

Fishery Conservation and Management

§ 665.962

~~and criteria established in § 665.935 or pursuant to § 665.934(d).~~

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

~~(d) Non-commercial fishing is prohibited within 12 nm of emergent land within the Monument, unless authorized by the U.S. Fish & Wildlife Service, in consultation with NMFS and the Council. For the purposes of this subsection, consultation means that the U.S. Fish & Wildlife Service will consult with NMFS, which in turn will consult with the Council.~~

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

§ 665.935 Fishing permit procedures and criteria.

~~(a) Non-commercial fishing. (1) Applicability. Except as provided in section 665.934(d), a vessel that is used to non-commercially fish for, take, retain, or possess MUS in the Monument must be registered for use with a permit issued pursuant to §§ 665.603, 665.624, 665.642, 665.662, 665.801(f), or 665.801(g).~~

~~(2) Terms and conditions. Customary exchange of fish harvested in the Monument is prohibited.~~

~~(b) Pacific Remote Islands Monument recreational charter permit. (1) Applicability. Except as provided in § 665.934(d), both the owner and operator of a vessel that is chartered to recreationally fish for, take, retain, or possess MUS in the Monument 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) Terms and conditions. (i) The sale or exchange through barter or trade of fish caught by a charter boat fishing in the Monument is prohibited.~~

~~(ii) Customary exchange of fish harvested under a Monument recreational charter permit is prohibited.~~

~~(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 com-~~

~~ply with the terms and conditions described in § 665.14.~~

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

§ 665.936 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 I—Rose Atoll Marine National Monument

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

§ 665.960 Scope and purpose.

The regulations in this subpart codify certain provisions of the Proclamation, and govern the administration of fishing within the Monument. Nothing in this subpart shall be deemed to diminish or enlarge the jurisdiction of the Territory of American Samoa.

§ 665.961 Boundaries.

The Monument consists of emergent and submerged lands and waters extending seaward approximately 50 nm from Rose Atoll. The boundary is defined by straight lines connecting the following coordinates in the order listed:

ID	W. long.	S. lat.
1	169°0'42"	13°41'54"
2	167°17'0"	13°41'54"
3	167°17'0"	15°23'10"
4	169°0'42"	15°23'10"
1	169°0'42"	13°41'54"

§ 665.962 Definitions.

The following definitions are used in this subpart:

Management Unit Species or MUS means the American Samoa 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 waters and emergent and submerged lands of the

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Rose Atoll Marine National Monument, as defined in § 665.961.

Proclamation means Presidential Proclamation 8337 of January 6, 2009, “Establishment of the Rose Atoll Marine National Monument.”

§ 665.963 Prohibitions.

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

(a) Commercial fishing in the Monument.

(b) Non-commercial fishing in the Monument, except as authorized under permit and pursuant to the procedures and criteria established in § 665.965.

(c) Transferring a permit in violation of § 665.965(d).

(d) Commercial fishing outside the Monument and non-commercial fishing within the Monument on the same trip in violation of § 665.964(c).

(e) Fishing within 12 nm of emergent land within the Monument in violation of § 665.964(d).

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

§ 665.964 Regulated activities.

(a) Commercial fishing is prohibited in the Monument.

(b) Non-commercial fishing is prohibited in the Monument, except as authorized under permit and pursuant to the procedures and criteria established in § 665.965.

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

(d) All fishing is prohibited within 12 nm of emergent land within the Monument.

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

§ 665.965 Fishing permit procedures and criteria.

(a) *Rose Atoll Monument non-commercial fishing permit*—(1) *Applicability*. Both the owner and operator of a vessel used to non-commercially fish for, take, retain, or possess MUS in the

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Monument 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 American Samoa.

(3) *Terms and conditions*. (i) Customary exchange of fish harvested under a non-commercial permit within the Monument 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) *Rose Atoll Monument recreational charter permit* — (1) *Applicability*. Both the owner and operator of a vessel that is chartered to fish recreationally for, take, retain, or possess MUS in the Monument 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) *Permit eligibility criteria*. To be eligible for a permit issued under this section, a charter business must be established legally under the laws of American Samoa.

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

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§ 665.966 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.

FIGURE 1 TO PART 665—CARAPACE LENGTH OF LOBSTERS

FIGURE 1 TO PART 665. CARAPACE LENGTH OF LOBSTERS

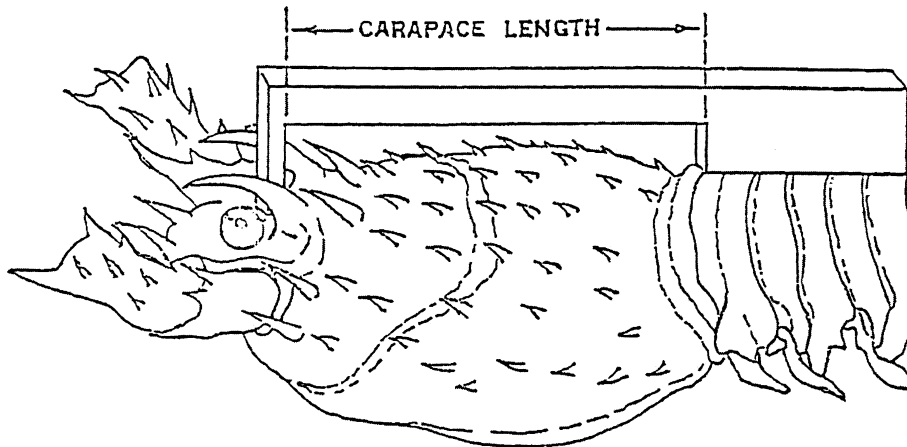


FIGURE 2 TO PART 665—LENGTH OF FISHING VESSELS

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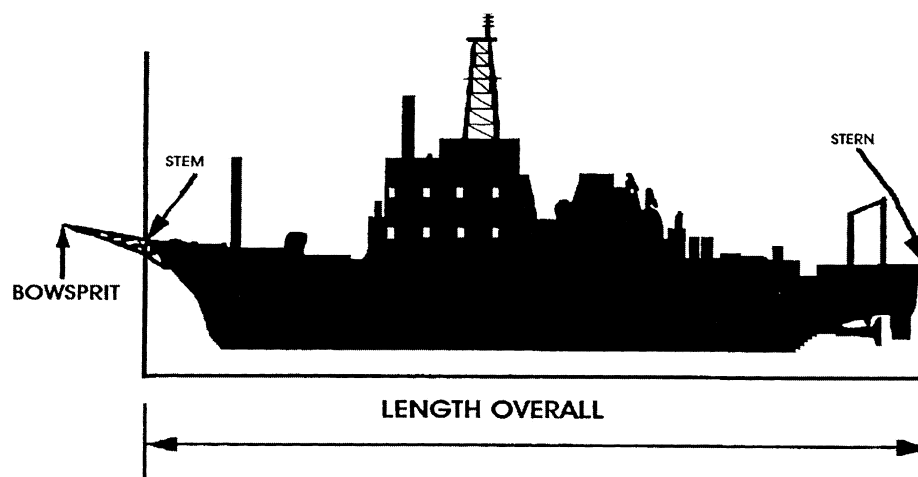


FIGURE 3 TO PART 665—SAMPLE FABRICATED ARCENEUX LINE CLIPPER

FIGURE 3 TO PART 665. SAMPLE FABRICATED ARCENEUX LINE CLIPPER

