

**Fishery Conservation and Management**

**§ 665.461**

be considered unclaimed or abandoned property, and may be disposed of in any manner considered appropriate by NMF'S or an authorized officer.

names and mailing addresses of all partners or shareholders and their respective percentage of ownership in the partnership or corporation.

**§§ 665.429–665.439 [Reserved]**

**§ 665.443 Prohibitions.**

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

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.

**§ 665.441 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:

**§ 665.444 Notifications.**

| 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.   |

(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.

**§ 665.442 Permits.**

(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.

(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.

(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

**§ 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> .                 |

## § 665.462

*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 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 pre-

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cius 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

(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).