

**§ 665.900**

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

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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" |

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| ID       | E. long.      | N. lat.      |
|----------|---------------|--------------|
| 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).

(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.