</i> spp., <i>Callogorgia gilberti</i> , <i>Narella</i> spp., <i>Calyptrophora</i> spp. |
| Bamboo coral .....                         | <i>Lepidisis olapa</i> , <i>Acanella</i> spp.  |
| Black coral .....                          | <i>Antipathes dichotoma</i> , <i>Antipathes grandis</i> , <i>Antipathes ulex</i> .                 |

*Mariana precious coral permit area* means the area encompassing the precious coral beds within the EEZ around the Mariana Archipelago. Each bed is designated by a permit area code and assigned to one of the following four categories:

- (1) Established beds. [Reserved]
- (2) Conditional beds. [Reserved]
- (3) Refugia. [Reserved]
- (4) Exploratory Area.

(i) Permit Area X-P-G includes all coral beds, other than established beds,

conditional beds, or refugia, in the EEZ seaward of Guam.

(ii) Permit Area X-P-CNMI includes all coral beds, other than established beds, conditional beds, or refugia, in the EEZ seaward of points 3 nautical miles from the shoreline of the CNMI.

### § 665.462 Permits.

(a) Any vessel of the United States fishing for, taking, or retaining Mariana precious coral MUS in any Mariana Archipelago precious coral permit

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area must have a permit issued under § 665.13.

(b) Each permit will be valid for fishing only in the permit area specified on the permit. Precious Coral Permit Areas are defined in § 665.461.

(c) No more than one permit will be valid for any one vessel at any one time.

(d) No more than one permit will be valid for any one person at any one time.

(e) The holder of a valid permit to fish one permit area may obtain a permit to fish another permit area only upon surrendering to the Regional Administrator any current permit for the precious coral fishery issued under § 665.13.

(f) General requirements governing application information, issuance, fees, expiration, replacement, transfer, alteration, display, sanctions, and appeals for permits for the precious coral fishery are contained in § 665.13.

#### **§ 665.463 Prohibitions.**

In addition to the general prohibitions specified in § 600.725 of this chapter and in § 665.15, it is unlawful for any person to:

(a) Use any vessel to fish for, take, retain, possess or land Mariana precious coral MUS in any Mariana precious coral permit area, unless a permit has been issued for that vessel and area as specified in § 665.13 and that permit is on board the vessel.

(b) Fish for, take, or retain any species of Mariana precious coral MUS in any Mariana precious coral permit area:

(1) By means of gear or methods prohibited by § 665.464.

(2) In refugia specified in § 665.461.

(3) In a bed for which the quota specified in § 665.467 has been attained.

(4) In violation of any permit issued under §§ 665.13 or 665.17.

(5) In a bed that has been closed pursuant to §§ 665.466 or 665.469.

(c) Take and retain, possess, or land any live pink coral or live black coral from any precious coral permit area that is less than the minimum height specified in § 665.465 unless: (1) A valid EFP was issued under § 665.17 for the vessel and the vessel was operating under the terms of the permit; or

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(2) The coral originated outside coral beds listed in this paragraph, and this can be demonstrated through receipts of purchase, invoices, or other documentation.

#### **§ 665.464 Gear restrictions.**

Only selective gear may be used to harvest coral from any precious coral permit area.

#### **§ 665.465 Size restrictions.**

The height of a live coral specimen shall be determined by a straight line measurement taken from its base to its most distal extremity. The stem diameter of a living coral specimen shall be determined by measuring the greatest diameter of the stem at a point no less than 1 inch (2.54 cm) from the top surface of the living holdfast.

(a) Live pink coral harvested from any precious coral permit area must have attained a minimum height of 10 inches (25.4 cm).

(b) *Black coral.* Live black coral harvested from any precious coral permit area must have attained either a minimum stem diameter of 1 inch (2.54 cm), or a minimum height of 48 inches (122 cm).

#### **§ 665.466 Closures.**

(a) If the Regional Administrator determines that the harvest quota for any coral bed will be reached prior to the end of the fishing year, NMFS shall publish a notice to that effect in the FEDERAL REGISTER and shall use other means to notify permit holders. Any such notice must indicate the reason for the closure, the bed being closed, and the effective date of the closure.

(b) A closure is also effective for a permit holder upon the permit holder's actual harvest of the applicable quota.

#### **§ 665.467 Quotas.**

(a) *General.* The quotas limiting the amount of precious coral that may be taken in any precious coral permit area during the fishing year are listed in § 665.467(d). Only live coral is counted toward the quota. The accounting period for all quotas begins July 1, 1983.

(b) *Conditional bed closure.* A conditional bed will be closed to all non-selective coral harvesting after the

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quota for one species of coral has been taken.

(c) *Reserves and reserve release.* The quotas for exploratory areas X-P-G and X-P-CNMI will be held in reserve for harvest by vessels of the United States in the following manner:

(1) At the start of the fishing year, the reserve for the Guam and CNMI exploratory areas will equal the quota minus the estimated domestic annual harvest for that year.

(2) As soon as practicable after December 31 each year, the Regional Administrator will determine the amount harvested by vessels of the United States between July 1 and December 31 of the year that just ended on December 31.

(3) NMFS will release to TALFF an amount of precious coral for each exploratory area equal to the quota minus two times the amount harvested by vessels of the United States in that July 1-December 31 period.

(4) NMFS will publish in the FEDERAL REGISTER a notification of the Regional Administrator's determination and a summary of the information on which it is based as soon as practicable after the determination is made.

(d) The Guam and CNMI exploratory permit areas, X-P-GU and X-P-CNMI, each have annual quotas of 1,000 kg for all precious coral MUS combined with the exception of black corals.

### § 665.468 Seasons.

The fishing year for precious coral begins on July 1 and ends on June 30 the following year.

### § 665.469 Gold coral harvest moratorium.

Fishing for, taking, or retaining any gold coral in any precious coral permit area is prohibited through June 30, 2018.

[78 FR 32182, May 29, 2013]

## **Subpart E—Pacific Remote Island Area Fisheries**

### § 665.598 Management area.

The PRIA fishery management area is the EEZ seaward of Palmyra Atoll, Kingman Reef, Jarvis Island, Baker Island, Howland Island, Johnston Atoll,

and Wake Island, Pacific Remote Island Areas with the inner boundary a line coterminous with the seaward boundaries of the above atolls, reefs and islands PRIA and the outer boundary 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.

### § 665.599 Area restrictions.

Except as provided in § 665.934, fishing is prohibited in all no take MPAs. The following U.S. EEZ waters are no take MPAs: Landward of the 50 fathom curve at Jarvis, Howland, and Baker Islands, and Kingman Reef, as depicted on National Ocean Survey Chart Numbers 83116 and 83153.

[78 FR 33003, June 3, 2013]

### § 665.600 PRIA bottomfish fisheries. [Reserved]

### § 665.601 Definitions.

As used in §§ 665.600 through 665.619:

*PRIA bottomfish fishing permit* means the permit required by § 665.603 to use a vessel to fish for PRIA bottomfish MUS in the EEZ around the PRIA, or to land bottomfish MUS shoreward of the outer boundary of the EEZ around the PRIA, with the exception of EEZ waters around Midway Atoll.

*PRIA bottomfish management unit species (PRIA bottomfish MUS)* means the following fish:

| English common name              | Scientific name                     |
|----------------------------------|-------------------------------------|
| Silver jaw jobfish .....         | <i>Aphareus rutilans.</i>           |
| Giant trevally .....             | <i>Caranx ignobilis.</i>            |
| Black jack .....                 | <i>Caranx lugubris.</i>             |
| Blacktip grouper .....           | <i>Epinephelus fasciatus.</i>       |
| Sea bass .....                   | <i>Epinephelus guernus.</i>         |
| Red snapper .....                | <i>Etelis carbunculus.</i>          |
| Longtail snapper .....           | <i>Etelis coruscans.</i>            |
| Redgill emperor .....            | <i>Lethrinus rubrioperculatus.</i>  |
| Yellowtail snapper .....         | <i>Pristipomoides auriella.</i>     |
| Pink snapper .....               | <i>Pristipomoides filamentosus.</i> |
| Pink snapper .....               | <i>Pristipomoides seiboldii.</i>    |
| Lunartail, lyretail grouper .... | <i>Variola louti.</i>               |

### § 665.602 [Reserved]

### § 665.603 Permits.

(a) *Applicability.* PRIA. The owner of any vessel used to fish for, land, or transship PRIA bottomfish MUS shoreward of the outer boundary of the