sole, curlfin sole, flathead sole, Pacific sanddab, rex sole, rock sole, and sand sole. Recreational fishing for “other flatfish” is permitted within the closed areas. “Other flatfish,” except Pacific sanddab, are subject to the overall 20-fish bag limit for all species of finfish, of which there may be no more than 10 fish of any one species. There is no season restriction or size limit for “other flatfish;” however, it is prohibited to filet “other flatfish” at sea.

(v) California scorpionfish. California scorpionfish predominately occur south of 40°10′ N. lat.

(A) Seasons. When recreational fishing for California scorpionfish is open, it is permitted only outside of the recreational RCAs described in paragraph (c)(3)(i) of this section.

(1) Between 40°10′ N. lat. and 37°11′ N. lat. (North Central Region), recreational fishing for California scorpionfish is open from June 1 through November 30 (i.e., it’s closed from January 1 through May 31 and from December 1 through December 31).

(2) Between 37°11′ N. lat. and 36° N. lat. (Monterey South Central Region), recreational fishing for California scorpionfish is open from May 1 through November 30 (i.e., it’s closed from January 1 through April 30 and from December 1 through December 31).

(3) Between 36° N. lat. and 34°27′ N. lat. (Morro Bay South Central Region), recreational fishing for California scorpionfish is open from May 1 through November 30 (i.e., it’s closed from January 1 through April 30 and from December 1 through December 31).

(4) South of 34°27′ N. lat. (South Region), recreational fishing for California scorpionfish is open from January 1 through December 31.

(B) Bag limits, hook limits. South of 40°10.00′ N. lat., in times and areas where the recreational season for California scorpionfish is open, the bag limit is 5 California scorpionfish per day. California scorpionfish do not count against the 10 RCG Complex fish per day limit. Multi-day limits are authorized by a valid permit issued by California and must not exceed the daily limit multiplied by the number of days in the fishing trip.

(C) Size limits. California scorpionfish may be no smaller than 10 in (25 cm) total length.

(D) Dressing/Fileting. California scorpionfish filets may be no smaller than 5 in (12.8 cm) and must bear an intact 1 in (2.6 cm) square patch of skin.

[69 FR 77038, Dec. 23, 2004]

EDITORIAL NOTE: For Federal Register citations affecting § 660.384, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

§ 660.385 Washington coastal tribal fisheries management measures.

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 usual and accustomed fishing areas (described at §660.324). Measures implemented to minimize adverse impacts to groundfish EFH, as described in §660.306, do not apply to tribal fisheries in their usual and accustomed fishing areas (described in §660.324). Treaty fisheries operating within tribal allocations are prohibited from operating outside usual and accustomed fishing areas. Tribal fishery allocations for sablefish and whiting, are provided in paragraphs (a) and (e) of this section, respectively, and the tribal harvest guideline for black rockfish is provided in paragraph (b)(1) of this section. Trip limits for certain species were recommended by the tribes and the Council and are specified here with the tribal allocations.

(a) Sablefish. The tribal allocation is 694 mt per year. This allocation is, for each year, 10 percent of the Monterey through Vancouver area (North of 36° N. lat.) OY, less 1.6 percent estimated discard mortality.

(b) Rockfish. The tribes will require full retention of all overfished rockfish species and all other marketable rockfish species during treaty fisheries.
(1) **Black Rockfish.** For the commercial harvest of black rockfish off Washington State, a harvest guideline of: 30,000 lb (13,608 kg) north of Cape Alava, WA (48°10′ N. lat.) and 10,000 lb (4,536 kg) between Destruction Island, WA (47°40′ N. lat.) and Leadbetter Point, WA (46°38.17′ N. lat.). There are no tribal harvest restrictions for black rockfish in the area between Cape Alava and Destruction Island.

(2) **Thornyheads.** The tribes will manage their fisheries to the limited entry trip limits in place at the beginning of the year for both shortspine and longspine thornyheads as follows:

   (i) **Trawl gear.**

   (A) Shortspine thornyhead cumulative trip limits are as follows:

   (1) Small and large footrope trawl gear-17,000 lb (7,711-kg) per 2 months.

   (2) Selective flatfish trawl gear-3,000–lb (1,361–kg) per 2 months.

   (3) Multiple bottom trawl gear-3,000–lb (1,361–kg) per 2 months.

   (B) Longspine thornyhead cumulative trip limits are as follows:

   (1) Small and large footrope trawl gear- 22,000–lb (9,979–kg) per 2 months.

   (2) Selective flatfish trawl gear-5,000–lb (2,268-kg) per 2 months.

   (3) Multiple bottom trawl gear-5,000–lb (2,268-kg) per 2 months.

   (ii) **Fixed gear.**

   (A) Shortspine thornyhead cumulative trip limits are 2,000–lb (907–kg) per 2 months.

   (B) Longspine thornyhead cumulative trip limits are 10,000–lb (4,536–kg) per 2 months.

(3) Canary rockfish are subject to a 300–lb (136–kg) trip limit.

(4) Yelloweye rockfish are subject to a 100–lb (45–kg) trip limit.

(5) The Makah Tribe will manage the midwater trawl fisheries as follows: yellowtail rockfish taken in the directed tribal mid-water trawl fisheries are subject to a cumulative limit of 180,000 lb (81,647 kg) per 2 month period for the entire fleet. Landings of widow rockfish must not exceed 10 percent of the weight of yellowtail rockfish landed, for a given vessel, throughout the year. These limits may be adjusted by the tribe in season to minimize the incidental catch of canary rockfish and widow rockfish, provided the average 2-month cumulative yellowtail rockfish limit does not exceed 180,000 lb (81,647 kg) for the fleet.

(6) Other rockfish, including minor nearshore, minor shelf, and minor slope rockfish groups are subject to a 300–lb (136–kg) trip limit per species or species group, or to the non-tribal limited entry trip limit for those species if those limits are less restrictive than 300 lb (136 kg) per trip.

(c) **Lingcod.** Lingcod taken in the treaty fisheries are subject to an overall expected total lingcod catch of 250 mt.

(d) **Flatfish and other fish.** Treaty fishing vessels using bottom trawl gear are subject to the limits applicable to the non-tribal limited entry trawl fishery for Dover sole, English sole, rex sole, arrowtooth flounder, and other flatfish in place at the beginning of the season. For Dover sole and arrowtooth flounder, the limited entry trip limits in place at the beginning of the season will be combined across periods and the fleet to create a cumulative harvest target. The limits available to individual vessels will then be adjusted in season to stay within the overall harvest target as well as estimated impacts to overfished species. For petrale sole, treaty fishing vessels are restricted to using small footrope trawl gear.

(e) **Pacific whiting.** The tribal allocation for 2010 is 49,939 mt.

(f) **Pacific cod.** There is a tribal harvest guideline of 400 mt of Pacific cod. The tribes will manage their fisheries to stay within this harvest guideline.

(g) **Spiny dogfish.** The tribes will manage their spiny dogfish fishery within the limited entry trip limits for the non-tribal fisheries.

§ 660.390 Groundfish conservation areas.

In §660.302, a groundfish conservation area is defined in part as "a geographic area defined by coordinates expressed