

be deducted from the following year's ACLs or ACTs will be accounted for in the next management cycle where it is practicable to do so.

(b) Compensation for commercial vessels collecting resource information under a standard EFP. NMFS may issue an EFP to allow a commercial fishing vessel to take and retain fish in excess of current management limits for the purpose of collecting resource information (§600.745(b) of this chapter). The EFP may include a compensation clause that allows the participating vessel to be compensated with fish for its efforts to collect resource information according to NMFS' approved protocol. If compensation with fish is requested in an EFP application, or proposed by NMFS, the following provisions apply in addition to those at §600.745(b) of this chapter.

(1) *Application.* In addition to the requirements in §600.745(b) of this chapter, application for an EFP with a compensation clause must clearly state whether a vessel's participation is contingent upon compensation with groundfish and, if so, the minimum amount (in metric tons, round weight) and the species. As with other EFPs issued under §600.745 of this chapter, the application may be submitted by any individual, including a state fishery management agency or other research institution.

(2) *Denial.* In addition to the reasons stated in §600.745(b)(3)(iii) of this chapter, the application will be denied if the requested compensation fishery, species, or amount is unacceptable for reasons such as, but not limited to, the following: NMFS concludes the value of the resource information is not commensurate with the value of the compensation fish; the proposed compensation involves species that are (or are expected to be) overfished or subject to overfishing, fishing in times or areas where fishing is otherwise prohibited or severely restricted, or fishing for species that would involve unavoidable bycatch of species that are overfished or subject to overfishing; or NMFS concludes the information can reasonably be obtained at a less cost to the resource.

(3) *Window period for other applications.* If the Regional Administrator or

designee agrees that compensation should be considered, and that more than a minor amount would be used as compensation, then a window period will be announced in the FEDERAL REGISTER during which additional participants will have an opportunity to apply. This notification would be made at the same time as announcement of receipt of the application and request for comments required under §600.745(b). If there are more qualified applicants than needed for a particular time and area, NMFS will choose among the qualified vessels, either randomly, in order of receipt of the completed application, or by other impartial selection methods. If the permit applicant is a state, university, or Federal entity other than NMFS, and NMFS approves the selection method, the permit applicant may choose among the qualified vessels, either randomly, in order of receipt of the vessel application, or by other impartial selection methods.

(4) *Terms and conditions.* The EFP will specify the amounts that may be taken as scientific samples and as compensation, the time period during which the compensation fishing must occur, management measures that NMFS will waive for a vessel fishing under the EFP, and other terms and conditions appropriate to the fishery and the collection of resource information. NMFS may require compensation fishing to occur on the same trip that the resource information is collected.

(5) *Accounting for the catch.* Samples taken under this EFP, as well as any compensation fish, count toward the current year's catch or landings.

[75 FR 60897, Oct. 1, 2010, as amended at 76 FR 27529, May 11, 2011]

**§ 600.40 Overfished species rebuilding plans.**

For each overfished groundfish stock with an approved rebuilding plan, this section contains the standards to be used to establish annual or biennial ACLs, specifically the target date for rebuilding the stock to its MSY level and the harvest control rule to be used to rebuild the stock. The harvest control rule may be expressed as a "Spawning Potential Ratio" or "SPR" harvest rate.

§ 660.50

50 CFR Ch. VI (10–1–14 Edition)

(a) *Bocaccio*. Bocaccio south of 40°10' N. latitude was declared overfished in 1999. The target year for rebuilding the bocaccio stock south of 40°10' N. latitude to  $B_{MSY}$  is 2022. The harvest control rule to be used to rebuild the southern bocaccio stock is an annual SPR harvest rate of 77.7 percent.

(b) *Canary rockfish*. Canary rockfish was declared overfished in 2000. The target year for rebuilding the canary rockfish stock to  $B_{MSY}$  is 2030. The harvest control rule to be used to rebuild the canary rockfish stock is an annual SPR harvest rate of 88.7 percent.

(c) *Cowcod*. Cowcod was declared overfished in 2000. The target year for rebuilding the cowcod stock south of 40°10' N. latitude to  $B_{MSY}$  is 2068. The harvest control rule to be used to rebuild the cowcod stock is an annual SPR harvest rate of 82.7 percent.

(d) *Darkblotched rockfish*. Darkblotched rockfish was declared overfished in 2000. The target year for rebuilding the darkblotched rockfish stock to  $B_{MSY}$  is 2025. The harvest control rule to be used to rebuild the darkblotched rockfish stock is an annual SPR harvest rate of 64.9 percent.

(e) *Pacific Ocean Perch (POP)*. POP was declared overfished in 1999. The target year for rebuilding the POP stock to  $B_{MSY}$  is 2051. The harvest control rule to be used to rebuild the POP stock is an annual SPR harvest rate of 86.4 percent.

(f) *Petrале Sole*. Petrale sole was declared overfished in 2010. The target year for rebuilding the petrale sole stock to  $B_{MSY}$  is 2016. The harvest control rule is the 25–5 default adjustment.

(g) *Yelloweye rockfish*. Yelloweye rockfish was declared overfished in 2002. The target year for rebuilding the yelloweye rockfish stock to  $B_{MSY}$  is 2074. The harvest control rule to be used to rebuild the yelloweye rockfish stock is an annual SPR harvest rate of 76.0 percent.

[76 FR 77420, Dec. 13, 2011, as amended at 78 FR 587, Jan. 3, 2013]

**§ 660.50 Pacific Coast treaty Indian fisheries.**

(a) *Pacific Coast treaty Indian tribes have treaty rights*. Pacific Coast treaty Indian tribes have treaty rights to harvest groundfish in their usual and ac-

customed fishing areas in U.S. waters. In 1994, the United States formally recognized that the four Washington coastal treaty Indian tribes (Makah, Quileute, Hoh, and Quinault) have treaty rights to fish for groundfish in the Pacific Ocean, and concluded that, in general terms, the quantification of those rights is 50 percent of the harvestable surplus of groundfish that pass through the tribes U&A fishing areas.

(b) *Pacific Coast treaty Indian tribes*. For the purposes of this part, Pacific Coast treaty Indian tribes means the Hoh, Makah, and Quileute Indian Tribes and the Quinault Indian Nation.

(c) *Usual and accustomed fishing areas (U&A)*. The Pacific Coast treaty Indian tribes' U&A fishing areas within the fishery management area (FMA) are set out below in paragraphs (c)(1) through (c)(4) of this section. Boundaries of a tribe's fishing area may be revised as ordered by a Federal court.

(1) *Makah*. That portion of the FMA north of 48°02.25' N. lat. (Norwegian Memorial) and east of 125°44' W. long.

(2) *Quileute*. That portion of the FMA between 48°07.60' N. lat. (Sand Point) and 47°31.70' N. lat. (Queets River) and east of 125°44' W. long.

(3) *Hoh*. That portion of the FMA between 47°54.30' N. lat. (Quillayute River) and 47°21' N. lat. (Quinault River) and east of 125°44' W. long.

(4) *Quinault*. That portion of the FMA between 47°40.10' N. lat. (Destruction Island) and 46°53.30' N. lat. (Point Chehalis) and east of 125°44' W. long.

(d) *Procedures*. The rights referred to in paragraph (a) of this section will be implemented by the Secretary, after consideration of the tribal request, the recommendation of the Council, and the comments of the public. The rights will be implemented either through an allocation or set-aside of fish that will be managed by the tribes, or through regulations in this section that will apply specifically to the tribal fisheries.

(1) *Tribal allocations, set-asides, and regulations*. An allocation, set-aside or a regulation specific to the tribes shall be initiated by a written request from a Pacific Coast treaty Indian tribe to the Regional Administrator, prior to