

interests to the Regional Administrator in accordance with the permit appeals procedures set forth in § 665.801(c) of this subpart.

(9) ~~Catch or fishing effort attribution procedures.~~ (i) For vessels identified in a valid specified fishing agreement that are subject to a U.S. limit and fishing restrictions set forth in 50 CFR part 300, subpart O, NMFS will attribute catch made by such vessels to the applicable U.S. participating territory starting seven days before the date NMFS projects the annual U.S. limit to be reached, or upon the effective date of the agreement, whichever is later.

(ii) For U.S. fishing vessels identified in a valid specified fishing agreement that are subject to catch or fishing effort limits and fishing restrictions set forth in this subpart, NMFS will attribute catch or fishing effort to the applicable U.S. participating territory starting seven days before the date NMFS projects the limit to be reached, or upon the effective date of the agreement, whichever is later.

(iii) If NMFS determines catch or fishing effort made by fishing vessels identified in a specified fishing agreement exceeds the allocated limit, NMFS will attribute any overage of the limit back to the U.S. or Pacific island fishery to which the vessel(s) is registered and permitted in accordance with the regulations set forth in 50 CFR part 300, subpart O and other applicable laws.

(d) ~~Accountability measures.~~ (1) NMFS will monitor catch and fishing effort with respect to any territorial catch or fishing effort limit, including the amount of a limit allocated to vessels identified in a valid specified fishing agreement, using data submitted in logbooks and other information. When NMFS projects a territorial catch or fishing effort limit or allocated limit to be reached, the Regional Administrator shall publish notification to that effect in the FEDERAL REGISTER at least seven days before the limit will be reached.

(2) ~~The notice will include an advisement that fishing for the applicable pelagic MUS stock or stock complex, or fishing effort, will be restricted on a specific date. The restriction may in-~~

~~clude, but is not limited to, a prohibition on retention, closure of a fishery, closure of specific areas, or other catch or fishing effort restrictions. The restriction will remain in effect until the end of the fishing year.~~

(e) ~~Disbursement of contributions from the Sustainable Fisheries Fund.~~ (1) NMFS shall make available to the Western Pacific Fishery Management Council monetary contributions, made to the Fund pursuant to a specified fishing agreement, in the following order of priority:

(i) Project(s) identified in an approved Marine Conservation Plan (16 U.S.C. 1824) of a U.S. participating territory that is a party to a valid specified fishing agreement, pursuant to § 665.819(c); and

(ii) In the case of two or more valid specified fishing agreements in a fishing year, the projects listed in an approved Marine Conservation Plan applicable to the territory with the earliest valid agreement will be funded first.

(2) ~~At least seven calendar days prior to the disbursement of any funds, the Council shall provide in writing to NMFS a list identifying the order of priority of the projects in an approved Marine Conservation Plan that are to be funded. The Council may thereafter revise this list.~~

[79 FR 64111, Oct. 28, 2014]

## Subpart G—Marianas Trench Marine National Monument

SOURCE: 78 FR 33003, June 3, 2013, unless otherwise noted.

### § 665.900 Scope and purpose.

The regulations in this subpart codify certain provisions of the Proclamation, and govern the administration of fishing in the Monument. Nothing in this subpart shall be deemed to diminish or enlarge the jurisdiction of the Territory of Guam or the Commonwealth of the Northern Mariana Islands.

### § 665.901 Boundaries.

The Marianas Trench Marine National Monument includes the following:

## § 665.902

(a) *Islands Unit.* The Islands Unit includes the waters and submerged lands of the three northernmost Mariana Islands (Farallon de Pajaros (Uracas), Maug, and Asuncion). The shoreward boundary of the Islands Unit is the mean low water line. The seaward boundary of Islands Unit is defined by straight lines connecting the following coordinates in the order listed:

ID	E. long.	N. lat.
1 .....	144°1'22.97"	21°23'42.40"
2 .....	145°33'25.20"	21°23'42.40"
3 .....	145°44'31.14"	21°11'14.60"
4 .....	146°18'36.75"	20°49'17.46"
5 .....	146°18'36.75"	19°22'0.00"
6 .....	145°3'12.22"	19°22'0.00"
7 .....	144°1'22.97"	20°45'44.11"
1 .....	144°1'22.97"	21°23'42.40"

(b) *Volcanic Unit.* The Volcanic Unit includes the submerged lands of designated volcanic sites. The boundaries of the Volcanic Unit are defined as circles of a one nautical mile radius centered on each of the following points:

ID	E. long.	N. lat.
Fukujin .....	143°27'30"	21°56'30"
Minami Kasuga #2 .....	143°38'30"	21°36'36"
N.W. Eifuku .....	144°2'36"	21°29'15"
Minami Kasuga #3 .....	143°38'0"	21°24'0"
Daikoku .....	144°11'39"	21°19'27"
Ahiy .....	145°1'45"	20°26'15"
Maug .....	145°13'18"	20°1'15"
Alice Springs .....	144°30'0"	18°12'0"
Central trough .....	144°45'0"	18°1'0"
Zealandia .....	145°51'4"	16°52'57"
E. Diamante .....	145°40'47"	15°56'31"
Ruby .....	145°34'24"	15°36'15"
Esmeralda .....	145°14'45"	14°57'30"
N.W. Rota #1 .....	144°46'30"	14°36'0"
W. Rota .....	144°50'0"	14°19'30"
Forecast .....	143°55'12"	13°23'30"
Seamount X .....	144°1'0"	13°14'48"
South Backarc .....	143°37'8"	12°57'12"
Archaeon site .....	143°37'55"	12°56'23"
Pika site .....	143°38'55"	12°55'7"
Toto .....	143°31'42"	12°42'48"

(c) *Trench Unit.* The Trench Unit includes the submerged lands of the Marianas Trench. The boundary of the Trench Unit extends from the northern limit of the EEZ around the Commonwealth of the Northern Mariana Islands to the southern limit of the EEZ around Guam as defined by straight lines connecting the following coordinates in the order listed:

ID	E. long.	N. lat.
1 .....	145°5'46"	23°53'35"
2 .....	145°52'27.10"	23°45'50.54"
3 .....	146°36'18.91"	23°29'18.33"

## 50 CFR Ch. VI (10–1–15 Edition)

ID	E. long.	N. lat.
4 .....	147°5'16.84"	23°11'43.92"
5 .....	147°22'31.43"	20°38'41.35"
6 .....	147°40'48.31"	19°59'23.30"
7 .....	147°39'59.51"	19°27'2.96"
8 .....	147°48'51.61"	19°8'18.74"
9 .....	148°21'47.20"	18°56'6.46"
10 .....	148°42'50.50"	17°58'2.20"
11 .....	148°34'47.12"	16°40'53.86"
12 .....	148°5'39.95"	15°25'51.09"
13 .....	146°23'24.38"	12°21'38.38"
14 .....	145°28'33.28"	11°34'7.64"
15 .....	143°3'9"	10°57'30"
16 .....	142°19'54.93"	11°47'24.83"
17 .....	144°42'31.24"	12°21'24.65"
18 .....	145°17'59.93"	12°33'5.35"
19 .....	147°29'32.24"	15°49'25.53"
20 .....	147°27'32.35"	17°57'52.76"
21 .....	147°20'16.96"	19°9'19.41"
22 .....	146°57'55.31"	20°23'58.80"
23 .....	145°44'31.14"	21°11'14.60"
24 .....	144°5'27.55"	23°2'28.67"
1 .....	145°5'46"	23°53'35"

## § 665.902 Definitions.

The following definitions are used in this subpart:

*Management unit species or MUS* means the Mariana Archipelago management unit species as defined in §§ 665.401, 665.421, 665.441, and 665.461, and the pelagic management unit species as defined in § 665.800.

*Monument* means the submerged lands and, where applicable, waters of the Marianas Trench Marine National Monument as defined in § 665.901.

*Proclamation* means Presidential Proclamation 8335 of January 6, 2009, “Establishment of the Marianas Trench Marine National Monument.”

## § 665.903 Prohibitions.

In addition to the general prohibitions specified in § 600.725 of this chapter, and § 665.15 and subpart D of this part, the following activities are prohibited in the Islands Unit and, thus, unlawful for a person to conduct or cause to be conducted.

(a) Commercial fishing in violation of § 665.904(a).

(b) Non-commercial fishing, except as authorized under permit and pursuant to the procedures and criteria established in § 665.905.

(c) Transferring a permit in violation of § 665.905(d).

## Fishery Conservation and Management

## § 665.931

(d) Commercial fishing outside the Islands Unit and non-commercial fishing within the Islands Unit on the same trip in violation of § 665.904(c).

[78 FR 33003, June 3, 2013, as amended at 78 FR 39583, July 2, 2013]

### § 665.904 Regulated activities.

(a) Commercial fishing is prohibited in the Islands Unit.

(b) Non-commercial fishing is prohibited in the Islands Unit, except as authorized under permit and pursuant to the procedures and criteria established in § 665.905.

(c) Commercial fishing outside the Islands Unit and non-commercial fishing within the Islands Unit during the same trip is prohibited.

[78 FR 33003, June 3, 2013, as amended at 78 FR 39583, July 2, 2013]

### § 665.905 Fishing permit procedures and criteria.

(a) *Marianas Trench Monument Islands Unit non-commercial permit*—(1) *Applicability*. Both the owner and operator of a vessel used to non-commercially fish for, take, retain, or possess MUS in the Islands Unit must have a permit issued under this section, and the permit must be registered for use with that vessel.

(2) *Eligibility criteria*. A permit issued under this section may be issued only to a community resident of Guam or the CNMI.

(3) *Terms and conditions*. (i) Customary exchange of fish harvested within the Islands Unit under a non-commercial permit is allowed, except that customary exchange by fishermen engaged in recreational fishing is prohibited.

(ii) Monetary reimbursement under customary exchange shall not exceed actual fishing trip expenses, including but not limited to ice, bait, fuel, or food.

(b) *Marianas Trench Monument Islands Unit recreational charter permit*—(1) *Applicability*. Both the owner and operator of a vessel chartered to recreationally fish for, take, retain, or possess MUS in the Islands Unit must have a permit issued under this section, and the permit must be registered for use with

that vessel. Charter boat customers are not required to obtain a permit.

(2) *Eligibility criteria*. To be eligible for a permit issued under this section, a charter business must be established legally under the laws of Guam or the CNMI.

(3) *Terms and conditions*. (i) The sale or exchange through barter or trade of fish caught in the Monument by a charter boat is prohibited.

(ii) No MUS harvested under a recreational charter fishing permit may be used for the purposes of customary exchange.

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

(d) *Transfer*. A permit issued under this section is not transferrable.

(e) *Reporting and recordkeeping*. The operator of a vessel subject to the requirements of this section must comply with the terms and conditions described in § 665.14.

[78 FR 33003, June 3, 2013, as amended at 78 FR 39583, July 2, 2013]

### § 665.906 International law.

The regulations in this subpart shall be applied in accordance with international law. No restrictions shall apply to or be enforced against a person who is not a citizen, national, or resident alien of the United States (including foreign flag vessels) unless in accordance with international law.

## ~~Subpart H—Pacific Remote Islands Marine National Monument~~

~~SOURCE: 78 FR 33003, June 3, 2013, unless otherwise noted.~~

### ~~§ 665.930 Scope and purpose.~~

~~The regulations in this subpart codify certain provisions of the Proclamations, and govern the administration of fishing in the Monument.~~

~~[80 FR 15695, Mar. 25, 2015]~~

### ~~§ 665.931 Boundaries.~~

~~The Monument, including the waters and submerged and emergent lands of Wake, Baker, Howland, and Jarvis Islands, Johnston Atoll, Kingman Reef,~~