

## Fishery Conservation and Management

## § 665.818

supplementary information sheet, obtained from the Regional Administrator, containing the names and mailing addresses of all owners, partners, and corporate officers. After such an application has been made, the permit is not valid for use by the new permit holder until the Regional Administrator has issued the permit in the new permit holder's name under § 665.13(c).

(1) Permits of all size classes except Class A. An American Samoa longline limited access permit of any size class except Class A may be transferred (by sale, gift, bequest, intestate succession, barter, or trade) to the following persons only:

(i) A western Pacific community located in American Samoa that meets the criteria set forth in § 305(I)(2) of the Magnuson-Stevens Act, 16 U.S.C. § 1855(I)(2), and its implementing regulations, or

(ii) Any person with documented participation in the pelagic longline fishery in the EEZ around American Samoa.

(2) Class A Permits. An American Samoa longline limited access permit of Class A may be transferred (by sale, gift, bequest, intestate succession, barter, or trade) to the following persons only:

(i) A family member of the permit holder,

(ii) A western Pacific community located in American Samoa that meets the criteria set forth in § 305(I)(2) of the Magnuson-Stevens Act, 16 U.S.C. 1855, and its implementing regulations, or

(iii) Any person with documented participation in the pelagic longline fishery on a Class A size vessel in the EEZ around American Samoa prior to March 22, 2002.

(3) Class B-1, C-1, and D-1 Permits. Class B-1, C-1, and D-1 permits may not be transferred to a different owner for 3 years from the date of initial issuance, except by bequest or intestate succession if the permit holder dies during those 3 years. After the initial 3 years, Class B-1, C-1, and D-1 permits may be transferred only in accordance with the restrictions in paragraph (i)(1) of this section.

(j) Permit renewal and registration of vessels.

(1) Use requirements. An American Samoa longline limited access permit will not be renewed following 3 consecutive calendar years (beginning with the year after the permit was issued in the name of the current permit holder) in which the vessel(s) to which it is registered landed less than:

(i) For permit size Classes A or B: a total of 1,000 lb (455 kg) of western Pacific pelagic MUS harvested in the EEZ around American Samoa using longline gear, or

(ii) For permit size Classes C or D: a total of 5,000 lb (2,273 kg) of western Pacific pelagic MUS harvested in the EEZ around American Samoa using longline gear.

(2) [Reserved]

(k) Concentration of ownership of permits. No more than 10 percent of the maximum number of permits, of all size classes combined, may be held by the same permit holder. Fractional interest will be counted as a full permit for the purpose of calculating whether the 10-percent standard has been reached.

(1) Three year review. Within 3 years of the effective date of this final rule, the Council shall consider appropriate revisions to the American Samoa limited entry program after reviewing the effectiveness of the program with respect to its biological and socio-economic objectives, concerning gear conflict, overfishing, enforceability, compliance, and other issues.

### § 665.817 [Reserved]

### § 665.818 Exemptions for American Samoa large vessel prohibited areas.

(a) An exemption will be issued to a person who currently owns a large vessel to use that vessel to fish for western Pacific pelagic MUS in the American Samoa large vessel prohibited management areas, if the person seeking the exemption had been the owner of that vessel when it was registered for use with a Western Pacific general longline permit, and has made at least one landing of western Pacific pelagic MUS in American Samoa on or prior to November 13, 1997.

(b) A landing of western Pacific pelagic MUS for the purpose of this section must have been properly recorded

**§ 665.900**

**50 CFR Ch. VI (10–1–13 Edition)**

on a NMFS Western Pacific Federal daily longline form that was submitted to NMFS, as required in § 665.14.

(c) An exemption is valid only for a vessel that was registered for use with a Western Pacific general longline permit and landed western Pacific pelagic MUS in American Samoa on or prior to November 13, 1997, or for a replacement vessel of equal or smaller LOA than the vessel that was initially registered for use with a Western Pacific general longline permit on or prior to November 13, 1997.

(d) An exemption is valid only for the vessel for which it is registered. An exemption not registered for use with a particular vessel may not be used.

(e) An exemption may not be transferred to another person.

(f) If more than one person, *e.g.*, a partnership or corporation, owned a large vessel when it was registered for use with a Western Pacific general longline permit and made at least one landing of western Pacific pelagic MUS in American Samoa on or prior to November 13, 1997, an exemption issued under this section will be issued to only one person.

**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:

(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°11'15"
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"
Archaeal 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"
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"