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# PART 660—FISHERIES OFF WEST COAST STATES

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AUTHORITY: 16 U.S.C. 1801 *et seq.*, 16 U.S.C. 773 *et seq.*, and 16 U.S.C. 7001 *et seq*.

SOURCE: 61 FR 34572, July 2, 1996, unless otherwise noted.

EDITORIAL NOTE: Nomenclature changes to part 660 appear at 67 FR 65906, Oct. 29, 2002.

## Subpart A—General

### § 660.1 Purpose and scope.

(a) The regulations in this part govern fishing activity by vessels of the United States that fish or support fishing inside the outer boundary of the EEZ off the states of Washington, Oregon, and California.

(b) General regulations governing fishing by all vessels of the United States and by fishing vessels other than vessels of the United States are contained in part 600 of this chapter.

(c) Regulations governing the harvest, possession, landing, purchase, and sale of shark fins are found at part 600, subpart N, of this chapter.

[61 FR 34572, July 2, 1996, as amended at 67 FR 6201, Feb. 11, 2002; 69 FR 53362, Sept. 1, 2004; 71 FR 17989, Apr. 10, 2006; 81 FR 19057, Apr. 4, 2016]

### § 660.2 Relation to other laws.

(a) NMFS recognizes that any state law pertaining to vessels registered under the laws of that state while operating in the fisheries regulated under this part, and that is consistent with this part and the FMPs implemented by this part, shall continue in effect with respect to fishing activities regulated under this part.

(b) Fishing activities addressed by this Part may also be subject to regulation under 15 CFR part 922, subpart G, if conducted in the Channel Islands National Marine Sanctuary.

(c) Fishing activities on the high seas are governed by regulations of the High Seas Fishing Compliance Act set forth in 50 CFR part 300, subparts A and R.

[72 FR 29235, May 24, 2007, as amended at 80 FR 62501, Oct. 16, 2015; 81 FR 51138, Aug. 3, 2016]

### § 660.3 Reporting and recordkeeping.

Any person who is required to do so by applicable state law or regulation must make and/or file all reports of management unit species landings containing all data and in the exact manner required by applicable state law or regulation.

[71 FR 17989, Apr. 10, 2006]

### § 660.4 Usual and accustomed fishing areas for Pacific Coast treaty Indian tribes.

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

(1) *Makah*. The area north of 48°02.25′ N. lat. (Norwegian Memorial) and east of 125°44′ W. long.

(2) *Quileute*. The area commencing at Cape Alava, located at 48°10′00″ N lat., 124°43′56.9″ W long.; then proceeding west approximately forty nautical miles at that latitude to a northwestern point located at 48°10′00″ N lat., 125°44′00″ W long.; then proceeding in a southeasterly direction mirroring the coastline at a distance no farther than forty nautical miles from the mainland Pacific coast shoreline at any line of latitude, to a southwestern point at 47°31′42″ N lat., 125°20′26″ W long.; then proceeding east along that line of latitude to the Pacific coast shoreline at 47°31′42″ N lat., 124°21′9.0″ W long.

(3) *Hoh*. The area between 47°54.30′ N. lat. (Quillayute River) and 47°21.00′ N. lat. (Quinault River) and east of 125°44.00′ W. long.

(4) *Quinault*. The area commencing at the Pacific coast shoreline near Destruction Island, located at 47°40′06″ N lat., 124°23′51.362″ W long.; then proceeding west approximately thirty nautical miles at that latitude to a northwestern point located at 47°40′06″ N lat., 125°08′30″ W long.; then proceeding in a southeasterly direction mirroring the

coastline no farther than thirty nautical miles from the mainland Pacific coast shoreline at any line of latitude, to a southwestern point at 46°53′18″ N lat., 124°53′53″ W long.; then proceeding east along that line of latitude to the Pacific coast shoreline at 46°53′18″ N lat., 124°7′36.6″ W long.

(b) [Reserved]

[81 FR 36807, June 8, 2016, as amended at 83 FR 53828, Oct. 25, 2018]

## Subpart B—All West Coast EEZ Fisheries

SOURCE: 81 FR 19057, Apr. 4, 2016, unless otherwise noted.

### § 660.5 Shared Ecosystem Component Species.

(a) *General*. The FMPs implemented in this part 660 each contain ecosystem component species specific to each FMP, as well as a group of ecosystem component species shared between all of the FMPs. Ecosystem component species shared between all of the Pacific Fishery Management Council's FMPs, and known collectively as ''Shared EC Species,'' are:

(1) Round herring (*Etrumeus teres*) and thread herring (*Ophisthonema libertate* and *O. medirastre*).

(2) Mesopelagic fishes of the families *Myctophidae*, *Bathylagidae*, *Paralepididae*, and *Gonostomatidae*.

(3) Pacific sand lance (*Ammodytes hexapterus*).

(4) Pacific saury (*Cololabis saira*).

(5) Silversides (family *Atherinopsidae*).

(6) Smelts of the family *Osmeridae*.

(7) Pelagic squids (families: *Cranchiidae*, *Gonatidae*, *Histioteuthidae*, *Octopoteuthidae*, *Ommastrephidae* except Humboldt squid [*Dosidicus gigas*,] *Onychoteuthidae*, and *Thysanoteuthidae*).

(b) *Directed commercial fishing for Shared EC Species*. For the purposes of this section, ''directed commercial fishing'' means that a fishing vessel lands Shared EC Species without landing any species other than Shared EC Species, or lands Shared EC Species with other species and in amounts more than:

(1) 10 mt combined weight of all Shared EC Species from any fishing trip; or

(2) 30 mt combined weight of all Shared EC Species in any calendar year.

### § 660.6 Prohibitions.

In addition to the general prohibitions specified in § 600.725 of this chapter, and the other prohibitions specified in this part, it is unlawful for any person to:

(a) *Directed commercial fishing*. Engage in directed commercial fishing for Shared EC Species from a vessel engaged in commercial fishing within the EEZ off Washington, Oregon, or California. This prohibition does not apply to:

(1) Fishing authorized by the Hoh, Makah, or Quileute Indian Tribes, or by the Quinault Indian Nation, or

(2) Fishing trips conducted entirely within state marine waters.

(b) *At-sea processing*. At-sea processing of Shared EC Species is prohibited within the EEZ, except while processing groundfish in accordance with subpart D of this part.

## Subpart C—West Coast Groundfish Fisheries

SOURCE: 75 FR 60897, Oct. 1, 2010, unless otherwise noted.

### § 660.10 Purpose and scope.

(a) Subparts C through G of this part implement the Pacific Coast Groundfish Fishery Management Plan (PCGFMP) developed by the Pacific Fishery Management Council. Subparts C through G govern fishing vessels of the U.S. in the EEZ off the coasts of Washington, Oregon, and California. All weights are in round weight or round-weight equivalents, unless specified otherwise.

(b) Any person fishing subject to subparts C through G of this part is bound by the international boundaries described in this section, notwithstanding any dispute or negotiation between the U.S. and any neighboring country regarding their respective jurisdictions, until such time as new boundaries are established or recognized by the U.S.

**§ 660.11 General definitions.**

These definitions are specific to the fisheries covered in subparts C through G of this part.

*Acceptable Biological Catch (ABC)* means a harvest specification that is set below the overfishing limit to account for scientific uncertainty in the estimate of OFL, and other scientific uncertainty.

*Active sampling unit* means the portion of the groundfish fleet in which an observer coverage plan is being applied.

*Address of Record* means the business address a person has provided to NMFS for NMFS use in providing notice of agency actions and other business with that person.

*Allocation*. (*See* § 600.10 of this chapter)

*Annual Catch Limit (ACL)* is a harvest specification set equal to or below the ABC threshold in consideration of conservation objectives, socioeconomic concerns, management uncertainty and other factors. The ACL is a harvest limit that includes all sources of fishing-related mortality including landings, discard mortality, research catches, and catches in exempted fishing permit activities. Sector-specific annual catch limits can be specified, especially in cases where a sector has a formal, long-term allocation of the harvestable surplus of a stock or stock complex.

*Annual Catch Target (ACT)* is a management target set below the annual catch limit and may be used as an accountability measure in cases where there is great uncertainty in inseason catch monitoring to ensure against exceeding an annual catch limit. Since the annual catch target is a target and not a limit it can be used in lieu of harvest guidelines or strategically to accomplish other management objectives. Sector-specific annual catch targets can also be specified to accomplish management objectives.

*Base permit* means a sablefish-endorsed limited entry permit described at § 660.25(b)(3)(i), subpart C, registered for use with a vessel that meets the permit length endorsement requirements appropriate to that vessel, as described at § 660.25(b)(3)(iii), subpart C.

*Biennial fishing period* means a 24-month period beginning at 0001 local time on January 1 and ending at 2400 local time on December 31 of the subsequent year.

$B_{MSY}$ means the biomass level that produces maximum sustainable yield (MSY), as stated in the PCGFMP at Section 4.3.

*Calendar day* means the day beginning at 0001 hours local time and continuing for 24 consecutive hours.

*Calendar year*. (*see* ''fishing year'')

*Catch, take, harvest*. (*See* § 600.10 of this chapter)

*Catch monitor* means an individual that is certified by NMFS, is deployed to a first receiver, and whose primary duties include: monitoring and verification of the sorting of fish relative to Federal requirements defined in § 660.60(h)(6); documentation of the weighing of such fish relative to the requirements of § 660.13(b); and verification of first receivers' reporting relative to the requirements defined in § 660.113(b)(4).

*Catch Monitor Program or Catch Monitor Program Office* means the Catch Monitor Program Office of the West Coast Region, National Marine Fisheries Service.

*Catch monitor provider* means any person that is granted a permit by NMFS to provide certified catch monitors as required in § 660.140.

*Change in partnership or corporation* means the addition of a new shareholder or partner to the corporate or partnership membership. This definition of a ''change'' will apply to any person added to the corporate or partnership membership since November 1, 2000, including any family member of an existing shareholder or partner. A change in membership is not considered to have occurred if a member dies or becomes legally incapacitated and a trustee is appointed to act on his behalf, nor if the ownership of shares among existing members changes, nor if a member leaves the corporation or partnership and is not replaced. Changes in the ownership of publicly held stock will not be deemed changes in ownership of the corporation.

*Closure or closed* means, when referring to closure of a fishery or a closed fishery, that taking and retaining, possessing, or landing the particular species or species group covered by the

fishing closure is prohibited. Unless otherwise announced in the FEDERAL REGISTER or authorized in this subpart, offloading must begin before the closure time.

*Commercial fishing* means:

(1) Fishing by a person who possesses a commercial fishing license or is required by law to possess such license issued by one of the states or the Federal Government as a prerequisite to taking, landing and/or sale of fish; or

(2) Fishing that results in or can be reasonably expected to result in sale, barter, trade or other disposition of fish for other than personal consumption.

*Commercial harvest guideline* means the fishery harvest guideline minus the estimated recreational catch. Limited entry and open access allocations are derived from the commercial harvest guideline.

*Conservation area(s)* means an enclosed geographic area defined by coordinates expressed in degrees latitude and longitude where NMFS may prohibit fishing with particular gear types. Conservation areas include Groundfish Conservation Areas (GCA), Essential Fish Habitat Conservation Areas (EFHCA) and Deep-sea Ecosystem Conservation Areas (DECA).

(1) *Groundfish Conservation Area* or *GCA* means a conservation area created or modified and enforced to control catch of groundfish or protected species. Regulations at § 660.60(c)(3) describe the various purposes for which NMFS may implement certain types of GCAs through routine management measures. Regulations at § 660.70 further describe and define coordinates for certain GCAs, including: Yelloweye Rockfish Conservation Areas; Cowcod Conservation Areas; waters encircling the Farallon Islands; and waters encircling the Cordell Banks. GCAs also include depth-based closures bounded by lines approximating depth contours, including Bycatch Reduction Areas or BRAs, or bounded by depth contours and lines of latitude, including, Block Area Closures or BACs, and Rockfish Conservation Areas or RCAs, which may be closed to fishing with particular gear types. BRA, BAC, and RCA boundaries may change seasonally according to conservation needs. Regulations at §§ 660.71 through 660.74 define depth-based closure boundary lines with latitude/longitude coordinates. Regulations at § 660.11 describe commonly used geographic coordinates that define lines of latitude. Fishing prohibitions associated with GCAs are in addition to those associated with other conservation areas.

(i) *Block Area Closures* or *BACs* are defined at § 660.111.

(ii) *Bycatch Reduction Areas* or *BRAs* are conservation areas that apply to vessels using midwater groundfish trawl gear during the Pacific whiting primary season, as described at §§ 660.60(d) and 660.131(c).

(iii) *Cordell Banks* is defined at § 660.70.

(iv) *Cowcod Conservation Areas* are defined at § 660.70.

(v) *Farallon Islands* is defined at § 660.70.

(vi) *Rockfish Conservation Areas or RCAs*. RCA restrictions are detailed in subparts D through G of this part. RCAs may apply to a single gear type or to a group of gear types such as ''trawl RCAs'' or ''non-trawl RCAs.'' Specific latitude and longitude coordinates for RCA boundaries that approximate the depth contours selected for trawl, non-trawl, and recreational RCAs are provided in §§ 660.71 through 660.74. Also provided in §§ 660.71 through 660.74, are references to islands and rocks that serve as reference points for the RCAs.

(A) *Trawl (Limited Entry and Open Access Non-groundfish Trawl Gears) RCAs*. The trawl RCAs are intended to protect a complex of species, such as overfished shelf rockfish species, and have boundaries defined by specific latitude and longitude coordinates approximating depth contours. Boundaries for the limited entry trawl RCA throughout the year are provided in Table 1 (North) subpart D of this part. Boundaries for the open access non-groundfish trawl RCA throughout the year are provided in Table 3 (South) subpart F of this part. Boundaries of the trawl RCAs may be modified by NMFS inseason pursuant to § 660.60(c).

(B) *Non-Trawl (Limited Entry Fixed Gear and Open Access Non-trawl Gears) RCAs*. Non-trawl RCAs are intended to protect a complex of species, such as

overfished shelf rockfish species, and have boundaries defined by specific latitude and longitude coordinates approximating depth contours. Boundaries for the non-trawl RCA throughout the year are provided in Table 2 (North) and Table 2 (South) of subpart E of this part, and Table 3 (North) and Table 3 (South) of subpart F of this part, and may be modified by NMFS inseason pursuant to § 660.60(c).

(C) *Recreational RCAs*. Recreational RCAs are closed areas intended to protect overfished rockfish species. Recreational RCAs may either have boundaries defined by general depth contours or boundaries defined by specific latitude and longitude coordinates approximating depth contours. Boundaries for the recreational RCAs throughout the year are provided in the text in subpart G of this part under each state (Washington, Oregon and California) and may be modified by NMFS inseason pursuant to § 660.60(c).

(vii) *Yelloweye Rockfish Conservation Areas* or *YRCAs* are defined at § 660.70.

(2) *Essential Fish Habitat Conservation Area* or *EFHCA* means an area created and enforced to contribute to the protection of groundfish essential fish habitat. Regulations at §§ 660.75 through 660.79 define EFHCA boundaries. Fishing prohibitions associated with EFHCAs, which are found at §§ 660.12, 660.112, 660.212, and 660.312, are in addition to those prohibitions associated with other conservation areas.

(3) *Deep-sea Ecosystem Conservation Area* or *DECA* is the area within the EEZ deeper than 3,500 m (1,914 fm) that is not designated as EFH, defined at § 660.75 with latitude and longitude coordinates. The DECA is closed to bottom contact gear for the reasons described under MSA Section 303(b), and contributes to the protection of deep-water habitats including deep-sea corals. Fishing prohibitions associated with DECAs, at § 660.12, are in addition to those associated with other conservation areas.

*Continuous transiting or transit through* means that a vessel crosses a groundfish conservation area or EFHCA on a heading as nearly as practicable to a direct route, consistent with navigational safety, while maintaining expeditious headway throughout the transit without loitering or delay.

*Corporation* means a legal, business entity, including incorporated (INC) and limited liability corporations (LLC).

*Council* means the Pacific Fishery Management Council, including its Groundfish Management Team (GMT), Scientific and Statistical Committee (SSC), Groundfish Advisory Subpanel (GAP), and any other advisory body established by the Council.

*Date of landing* means the date on which the transfer of fish or offloading of fish from any vessel to a processor or other first receiver begins.

*Direct financial interest* means any source of income to or capital investment or other interest held by an individual, partnership, or corporation or an individual's spouse, immediate family member or parent that could be influenced by performance or non-performance of observer or catch monitor duties.

*Dock ticket* means a form accepted by the state to record the landing, receipt, purchase, or transfer of fish.

*Electronic fish ticket* means a web-based form that is used to send landing data to the Pacific States Marine Fisheries Commission. Electronic fish tickets are used to collect information similar to the information required in state fish receiving tickets or landing receipts, but do not replace or change any state requirements.

*Electronic Monitoring System or EMS* means a data collection tool that uses a software operating system connected to an assortment of electronic components, including video recorders, to create a collection of data on vessel activities.

*Endorsement* means an additional specification affixed to the limited entry permit that further restricts fishery participation or further specifies a harvest privilege, and is non-severable from a limited entry permit.

*Entity*. (*See* ''Person'')

*Essential Fish Habitat or EFH*. (*See* § 600.10 of this chapter)

*Exclusive Economic Zone* or *EEZ* is defined at § 600.10. See also *Fishery management area* of this section.

*First Receiver* means a person who receives, purchases, or takes custody,

control, or possession of catch onshore directly from a vessel.

*Fiscal year* means the year beginning at 0001 local time on October 1 and ending at 2400 local time on September 30 of the following year.

*Fish*. (*See* § 600.10 of this chapter)

*Fishery* (*See* § 600.10 of this chapter)

*Fishery harvest guideline* means the harvest guideline or quota after subtracting from the TAC, ACL, or ACT when specified, any allocation or projected catch for the Pacific Coast treaty Indian Tribes, projected research catch, deductions for fishing mortality in non-groundfish fisheries, and deductions for EFPs.

*Fishery management area* means the EEZ off the coasts of Washington, Oregon, and California between 3 and 200 nm offshore, and bounded on the north by the Provisional International Boundary between the U.S. and Canada, and bounded on the south by the International Boundary between the U.S. and Mexico. The inner boundary of the fishery management area is a line coterminous with the seaward boundaries of the States of Washington, Oregon, and California (the ''3–mile limit''). The outer boundary of the fishery management area is a line drawn in such a manner that each point on it is 200 nm from the baseline from which the territorial sea is measured, or is a provisional or permanent international boundary between the U.S. and Canada or Mexico. All groundfish possessed between 0–200 nm offshore or landed in Washington, Oregon, or California are presumed to have been taken and retained from the EEZ, unless otherwise demonstrated by the person in possession of those fish.

*Fishing*. (See § 600.10 of this chapter)

*Fishing gear* includes the following types of gear and equipment:

(1) *Bottom contact gear* means fishing gear designed or modified to make contact with the bottom. This includes, but is not limited to, beam trawl, bottom trawl, dredge, fixed gear, set net, demersal seine, dinglebar gear, and other gear (including experimental gear) designed or modified to make contact with the bottom. Gear used to harvest bottom dwelling organisms (e.g. by hand, rakes, and knives) are also considered bottom contact gear for purposes of this subpart.

(2) *Demersal seine* means a net designed to encircle fish on the seabed. The demersal seine is characterized by having its net bounded by lead-weighted ropes that are not encircled with bobbins or rollers. Demersal seine gear is fished without the use of steel cables or otter boards (trawl doors). Scottish and Danish Seines are demersal seines. Purse seines, as defined at § 600.10 of this chapter, are not demersal seines. Demersal seine gear is included in the definition of bottom trawl gear in paragraph (11)(i) of this definition.

(3) *Dredge gear* means a gear consisting of a metal frame attached to a holding bag constructed of metal rings or mesh. As the metal frame is dragged upon or above the seabed, fish are pushed up and over the frame, then into the mouth of the holding bag.

(4) *Entangling nets* include the following types of net gear:

(i) *Gillnet*. (*See* § 600.10 of this chapter)

(ii) *Set net* means a stationary, buoyed, and anchored gillnet or trammel net.

(iii) *Trammel net* means a gillnet made with two or more walls joined to a common float line.

(5) *Fixed gear (anchored nontrawl gear)* means the following gear types: longline, trap or pot, set net, and stationary hook-and-line (including commercial vertical hook-and-line) gears.

(6) *Hook-and-line* means one or more hooks attached to one or more lines. It may be stationary (commercial vertical hook-and-line) or mobile (troll).

(i) *Bottom longline* means a stationary, buoyed, and anchored groundline with hooks attached, so as to fish along the seabed. It does not include pelagic hook-and-line or troll gear.

(A) Snap gear means a type of bottom longline gear where the hook and gangion are attached to the groundline using a mechanical fastener or snap.

(B) [Reserved]

(ii) *Commercial vertical hook-and-line* means commercial fishing with hook-and-line gear that involves a single line anchored at the bottom and buoyed at the surface so as to fish vertically.

(iii) *Dinglebar gear* means one or more lines retrieved and set with a troll

gurdy or hand troll gurdy, with a terminally attached weight from which one or more leaders with one or more lures or baited hooks are pulled through the water while a vessel is making way.

(iv) *Troll gear* means a lure or jig towed behind a vessel via a fishing line. Troll gear is used in commercial and recreational fisheries.

(7) *Mesh size* means the opening between opposing knots, or opposing corners for knotless webbing. Minimum mesh size means the smallest distance allowed between the inside of one knot or corner to the inside of the opposing knot or corner, regardless of twine size.

(8) *Nontrawl gear* means all legal commercial groundfish gear other than trawl gear.

(9) *Spear* means a sharp, pointed, or barbed instrument on a shaft.

(10) *Trap or pot* See § 600.10 of this chapter, definition of ''trap''. These terms are used as interchangeable synonyms.

(11) *Trawl gear* means a cone or funnel-shaped net that is towed through the water, and can include a pair trawl that towed simultaneously by two boats. For the purpose of this definition, trawl gear includes groundfish and non-groundfish trawl. See definitions for groundfish trawl and non-groundfish trawls (previously called ''exempted trawl'').

(i) *Bottom trawl* means a trawl in which the otter boards or the footrope of the net are in contact with the seabed. It includes demersal seine gear, and pair trawls fished on the bottom. Any trawl not meeting the requirements for a midwater trawl in § 660.130(b), subpart D is a bottom trawl.

(A) *Beam trawl gear* means a type of trawl gear in which a beam is used to hold the trawl open during fishing. Otter boards or doors are not used.

(B) *Large footrope trawl gear* means a bottom trawl gear with a footrope diameter larger than 8 inches (20 cm,) and no larger than 19 inches (48 cm) including any rollers, bobbins, or other material encircling or tied along the length of the footrope.

(C) *Small footrope trawl gear* means a bottom trawl gear with a footrope diameter of 8 inches (20 cm) or smaller, including any rollers, bobbins, or other material encircling or tied along the length of the footrope. Selective flatfish trawl gear that meets the gear component requirements in § 660.130(b), subpart D is a type of small footrope trawl gear.

(ii) *Midwater (pelagic or off-bottom)* trawl means a trawl in which the otter boards and footrope of the net remain above the seabed. It includes pair trawls if fished in midwater. A midwater trawl has no rollers or bobbins on any part of the net or its component wires, ropes, and chains. For additional midwater trawl gear requirements and restrictions, *see* § 660.130(b), subpart D.

(iii) *Trawl gear components* include:

(A) *Breastline* means a rope or cable that connects the end of the headrope and the end of the trawl fishing line along the edge of the trawl web closest to the towing point.

(B) *Chafing gear* means webbing or other material that is attached to the trawl net to protect the net from wear and abrasions either when fishing or hauling on deck.

(C) *Codend*. (*See* § 600.10 of this chapter)

(D) *Double-bar mesh* means webbing comprised of two lengths of twine tied into a single knot.

(E) *Double-walled codend* means a codend constructed of two walls (layers) of webbing.

(F) *Footrope* means a chain, rope, or wire attached to the bottom front end of the trawl webbing forming the leading edge of the bottom panel of the trawl net, and attached to the fishing line.

(G) *Headrope* means a chain, rope, or wire attached to the trawl webbing forming the leading edge of the top panel of the trawl net.

(H) *Rollers or bobbins* means devices made of wood, steel, rubber, plastic, or other hard material that encircle the trawl footrope. These devices are commonly used to either bounce or pivot over seabed obstructions, in order to prevent the trawl footrope and net from snagging on the seabed.

(I) *Single-walled codend* means a codend constructed of a single wall of webbing knitted with single or double-bar mesh.

(J) *Trawl fishing line* means a length of chain, rope, or wire rope in the bottom front end of a trawl net to which the webbing or lead ropes are attached.

(K) *Trawl riblines* means a heavy rope or line that runs down the sides, top, or underside of a trawl net from the mouth of the net to the terminal end of the codend to strengthen the net during fishing.

*Fishing or Calendar year* means the year beginning at 0001 local time on January 1 and ending at 2400 local time on December 31 of the same year. There are two fishing years in each biennial fishing period.

*Fishing trip* means a period of time between landings when fishing is conducted.

*Fishing vessel*. (*See* § 600.10 of this chapter)

*Fund* means, for the purposes of subparts C through G of this part, the U.S. Treasury's Limited Access System Administration Fund (LASAF) established by the Magnuson-Stevens Act, 16 U.S.C. 1855(h)(5)(B), specifically the LASAF subaccounts associated with the PCGFMP cost recovery programs.

*Gear testing* means the deployment of lawful gear without retaining fish, for the following purposes, including, but not limited to: Deployment of nets using open codends; calibration of engines and transmission under load (*i.e.*, towing a net with an open codend); deployment of wire and/or doors; testing new electronic equipment associated with deploying fishing gear; and testing and calibration of newly installed propulsion systems (*i.e.*, engine, transmission, shaft, propeller, etc.).

*Grandfathered or first generation*, when referring to a limited entry sablefish-endorsed permit owner, means those permit owners who owned a sablefish-endorsed limited entry permit prior to November 1, 2000, and are, therefore, exempt from certain requirements of the sablefish permit stacking program within the parameters of the regulations at § 660.25(b), subpart C and § 660.231, subpart E.

*Groundfish* means species managed by the PCGFMP, specifically:

(1) *Sharks:* Leopard shark, *Triakis semifasciata;* soupfin shark, *Galeorhinus zyopterus;* spiny dogfish, *Squalus suckleyi*.

(2) *Skates:* ''Skates'' in the PCGFMP include all genera and species in the family Arhynchobatidae that occur off Washington, Oregon, and California, including but not limited to Aleutian skate, *Bathyraja aleutica;* Bering/sandpaper skate, *B. interrupta;* big skate, *Raja binoculata;* California skate, *R. inornata;* longnose skate, *R. rhina;* roughtail/black skate, *B. trachura*.

(3) Ratfish: Ratfish, *Hydrolagus colliei*.

(4) Morids: Finescale codling, *Antimora microlepis*.

(5) *Grenadiers:* ''Grenadiers'' in the PCGFMP include all genera and species in the family Macrouridae that occur off Washington, Oregon, and California, including but not limited to Giant grenadier, *Albatrossia pectoralis;* Pacific grenadier, *Coryphaenoides acrolepis*.

(6) Roundfish: Cabezon, *Scorpaenichthys marmoratus;* kelp greenling, *Hexagrammos decagrammus;* lingcod, *Ophiodon elongatus;* Pacific cod, *Gadus macrocephalus;* Pacific whiting, *Merluccius productus;* sablefish, *Anoplopoma fimbria*. Species listed in paragraphs (6)(i) and (ii) of this definition with an area-specific listing are managed within a complex in that area-specific listing.

(i) Between 46°16′ N lat. and the U.S. Canada border (Washington): Cabezon, *S. marmoratus* and kelp greenling, *H. decagrammus*.

(ii) Between 46°16′ N lat. and 42° N lat. (Oregon): Cabezon, *S. marmoratus* and kelp greenling, *H. decagrammus*.

(7) *Rockfish:* ''Rockfish'' in the PCGFMP include all genera and species of the family Scorpaenidae that occur off Washington, Oregon, and California, even if not listed below, including longspine thornyhead, *Sebastolobus altivelis*, and shortspine thornyhead, *S. alascanus*. Where species below are listed both in a geographic category (nearshore, shelf, slope) and as an area-specific listing (north or south of 40°10′ N. lat.) those species are managed within a ''minor'' rockfish complex in that area-specific listing.

(i) Nearshore rockfish includes black rockfish, *Sebastes melanops* (off Washington and California) and the following nearshore rockfish species managed in ''minor rockfish'' complexes:

(A) North of 46°16′ N lat. (Washington) and between 42°00′ N lat. and 40°10′ N lat. (northern California): Black and yellow rockfish, *S. chrysomelas;* blue rockfish, *S. mystinus;* brown rockfish, *S. auriculatus;* calico rockfish, *S. dalli;* China rockfish, *S. nebulosus;* copper rockfish, *S. caurinus;* deacon rockfish, *S. diaconus*, gopher rockfish, *S. carnatus;* grass rockfish, *S. rastrelliger;* kelp rockfish, *S. atrovirens;* olive rockfish, *S. serranoides;* quillback rockfish, *S. maliger;* treefish, *S. serriceps*.

(B) Between 46°16′ N lat. and 42° N lat. (Oregon): Black and yellow rockfish, *S. chrysomelas;* brown rockfish, *S. auriculatus;* calico rockfish, *S. dalli;* China rockfish, *S. nebulosus;* copper rockfish, *S. caurinus;* gopher rockfish, *S. carnatus;* grass rockfish, *S. rastrelliger;* kelp rockfish, *S. atrovirens;* olive rockfish, *S. serranoides;* quillback rockfish, *S. maliger;* treefish, *S. serriceps*.

(C) Between 46°16′ N lat. and 42° N lat. (Oregon): Black rockfish, *S. melanops*, blue rockfish, *S. mystinus*, and deacon rockfish, *S. diaconus*.

(D) South of 40°10′ N lat. (Southern California): Nearshore rockfish are divided into three management categories:

(*1*) Shallow nearshore rockfish consists of black and yellow rockfish, S. chrysomelas; China rockfish, S. nebulosus; gopher rockfish, S. carnatus; grass rockfish, S. rastrelliger; kelp rockfish, S. atrovirens.

(*2*) Deeper nearshore rockfish consists of black rockfish, S. melanops; blue rockfish, S. mystinus; brown rockfish, S. auriculatus; calico rockfish, S. dalli; copper rockfish, S. caurinus; deacon rockfish, S. diaconus; olive rockfish, S. serranoides; quillback rockfish, S. maliger; treefish, S. serriceps.

(*3*) California scorpionfish, Scorpaena guttata.

(ii) *Shelf rockfish* includes bocaccio, *Sebastes paucispinis;* canary rockfish, *S. pinniger;* chilipepper, *S. goodei;* cowcod, *S. levis;* shortbelly rockfish, *S. jordani;* widow rockfish, *S. entomelas;* yelloweye rockfish, *S. ruberrimus;* yellowtail rockfish, *S. flavidus* and the following shelf rockfish species managed in ''minor rockfish'' complexes:

(A) *Shelf Rockfish North of 40°10′ N. lat.:* Bronzespotted rockfish, *S. gilli;* bocaccio, *S. paucispinis;* chameleon rockfish, *S. phillipsi;* chilipepper, *S. goodei;* cowcod, *S. levis;* dusky rockfish, *S. ciliatus;* dwarf-red rockfish, *S. rufianus;* flag rockfish, *S. rubrivinctus;* freckled rockfish, *S. lentiginosus;* greenblotched rockfish, *S. rosenblatti;* greenspotted rockfish, *S. chlorostictus;* greenstriped rockfish, *S. elongatus;* halfbanded rockfish, *S. semicinctus;* harlequin rockfish, *S. variegatus;* honeycomb rockfish, *S. umbrosus;* Mexican rockfish, *S. macdonaldi;* pink rockfish, *S. eos;* pinkrose rockfish, *S. simulator;* pygmy rockfish, *S. wilsoni;* redstripe rockfish, *S. proriger;* rosethorn rockfish, *S. helvomaculatus;* rosy rockfish, *S. rosaceus;* silvergray rockfish, *S. brevispinis;* speckled rockfish, *S. ovalis;* squarespot rockfish, *S. hopkinsi;* starry rockfish, *S. constellatus;* stripetail rockfish, *S. saxicola;* sunset rockfish, *S. crocotulus;* swordspine rockfish, *S. ensifer;* tiger rockfish, *S. nigrocinctus;* vermilion rockfish, *S. miniatus*.

(B) *Shelf Rockfish South of 40°10′ N. lat.:* Bronzespotted rockfish, *S. gilli;* chameleon rockfish, *S. phillipsi;* dusky rockfish, *S. ciliatus;* dwarf-red rockfish, *S. rufianus;* flag rockfish, *S. rubrivinctus;* freckled rockfish, *S. lentiginosus;* greenblotched rockfish, *S. rosenblatti;* greenspotted rockfish, *S. chlorostictus;* greenstriped rockfish, *S. elongatus;* halfbanded rockfish, *S. semicinctus;* harlequin rockfish, *S. variegatus;* honeycomb rockfish, *S. umbrosus;* Mexican rockfish, *S. macdonaldi;* pink rockfish, *S. eos;* pinkrose rockfish, *S. simulator;* pygmy rockfish, *S. wilsoni;* redstripe rockfish, *S. proriger;* rosethorn rockfish, *S. helvomaculatus;* rosy rockfish, *S. rosaceus;* silvergray rockfish, *S. brevispinis;* speckled rockfish, *S. ovalis;* squarespot rockfish, *S. hopkinsi;* starry rockfish, *S. constellatus;* stripetail rockfish, *S. saxicola;* sunset rockfish, *S. crocotulus;* swordspine rockfish, *S. ensifer;* tiger rockfish, *S. nigrocinctus;* vermilion rockfish, *S. miniatus;* yellowtail rockfish, *S. flavidus*.

(iii) *Slope rockfish* includes darkblotched rockfish, *S. crameri;* Pacific ocean perch, *S. alutus;* splitnose rockfish, *S. diploproa;* and the following

slope rockfish species managed in ''minor rockfish'' complexes:

(A) *Slope Rockfish North of 40°10′ N. lat.:* Aurora rockfish, *Sebastes aurora;* bank rockfish, *S. rufus;* blackgill rockfish, *S. melanostomus;* blackspotted rockfish, *S. melanostictus;* redbanded rockfish, *S. babcocki;* rougheye rockfish, *S. aleutianus;* sharpchin rockfish, *S. zacentrus;* shortraker rockfish, *S. borealis;* splitnose rockfish, *S. diploproa;* yellowmouth rockfish, *S. reedi.*

(B) *Slope Rockfish South of 40°10′ N. lat.:* Aurora rockfish, *Sebastes aurora;* bank rockfish, *S. rufus;* blackgill rockfish, *S. melanostomus;* blackspotted rockfish, *S. melanostictus;* Pacific ocean perch, *S. alutus;* redbanded rockfish, *S. babcocki;* rougheye rockfish, *S. aleutianus;* sharpchin rockfish, *S. zacentrus;* shortraker rockfish, *S. borealis;* yellowmouth rockfish, *S. reedi.*

(8) Flatfish: Arrowtooth flounder (arrowtooth turbot), *Atheresthes stomias;* butter sole, *Isopsetta isolepis;* curlfin sole, *Pleuronichthys decurrens;* Dover sole, *Microstomus pacificus;* English sole, *Parophrys vetulus;* flathead sole, *Hippoglossoides elassodon;* Pacific sanddab, *Citharichthys sordidus;* petrale sole, *Eopsetta jordani;* rex sole, *Glyptocephalus zachirus;* rock sole, *Lepidopsetta bilineata;* sand sole, *Psettichthys melanostictus;* starry flounder, *Platichthys stellatus.* Where regulations of subparts C through G of this part refer to landings limits for ''other flatfish,'' those limits apply to all flatfish cumulatively taken except for those flatfish species specifically listed in Tables 1a and 2a of this subpart. (*i.e.,* ''other flatfish'' includes butter sole, curlfin sole, flathead sole, Pacific sanddab, rex sole, rock sole, and sand sole.)

(9) ''Other Fish'': kelp greenling (*Hexagrammos decagrammus*) off California and leopard shark (*Trakis semifasciata*).

(10) ''Ecosystem component species'' means species that are included in the PCGFMP but are not ''in the fishery'' and therefore not actively managed and do not require harvest specifications. Ecosystem component species are not targeted in any fishery, not generally retained for sale or personal use, and are not determined to be subject to overfishing, approaching an overfished condition, or overfished, nor are they likely to become subject to overfishing or overfished in the absence of conservation and management measures. Ecosystem component species include: All skates listed here in paragraph (2), except longnose skate and big skate; all grenadiers listed here in paragraph (5); soupfin shark; ratfish; and finescale codling.

*Groundfish trawl* means trawl gear that is used under the authority of a valid limited entry permit issued under subparts C and D of this part endorsed for trawl gear and which meets the gear requirements specified in subpart D of this part. It does not include any type of trawl gear listed as non-groundfish trawl gear (previously called ''exempted gear'').

*Harvest guideline* means a specified numerical harvest objective that is not a quota. Attainment of a harvest guideline does not require closure of a fishery.

*Incidental catch or incidental species* means groundfish species caught while fishing for the primary purpose of catching a different species.

*Initial Administrative Determination (IAD)* means a formal, written determination made by NMFS on an application or permit request, that is subject to an appeal within NMFS.

*Joint registration* or jointly registered means simultaneously registering both trawl-endorsed and longline or trap/pot-endorsed limited entry permits for use with a single vessel in one of the configurations described at § 660.25(b)(4)(iv).

*Land or landing* means to begin transfer of fish, offloading fish, or to offload fish from any vessel. Once transfer of fish begins, all fish aboard the vessel are counted as part of the landing.

*Legal fish* means fish legally taken and retained, possessed, or landed in accordance with the provisions of 50 CFR part 660, subparts C through G, the Magnuson-Stevens Act, any document issued under part 660, and any other regulation promulgated or permit issued under the Magnuson-Stevens Act.

*Length overall or LOA* (with respect to a vessel) means the length overall set forth in the Certificate of Documentation (CG–1270) issued by the USCG for a

documented vessel, or in a registration certificate issued by a state or the USCG for an undocumented vessel; for vessels that do not have the LOA stated in an official document, the LOA is the LOA as determined by the USCG or by a marine surveyor in accordance with the USCG method for measuring LOA.

*License owner* means a person who is the owner of record with NMFS, SFD, Permits Office of a License issued under § 660.140, subpart D.

*Limited entry fishery* means the fishery composed of vessels registered for use with limited entry permits.

*Limited entry gear* means longline, trap (or pot), or groundfish trawl gear used under the authority of a valid limited entry permit affixed with an endorsement for that gear.

*Limited entry permit means:*

(1) The Federal permit required to fish in the limited entry ''A''-endorsed fishery, and includes any gear, size, or species endorsements affixed to the permit, or

(2) The Federal permit required to receive and process fish as a mothership processor.

*Maximum Sustainable Yield or MSY.* (*See* § 600.310 of this chapter)

*Mobile transceiver unit* means a vessel monitoring system or VMS device, as set forth at § 660.14, subpart C installed on board a vessel that is used for vessel monitoring and transmitting the vessel's position as required by subpart C.

*Non-groundfish fishery* means any fishing using non-groundfish trawl gear or nontrawl gear when targeting salmon, HMS, CPS, crab, prawn, or any other species not managed under the PCGFMP. Non-groundfish fishery is sometimes referred to as the incidental open access fishery in which groundfish could be encountered with the gear used, regardless of whether groundfish is retained.

*Non-groundfish trawl (previously ''exempted'' trawl)* means any trawl gear other than the Pacific Coast groundfish trawl gear that is authorized for use with a valid groundfish limited entry permit endorsed for trawl gear. Non-groundfish trawl gear includes trawl gear used to fish for pink shrimp, ridgeback prawn, California halibut south of Pt. Arena, and sea cucumbers south of Pt. Arena.

*Nontrawl fishery* means

(1) For the purpose of allocations at § 660.55, subpart C, nontrawl fishery means the limited entry fixed gear fishery, the open access fishery, and the recreational fishery.

(2) For the purposes of all other management measures in subparts C through G of this part, nontrawl fishery means fishing with any legal limited entry fixed gear or open access non-trawl groundfish gear other than trawl gear (groundfish trawl gear and non-groundfish trawl gear), but does not include the recreational fishery.

*North-South management area* means the management areas defined in paragraph (1) of this definition, or defined and bounded by one or more or the commonly used geographic coordinates set out in paragraph (2) of this definition for the purposes of implementing different management measures in separate geographic areas of the U.S. West Coast.

(1) *Management areas*—(i) *Vancouver.* (A) The northeastern boundary is that part of a line connecting the light on Tatoosh Island, WA, with the light on Bonilla Point on Vancouver Island, British Columbia (at 48°35.73′ N. lat., 124°43.00′ W. long.) south of the International Boundary between the U.S. and Canada (at 48°29.62′ N. lat., 124°43.55′ W. long.), and north of the point where that line intersects with the boundary of the U.S. territorial sea.

(B) The northern and northwestern boundary is a line connecting the following coordinates in the order listed, which is the provisional international boundary of the EEZ as shown on NOAA/NOS Charts 18480 and 18007:

| Point | N. Lat. | W. Long. |
|---|---|---|
| 1 | 48°29.62′ | 124°43.55′ |
| 2 | 48°30.18′ | 124°47.22′ |
| 3 | 48°30.37′ | 124°50.35′ |
| 4 | 48°30.23′ | 124°54.87′ |
| 5 | 48°29.95′ | 124°59.23′ |
| 6 | 48°29.73′ | 125°00.10′ |
| 7 | 48°28.15′ | 125°05.78′ |
| 8 | 48°27.17′ | 125°08.42′ |
| 9 | 48°26.78′ | 125°09.20′ |
| 10 | 48°20.27′ | 125°22.80′ |
| 11 | 48°18.37′ | 125°29.97′ |
| 12 | 48°11.08′ | 125°53.80′ |
| 13 | 47°49.25′ | 126°40.95′ |
| 14 | 47°36.78′ | 127°11.97′ |

| Point | N. Lat. | W. Long. |
|---|---|---|
| 15 | 47°22.00′ | 127°41.38′ |
| 16 | 46°42.08′ | 128°51.93′ |
| 17 | 46°31.78′ | 129°07.65′ |

(C) The southern limit is 47°30′ N. lat.

(ii) *Columbia*.

(A) The northern limit is 47°30′ N. lat.

(B) The southern limit is 43°00′ N. lat.

(iii) *Eureka*.

(A) The northern limit is 43°00′ N. lat.

(B) The southern limit is 40°30′ N. lat.

(iv) *Monterey*.

(A) The northern limit is 40°30′ N. lat.

(B) The southern limit is 36°00′ N. lat.

(v) *Conception*.

(A) The northern limit is 36°00′ N. lat.

(B) The southern limit is the U.S.-Mexico International Boundary, which is a line connecting the following coordinates in the order listed:

| Point | N. lat. | W. long. |
|---|---|---|
| 1 | 32°35.37′ | 117°27.82′ |
| 2 | 32°37.62′ | 117°49.52′ |
| 3 | 31°07.97′ | 118°36.30′ |
| 4 | 30°32.52′ | 121°51.97′ |

(2) *Commonly used geographic coordinates*.

(i) Cape Alava, WA—48°10.00′ N. lat.

(ii) Queets River, WA—47°31.70′ N. lat.

(iii) Pt. Chehalis, WA—46°53.30′ N. lat.

(iv) Leadbetter Point, WA—46°38.17′ N. lat.

(v) Columbia River—46°16.00′ N. lat.

(vi) Cape Falcon, OR—45°46.00′ N. lat.

(vii) Cape Lookout, OR—45°20.25′ N. lat.

(viii) Cascade Head, OR—45°03.83′ N. lat.

(ix) Heceta Head, OR—44°08.30′ N. lat.

(x) Cape Arago, OR—43°20.83′ N. lat.

(xi) Cape Blanco, OR—42°50.00′ N. lat.

(xii) Humbug Mountain—42°40.50′ N. lat.

(xiii) Marck Arch, OR—42°13.67′ N. lat.

(xiv) Oregon/California border—42°00.00′ N. lat.

(xv) Cape Mendocino, CA—40°30.00′ N. lat.

(xvi) North/South management line—40°10.00′ N. lat.

(xvii) Cape Vizcaino, CA—39°44.00′ N. lat.

(xviii) Point Arena, CA—38°57.50′ N. lat.

(xvix) Point San Pedro, CA—37°35.67′ N. lat.

(xx) Pigeon Point, CA—37°11.00′ N. lat.

(xxi) Ano Nuevo, CA—37°07.00′ N. lat.

(xxii) Point Lopez, CA—36°00.00′ N. lat.

(xxiii) Point Conception, CA—34°27.00′ N. lat. [Note: Regulations that apply to waters north of 34°27.00′ N. lat. are applicable only west of 120°28.00′ W. long.; regulations that apply to waters south of 34°27.00′ N. lat. also apply to all waters both east of 120°28.00′ W. long. and north of 34°27.00′ N. lat.]

*Observer*. (*See* § 600.10 of this chapter—U.S. Observer or Observer)

*Observer Program or Observer Program Office* means the Observer Program Office of the Northwest Fisheries Science Center, National Marine Fisheries Service, Seattle, Washington. Branch offices within the Observer Program include the West Coast Groundfish Observer Program and the At-sea Hake Observer Program.

*Observer provider* means any person that is granted a permit by NMFS to provide certified observers as required at §§ 660.140, 660.150, 660.160, 660.216 or 660.316.

*Office of Law Enforcement or OLE* refers to the National Marine Fisheries Service, Office of Law Enforcement, Western Division.

*Open access fishery* means the fishery composed of commercial vessels using open access gear fished pursuant to the harvest guidelines, quotas, and other management measures governing the harvest of open access allocations (detailed in § 660.55) or governing the fishing activities of open access vessels (detailed in subpart F of this part). Any commercial vessel that is not registered to a limited entry permit and which takes and retains, possesses or lands groundfish is a participant in the open access groundfish fishery.

*Open access gear* means all types of fishing gear except:

(1) *Longline or trap (or pot) gear* fished by a vessel that has a limited entry permit affixed with a gear endorsement for that gear.

(2) *Groundfish trawl*.

*Operate a vessel* means any use of a vessel, including, but not limited to, fishing or drifting by means of the prevailing water current or weather conditions.

*Operator*. (*See* § 600.10)

*Optimum yield or OY* means the amount of fish that will provide the greatest overall benefit to the Nation, particularly with respect to food production and recreational opportunities, and, taking into account the protection of marine ecosystems, is prescribed as such on the basis of the MSY from the fishery, as reduced by any relevant economic, social, or ecological factor; and, in the case of an overfished fishery, provides for rebuilding to a level consistent with producing the MSY in such fishery. OY may be expressed numerically (as a harvest guideline, quota, or other specification) or non-numerically.

*Overage* means the amount of fish harvested by a vessel in excess of:

(1) The applicable trip limit for any fishery to which a trip limit applies;

(2) The amount authorized by the applicable permit for trawl fisheries at subpart D of this part;

(3) The amount authorized by the applicable sablefish-endorsed permits for fixed gear sablefish fisheries at subpart E of this part.

*Overfishing limit (OFL)* is the MSY harvest level or the annual abundance of exploitable biomass of a stock or stock complex multiplied by the maximum fishing mortality threshold or proxy thereof and is an estimate of the catch level above which overfishing is occurring.

*Ownership interest* means participation in ownership of a corporation, partnership, or other entity:

(1) For sablefish-endorsed permits, ownership interest means participation in ownership of a corporation, partnership, or other entity that owns a sablefish-endorsed permit. Ownership interest does not mean owning stock in a publicly owned corporation.

(2) For the limited entry trawl fishery in subpart D of this part, ownership interest means participation in ownership of a corporation, partnership, or other entity that owns a QS permit, vessel account, MS permit, or an MS/CV-endorsed limited entry permit.

*Pacific Coast Groundfish Fishery Management Plan or PCGFMP* means the Fishery Management Plan for the Washington, Oregon, and California Groundfish Fishery developed by the Council and approved by the Secretary on January 4, 1982, and as it may be subsequently amended.

*Partnership* is two or more individuals, partnerships, or corporations, or combinations thereof, who have ownership interest in a permit, including married couples and legally recognized trusts and partnerships, such as limited partnerships (LP), general partnerships (GP), and limited liability partnerships (LLP).

*Permit owner* means a person who is the owner of record with NMFS, SFD, Permits Office of a limited entry permit. For first receiver site licenses, see definition for ''license owner.''

*Person*, as it applies to limited entry and open access fisheries conducted under, subparts C through F of this part means any individual, corporation, partnership, association or other entity (whether or not organized or existing under the laws of any state), and any Federal, state, or local government, or any entity of any such government that is eligible to own a documented vessel under the terms of 46 U.S.C. 12103(b).

*Processing or to process* means the preparation or packaging of groundfish to render it suitable for human consumption, retail sale, industrial uses or long-term storage, including, but not limited to, cooking, canning, smoking, salting, drying, filleting, freezing, or rendering into meal or oil, but does not mean heading and gutting unless additional preparation is done. (A vessel that is 75-ft (23-m) or less LOA that harvests whiting and, in addition to heading and gutting, cuts the tail off and freezes the whiting, is not considered to be a catcher/processor nor is it considered to be processing fish (See § 660.112(b)(1)(xii)(A))).

(1) At-sea processing means processing that takes place on a vessel or other platform that floats and is capable of being moved from one location to another, whether shore-based or on the water.

(2) Shorebased processing or processing means processing that takes place at a facility that is permanently fixed to land. (Also see the definition for shoreside processing at § 660.140, subpart D which defines shoreside processing for the purposes of qualifying for

a Shorebased IFQ Program QS permit.) For the purposes of economic data collection in the Shorebased IFQ Program, shorebased processing means either of the following:

(i) Any activity that takes place shoreside; and that involves: Cutting groundfish into smaller portions; or freezing, cooking, smoking, drying groundfish; or packaging that groundfish for resale into 100 pound units or smaller; for sale or distribution into a wholesale or retail market.

(ii) The purchase and redistribution in to a wholesale or retail market of live groundfish from a harvesting vessel.

*Processor* means a person, vessel, or facility that engages in commercial processing; or receives live groundfish directly from a fishing vessel for retail sale without further processing. (Also see the definition for processors at § 660.140, which defines processor for the purposes of qualifying for initial issuance of QS in the Shorebased IFQ Program.)

(1) For the purposes of economic data collection or EDC in the Shorebased IFQ Program, shorebased processor means a person that engages in commercial processing, that is an operation working on U.S. soil or permanently fixed to land, that takes delivery of fish that has not been subject to at-sea processing or shorebased processing; and that thereafter engages that particular fish in shorebased processing; and excludes retailers, such as grocery stores and markets, which receive whole or headed and gutted fish that are then filleted and packaged for retail sale. At § 660.114(b), trawl fishery—economic data collection program, the definition of processor is further refined to describe which shorebased processors are required to submit their economic data collection forms.

(2) [Reserved]

*Prohibited species* means those species and species groups whose retention is prohibited unless authorized by provisions of this section or other applicable law. The following are prohibited species: Any species of salmonid, Pacific halibut, Dungeness crab caught seaward of Washington or Oregon, and groundfish species or species groups under the PCGFMP for which quotas have been achieved and/or the fishery closed.

*Protected species* means those species, other than prohibited species, that are protected under Federal law, including species listed under the Endangered Species Act, marine mammals protected under the Marine Mammal Protection Act, and bird species protected under the Migratory Bird Treaty Act. Species that are both protected and prohibited are considered prohibited species for purposes of this part.

*Quota* means a specified numerical harvest objective, the attainment (or expected attainment) of which causes closure of the fishery for that species or species group.

*Recreational fishing* means fishing with authorized recreational fishing gear for personal use only, and not for sale or barter.

*Regional Administrator* means the Administrator, West Coast Region, NMFS.

*Reserve* means a portion of the harvest guideline or quota set aside at the beginning of the fishing year or biennial fishing period to allow for uncertainties in preseason estimates.

*Round weight*. (*See* § 600.10 of this chapter). Round weight does not include ice, water, or slime.

*Sale or sell*. (*See* § 600.10 of this chapter)

*Scientific research activity*. (*See* § 600.10 of this chapter)

*Secretary*. (*See* § 600.10 of this chapter)

*Seabird* means those bird species that habitually obtain their food from the sea below the low water mark.

*Specification* is a numerical or descriptive designation of a management objective, including but not limited to: Acceptable biological catch; optimum yield; harvest guideline; quota; limited entry or open access allocation; a set-aside or allocation for a recreational or treaty Indian fishery; an apportionment of the above to an area, gear, season, fishery, or other subdivision.

*Spouse* means a person who is legally married to another person as recognized by state law (*i.e.*, one's wife or husband).

*Stacking or stacked* means registering more than one sablefish-endorsed limited entry permit for use with a single vessel (See § 660.25(b)(4)(iii), subpart C).

*Sustainable Fisheries Division or SFD* means the Assistant Regional Administrator of the Sustainable Fisheries Division, West Coast Region, NMFS, or a designee.

*Target fishing* means fishing for the primary purpose of catching a particular species or species group (the target species).

*Tax-exempt organization* means an organization that received a determination letter from the Internal Revenue Service recognizing tax exemption under 26 CFR part 1 (§§ 1.501 to 1.640).

*Totally lost* means the vessel being replaced no longer exists *in specie*, or is absolutely and irretrievably sunk or otherwise beyond the possible control of the owner, or the costs of repair (including recovery) would exceed the value of the vessel after repairs.

*Trawl fishery or Limited entry trawl fishery* means the groundfish limited entry trawl fishery referred to in subparts C and D, which is composed of vessels registered to a limited entry permit with a trawl endorsement and vessels registered to an MS permit. The trawl fishery is comprised of the following sectors: Catcher/Processor, Mothership, and Shorebased IFQ. The trawl fishery does not include the non-groundfish trawl fisheries, which are all within the open access fishery.

*Trip*. (*See* § 600.10 of this chapter)

*Trip limits*. Trip limits are used in the commercial fishery to specify the maximum amount of a fish species or species group that may legally be taken and retained, possessed, or landed, per vessel, per fishing trip, or cumulatively per unit of time, or the number of landings that may be made from a vessel in a given period of time, as follows:

(1) A per trip limit is the total allowable amount of a groundfish species or species group, by weight, or by percentage of weight of legal fish on board, that may be taken and retained, possessed, or landed per vessel from a single fishing trip.

(2) A daily trip limit is the maximum amount of a groundfish species or species group that may be taken and retained, possessed, or landed per vessel in 24 consecutive hours, starting at 0001 hours local time. Only one landing of groundfish may be made in that 24-hour period. Daily trip limits may not be accumulated during multiple day trips.

(3) A weekly trip limit is the maximum amount of a groundfish species or species group that may be taken and retained, possessed, or landed per vessel in 7 consecutive days, starting at 0001 hours local time on Sunday and ending at 2400 hours local time on Saturday. Weekly trip limits may not be accumulated during multiple week trips. If a calendar week falls within two different months or two different cumulative limit periods, a vessel is not entitled to two separate weekly limits during that week.

(4) A cumulative trip limit is the maximum amount of a groundfish species or species group that may be taken and retained, possessed, or landed per vessel in a specified period of time without a limit on the number of landings or trips, unless otherwise specified. The cumulative trip limit periods for limited entry and open access fisheries, which start at 0001 hours local time and end at 2400 hours local time, are as follows, unless otherwise specified:

(i) The 2-month or ''major'' cumulative limit periods are: January 1–February 28/29, March 1–April 30, May 1–June 30, July 1–August 31, September 1–October 31, and, November 1–December 31.

(ii) One month means the first day through the last day of the calendar month.

(iii) One week means 7 consecutive days, Sunday through Saturday.

*Usual and accustomed fishing areas or U&A fishing areas* for Pacific Coast treaty Indian tribes, occurring within the EEZ, are described at § 660.4, subpart A.

*Vessel manager* means a person or group of persons whom the vessel owner has given authority to oversee all or a portion of groundfish fishing activities aboard the vessel.

*Vessel monitoring system or VMS* means a vessel monitoring system or mobile transceiver unit as set forth in § 660.14, subpart C and approved by

NMFS for use on vessels that take (directly or incidentally) species managed under the PCGFMP, as required by this subpart.

*Vessel of the United States or U.S. vessel.* (*See* § 600.10)

*Vessel owner or owner of a vessel,* as used in subparts C through G of this part, means a person identified as the current owner in the Certificate of Documentation (CG–1270) issued by the USCG for a documented vessel, or in a registration certificate issued by a state or the USCG for an undocumented vessel.

[75 FR 60897, Oct. 1, 2010, as amended at 75 FR 78373, Dec. 15, 2010; 76 FR 27529, May 11, 2011; 76 FR 53834, Aug. 30, 2011; 76 FR 74733, Dec. 1, 2011; 78 FR 587, Jan. 3, 2013; 78 FR 68767, Nov. 15, 2013; 78 FR 75278, Dec. 11, 2013; 80 FR 12571, Mar. 10, 2015; 80 FR 22279, Apr. 21, 2015; 80 FR 71980, Nov. 18, 2015; 80 FR 77270, Dec. 14, 2015; 81 FR 36807, June 8, 2016; 81 FR 84425, Nov. 23, 2016; 82 FR 9638, Feb. 7, 2017; 82 FR 60569, Dec. 21, 2017; 83 FR 62275, Dec. 3, 2018; 83 FR 63990, Dec. 12, 2018; 84 FR 49961, Sept. 24, 2019; 84 FR 63972, Nov. 19, 2019; 85 FR 35600, June 11, 2020]

### § 660.12 General groundfish prohibitions.

In addition to the general prohibitions specified in § 600.725 of this chapter, it is unlawful for any person to:

(a) *General.* (1) Retain any prohibited or protected species caught by means of fishing gear authorized under this subpart, unless otherwise authorized. Except as otherwise authorized, prohibited and protected species must be returned to the sea as soon as practicable with a minimum of injury when caught and brought on board.

(2) Falsify or fail to affix and maintain vessel and gear markings as required by § 660.20 or § 660.219, subpart E or § 660.319, subpart F.

(3) Fish for groundfish in violation of any terms or conditions attached to an EFP under § 600.745 of this chapter or § 660.30, subpart C of this part.

(4) Fish for groundfish using gear not authorized in subparts C through G of this part or in violation of any terms or conditions attached to an EFP under § 660.30, subpart C of this part or part 600 of this chapter.

(5) Take and retain, possess, or land more groundfish than specified under § 660.50, § 660.55, § 660.60 of subpart C, or subpart D through G of this part, or under an EFP issued under § 660.30, subpart C of this part, or part 600 of this chapter.

(6) Take and retain, possess, or land more than a single cumulative limit of a particular species, per vessel, per applicable cumulative limit period, except for sablefish taken in the primary limited entry, fixed gear sablefish season from a vessel authorized to fish in that season, as described at § 660.231, subpart E.

(7) Take and retain, possess, or land groundfish in excess of the landing limit for the open access fishery without having a valid limited entry permit for the vessel affixed with a gear endorsement for the gear used to catch the fish.

(8) Fail to sort, prior to the first weighing after offloading, those groundfish species or species groups for which there is a trip limit, size limit, scientific sorting designation, quota, harvest guideline, ACT, ACL or OY, if the vessel fished or landed in an area during a time when such trip limit, size limit, scientific sorting designation, quota, harvest guideline, ACT, ACL or OY applied; except as specified at § 660.130(d).

(9) When requested or required by an authorized officer, refuse to present fishing gear for inspection, refuse to present fish subject to such persons control for inspection; or interfere with a fishing gear or marine animal or plant life inspection.

(10) Transfer fish to another vessel at sea unless the vessel transferring fish is participating in the MS Coop or C/P Coop Programs.

(11) Fail to remove all fish from the vessel at landing (defined in § 660.11) and prior to beginning a new fishing trip, except for processing vessels participating in the MS Coop or C/P Coop Programs.

(12) Fish with dredge gear (defined in § 660.11, subpart C) anywhere within EFH within the EEZ. For the purposes of regulation, EFH within the EEZ is described at § 660.75, subpart C.

(13) Fish with beam trawl gear (defined in § 660.11, subpart C) anywhere within EFH within the EEZ. For the purposes of regulation, EFH within the EEZ is described at § 660.75, subpart C.

(14) During times or in areas where at-sea processing is prohibited, take and retain or receive Pacific whiting, except as cargo or fish waste, on a vessel in the fishery management area that already has processed Pacific whiting on board. An exception to this prohibition is provided if the fish are received within the tribal U&A fishing area, described at § 660.4, subpart A, from a member of a Pacific Coast treaty Indian tribe fishing under § 660.50, subpart C.

(15) Fail to comply with the requirements of the Seabird Avoidance Program described in § 660.21 when commercial fishing for groundfish using bottom longline gear.

(16) Fish with bottom contact gear (defined at § 660.11) within the EEZ in the following EFHCAs (defined at §§ 660.78 and 660.79): Thompson Seamount, President Jackson Seamount, Cordell Bank (50-fm (91-m) isobath), Harris Point, Richardson Rock, Scorpion, Painted Cave, Anacapa Island, Carrington Point, Judith Rock, Skunk Point, Footprint, Gull Island, South Point, and Santa Barbara.

(17) Fish with bottom contact gear (defined at § 660.11), or any other gear that is deployed deeper than 500-fm (914-m), within the Davidson Seamount EFHCA (defined at § 660.79).

(18) Fish with bottom contact gear, defined at § 660.11, in the DECA, defined at § 660.11.

(b) *Reporting and Recordkeeping.* (1) Falsify or fail to make and/or file, retain or make available any and all reports of groundfish landings, containing all data, and in the exact manner, required by the applicable State law, as specified in § 660.13, subpart C, provided that person is required to do so by the applicable state law.

(2) Fail to retain on board a vessel from which groundfish is landed, and provide to an authorized officer upon request, copies of any and all reports of groundfish landings, or receipts containing all data, and made in the exact manner required by the applicable state law throughout the cumulative limit period during which such landings occurred and for 15 days thereafter.

(3) Falsify or fail to prepare and/or file, retain or make available records of fishing activities as specified in § 660.13(a)(1).

(c) *Limited entry fisheries.* (1) Carry on board a vessel, or deploy, limited entry gear when the limited entry fishery for that gear is closed, except that a vessel may carry on board limited entry groundfish trawl gear as provided in § 660.112(a)(1), subpart D.

(2) [Reserved]

(d) *Limited entry permits.*

(1) If a limited entry permit is registered for use with a vessel, fail to carry that permit onboard the vessel registered for use with the permit. A photocopy of the permit may not substitute for the original permit itself.

(2) Make a false statement on an application for issuance, renewal, permit registration, vessel registration, replacement of a limited entry permit, or a declaration of ownership interest in a limited entry permit.

(e) *Groundfish observer program.* (1) Forcibly assault, resist, oppose, impede, intimidate, harass, sexually harass, bribe, or interfere with an observer.

(2) Interfere with or bias the sampling procedure employed by an observer including either mechanically or manually sorting or discarding catch before sampling.

(3) Tamper with, destroy, or discard an observer's collected samples, equipment, records, photographic film, papers, or personal effects without the express consent of the observer.

(4) Harass an observer by conduct that:

(i) Has sexual connotations,

(ii) Has the purpose or effect of interfering with the observer's work performance, and/or

(iii) Otherwise creates an intimidating, hostile, or offensive environment. In determining whether conduct constitutes harassment, the totality of the circumstances, including the nature of the conduct and the context in which it occurred, will be considered. The determination of the legality of a particular action will be made from the facts on a case-by-case basis.

(5) Fish for, land, or process fish without observer coverage when a vessel is required to carry an observer under subparts C through G of this part.

(6) Fish when a vessel is required to carry an observer under subparts C through G of this part if:

(i) The vessel is inadequate for observer deployment as specified at § 600.746 of this chapter;

(ii) The vessel does not maintain safe conditions for an observer as specified at §§ 660.140(h), 660.150(j), or 660.160(g); or

(iii) NMFS, the observer provider, or the observer determines the vessel is inadequate or unsafe pursuant to vessel responsibilities to maintain safe conditions as specified at §§ 660.140(h), 660.150(j), or 660.160(g).

(7) Require, pressure, coerce, or threaten an observer to perform duties normally performed by crew members, including, but not limited to, cooking, washing dishes, standing watch, vessel maintenance, assisting with the setting or retrieval of gear, or any duties associated with the processing of fish, from sorting the catch to the storage of the finished product.

(8) Fail to meet the vessel responsibilities and observer coverage requirements specified at §§ 660.140(h), 660.150(j), 660.160(g), 660.216, or 660.316,

(9) Fail to meet the observer provider responsibilities specified at §§ 660.140(h), 660.150(j), 660.160(g), 660.216 or 660.316.

(f) *Groundfish catch monitor program.* (1) Forcibly assault, resist, oppose, impede, intimidate, harass, sexually harass, bribe, or interfere with a catch monitor.

(2) Interfere with or bias the monitoring procedure employed by a catch monitor, including either mechanically or manually sorting or discarding catch before it's monitored.

(3) Tamper with, destroy, or discard a catch monitor's collected samples, equipment, records, photographic film, papers, or personal effects.

(4) Harass a catch monitor by conduct that:

(i) Has sexual connotations,

(ii) Has the purpose or effect of interfering with the catch monitor's work performance, and/or

(iii) Otherwise creates an intimidating, hostile, or offensive environment. In determining whether conduct constitutes harassment, the totality of the circumstances, including the nature of the conduct and the context in which it occurred, will be considered. The determination of the legality of a particular action will be made from the facts on a case-by-case basis.

(5) Receive, purchase, or take custody, control, or possession of a delivery without catch monitor coverage when such coverage is required under § 660.140(i).

(6) Fail to allow the catch monitor unobstructed access to catch sorting, processing, catch counting, catch weighing, or electronic or paper fish tickets.

(7) Fail to provide reasonable assistance to the catch monitor.

(8) Require, pressure, coerce, or threaten a catch monitor to perform duties normally performed by employees of the first receiver, including, but not limited to duties associated with the receiving of landing, processing of fish, sorting of catch, or the storage of the finished product.

(9) Fail to meet the catch monitor provider responsibilities specified at § 660.17(e).

(g) *Vessel Monitoring Systems.* (1) Use any vessel required to operate and maintain a VMS unit under § 660.14(b) unless that vessel carries a NMFS OLE type-approved mobile transceiver unit and complies with all the requirements described at § 660.14(c).

(2) Fail to install, activate, repair or replace a mobile transceiver unit prior to leaving port as specified at § 660.14.

(3) Fail to operate and maintain a mobile transceiver unit on board the vessel at all times as specified at § 660.14.

(4) Tamper with, damage, destroy, alter, or in any way distort, render useless, inoperative, ineffective, or inaccurate the VMS, mobile transceiver unit, or VMS signal required to be installed on or transmitted by a vessel as specified at § 660.14.

(5) Fail to contact NMFS OLE or follow NMFS OLE instructions when automatic position reporting has been interrupted as specified at § 660.14.

(6) Register the same VMS transceiver unit to more than one vessel at the same time.

(7) Falsify any VMS activation report or VMS exemption report that is authorized or required, as specified at § 660.14.

(8) Falsify any declaration report that is required, as specified at § 660.13.

[75 FR 60897, Oct. 1, 2010, as amended at 75 FR 78374, Dec. 15, 2010; 76 FR 27529, May 11, 2011; 76 FR 53834, Aug. 30, 2011; 76 FR 74733, Dec. 1, 2011; 78 FR 587, Jan. 3, 2013; 78 FR 68767, Nov. 15, 2013; 80 FR 22279, Apr. 21, 2015; 80 FR 71980, Nov. 18, 2015; 80 FR 77270, Dec. 14, 2015; 81 FR 36807, June 8, 2016; 81 FR 84425, Nov. 23, 2016; 84 FR 32098, July 5, 2019; 84 FR 63973, Nov. 19, 2019]

### § 660.13 Recordkeeping and reporting.

(a) This subpart recognizes that catch and effort data necessary for implementing the PCGFMP are collected by the States of Washington, Oregon, and California under existing state data collection requirements.

(1) *Trawl logbook.* In the absence of a state trawl logbook requirement based on the port of landing, the authorized representative of the commercial trawl fishing vessel registered to a limited entry permit with a trawl gear endorsement participating in the Shorebased IFQ Program groundfish trawl fisheries must keep and submit a complete and accurate record of fishing activities in the trawl logbook form. The following requirements apply:

(i) The authorized representative of the vessel must keep the trawl logbook form on board the vessel while engaged in, or returning from, all Shorebased IFQ Program trips using groundfish trawl gear, and must immediately surrender the logbook form upon demand to NMFS or other authorized officers.

(ii) The authorized representative of the vessel must complete the trawl logbook form on all Shorebased IFQ Program trips using groundfish trawl gear, with all available information, except for information not yet ascertainable, prior to entering port. The logbook form must be completed as soon as the information becomes available. The information on the logbook form will include at a minimum: Vessel name, vessel trip start and end dates, crew size, tow start, tow completion, location of tow, average depth of catch, net type, target strategy, and estimated retained pounds by species.

(iii) The authorized representative of the vessel must deliver the NMFS copy of the trawl logbook form by mail or in person to NMFS or its agent. The authorized representative of the vessel must transmit the logbook form on or before the 10th day of each month following the month to which the records pertain.

(iv) The authorized representative of the vessel responsible for submitting the trawl logbook forms must maintain a copy of all submitted logbooks for up to three years after the fishing activity ended.

(2) [Reserved]

(b) Any person who is required to do so by the applicable state law must make and/or file, retain, or make available any and all reports (*i.e.*, logbooks, state landing receipts, etc.) of groundfish harvests and landings containing all data, and in the exact manner, required by the applicable state law.

(c) Any person landing groundfish must retain on board the vessel from which groundfish is landed, and provide to an authorized officer upon request, copies of any and all reports of groundfish landings containing all data, and in the exact manner, required by the applicable state law throughout the cumulative limit period during which a landing occurred and for 15 days thereafter.

(d) *Declaration reporting requirements*—When the operator of a vessel registers a VMS unit with NMFS OLE, the vessel operator must provide NMFS with a declaration report as specified at paragraph (d)(4)(iv) of this section. The operator of any vessel that has already registered a VMS unit with NMFS OLE but has not yet made a declaration, as specified at paragraph (d)(4)(iv) of this section, must provide NMFS with a declaration report upon request from NMFS OLE.

(1) *Declaration reports for vessels registered to limited entry permits.* The operator of any vessel registered to a limited entry permit must provide NMFS OLE with a declaration report, as specified at paragraph (d)(4)(iv) of this section, before the vessel leaves port on a trip in which the vessel is used to fish in U.S. ocean waters between 0 and 200 nm offshore of Washington, Oregon, or California.

(i) Limited entry trawl vessels fishing in the Shorebased IFQ Program must provide NMFS OLE with a new declaration report each time a different groundfish trawl gear (bottom or midwater only) is fished. The declaration may be made from sea and must be made to NMFS before a different type (bottom or midwater only) of groundfish trawl gear is fished.

(ii) Limited entry midwater trawl vessels targeting Pacific whiting may change their declarations while at sea between the Pacific whiting shorebased IFQ sector and the mothership sector as specified at paragraph (d)(4)(iv)(A) of this section. The declaration must be made to NMFS before a different sector is fished.

(2) *Declaration reports for all vessels using non-groundfish trawl gear*. The operator of any vessel that is not registered to a limited entry permit and which uses non-groundfish trawl gear to fish in the EEZ (3–200 nm offshore), must provide NMFS OLE with a declaration report, as specified at paragraph (d)(4)(iv) of this section, before the vessel leaves port to fish in the EEZ.

(3) *Declaration reports for open access vessels using non trawl gear (all types of open access gear other than non-groundfish trawl gear)*. The operator of any vessel that is not registered to a limited entry permit, must provide NMFS with a declaration report, as specified at paragraph (d)(4)(iv) of this section, before the vessel leaves port on a trip in which the vessel is used to take and retain or possess groundfish in the EEZ or land groundfish taken in the EEZ.

(4) *Declaration reports*. (i) The operator of a vessel specified in paragraphs (d)(1), (d)(2), and (d)(3) of this section must provide a declaration report to NMFS OLE prior to leaving port on the first trip in which the vessel meets the requirement specified at § 660.14(b) to have a VMS.

(ii) A declaration report will be valid until another declaration report revising the existing gear, monitoring, or fishery, declaration is received by NMFS OLE. The vessel operator must send a new declaration report before leaving port on a trip that meets one of the following criteria:

(A) A gear type that is different from the gear type most recently declared for the vessel will be used, or

(B) A monitoring type that is different from the monitoring type most recently declared for the vessel will be used, or

(C) A vessel will fish in a fishery other than the fishery most recently declared.

(iii) During the period of time that a vessel has a valid declaration report on file with NMFS OLE, it cannot fish with a gear and monitoring type other than a gear type and monitoring type declared by the vessel or fish in a fishery other than the fishery most recently declared.

(iv) Declaration reports will include: The vessel name and/or identification number, gear type, and monitoring type where applicable, (as defined in paragraph (d)(5)(iv)(A) of this section). Upon receipt of a declaration report, NMFS will provide a confirmation code or receipt to confirm that a valid declaration report was received for the vessel. Retention of the confirmation code or receipt to verify that a valid declaration report was filed and the declaration requirement was met is the responsibility of the vessel owner or operator. Vessels using nontrawl gear may declare more than one gear type with the exception of vessels participating in the Shorebased IFQ Program (*i.e.* gear switching), however, vessels using trawl gear may only declare one of the trawl gear types listed in paragraph (d)(5)(iv)(A) of this section on any trip and may not declare nontrawl gear on the same trip in which trawl gear is declared.

(A) One of the following gear types or sectors, and monitoring type where applicable, must be declared:

(*1*) Limited entry fixed gear, not including shorebased IFQ,

(*2*) Limited entry groundfish nontrawl, shorebased IFQ, observer,

(*3*) Limited entry groundfish nontrawl, shorebased IFQ, electronic monitoring,

(*4*) Limited entry midwater trawl, non-whiting shorebased IFQ,

(*5*) Limited entry midwater trawl, Pacific whiting shorebased IFQ, observer,

(*6*) Limited entry midwater trawl, Pacific whiting shorebased IFQ, electronic monitoring,

(*7*) Limited entry midwater trawl, Pacific whiting catcher/processor sector,

(*8*) Limited entry midwater trawl, Pacific whiting mothership sector (catcher vessel or mothership), observer,

(*9*) Limited entry midwater trawl, Pacific whiting mothership sector (catcher vessel), electronic monitoring,

(*10*) Limited entry bottom trawl, shorebased IFQ, not including demersal trawl,

(*11*) Limited entry demersal trawl, shorebased IFQ,

(*12*) Non-groundfish trawl gear for pink shrimp,

(*13*) Non-groundfish trawl gear for ridgeback prawn,

(*14*) Non-groundfish trawl gear for California halibut,

(*15*) Non-groundfish trawl gear for sea cucumber,

(*16*) Open access longline gear for groundfish,

(*17*) Open access Pacific halibut longline gear,

(*18*) Open access groundfish trap or pot gear,

(*19*) Open access Dungeness crab trap or pot gear,

(*20*) Open access prawn trap or pot gear,

(*21*) Open access sheephead trap or pot gear,

(*22*) Open access line gear for groundfish,

(*23*) Open access HMS line gear,

(*24*) Open access salmon troll gear,

(*25*) Open access California Halibut line gear,

(*26*) Open access Coastal Pelagic Species net gear,

(*27*) Other gear,

(*28*) Tribal trawl, or

(*29*) Open access California gillnet complex gear.

(*30*) Gear testing.

(B) [Reserved]

(v) Upon receipt of a declaration report, NMFS will provide a confirmation code or receipt to confirm that a valid declaration report was received for the vessel. Vessel owners or operators are responsible for retaining the confirmation code or receipt to verify that a valid declaration report was filed.

[75 FR 60897, Oct. 1, 2010, as amended at 75 FR 78374, Dec. 15, 2010; 76 FR 74733, Dec. 1, 2011; 81 FR 84425, Nov. 23, 2016; 83 FR 62275, Dec. 3, 2018; 83 FR 66637, Dec. 27, 2018; 84 FR 31158, June 28, 2019; 84 FR 32098, July 5, 2019; 85 FR 35600, June 11, 2020]

### § 660.14 Vessel Monitoring System (VMS) requirements.

(a) *What is a VMS?* A VMS consists of a NMFS OLE type-approved mobile transceiver unit that automatically determines the vessel's position and transmits it to a NMFS OLE type-approved communications service provider. The communications service provider receives the transmission and relays it to NMFS OLE.

(b) *Who is Required to Have a VMS?* The following vessels are required to install a NMFS OLE type-approved mobile transceiver unit and to arrange for a NMFS OLE type-approved communications service provider to receive and relay transmissions to NMFS OLE prior to fishing:

(1) Any vessel registered for use with a limited entry ''A'' endorsed permit (*i.e.*, not an MS permit) that fishes in state or Federal waters seaward of the baseline from which the territorial sea is measured off the States of Washington, Oregon or California (0–200 nm offshore).

(2) Any vessel that uses non-groundfish trawl gear to fish in the EEZ.

(3) Any vessel that uses open access gear to take and retain, or possess groundfish in the EEZ or land groundfish taken in the EEZ.

(c) *How are Mobile Transceiver Units and Communications Service Providers Approved by NMFS OLE?*

(1) NMFS OLE will publish type-approval specifications for VMS components in the FEDERAL REGISTER or notify the public through other appropriate media.

(2) Mobile transceiver unit manufacturers or communication service providers will submit products or services to NMFS OLE for evaluation based on the published specifications.

(3) NMFS OLE may publish a list of NMFS OLE type-approved mobile transceiver units and communication service providers for the Pacific Coast

groundfish fishery in the FEDERAL REGISTER or notify the public through other appropriate media. As necessary, NMFS OLE may publish amendments to the list of type-approved mobile transceiver units and communication service providers in the FEDERAL REGISTER or through other appropriate media. A list of VMS transceivers that have been type-approved by NMFS OLE may be mailed to the permit owner's address of record. NMFS will bear no responsibility if a notification is sent to the address of record and is not received because the applicant's actual address has changed without notification to NMFS, as required at § 660.25(b)(4)(i)(B).

(d) *What are the Vessel Owner's Responsibilities?* If you are a vessel owner that must participate in the VMS program, you or the vessel operator must:

(1) Obtain a NMFS OLE type-approved mobile transceiver unit and have it installed on board your vessel in accordance with the instructions provided by NMFS OLE. You may obtain a copy of the VMS installation and operation instructions from the NMFS OLE West Coast Region, VMS Program Manager upon request at 7600 Sand Point Way NE, Seattle, WA 98115–6349, phone: 888–585–5518 or *wcd.vms@noaa.gov*.

(2) Activate the mobile transceiver unit, submit an activation report at least 72 hours prior to leaving port on a trip in which VMS is required, and receive confirmation from NMFS OLE that the VMS transmissions are being received before participating in a fishery requiring the VMS. Instructions for submitting an activation report may be obtained from the NMFS OLE West Coast Region, VMS Program Manager upon request at 7600 Sand Point Way NE, Seattle, WA 98115–6349, phone: 888–585–5518 or *wcd.vms@noaa.gov*. An activation report must again be submitted to NMFS OLE following reinstallation of a mobile transceiver unit or change in service provider before the vessel may be used to fish in a fishery requiring the VMS.

(i) *Activation reports*. If you are a vessel owner who must use VMS and you are activating a VMS transceiver unit for the first time or reactivating a VMS transceiver unit following a reinstallation of a mobile transceiver unit or change in service provider, you must fax NMFS OLE an activation report that includes: Vessel name; vessel owner's name, address and telephone number, vessel operator's name, address and telephone number, USCG vessel documentation number/state registration number; if applicable, the groundfish permit number the vessel is registered to; VMS transceiver unit manufacturer; VMS communications service provider; VMS transceiver identification; identifying if the unit is the primary or backup; and a statement signed and dated by the vessel owner confirming compliance with the installation procedures provided by NMFS OLE.

(ii) *Transferring ownership of VMS unit*. Ownership of the VMS transceiver unit may be transferred from one vessel owner to another vessel owner if all of the following documents are provided to NMFS OLE: A new activation report, which identifies that the transceiver unit was previously registered to another vessel; a notarized bill of sale showing proof of ownership of the VMS transceiver unit; documentation from the communications service provider showing proof that the service agreement for the previous vessel was terminated and that a service agreement was established for the new vessel.

(3) Operate and maintain the mobile transceiver unit in good working order continuously, 24 hours a day throughout the fishing year, unless such vessel is exempted under paragraph (d)(4) of this section.

(i) *Position frequency*. The mobile transceiver unit must transmit a signal accurately indicating the vessel's position at least once every 15 minutes, 24 hours a day, throughout the year unless an exemption in paragraph (d)(3)(ii) of this section applies or a valid exemption report, as described in paragraph (d)(4) of this section, has been received by NMFS OLE. The signal indicating the vessel's position can consist of either: A single position report transmitted every 15 minutes; or a series of position reports, at no more than a 15 minute interval, combined and transmitted at least once every hour.

(ii) *Exemptions to position frequency requirement.*—(A) *Electronic monitoring exemption.* If a vessel has an electronic monitoring system installed and in use for the duration of a given fishing year, the mobile transceiver unit must transmit a signal at least once every hour.

(B) *Midwater trawl exemption.* If a limited entry trawl vessel is fishing with midwater trawl gear under declarations in paragraph (d)(4)(iv)(A) of this section, the mobile transceiver unit must transmit a signal at least once every hour.

(C) *In port exemption.* If a vessel remains in port for an extended period of time, the mobile transceiver unit must transmit a signal at least once every four hours. The mobile transceiver unit must remain in continuous operation at all times unless the vessel is exempt under paragraph (d)(4) of this section.

(4) *VMS exemptions.* A vessel that is required to operate and maintain the mobile transceiver unit continuously 24 hours a day throughout the fishing year may be exempted from this requirement if a valid exemption report, as described at paragraph (d)(4)(vii) of this section, is received by NMFS OLE and the vessel is in compliance with all conditions and requirements of the VMS exemption identified in this section and specified in the exemption report.

(i) *Haul out exemption.* When it is anticipated that a vessel will be continuously out of the water for more than 7 consecutive days and a valid exemption report has been received by NMFS OLE, electrical power to the VMS mobile transceiver unit may be removed and transmissions may be discontinued. Under this exemption, VMS transmissions can be discontinued from the time the vessel is removed from the water until the time that the vessel is placed back in the water.

(ii) *Outside areas exemption.* When the vessel will be operating seaward of the EEZ off Washington, Oregon, or California continuously for more than 7 consecutive days and a valid exemption report has been received by NMFS OLE, the VMS mobile transceiver unit transmissions may be reduced or discontinued from the time the vessel leaves the EEZ off the coasts of Washington, Oregon or California until the time that the vessel re-enters the EEZ off the coasts of Washington, Oregon or California. Under this exemption, the vessel owner or operator can request that NMFS OLE reduce or discontinue the VMS transmissions after receipt of an exemption report, if the vessel is equipped with a VMS transceiver unit that NMFS OLE has approved for this exemption.

(iii) *Permit exemption.* If the limited entry permit had a change in vessel registration so that it is no longer registered to the vessel (for the purposes of this section, this includes permits placed into ''unidentified'' status), the vessel may be exempted from VMS requirements providing the vessel is not used to fish in state or Federal waters seaward of the baseline from which the territorial sea is measured off the States of Washington, Oregon or California (0–200 nm offshore) for the remainder of the fishing year. If the vessel is used to fish in this area for any species of fish at any time during the remaining portion of the fishing year without being registered to a limited entry permit, the vessel is required to have and use VMS.

(iv) *Long-term departure exemption.* A vessel participating in the open access fishery that is required to have VMS under paragraph (b)(3) of this section may be exempted from VMS provisions after the end of the fishing year in which it fished in the open access fishery, providing the vessel submits a completed exemption report signed by the vessel owner that includes a statement signed by the vessel owner indicating that the vessel will not be used to take and retain or possess groundfish in the EEZ or land groundfish taken in the EEZ during the new fishing year.

(v) *Emergency exemption.* Vessels required to have VMS under paragraph (b) of this section may be exempted from VMS provisions in emergency situations that are beyond the vessel owner's control, including but not limited to: Fire, flooding, or extensive physical damage to critical areas of the vessel. A vessel owner may apply for an emergency exemption from the

VMS requirements specified in paragraph (b) of this section for his/her vessel by sending a written request to NMFS OLE specifying the following information: The reasons for seeking an exemption, including any supporting documents (e.g., repair invoices, photographs showing damage to the vessel, insurance claim forms, etc.); the time period for which the exemption is requested; and the location of the vessel while the exemption is in effect. NMFS OLE will issue a written determination granting or denying the emergency exemption request. A vessel will not be covered by the emergency exemption until NMFS OLE issues a determination granting the exemption. If an exemption is granted, the duration of the exemption will be specified in the NMFS OLE determination.

(vi) *Submission of exemption reports.* Signed long-term departure exemption reports must be submitted by fax or by emailing an electronic copy of the actual report. In the event of an emergency in which an emergency exemption request will be submitted, initial contact with NMFS OLE must be made by telephone, fax or email within 24 hours from when the incident occurred. Emergency exemption requests must be requested in writing within 72 hours from when the incident occurred. Other exemption reports must be submitted through the VMS or another method that is approved by NMFS OLE and announced in the FEDERAL REGISTER. Submission methods for exemption requests, except long-term departures and emergency exemption requests, may include email, facsimile, or telephone. NMFS OLE will provide, through appropriate media, instructions to the public on submitting exemption reports. Instructions and other information needed to make exemption reports may be mailed to the vessel owner's address of record. NMFS will bear no responsibility if a notification is sent to the address of record for the vessel owner and is not received because the vessel owner's actual address has changed without notification to NMFS. Owners of vessels required to use VMS who do not receive instructions by mail are responsible for contacting NMFS OLE during business hours at least 3 days before the exemption is required to obtain information needed to make exemption reports. NMFS OLE must be contacted during business hours (Monday through Friday between 0800 and 1700 Pacific Time).

(vii) *Valid exemption reports.* For an exemption report to be valid, it must be received by NMFS at least 2 hours and not more than 24 hours before the exempted activities defined at paragraphs (d)(4)(i) through (iv) of this section occur. An exemption report is valid until NMFS receives a report canceling the exemption. An exemption cancellation must be received at least 2 hours before the vessel re-enters the EEZ following an outside areas exemption; at least 2 hours before the vessel is placed back in the water following a haul out exemption; at least 2 hours before the vessel resumes fishing for any species of fish in state or Federal waters off the States of Washington, Oregon, or California after it has received a permit exemption; or at least 2 hours before a vessel resumes fishing in the open access fishery after a long-term departure exemption. If a vessel is required to submit an activation report under paragraph (d)(2)(i) of this section before returning to fish, that report may substitute for the exemption cancellation. Initial contact must be made with NMFS OLE not more than 24 hours after the time that an emergency situation occurred in which VMS transmissions were disrupted and followed by a written emergency exemption request within 72 hours from when the incident occurred. If the emergency situation upon which an emergency exemption is based is resolved before the exemption expires, an exemption cancellation must be received by NMFS at least 2 hours before the vessel resumes fishing.

(5) When aware that transmission of automatic position reports has been interrupted, or when notified by NMFS OLE that automatic position reports are not being received, contact NMFS West Coast Region, VMS Program Manager upon request at 7600 Sand Point Way NE, Seattle, WA 98115–6349, phone: 888–585–5518 or *wcd.vms@noaa.gov* and follow the instructions provided to you. Such instructions may include, but are not

limited to, manually communicating to a location designated by NMFS OLE the vessel's position or returning to port until the VMS is operable.

(6) After a fishing trip during which interruption of automatic position reports has occurred, the vessel's owner or operator must replace or repair the mobile transceiver unit prior to the vessel's next fishing trip. Repair or reinstallation of a mobile transceiver unit or installation of a replacement, including change of communications service provider shall be in accordance with the instructions provided by NMFS OLE and require the same certification.

(7) Make the mobile transceiver units available for inspection by NMFS OLE personnel, USCG personnel, state enforcement personnel or any authorized officer.

(8) Ensure that the mobile transceiver unit is not tampered with, disabled, destroyed, operated, or maintained improperly.

(9) Pay all charges levied by the communication service provider as necessary to ensure continuous operation of the VMS transceiver units.

[75 FR 60897, Oct. 1, 2010, as amended at 75 FR 78374, Dec. 15, 2010; 76 FR 74733, Dec. 1, 2011; 85 FR 35600, June 11, 2020]

### § 660.15 Equipment requirements.

(a) *Applicability*. This section contains the equipment and operational requirements for scales used to weigh catch at sea, scales used to weigh catch at IFQ first receivers, hardware and software for electronic fish tickets, and computer hardware for electronic logbook software. Unless otherwise specified by regulation, the operator or manager must retain, for 3 years, a copy of all records described in this section and make the records available upon request to NMFS staff or an authorized officer.

(b) *Scales used to weigh fish at sea*. Vessel owners, operators, and managers are jointly and severally responsible for their vessel's compliance with the requirements specified in this section.

(1) *Performance and technical requirements for scales in the MS and C/P Coop Programs*. A scale used to weigh fish in the MS and C/P Coop Programs must meet the type evaluation, initial inspection, and annual reinspection requirements set forth in 50 CFR 679.28(b)(1) and (2), and must be approved by NMFS to weigh fish at sea.

(2) *Annual inspection*. Once a scale is installed on a vessel and approved by NMFS for use to weigh fish at sea, it must be reinspected annually within 12 months of the date of the most recent inspection to determine if the scale meets all of the applicable performance and technical requirements as described in 50 CFR 679.28(b).

(3) *Daily testing*. Each scale used to weigh fish must be tested at least once each calendar day to ensure that each scale meets the maximum permissible error requirements described at paragraph (b)(4) of this section.

(4) *Daily at-sea scale tests*. To verify that the scale meets the maximum permissible errors specified in this paragraph, each scale used to weigh fish must be tested at least one time during each calendar day when use of the scale is required. The tests must be performed in an accurate and timely manner.

(i) *Flow or Belt scales*—(A) *Maximum permissible errors*. The maximum permissible errors for the daily at-sea scale test is plus or minus 3 percent of the known weight of the test material.

(B) *Test Procedure*. A test must be conducted by weighing no less than 400 kg (882 lb) of test material, supplied by the scale manufacturer or approved by a NMFS-authorized scale inspector, on the scale under test. The test material may be run across the scale multiple times in order to total 400 kg; however, no single run of test material across the scale may weigh less than 40 kg (88.2 lb). The known weight of test material must be determined at the time of each scale test by weighing it on a platform scale approved for use under 50 CFR 679.28(b)(7).

(ii) *Platform scales required for observer sampling or to determine known weight of test material on mothership and catcher/processor vessels*—(A) *Maximum permissible errors*. The maximum permissible errors for the daily at-sea scale test for platform scales is plus or minus 0.5 percent of the weight tested.

(B) *Test Procedure*. A platform scale used for observer sampling must be

tested at 10, 25, and 50 kg (or 20, 50, and 100 lb if the scale is denominated in pounds) using approved test weights. Any combination of test weights that will allow the scale to be tested at 10 kg, 25 kg, and 50 kg may be used. A platform scale used to weigh fish must be tested at a weight equal to the largest amount of fish that will be weighed on the scale in one weighing.

(C) *Approved test weights.* Each test weight must have its weight stamped on or otherwise permanently affixed to it. The weight of each test weight must be annually certified by a National Institute of Standards and Technology-approved metrology laboratory or approved for continued use by the NMFS authorized inspector at the time of the annual scale inspection.

(iii) *Requirements for all at-sea scale tests.* The following conditions must be met:

(A) Notify the observer at least 15 minutes before the time that the test will be conducted, and conduct the test while the observer is present.

(B) Conduct the scale test by placing the test material or test weights on or across the scale and recording the following information on the at-sea scale test report form:

(*1*) Vessel name;

(*2*) Month, day, and year of test;

(*3*) Time test started to the nearest minute in local time;

(*4*) Known weight of test materials or test weights;

(*5*) Weight of test material or test weights recorded by scale;

(*6*) Percent error as determined by subtracting the known weight of the test material or test weights from the weight recorded on the scale, dividing that amount by the known weight of the test material or test weights, and multiplying by 100; and

(*7*) Signature of operator.

(C) Maintain the scale test report form from all at-sea scale tests, including test report forms from failed scale tests on board the vessel until the end of the fishing year during which the tests were conducted, and make the report forms available to observers, NMFS staff, or authorized officers. In addition, the scale test report forms must be retained for 3 years after the end of the fishing year during which the tests were performed. Each scale test report form must be signed by the operator immediately following completion of each scale test.

(5) *Scale maintenance.* The scale must be maintained in proper operating condition throughout its use; adjustments made to the scale must be made to bring the performance errors as close as practicable to a zero value; and no adjustment may be made that will cause the scale to weigh fish inaccurately.

(6) *Printed reports from the scale* (not applicable to observer sampling scales). Printed reports are provided to NMFS as required by this paragraph. Printed reports from the scale must be maintained on board the vessel until the end of the year during which the reports were made, and made available to observers, NMFS staff or authorized officers. In addition, printed reports must be retained for 3 years after the end of the year during which the printouts were made.

(i) *Printed reports of catch weight and cumulative weight.* Reports must be printed at least once every calendar day when use of the scale is required. Reports must also be printed before any information stored in the scale computer memory is replaced. Scale weights must not be adjusted by the scale operator to account for the perceived weight of water, slime, mud, debris, or other materials. Scale printouts must show:

(A) The vessel name and Federal vessel permit number;

(B) The date and time the information was printed;

(C) The haul number;

(D) The total weight of the haul; and

(E) The total cumulative weight of all fish and other material weighed on the scale since the last annual inspection.

(ii) *Printed report from the audit trail.* The printed report must include the information specified in sections 2.3.1.8, 3.3.1.7, and 4.3.1.8 of appendix A to 50 CFR part 679. The printed report must be provided to the authorized scale inspector at each scale inspection and must also be printed at any time upon request of the observer, NMFS personnel or an authorized officer.

(iii) *Printed report from calibration log.* The operator must print the calibration log on request by NMFS staff or an authorized officer, or person authorized by NMFS. The calibration log must be printed and retained before any information stored in the scale computer memory is replaced. The calibration log must detail either the prior 1,000 calibrations or all calibrations since the scale electronics were first put into service, whichever is less. The printout from the calibration log must show:

(A) The vessel name and Federal fisheries or processor permit number;

(B) The month, day, and year of the calibration;

(C) The time of the calibration to the nearest minute in local time;

(D) The weight used to calibrate the scale; and

(E) The magnitude of the calibration in comparison to the prior calibration.

(iv) *Printed reports from the fault log.* The operator must print the fault log on request by NMFS staff, an authorized officer or person authorized by NMFS. The fault log must be printed and retained before any information stored in the scale computer memory is replaced. The fault log must detail either the prior 1,000 faults and startups, or all faults and startups since the scale electronics were first put into service, whichever is less. A fault, for the purposes of the fault log, is any condition other than underflow detected by the scale electronics that could affect the metrological accuracy of the scale. The printout from the fault log must show:

(A) The vessel name and Federal fisheries or processor permit number;

(B) The month, day, year, and time of each startup to the nearest minute in local time;

(C) The month, day, year, and time that each fault began to the nearest minute in local time; and

(D) The month, day, year, and time that each fault was resolved to the nearest minute in local time.

(v) *Platform scales used for observer sampling.* A platform scale used for observer sampling is not required to produce a printed record.

(7) *Video monitoring for scales used by the vessel crew to weigh catch.* Mothership or Catcher/Processor vessels required to weigh fish under the regulations in this section must provide and maintain a NMFS-approved video monitoring system as specified in paragraph (e) of this section.

(c) *Scales used to weigh fish at IFQ first receivers—performance and technical requirements.* Scale requirements in this paragraph are in addition to those requirements set forth by the State in which the scale is located, and nothing in this paragraph may be construed to reduce or supersede the authority of the State to regulate, test, or approve scales within the State. Scales used to weigh fish that are also required to be approved by the State must meet the following requirements:

(1) *Verification of approval.* The scale must display a valid sticker indicating that the scale is currently approved in accordance with the laws of the state where the scale is located.

(2) *Visibility.* The IFQ first receiver must ensure that the scale and scale display are visible simultaneously to the catch monitor. Catch monitors, NMFS staff, NMFS-authorized personnel, or authorized officers must be allowed to observe the weighing of fish on the scale and be allowed to read the scale display at all times.

(3) *Printed scale weights.*

(i) An IFQ first receiver must ensure that printouts of the scale weight of each delivery or offload are made available to the catch monitor, NMFS staff, to NMFS-authorized personnel, or to authorized officers at the time printouts are generated. An IFQ first receiver must maintain printouts on site until the end of the fishing year during which the printouts were made and make them available upon request by the catch monitor, NMFS staff, NMFS-authorized personnel, or authorized officers for 3 years after the end of the fishing year during which the printout was made.

(ii) All scales identified in a catch monitoring plan (see § 660.140(f)(3)) must produce a printed record for each landing, or portion of a landing, weighed on that scale. NMFS may exempt, through approval of the NMFS-accepted catch monitoring plan, scales not designed for automatic bulk weighing from part or all of the printed

record requirements. IFQ first receivers that receive no more than 200,000 pounds of groundfish in any calendar month may be exempt under § 660.140(j)(2). For scales that must produce a printed record, the printed record must include:

(A) The IFQ first receiver's name;

(B) The weight of each load in the weighing cycle;

(C) The total weight of fish in each landing, or portion of the landing that was weighed on that scale;

(D) For belt scales and weight belts, the total cumulative weight of all fish or other material weighed on the scale since the last inspection;

(E) The date the information is printed; and

(F) The name and vessel registration or documentation number of the vessel making the landing. The person operating the scale may write this information on the scale printout in ink at the time of printing.

(4) *Inseason scale testing.* IFQ first receivers must allow, and provide reasonable assistance to NMFS staff, NMFS-authorized personnel, and authorized officers to test scales used to weigh IFQ fish. A scale that does not pass an inseason test may not be used to weigh IFQ fish until the scale passes an inseason test or is approved for continued use by the weights and measures authorities of the State in which the scale is located.

(i) *Inseason testing criteria.* To pass an inseason test, NMFS staff or authorized officers must be able to verify that:

(A) The scale display and printed information are clear and easily read under all conditions of normal operation;

(B) Weight values are visible on the display until the value is printed;

(C) The scale does not exceed the maximum permissible errors specified in this paragraph:

(*1*) *Flow scales (also known as belt scales and weight belts).* The maximum permissible error is plus or minus 0.25 percent of the known weight of the test material with repeatability between tests of no more than 0.25 percent. Percent error is determined by subtracting the known weight of the test material or test weights from the weight recorded on the scale, dividing that amount by the known weight of the test material or test weights, and multiplying by 100.

(*2*) *All other scales.*

| *Test load in scale divisions* | *Maximum error in scale divisions* |
|---|---|
| (*i*) 0–500 | 1 |
| (*ii*) 501–2,000 | 2 |
| (*iii*) 2,001–4,000 | 3 |
| (*iv*) >4,000 | 5 |

(D) *Automatic weighing systems.* An automatic weighing system must be provided and operational that will prevent fish from passing over the scale or entering any weighing hopper unless the following criteria are met:

(*1*) No catch may enter or leave a weighing hopper until the weighing cycle is complete;

(*2*) No product may be cycled and weighed if the weight recording element is not operational; and

(*3*) No product may enter a weighing hopper until the prior weighing cycle has been completed and the scale indicator has returned to a zero.

(ii) [Reserved]

(d) *Electronic fish tickets.* First receivers are required to meet the hardware and software requirements below.

(1) *Hardware and software requirements.* A personal computer system, tablet, mobile device, or other device that has software (e.g., web browser) capable of submitting information over the internet, such that submission to Pacific States Marine Fisheries Commission can be executed effectively.

(2) *Internet access.* The first receiver is responsible for maintaining internet access sufficient to access the web-based interface and submit completed electronic fish ticket forms.

(3) *Maintenance.* The first receiver is responsible for ensuring that all hardware and software required under this subsection are fully operational and functional whenever they receive, purchase, or take custody, control, or possession of groundfish species for which an electronic fish ticket is required. ''Functional'' means that the software requirements and minimum hardware requirements described at paragraphs (d)(1) and (2) of this section are met

and submission to Pacific States Marine Fisheries Commission can be executed effectively by the equipment.

(4) *Improving data quality*. Vessel owners and operators, first receivers, or shoreside processor owners, or managers may contact NMFS to request assistance in improving data quality and resolving issues. Requests may be submitted to: Attn: Electronic Fish Ticket Monitoring, National Marine Fisheries Service, West Coast Region, Sustainable Fisheries Division, 7600 Sand Point Way, NE., Seattle, WA 98115.

(e) *Video monitoring systems used monitor at-sea scales*—(1) *Performance and technical requirements for video monitoring systems for the MS and C/P Coop Programs*. A video monitoring system used to monitor at-sea scales must meet the system requirements and system inspections, set forth in 50 CFR 679.28(e)(1) through (4) and be issued a Video Monitoring Inspection Report verifying that the video system meets all applicable requirements for use in the Alaska Pollock fishery. Any change to the system must meet the requirements specified at 50 CFR 679.28(e)(7) and be approved by the Alaska Regional Administrator in writing before any changes are made.

(i) MS or C/P vessels required to weigh fish at sea under the regulations in this section must:

(A) Provide and maintain a video monitoring system that provides sufficient resolution and field of view to monitor: All areas where catch enters the scale, moves across the scale and leaves the scale; any access point to the scale from which the scale may be adjusted or modified by vessel crew while the vessel is at sea; and the scale display and the indicator for the scale operating in a fault state.

(B) Record and retain video for all periods when catch that must be weighed is on board the vessel.

(ii) [Reserved]

(2) *Video Monitoring System Inspection Report*. A current NMFS-issued Video Monitoring System Inspection Report must be maintained on board the vessel at all times the vessel is required to have an approved video monitoring system. The Video Monitoring System Inspection Report must be made available to the observer, NMFS staff, or to an authorized officer upon request.

(3) *Retention of records*. Consistent with the requirements set forth at 50 CFR 679.28(e)(1), the video data must be maintained on the vessel and made available on request by NMFS staff, or any individual authorized by NMFS. The data must be retained on board the vessel for no less than 120 days after the date the video is recorded, unless NMFS has notified the operator in writing that the video data may be retained for less than this 120-day period.

[75 FR 78375, Dec. 15, 2010, as amended at 76 FR 74733, Dec. 1, 2011; 77 FR 55155, Sept. 7, 2012; 81 FR 27008, May 5, 2016; 81 FR 84426, Nov. 23, 2016]

## § 660.16 Groundfish observer program.

(a) *General*. Vessel owners, operators, and managers are jointly and severally responsible for their vessel's compliance with observer requirements specified in this section and within §§ 660.140, 660.150, 660.160, 660.216, or 660.316.

(b) *Purpose*. The purpose of the Groundfish Observer Program is to collect fisheries data necessary and appropriate for, among other relevant purposes, management, compliance monitoring, and research in the groundfish fisheries and for the conservation of living marine resources.

(c) *Observer coverage requirements*. The following table provides references to the paragraphs in the Pacific coast groundfish subparts that contain fishery specific requirements. Observer coverage required for the Shorebased IFQ Program, MS Coop Program, or C/P Coop Program shall not be used to comply with observer coverage requirements for any other Pacific coast groundfish fishery in which that vessel may also participate.

| West coast groundfish fishery | Regulation section | Observer program branch office |
|---|---|---|
| (1) Shorebased IFQ Program—Trawl Fishery | § 660.140(h) | West Coast Groundfish. |
| (2) MS Coop Program—Whiting At-sea Trawl Fishery | § 660.150(j). | |
| (i) Motherships | | At-sea Hake. |
| (ii) Catcher Vessels | | West Coast Groundfish. |
| (3) C/P Coop Program—Whiting At-sea Trawl Fishery | § 660.160(g) | At-sea Hake. |

| West coast groundfish fishery | Regulation section | Observer program branch office |
|---|---|---|
| (4) Fixed Gear Fisheries | § 660.216. | |
| (i) Harvester vessels | | West Coast Groundfish. |
| (ii) Processing vessels | | West Coast Groundfish. |
| (5) Open Access Fisheries | § 660.316. | |
| (i) Harvester vessels | | West Coast Groundfish. |
| (ii) Processing vessels | | West Coast Groundfish. |

(d) *Observer certifications and responsibilities*. For the Shorebased IFQ Program see § 660.140(h), for the MS Coop Program see § 660.150(j), and, for the C/P Coop Program see § 660.160(g).

(e) *Application process to become an observer provider*. See § 660.18.

[75 FR 78376, Dec. 15, 2010, as amended at 80 FR 22280, Apr. 21, 2015]

### § 660.17 Catch monitor program.

(a) *General*. The first receiver site license holder, the first receiver site license authorized representative, facility operators and managers are jointly and severally responsible for the first receiver being in compliance with catch monitor requirements specified in this section and at § 660.140 (i).

(b) *Purpose*. The purpose of the Catch Monitor Program is to, among other related matters, confirm that the IFQ landings are accurately sorted, weighed and reported on electronic fish tickets.

(c) *Catch monitor coverage requirements*. Catch monitor coverage requirements for the Shorebased IFQ Program are specified at § 660.140(i).

(d) *Catch monitor certification and responsibilities*. Catch monitor certification authorizes an individual to fulfill duties as specified by NMFS while under the employ of a catch monitor provider.

(1) *Catch monitor training certification*. A training certification signifies the successful completion of the training course required to obtain catch monitor certification. This certification expires when the catch monitor has not been deployed and performed sampling duties as required by the Catch Monitor Program Office for a period of time, specified by the Catch Monitor Program, after his or her most recent debriefing. The certification is renewed by successful completion of the training course.

(2) *Catch Monitor Program annual briefing*. Each catch monitor must attend a briefing prior to his or her first deployment within any calendar year subsequent to a year in which a training certification is obtained. To maintain a certification, a catch monitor must successfully complete any required briefing specified by the Catch Monitor Program. All briefing attendance, performance, and conduct standards required by the Catch Monitor Program must be met prior to any deployment.

(3) *Catch monitor certification requirements*. NMFS may certify individuals who:

(i) Are employed by a catch monitor provider at the time of the issuance of the certification and qualified, as described at paragraph (f)(1)(i) through (viii) of this section and have provided proof of qualifications to NMFS, through the catch monitor provider.

(ii) Have successfully completed catch monitor certification training.

(A) Successful completion of training by an applicant consists of meeting all attendance and conduct standards; meeting all performance standards for assignments, tests, and other evaluation tools; and completing all other training requirements established by the Catch Monitor Program.

(B) If a candidate fails training, he or she will be notified in writing on or before the last day of training. The notification will indicate: The reasons the candidate failed the training; whether the candidate can retake the training, and under what conditions.

(iii) Have not been decertified as an observer or catch monitor under provisions in §§ 660.17(g), and 660.140(h)(6), 660.150(j)(5), 660.160(g)(5) or 679.53(c) of this chapter.

(4) *Maintaining the validity of a catch monitor certification*. After initial issuance, a catch monitor must keep their certification valid by meeting all of the following requirements specified below:

(i) Successfully perform their assigned duties as described in the Catch Monitor Manual or other written instructions from the Catch Monitor Program.

(ii) Accurately record their data, write complete reports, and report accurately any observations of suspected violations of regulations relevant to conservation of marine resources or their environment.

(iii) Consistent with NOAA data confidentiality guidance, not disclose data and observations made on board a vessel to any person except the owner or operator of the observed vessel, an authorized state or OLE officer, NMFS or the Catch Monitor Program; and, not disclose data and observations made at a first receiver to any person other than the first receiver site license holder, the first receiver site license authorized representative, facility operators and managers an authorized state or OLE officer, NMFS or the Catch Monitor Program.

(iv) Successfully complete any required briefings as prescribed by the Catch Monitor Program.

(v) Successful completion of a briefing by a catch monitor consists of meeting all attendance and conduct standards issued in writing at the start of training; meeting all performance standards issued in writing at the start of training for assignments, tests, and other evaluation tools; and completing all other briefing requirements established by the Catch Monitor Program.

(vi) Successfully meet all debriefing expectations including catch monitor performance standards and reporting for assigned debriefings.

(vii) Submit all data and information required by the Catch Monitor Program within the program's stated guidelines.

(viii) Have been deployed as a catch monitor within the 12 months prior to any required briefing, unless otherwise authorized by the Catch Monitor Program.

(e) *Catch monitor standards of behavior*. Catch monitors must do the following:

(1) Perform authorized duties as described in training and instructional manuals or other written and oral instructions provided by the Catch Monitor Program.

(2) Accurately record and submit the required data, which includes fish species composition, identification, sorting, and weighing information.

(3) Write complete reports, and report accurately any observations of suspected violations of regulations.

(4) Returns phone calls, emails, text messages, or other forms of communication within the time specified by the Catch Monitor Program.

(5) Not disclose data and observations made on board a vessel to any person except the owner or operator of the observed vessel, an authorized officer, NMFS or the Catch Monitor Program; and not disclose data and observations made at a first receiver to any person other than the first receiver site license holder, the first receiver site license authorized representative, facility operators and managers an authorized officer, NMFS or the Catch Monitor Program.

(f) *Catch monitor provider responsibilities*. (1) *Provide qualified candidates to serve as catch monitors*. To be qualified a candidate must:

(i) Be a U.S. citizen or have authorization to work in the United States;

(ii) Be at least 18 years of age;

(iii) Have a high school diploma and;

(A) At least two years of study from an accredited college with a major study in natural resource management, natural sciences, earth sciences, natural resource anthropology, law enforcement/police science, criminal justice, public administration, behavioral sciences, environmental sociology, or other closely related subjects pertinent to the management and protection of natural resources, or;

(B) One year of specialized experience performing duties which involved communicating effectively and obtaining cooperation, identifying and reporting problems or apparent violations of regulations concerning the use of protected or public land areas, and carrying out policies and procedures within a recreational area or natural resource site.

(iv) Computer skills that enable the candidate to work competently with standard database software and computer hardware.

(v) Have a current and valid driver's license.

(vi) Have had a background investigation and been found to have had no criminal or civil convictions that would affect their performance or credibility as a catch monitor.

(vii) Have had health and physical fitness exams and been found to be fit for the job duties and work conditions;

(A) Physical fitness exams shall be conducted by a medical doctor who has been provided with a description of the job duties and work conditions and who provides a written conclusion regarding the candidate's fitness relative to the required duties and work conditions. A signed and dated statement from a licensed physician that he or she has physically examined a catch monitor or catch monitor candidate. The statement must confirm that, based on that physical examination, the catch monitor or catch monitor candidate does not have any health problems or conditions that would jeopardize that individual's safety or the safety of others while deployed, or prevent the catch monitor or catch monitor candidate from performing his or her duties satisfactorily. The physician's statement must be submitted to the Catch Monitor Program office prior to certification of a catch monitor. The physical exam must have occurred during the 12 months prior to the catch monitor's or catch monitor candidate's deployment. The physician's statement expires 12 months after the physical exam occurred and a new physical exam must be performed, and accompanying statement submitted, prior to any deployment occurring after the expiration of the statement.

(B) Copies of ''certificates of insurance,'' that names the Catch Monitor Program Coordinator as the ''certificate holder,'' shall be submitted to the Catch Monitor Program Office by February 1 of each year. The certificates of insurance shall verify the following coverage provisions and state that the insurance company will notify the certificate holder if insurance coverage is changed or canceled.

(*1*) Coverage under the U.S. Longshore and Harbor Workers' Compensation Act ($1 million minimum).

(*2*) States Worker's Compensation as required.

(*3*) Commercial General Liability.

(viii) Have signed a statement indicating that they are free from conflict of interest as described under § 660.18(c).

(2) *Catch monitor conduct and behavior*. A catch monitor provider must develop and maintain a policy addressing conduct and behavior for their employees that serve as catch monitors.

(i) The policy shall address the following behavior and conduct regarding:

(A) Catch monitor use of alcohol;

(B) Catch monitor, possession, or distribution of illegal drugs; and

(C) Sexual contact with personnel off the vessels or processing facility to which the catch monitor is assigned, or with any vessel or processing plant personnel who may be substantially affected by the performance or non-performance of the catch monitor's official duties.

(ii) A catch monitor provider shall provide a copy of its conduct and behavior policy to each observer candidate and to the Catch Monitor Program by February 1 of each year.

(3) *Contract*. Provide to the candidate a copy of a written contract signed by the catch monitor and catch monitor provider that shows among other factors the following provisions for employment:

(i) Compliance with the standards of conduct, responsibilities, conflict of interest standards and drug and alcohol policy;

(ii) Willingness to complete all responsibilities of current deployment prior to performing jobs or duties which are not part of the catch monitor responsibilities.

(iii) Commitment to return all sampling or safety equipment issued for the deployment.

(4) *Catch monitors provided to a first receiver*. (i) Must have a valid catch monitor certification;

(ii) Must not have informed the catch monitor provider prior to the time of assignment that he or she is experiencing a mental illness or a physical ailment or injury developed since submission of the physician's statement, as required in paragraph (f)(1)(vii)(A) of this section that would prevent him or

her from performing his or her assigned duties; and

(iii) Must have successfully completed all Catch Monitor Program required training and briefing before assignment.

(5) *Respond to industry requests for catch monitors*. A catch monitor provider must provide a catch monitor for assignment pursuant to the terms of the contractual relationship with the first receiver to fulfill first receiver requirements for catch monitor coverage under § 660.140(i)(1). An alternate catch monitor must be supplied in each case where injury or illness prevents the catch monitor from performing his or her duties or where the catch monitor resigns prior to completion of his or her duties. If the catch monitor provider is unable to respond to an industry request for catch monitor coverage from a first receiver for whom the catch monitor provider is in a contractual relationship due to the lack of available catch monitors, the catch monitor provider must report it to NMFS at least four hours prior to the expected assignment time, unless the first receiver provides less than four hour notice to the provider, in which case the provider is to notify the Catch Monitor Program as soon as practical after the situation arises.

(6) *Ensure that catch monitors complete duties in a timely manner*. Catch monitor providers must ensure that catch monitors employed by that catch monitor provider do the following in a complete and timely manner:

(i) Submit to NMFS all data, logbooks and reports as required under the Catch Monitor Program deadlines.

(ii) Report for his or her scheduled debriefing and complete all debriefing responsibilities.

(7) *Provide catch monitor salaries and benefits*. A catch monitor provider must provide to its catch monitor employees salaries and any other benefits and personnel services in accordance with the terms of each catch monitor's contract.

(8) *Provide catch monitor assignment logistics*.

(i) A catch monitor provider must ensure each of its catch monitors under contract:

(A) Has an individually assigned mobile or cell phones, in working order, for all necessary communication. A catch monitor provider may alternatively compensate catch monitors for the use of the catch monitor's personal cell phone or pager for communications made in support of, or necessary for, the catch monitor's duties.

(B) Has Internet access for Catch Monitor Program communications and data submission;

(C) Remains available to OLE and the Catch Monitor Program until the completion of the catch monitors' debriefing.

(D) Receives all necessary transportation, including arrangements and logistics, of catch monitors to the location of assignment, to all subsequent assignments during that assignment, and to the debriefing location when an assignment ends for any reason; and

(E) Receives lodging, per diem, and any other services necessary to catch monitors assigned to first receivers, as specified in the contract between the catch monitor and catch monitor provider.

(F) While under contract with a catch monitor provider, each catch monitor shall be provided with accommodations in accordance with the contract between the catch monitor and the catch monitor provider. If the catch monitor provider is responsible for providing accommodations under the contract with the catch monitor, the accommodations must be at a licensed hotel, motel, bed and breakfast, or other accommodations that have an assigned bed for each catch monitor that no other person may be assigned to for the duration of that catch monitor's stay.

(ii) [Reserved]

(9) *Catch monitor assignment limitations and workload*.

(i) Not assign a catch monitor to the same first receiver for more than 90 calendar days in a 12-month period, unless otherwise authorized by NMFS.

(ii) Not exceed catch monitor assignment limitations and workload as outlined in § 660.140(i)(3)(ii).

(10) *Maintain communications with catch monitors*. A catch monitor provider must have an employee responsible for catch monitor activities on

call 24 hours a day to handle emergencies involving catch monitors or problems concerning catch monitor logistics, whenever catch monitors are assigned, or in transit, or awaiting first receiver reassignment.

(11) *Maintain communications with the Catch Monitor Program office.* A catch monitor provider must provide all of the following information by electronic transmission (email), fax, or other method specified by NMFS.

(i) *Catch monitor training, briefing, and debriefing registration materials.* This information must be submitted to the Catch Monitor Program at least 10 business days prior to the beginning of a scheduled catch monitor certification training or briefing session. Submissions received less than 10 business days prior to the beginning of a scheduled catch monitor certification training or briefing session will be approved by the Catch Monitor Program on a case-by-case basis.

(A) Training registration materials consist of the following:

(*1*) Date of requested training;

(*2*) A list of catch monitor candidates that includes each candidate's full name (*i.e.*, first, middle and last names), date of birth, and gender;

(*3*) A copy of each candidate's academic transcripts and resume;

(*4*) A statement signed by the candidate under penalty of perjury which discloses the candidate's criminal convictions;

(B) Briefing registration materials consist of the following:

(*1*) Date and type of requested briefing session;

(*2*) List of catch monitors to attend the briefing session, that includes each catch monitor's full name (first, middle, and last names);

(C) The Catch Monitor Program will notify the catch monitor provider which catch monitors require debriefing and the specific time period the catch monitor provider has to schedule a date, time, and location for debriefing. The catch monitor provider must contact the Catch Monitor Program within 5 business days by telephone to schedule debriefings.

(*1*) Catch monitor providers must immediately notify the Catch Monitor Program when catch monitors end their contract earlier than anticipated.

(*2*) [Reserved]

(ii) *Catch monitor provider contracts.* If requested, catch monitor providers must submit to the Catch Monitor Program a completed and unaltered copy of each type of signed and valid contract (including all attachments, appendices, addendums, and exhibits incorporated into the contract) between the catch monitor provider and those entities requiring catch monitor services under § 660.140(i)(1). Catch monitor providers must also submit to the Catch Monitor Program upon request, a completed and unaltered copy of the current or most recent signed and valid contract (including all attachments, appendices, addendums, and exhibits incorporated into the contract and any agreements or policies with regard to catch monitor compensation or salary levels) between the catch monitor provider and the particular entity identified by the Catch Monitor Program or with specific catch monitors. The copies must be submitted to the Catch Monitor Program via email, fax, or mail within 5 business days of the request. Signed and valid contracts include the contracts a catch monitor provider has with:

(A) First receivers required to have catch monitor coverage as specified at paragraph § 660.140(i)(1); and

(B) Catch monitors.

(iii) *Change in catch monitor provider management and contact information.* A catch monitor provider must submit to the Catch Monitor Program any change of management or contact information as required at § 660.18(h).

(iv) *Catch monitor status report.* Each Tuesday, catch monitor providers must provide the Catch Monitor Program with an updated list of deployments per Catch Monitor Program protocol. Deployment information includes provider name, catch monitor last name, catch monitor first name, trip start date, trip end date, status of catch monitor, vessel name and vessel identification number, date monitored offload, and first receiver assignment.

(v) *Informational materials.* Catch monitor providers must submit to NMFS, if requested, copies of any information developed and used by the

catch monitor providers and distributed to first receivers, including, but not limited to, informational pamphlets, payment notification, and description of catch monitor duties.

(vi) *Other reports*. Reports of the following must be submitted in writing to the Catch Monitor Program by the catch monitor provider via fax or email address designated by the Catch Monitor Program within 24 hours after the catch monitor provider becomes aware of the information:

(A) Any information regarding possible catch monitor harassment;

(B) Any information regarding any action prohibited under § 660.12(f);

(C) Any catch monitor illness or injury that prevents the catch monitor from completing any of his or her duties described in the catch monitor manual; and

(D) Any information, allegations or reports regarding catch monitor conflict of interest or breach of the standards of behavior described in catch monitor provider policy.

(12) *Replace lost or damaged gear*. Lost or damaged gear issued to a catch monitor by NMFS must be replaced by the catch monitor provider. All replacements must be provided to NMFS and be in accordance with requirements and procedures identified in writing by the Catch Monitor Program.

(13) *Confidentiality of information*. A catch monitor provider must ensure that all records on individual catch monitor performance received from NMFS under the routine use provision of the Privacy Act 5 U.S.C. 552a or as otherwise required by law remain confidential and are not further released to any person outside the employ of the catch monitor provider company to whom the catch monitor was contracted except with written permission of the catch monitor.

(g) Certification and decertification procedures for catch monitors.

(1) *Catch monitor certification official*. The Regional Administrator (or a designee) will designate a NMFS catch monitor certification official who will make decisions on whether to issue or deny catch monitor certification.

(2) *Agency determinations on catch monitor certifications*—(i) *Issuance of certifications*. Certification may be issued upon determination by the catch monitor certification official that the candidate has successfully met all requirements for certification as specified in § 660.17(d).

(ii) *Denial of a certification*. The catch monitor certification official will issue a written determination identifying the reasons for denial of a certification.

(3) *Limitations on conflict of interest for catch monitors*. (i) Catch monitors must not have a direct financial interest, other than the provision of observer or catch monitor services, in a North Pacific fishery managed pursuant to an FMP for the waters off the coast of Alaska, Alaska state waters, or in a Pacific Coast fishery managed by either the state or Federal Governments in waters off Washington, Oregon, or California, including but not limited to:

(A) Any ownership, mortgage holder, or other secured interest in a vessel, first receiver, shorebased or floating stationary processor facility involved in the catching, taking, harvesting or processing of fish;

(B) Any business involved with selling supplies or services to any vessel, first receiver, shorebased or floating stationary processing facility; or

(C) Any business involved with purchasing raw or processed products from any vessel, first receiver, shorebased or floating stationary processing facilities.

(ii) Must not solicit or accept, directly or indirectly, any gratuity, gift, favor, entertainment, loan, or anything of monetary value from any person who either conducts activities that are regulated by NMFS or has interests that may be substantially affected by the performance or nonperformance of the catch monitor's official duties.

(iii) May not serve as a catch monitor at any shoreside or floating stationary processing facility owned or operated where a person was previously employed in the last two years.

(iv) May not solicit or accept employment as a crew member or an employee of a vessel, or shoreside processor while employed by a catch monitor provider.

(v) Provisions for remuneration of catch monitors under this section do not constitute a conflict of interest.

(4) *Catch monitor decertification*—(i) *Catch monitor decertification review official.* The Regional Administrator (or a designee) will designate a catch monitor decertification review official(s), who will have the authority to review certifications and issue IADs of decertification.

(ii) *Causes for decertification.* The catch monitor decertification official may initiate decertification proceedings when it is alleged that any of the following acts or omissions have been committed:

(A) Failed to satisfactorily perform the specified duties and responsibilities;

(B) Failed to abide by the specified standards of conduct;

(C) Upon conviction of a crime or upon entry of a civil judgment for:

(*1*) Commission of fraud or other violation in connection with obtaining or attempting to obtain certification, or in performing the duties and responsibilities specified in this section;

(*2*) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(*3*) Commission of any other offense indicating a lack of integrity or honesty that seriously and directly affects the fitness of catch monitors.

(iii) *Issuance of IAD.* Upon determination that decertification is warranted, the catch monitor decertification official will issue a written IAD. The IAD will identify the specific reasons for the action taken. Decertification is effective 30 calendar days after the date on the IAD, unless there is an appeal.

(iv) *Appeals.* A certified catch monitor who receives an IAD that suspends or revokes his or her catch monitor certification may appeal the determination within 30 calendar days after the date on the IAD to the Office of Administrative Appeals pursuant to § 660.19.

[75 FR 78377, Dec. 15, 2010, as amended at 76 FR 53835, Aug. 30, 2011; 76 FR 74734, Dec. 1, 2011; 80 FR 22280, Apr. 21, 2015]

## § 660.18 Observer and catch monitor provider permits and endorsements.

(a) *Provider permits.* Persons seeking to provide observer or catch monitor services must obtain a provider permit from NMFS before providing certified catch monitors or certified observers for the Shorebased IFQ Program, the MS Coop Program, the C/P Coop Program, or for processing vessels in the fixed gear or open access fisheries. There are two types of endorsements for provider permits, an observer endorsement and a catch monitor endorsement. Provider permits must have at least one endorsement and it must be appropriate for the services being provided. Provider permits are obtained through an application process and must be renewed annually to remain valid in the following year. A provider permit and associated endorsements expire if not renewed or if services have not been provided for 12 consecutive months.

(b) *Application process to become an observer or catch monitor provider*—(1) *New provider applications.* An applicant seeking a provider permit may submit an application at any time during the calendar year. Any provider permit issued during a given year will expire on December 31. Application forms must be submitted by mail to the West Coast Region Fisheries Permits Office, 7600 Sand Point Way NE., Bldg 1, Seattle, WA 98115. Only complete applications will be considered for approval by the review board.

(2) *Contents of provider application.* A complete application for a provider permit shall contain the following:

(i) An indication of which endorsement the applicant is seeking: observer provider, catch monitor provider, or both endorsements. A single application may be used to apply for both endorsements.

(ii) Applicant contact information.

(A) Legal name of applicant organization. If the applicant organization is United States business entity, include the state registration number.

(B) The primary business mailing address, phone and fax numbers where the owner(s) can be contacted for official correspondence.

(iii) Description of the management, organizational structure, and ownership structure of the applicant's business, including identification by name and general function of all controlling management interests in the company, including but not limited to owners, board members, officers, authorized agents, and employees. List all office locations and their business mailing address, business phone, fax number, and email addresses. If the applicant is a corporation, the articles of incorporation must be provided. If the applicant is a partnership, the partnership agreement must be provided.

(iv) A narrative statement describing relevant direct or indirect prior experience or qualifications the applicant may have that would enable them to be a successful provider.

(A) For applicants seeking an observer provider endorsement, the applicant should describe experience in placing individuals in remote field and/or marine work environments. This includes, but is not limited to, recruiting, hiring, deployment, and personnel administration.

(B) For applicants seeking a catch monitor provider endorsement, a narrative statement should identify prior relevant experience in recruiting, hiring, deploying, and providing support for individuals in marine work environments in the groundfish fishery or other fisheries of similar scale.

(v) A narrative description of the applicant's ability to carry out the required responsibilities and duties as described at §§660.140(h), 660.150(j), and 660.160(g) for observer providers and/or §660.17(f) for catch monitor providers.

(vi) A statement signed under penalty of perjury by an authorized agent of the applicant about each owner, or owners, board members, and officers if a corporation, authorized agents, and employees, regarding:

(A) Conflict of interest as described in §660.18 (c)(3),

(B) Criminal convictions,

(C) Federal contracts they have had and the performance rating they received on the contract, and

(D) Previous decertification action while working as an observer, catch monitor, observer provider, or catch monitor provider.

(vii) NMFS may request additional information or clarification from the applicants.

(c) *Application evaluation.* Complete applications will be forwarded to Observer Program and/or the Catch Monitor Program for review and evaluation.

(1) A provider permit application review board will be established and be comprised of at least three members. The review board will evaluate applications submitted under paragraph (a) of this section. If the applicant is an entity, the review board also will evaluate the application criteria for each owner, board member, officer, authorized agent, and employee.

(2) The provider permit application will, at a minimum, be evaluated on the following criteria:

(i) The applicant's ability to carry out the responsibilities and relevant experience and qualifications.

(ii) Review of any conflict of interest as described in §660.18(c)(3).

(iii) Review of any criminal convictions.

(iv) Satisfactory performance ratings on any Federal contracts held by the applicant.

(v) Review of any history of decertification as an observer, catch monitor, observer provider, or catch monitor provider.

(3) *Limitations on conflict of interest for providers.* (i) Providers must not have a direct financial interest, other than the provision of observer, catch monitor or other biological sampling services, in any federal or state managed fisheries, including but not limited to:

(A) Any ownership, mortgage holder, or other secured interest in a vessel, first receiver, shorebased or floating stationary processor facility involved in the catching, taking, harvesting or processing of fish;

(B) Any business involved with selling supplies or services to any vessel, first receiver, shorebased or floating stationary processing facility; or

(C) Any business involved with purchasing raw or processed products from any vessel, first receiver, shorebased or floating stationary processing facilities.

(ii) Providers must not solicit or accept, directly or indirectly, any gratuity, gift, favor, entertainment, loan, or anything of monetary value from any person who conducts fishing or fish processing activities that are regulated by NMFS, or who has interests that may be substantially affected by the performance or nonperformance of the official duties of the provider.

(4) *Existing providers.* Businesses that provided observers and/or catch monitors in the 12 months prior to May 21, 2015 will be issued a provider permit without submission of an application. This permit will be effective through December 31, 2015.

(i) Providers who deployed catch monitors in the Shorebased IFQ Program in the 12 months prior to May 21, 2015 will be issued a provider permit with a catch monitor provider endorsement effective through December 31, 2015, except that a change in ownership of an existing catch monitor provider after January 1, 2015, requires a new permit application under this section.

(ii) Providers who deployed certified observers in the Pacific Coast groundfish fishery in the 12 months prior to May 21, 2015 will be issued a provider permit with an observer provider endorsement effective through December 31, 2015, except that a change in ownership of an existing observer provider after January 1, 2015, requires a new permit application under this section.

(iii) To receive a provider permit for 2016 and beyond, the existing providers must follow the provider permit renewal process set forth in this section.

(d) *Agency determination on an application.*

(1) *Initial administrative determination.* For all complete applications, NMFS will issue an IAD that either approves or disapproves the application. If approved, the IAD will be the provider permit and any associated endorsements. If disapproved, the IAD will provide the reasons for this determination. If the applicant does not appeal the IAD within 30 calendar days, the IAD becomes the final decision of the Regional Administrator acting on behalf of the Secretary of Commerce.

(2) *Appeal.* The applicant may appeal the IAD consistent with the observer, catch monitor, and provider appeals process defined at § 660.19.

(e) *Effective dates.* The provider permit will be valid from the effective date identified on the permit until the permit expiration date of December 31. Provider permit holders must reapply annually by following the application process specified in paragraph (b) of this section.

(f) *Expiration of the provider permit*—(1) *Expiration due to inactivity.* After a period of 12 continuous months during which no observers or catch monitors are deployed by the provider in the Pacific coast groundfish fishery, NMFS will issue an IAD describing the intent to expire the provider permit or to remove the appropriate endorsement(s) and the timeline to do so. A provider that receives an IAD may appeal under § 660.19. The provider permit and endorsements will remain valid until a final agency decision is made or until December 31, whichever is earlier.

(2) *Expiration due to failure to renew.* Failure to renew annually will result in expiration of the provider permit and endorsements on December 31.

(3) *Obtaining a new permit or endorsement following an expiration or voided permit.* A person holding an expired or void permit or endorsement may reapply for a new provider permit or endorsement at any time consistent with § 660.18(b).

(g) *Provider permit renewal process.* To maintain a valid provider permit, provider permit holders must reapply annually prior to the permit expiration date.

(1) NMFS will mail a provider permit application form to existing permit holders on or about September 15 each year.

(2) Providers who want to have their permits effective for January 1 of the following calendar year must submit their complete application form to NMFS by October 31. If a provider fails to renew the provider permit, the provider permit and endorsements will expire on December 31.

(h) *Change of provider permit ownership and transfer restrictions.* Neither a provider permit nor the endorsements are transferable. Ownership of a provider permit cannot be registered to

another individual or entity. The provider permit owner cannot change, substitute, or add individuals or entities as owners of the permit (*i.e.*, cannot change the legal name of the permit owner(s) as given on the permit). Any change in ownership of the provider permit requires the new owner(s) to apply for a provider permit, and is subject to approval by NMFS.

(i) *Provider permit sanctions*. Procedures governing sanctions of permits are found at subpart D of 15 CFR part 904.

(j) *Permit fees*. The Regional Administrator may charge fees to cover administrative expenses related to issuance of permits including initial issuance, renewal replacement, and appeals.

[80 FR 22283, Apr. 21, 2015]

### § 660.19 Appeals process for catch monitors, observers, and provider permits.

(a) *Allowed appeals*. This section describes the procedure for appealing IADs described at §§ 660.17(g), 660.18(d) and (f), 660.140(h), 660.150(j), 660.160(g), 660.603(b)(3) for catch monitor decertification, observer decertification, provider permit expirations due to inactivity, and EM service provider permit denials. Any person whose interest is directly and adversely affected by an IAD may file a written appeal. For purposes of this section, such person will be referred to as the ''applicant.''

(b) *Appeals process*. In cases where the applicant disagrees with the IAD, the applicant may appeal that decision. Final decisions on appeals of IADs will be made in writing by the Regional Administrator or designee acting on behalf of the Secretary of Commerce and will state the reasons therefore.

(1) *Submission of appeals*. (i) The appeal must be in writing and comply with this paragraph.

(ii) Appeals must be mailed or faxed to: National Marine Fisheries Service, West Coast Region, Sustainable Fisheries Division, ATTN: Appeals, 7600 Sand Point Way NE., Seattle, WA 98115; Fax: 206–526–6426; or delivered to National Marine Fisheries Service at the same address.

(2) *Timing of appeals*. The appeal must be filed within 30 calendar days after the IAD is issued. The IAD becomes the final decision of the Regional Administrator or designee acting on behalf of the Secretary of Commerce if no appeal is filed within 30 calendar days. The time period to submit an appeal begins with the date on the IAD. If the last day of the time period is a Saturday, Sunday, or Federal holiday, the time period will extend to the close of business on the next business day.

(3) *Address of record*. The address used by the applicant in initial correspondence to NMFS concerning the application will be the address used by NMFS for the appeal. Notifications and correspondence associated with all actions affecting the applicant will be mailed to the address of record unless the applicant provides NMFS, in writing, an address change. NMFS bears no responsibility if NMFS sends a notification or correspondence to the address of record and it is not received because the applicant's actual address has changed without notification to NMFS.

(4) *Statement of reasons for appeals*. Applicants must submit a full written statement in support of the appeal, including a concise statement of the reasons the IAD determination has a direct and adverse effect on the applicant and should be reversed or modified. The appellate officer will limit his/her review to the issues stated in the appeal; all issues not set out in the appeal will be waived.

(5) *Decisions on appeals*. The Regional Administrator or designee will issue a final written decision on the appeal which is the final decision of the Secretary of Commerce.

[80 FR 22285, Apr. 21, 2015, as amended at 84 FR 31159, June 28, 2019]

### § 660.20 Vessel and gear identification.

(a) *Vessel identification*—(1) *Display*. The operator of a vessel that is over 25 ft (7.6 m) in length and is engaged in commercial fishing for groundfish must display the vessel's official number on the port and starboard sides of the deckhouse or hull, and on a weather deck so as to be visible from above. The number must contrast with the background and be in block Arabic numerals at least 18 inches (45.7 cm) high for vessels over 65 ft (19.8 m) long and at least 10 inches (25.4 cm) high for vessels between 25 and 65 ft (7.6 and 19.8 m)

in length. The length of a vessel for purposes of this section is the length set forth in USCG records or in state records, if no USCG record exists.

(2) *Maintenance of numbers.* The operator of a vessel engaged in commercial fishing for groundfish must keep the identifying markings required by paragraph (a)(1) of this section clearly legible and in good repair, and must ensure that no part of the vessel, its rigging, or its fishing gear obstructs the view of the official number from an enforcement vessel or aircraft.

(3) *Commercial passenger vessels.* This section does not apply to vessels carrying fishing parties on a per-capita basis or by charter.

(b) *Gear identification.* Gear identification requirements specific to fisheries using fixed gear (limited entry and open access) are described at § 660.219, subpart E and § 660.319, subpart F.

### § 660.21 Seabird Avoidance Program.

This section contains the requirements of the Seabird Avoidance Program.

(a) *Purpose.* The purpose of the Seabird Avoidance Program is to minimize interactions between fishing gear and seabird species, including short-tailed albatross (*Phoebastria albatrus*).

(b) *Applicability.* The requirements specified in paragraph (c) of this section apply to the following fishing vessels when operating within the EEZ north of 36° N latitude:

(1) Vessels greater than or equal to 26 ft (7.9 m) LOA engaged in commercial fishing for groundfish with bottom longline gear, including snap gear, as defined under ''Fishing gear'' in § 660.11, including those operating under the gear switching provisions of the Limited Entry Trawl Fishery, Shorebased IFQ Program as specified in § 660.140(k), or those operating under the limited entry fixed gear fishery in subpart E or under the open access fishery in subpart F of this part, except as provided in paragraphs (b)(2) of this section.

(2) *Exemptions.* The requirements specified in paragraph (c) of this section do not apply to Pacific Coast treaty Indian fisheries, as described at § 660.50, or to anglers engaged in recreational fishing for groundfish, as described in Subpart G of this Part.

(c) *Seabird Avoidance Requirements*—(1) *General requirements.* The operator of a vessel described in paragraph (b)(1) of this section must comply with the following requirements, unless operating under the provisions of paragraph (c)(3) of this section:

(i) *Gear onboard.* Have onboard the vessel seabird avoidance gear meeting the material standards specified in paragraph (c)(1)(iv) of this section and in accordance to the vessel size and gear type specific requirements as specified in paragraph (c)(2) of this section.

(ii) *Gear inspection.* Upon request by an authorized officer or observer, make the seabird avoidance gear available for inspection.

(iii) *Gear use.* Use seabird avoidance gear as specified in paragraph (c)(2) of this section that meets the material standards specified in paragraph (c)(1)(iv) of this section while bottom longline and snap gears are being deployed.

(iv) *Material standards for all streamer lines.* All streamer lines must:

(A) Have streamers spaced every 16.4 ft (5 m).

(B) Have individual streamers that hang attached to the mainline to 9.8 in (0.25 m) above the waterline in the absence of wind.

(C) Have streamers constructed of material that is brightly colored, UV-protected plastic tubing or ⅜ inch (9.5 mm) polyester line or material of an equivalent density.

(v) *Handling of hooked short-tailed albatross.* If a short-tailed albatross is hooked or entangled by a vessel, owners and operators must ensure that the following actions are taken:

(A) Stop the vessel to reduce the tension on the line and bring the bird on board the vessel using a dip net;

(B) Determine if the bird is alive or dead.

(C) If alive, follow these instructions:

(*1*) Cover the bird with a towel to protect its feathers from oils or damage while being handled;

(*2*) Remove any entangled lines or hooks from the bird without further injuring the bird;

(*3*) Place the bird in a safe enclosed place;

(*4*) If the hook has been ingested or is inaccessible, keep the bird in a safe, enclosed place and submit it to NMFS or the U.S. Fish and Wildlife Service immediately upon the vessel's return to port. Do not give the bird food or water.

(*5*) Assess whether the bird meets the following criteria for release:

(*i*) Able to hold its head erect and respond to noise and motion stimuli;

(*ii*) Able to breathe without noise;

(*iii*) Capable of flapping and retracting both wings to normal folded position on its back;

(*iv*) Able to stand on both feet with toes pointed forward; and

(*v*) Feathers are dry.

(*6*) If bird does not meet criteria for release:

(*i*) Immediately contact NMFS or the U.S. Fish and Wildlife Service at the numbers listed on the West Coast Seabird Avoidance Measures flyer and request veterinary guidance;

(*ii*) Follow the veterinary guidance regarding the handling and release of the bird.

(D) If dead, freeze the bird immediately with an identification tag attached directly to the specimen listing the species, location and date of mortality, and band number if the bird has a leg band. Attach a duplicate identification tag to the bag or container holding the bird. Any leg bands present must remain on the bird. Contact NMFS or the U.S. Fish and Wildlife Service at the numbers listed on the West Coast Seabird Avoidance Measures flyer, inform them that you have a dead short-tailed albatross on board, and submit the bird to NMFS or the U.S. Fish and Wildlife Service within 72 hours following completion of the fishing trip.

(E) All incidents involving the hooking of short-tailed albatross must be reported to U.S. Fish and Wildlife Service Law Enforcement by the vessel operator within 72 hours of taking an albatross by phoning 360–753–7764 (WA); 503–682–6131 (OR); or 916–414–6660 (CA).

(F) If a NMFS observer is on board at the time of a hooking event, the observer shall be responsible for the disposition of any captured short-tailed albatross and for reporting to U.S. Fish and Wildlife Service Law Enforcement. Otherwise, the vessel operator shall be responsible.

(2) *Gear requirements and performance standards*. The operator of a vessel identified in paragraph (b)(1) of this section must comply with the following gear requirements:

(i) For vessels with masts, poles, or rigging using snap gear as defined at § 660.11, the following requirements apply:

(A) Vessels must deploy a minimum of a single streamer line in accordance with the requirements of paragraphs (c)(1)(iv) of this section, except as provided in paragraph (c)(2)(iv) of this section.

(B) Streamer lines must be a minimum length of 147.6 ft (45 m).

(C) Streamer lines must be deployed so that streamers are in the air a minimum of 65.6 ft (20 m) aft of the stern and within 6 ft 7 in (2 m) horizontally of the point where the main groundline enters the water before the first hook is set. A minimum of 4 streamers must be out of the water aft of the stern.

(ii) For vessels with masts, poles, or rigging using bottom longline other than snap gear, as defined in paragraph (6)(i) of the definition of fishing gear in § 660.11, the following requirements apply:

(A) Streamer lines must be a minimum length of 300 feet (91.4 m).

(B) The number of streamer lines required and the streamer line deployment requirements vary by vessel length as follows:

(*1*) Vessels greater than or equal to 26 feet (7.9 m) and less than 55 feet (16.8 m) LOA must use a minimum of one streamer line. Streamer line must be deployed before the first hook is set in such a way that streamers are in the air for a minimum of 131.2 ft (40 m) aft of the stern and within 6.6 ft (2 m) horizontally of the point where the main groundline enters the water. A minimum of 8 streamers must be out of the water aft of the stern.

(*2*) Vessels greater than or equal to 55 feet (16.8 m) LOA must use paired streamer lines. At least one streamer line must be deployed before the first hook is set in such a way that streamers are in the air for a minimum of

131.2 ft (40 m) aft of the stern and within 6.6 ft (2 m) horizontally of the point where the main groundline enters the water. A minimum of 8 streamers must be out of the water aft of the stern. The second streamer line must be deployed within 90 seconds thereafter.

(*i*) For vessels deploying gear from the stern, the streamer lines must be deployed from the stern, one on each side of the main groundline.

(*ii*) For vessels deploying gear from the side, the streamer lines must be deployed from the stern, one over the main groundline and the other on one side of the main groundline.

(iii) Vessels without masts, poles, or rigging. A minimum of 1 buoy bag line must be used by vessels without superstructure, including masts, poles, or rigging. The buoy bag line must hang over the area where baited hooks may be accessible to seabirds, which is generally within 6.5 feet (2 m) of the sea surface.

(iv) The following weather safety exemptions apply, based on vessel length:

(A) Vessels greater than or equal to 26 feet (7.9 m) and less than 55 feet (16.8 m) LOA are exempted from the requirements of paragraph (c)(1)(iii) of this section when a National Weather Service Small Craft Advisory for Winds is in effect, or other National Weather Service Advisory for wind speeds exceeding those that trigger a Small Craft Advisory for Winds. This exemption applies only during the time and within the area indicated in the National Weather Service Weather Advisory or in an area seaward of such an area.

(B) Vessels 55 feet and longer (16.8 m) LOA are exempted from the requirements of paragraph (c)(1)(iii) of this section when a National Weather Service Gale Warning is in effect. This exemption applies only during the time and within the area indicated in the National Weather Service Gale Warning.

(3) *Night setting*. The operator of a vessel described in paragraph (b)(1) of this section, that begins and completes deployment of gear between one hour after local sunset and one hour before local sunrise is exempt from the provisions of paragraphs (c)(1) and (2) of this section.

[80 FR 71980, Nov. 18, 2015, as amended at 84 FR 67678, Dec. 11, 2019]

### § 660.24 Limited entry and open access fisheries.

(a) *General*. All commercial fishing for groundfish must be conducted in accordance with the regulations governing limited entry and open access fisheries, except such fishing by treaty Indian tribes as may be separately provided for.

(b) [Reserved]

### § 660.25 Permits.

(a) *General*. Each of the permits or licenses in this section has different conditions or privileges as part of the permit or license. The permits or licenses in this section confer a conditional privilege of participating in the Pacific coast groundfish fishery, in accordance with Federal regulations in 50 CFR part 660, subparts C through G.

(b) *Limited entry permit*—(1) *Eligibility and registration*—(i) *General*. In order for a vessel to be used to fish in the limited entry fishery, the vessel owner must hold a limited entry permit and, through SFD, must register that vessel for use with a limited entry permit. When participating in the limited entry fishery, a vessel is authorized to fish with the gear type endorsed on the limited entry permit registered for use with that vessel, except that the MS permit does not have a gear endorsement. There are three types of gear endorsements: Trawl, longline, and pot (or trap). All limited entry permits, except the MS permit, have size endorsements; a vessel registered for use with a limited entry permit must comply with the vessel size requirements of this subpart. A sablefish endorsement is also required for a vessel to be used to fish in the primary season for the limited entry fixed gear sablefish fishery, north of 36° N. lat. Certain limited entry permits will also have endorsements required for participation in a specific fishery, such as the MS/CV endorsement and the C/P endorsement.

(ii) *Eligibility*. Only a person eligible to own a documented vessel under the terms of 46 U.S.C. 12113 (a) may be

issued or may hold a limited entry permit.

(iii) *Registration*. Limited entry permits will normally be registered for use with a particular vessel at the time the permit is issued, renewed, or replaced. If the permit will be used with a vessel other than the one registered on the permit, the permit owner must register that permit for use with the new vessel through the SFD. The reissued permit must be placed on board the new vessel in order for the vessel to be used to fish in the limited entry fishery.

(A) For all limited entry permits, including MS permits, MS/CV-endorsed permits, and C/P-endorsed permits when they are not fishing in the at-sea whiting fisheries, registration of a limited entry permit to be used with a new vessel will take effect no earlier than the first day of the next major limited entry cumulative limit period following the date SFD receives the change in vessel registration form and the original permit.

(B) For MS permits, MS/CV-endorsed permits, and C/P-endorsed permits when they are fishing in the at-sea whiting fisheries, registration of a limited entry permit to be used with a new vessel will take effect on the date NMFS approves and issues the permit.

(iv) *Limited entry permits indivisible*. Limited entry permits may not be divided for use by more than one vessel.

(v) *Initial administrative determination (IAD)*. SFD will make a determination regarding permit endorsements, renewal, replacement, change in permit ownership and change in vessel registration. SFD will notify the permit owner in writing with an explanation of any determination to deny a permit endorsement, renewal, replacement, change in permit ownership or change in vessel registration. The SFD will decline to act on an application for permit endorsement, renewal, replacement, or change in registration of a limited entry permit if the permit is subject to sanction provisions of the Magnuson-Stevens Act at 16 U.S.C. 1858(a) and implementing regulations at 15 CFR part 904, subpart D, apply.

(2) *Mothership (MS) permit*. The MS permit conveys a conditional privilege for the vessel registered to it, to participate in the MS fishery by receiving and processing deliveries of groundfish in the Pacific whiting mothership sector. An MS permit is a type of limited entry permit. An MS permit does not have any endorsements affixed to the permit. The provisions for the MS permit, including eligibility, renewal, change of permit ownership, vessel registration, fees, and appeals are described at § 660.150 (f).

(3) *Endorsements*—(i) *''A'' endorsement*. A limited entry permit with an ''A'' endorsement entitles the vessel registered to the permit to fish in the limited entry fishery for all groundfish species with the type(s) of limited entry gear specified in the endorsement, except for sablefish harvested north of 36° N. lat. during times and with gears for which a sablefish endorsement is required. See paragraph (b)(3)(iv) of this section for provisions on sablefish endorsement requirements. An ''A'' endorsement is affixed to the limited entry permit. The limited entry permit with an ''A'' endorsement may be registered to another person (*i.e.*, change in permit ownership), or to a different vessel (*i.e.*, change in vessel registration) under paragraph (b)(4) of this section. An ''A'' endorsement expires on failure to renew the limited entry permit to which it is affixed. An MS permit is not considered a limited entry ''A''-endorsed permit.

(ii) *Gear endorsement*. There are three types of gear endorsements: Trawl, longline, and pot (trap). When limited entry ''A''-endorsed permits were first issued, some vessel owners qualified for more than one type of gear endorsement based on the landings history of their vessels. Each limited entry ''A''-endorsed permit has one or more gear endorsement(s). Gear endorsement(s) assigned to the permit at the time of issuance will be permanent and shall not be modified. While participating in the limited entry fishery, the vessel registered to the limited entry ''A''-endorsed permit is authorized to fish the gear(s) endorsed on the permit. While participating in the limited entry, fixed gear primary fishery for sablefish described at § 660.231, a vessel registered to more than one limited entry permit is authorized to fish with any gear, except trawl gear, endorsed on at

least one of the permits registered for use with that vessel. Vessels registered to limited entry permits may be used to fish with open access gear, subject to the crossover provisions at § 660.60(h)(7)(ii), except that vessels registered to sablefish-endorsed permits fishing in the sablefish primary season described at § 660.231, may not fish with open access gear against those limits. An MS permit does not have a gear endorsement.

(iii) *Vessel size endorsements*—(A) *General.* Each limited entry ''A''-endorsed permit will be endorsed with the LOA for the size of the vessel that initially qualified for the permit, except when permits are combined into one permit to be registered for use with a vessel requiring a larger size endorsement, the new permit will be endorsed for the size that results from the combination of the permits.

(B) *Limitations of size endorsements.* (*1*) A limited entry permit may be registered for use with a vessel up to 5 ft (1.52 m) longer than, the same length as, or any length shorter than, the size endorsed on the existing permit without requiring a combination of permits or a change in the size endorsement.

(*2*) The vessel harvest capacity rating for each of the permits being combined is that indicated in Table 3 of subpart C for the LOA (in feet) endorsed on the respective limited entry permit. Harvest capacity ratings for fractions of a foot in vessel length will be determined by multiplying the fraction of a foot in vessel length by the difference in the two ratings assigned to the nearest integers of vessel length. The length rating for the combined permit is that indicated for the sum of the vessel harvest capacity ratings for each permit being combined. If that sum falls between the sums for two adjacent lengths on Table 3 of subpart C, the length rating shall be the higher length.

(C) *Size endorsement requirements for sablefish-endorsed permits.* Notwithstanding paragraphs (b)(3)(iii)(A) and (B) of this section, when multiple permits are ''stacked'' on a vessel, as described in paragraph (b)(4)(iii), at least one of the permits must meet the size requirements of those sections. The permit that meets the size requirements of those sections is considered the vessel's ''base'' permit, as defined in § 660.11, subpart C. If more than one permit registered for use with the vessel has an appropriate length endorsement for that vessel, NMFS SFD will designate a base permit by selecting the permit that has been registered to the vessel for the longest time. If the permit owner objects to NMFS' selection of the base permit, the permit owner may send a letter to NMFS SFD requesting the change and the reasons for the request. If the permit requested to be changed to the base permit is appropriate for the length of the vessel, NMFS SFD will reissue the permit with the new base permit. Any additional permits that are stacked for use with a vessel participating in the limited entry fixed gear primary sablefish fishery may be registered for use with a vessel even if the vessel is more than 5 ft (1.5 m) longer or shorter than the size endorsed on the permit.

(iv) *Sablefish endorsement and tier assignment*—(A) *General.* Participation in the limited entry fixed gear sablefish fishery during the primary season north of 36° N. lat., described in § 660.231, Subpart E, requires that an owner of a vessel hold (by ownership or lease) a limited entry permit, registered for use with that vessel, with a longline or trap (or pot) endorsement and a sablefish endorsement. Up to three permits with sablefish endorsements may be registered for use with a single vessel. Limited entry permits with sablefish endorsements are assigned to one of three different cumulative trip limit tiers, based on the qualifying catch history of the permit.

(*1*) A sablefish endorsement with a tier assignment will be affixed to the permit and will remain valid when the permit is registered to another permit owner (*i.e.*, change in permit ownership) or to another vessel (*i.e.*, change in vessel registration).

(*2*) A sablefish endorsement and its associated tier assignment are not separable from the limited entry permit, and therefore, may not be registered to another permit owner (*i.e.*, change in permit ownership) or to another vessel (*i.e.*, change in vessel registration) separately from the limited entry permit.

(B) *Ownership requirements and limitations.* (*1*) No partnership or corporation may own a limited entry permit with a sablefish endorsement unless that partnership or corporation owned a limited entry permit with a sablefish endorsement on November 1, 2000. Otherwise, only individual human persons may own limited entry permits with sablefish endorsements.

(*2*) No individual person, partnership, or corporation in combination may have ownership interest in or hold more than 3 permits with sablefish endorsements either simultaneously or cumulatively over the primary season, except for an individual person, or partnerships or corporations that had ownership interest in more than 3 permits with sablefish endorsements as of November 1, 2000. The exemption from the maximum ownership level of 3 permits only applies to ownership of the particular permits that were owned on November 1, 2000. An individual person, or partnerships or corporations that had ownership interest in 3 or more permits with sablefish endorsements as of November 1, 2000, may not acquire additional permits beyond those particular permits owned on November 1, 2000. If, at some future time, an individual person, partnership, or corporation that owned more than 3 permits as of November 1, 2000, sells or otherwise permanently transfers (not holding through a lease arrangement) some of its originally owned permits, such that they then own fewer than 3 permits, they may then acquire additional permits, but may not have ownership interest in or hold more than 3 permits.

(*3*) A partnership or corporation will lose the exemptions provided in paragraphs (b)(3)(iv)(B)(*1*) and (*2*) of this section on the effective date of any change in the corporation or partnership from that which existed on November 1, 2000. A ''change'' in the partnership or corporation is defined at § 660.11. A change in the partnership or corporation must be reported to SFD within 15 calendar days of the addition of a new shareholder or partner.

(*4*) Any partnership or corporation with any ownership interest in a limited entry permit with a sablefish endorsement or in the vessel registered to the permit shall document the extent of that ownership interest with NMFS via the Identification of Ownership Interest Form sent to the permit owner through the annual permit renewal process and whenever a change in permit owner, vessel owner, and/or vessel registration occurs as described at paragraph (b)(4)(v) and (vi) of this section. NMFS will not renew a sablefish-endorsed limited entry permit through the annual renewal process described at paragraph (b)(4)(i) of this section, or approve a change in permit owner, vessel owner, and/or vessel registration unless the Identification of Ownership Interest Form has been completed. Further, if NMFS discovers through review of the Identification of Ownership Interest Form that an individual person, partnership, or corporation owns or holds more than 3 permits and is not authorized to do so under paragraph (b)(3)(iv)(B)(*2*) of this section, the individual person, partnership or corporation will be notified and the permits owned or held by that individual person, partnership, or corporation will be void and reissued with the vessel status as ''unidentified'' until the permit owner owns and/or holds a quantity of permits appropriate to the restrictions and requirements described in paragraph (b)(3)(iv)(B)(*2*) of this section. If NMFS discovers through review of the Identification of Ownership Interest Form that a partnership or corporation has had a change in membership since November 1, 2000, as described in paragraph (b)(3)(iv)(B)(*3*) of this section, the partnership or corporation will be notified, NMFS will void any existing permits, and reissue any permits owned and/or held by that partnership or corporation in ''unidentified'' status with respect to vessel registration until the partnership or corporation is able to register ownership of those permits to persons authorized under this section to own sablefish-endorsed limited entry permits.

(*5*) A person, partnership, or corporation that is exempt from the owner-on-board requirement may sell all of their permits, buy another sablefish-endorsed permit within one year of the date of approval of the last change in

permit ownership, and retain their exemption from the owner-on-board requirements. An individual person, partnership or corporation could only obtain a permit if it has not added or changed individuals since November 1, 2000, excluding individuals that have left the partnership or corporation or that have died.

(C) *Ownership limitation exemption*. As described in (b)(3)(iv)(B) of this section, no individual person, partnership, or corporation in combination may own and/or hold more than three sablefish-endorsed permits. A vessel owner that meets the qualifying criteria described in paragraph (b)(3)(iv)(C)(*1*) of this section may request an exemption from the ownership limitation.

(*1*) *Qualifying criteria*. The three qualifying criteria for an ownership limitation exemption are: The vessel owner currently has no more than 20 percent ownership interest in a vessel registered to the sablefish endorsed permit, the vessel owner currently has ownership interest in Alaska sablefish individual fishing quota, and the vessel has fished in the past 12-month period in both the West Coast groundfish limited entry fixed gear fishery and the Sablefish IFQ Program in Alaska. The best evidence of a vessel owner having met these qualifying criteria will be state fish tickets or landing receipts from the West Coast states and Alaska. The qualifying vessel owner may seek an ownership limitation exemption for sablefish endorsed permits registered to no more than two vessels.

(*2*) *Application and issuance process for an ownership limitation exemption*. The SFD will make the qualifying criteria and application instructions available online at *www.westcoast.fisheries.noaa.gov/ fisheries/groundfish/index.html*. A vessel owner who believes that they may qualify for the ownership limitation exemption must submit evidence with their application showing how their vessel has met the qualifying criteria described at paragraph (b)(3)(iv)(C)(*1*) of this section. The vessel owner must also submit a Sablefish Permit Ownership Limitation Exemption Identification of Ownership Interest form that includes disclosure of percentage of ownership in the vessel and disclosure of individual shareholders in any entity. Paragraph (i) of this section sets out the relevant evidentiary standards and burden of proof. Applications may be submitted at any time to NMFS at: NMFS West Coast Region, Sustainable Fisheries Division, ATTN: Fisheries Permit Office—Sablefish Ownership Limitation Exemption, 7600 Sand Point Way NE., Seattle, WA 98115. After receipt of a complete application, the SFD will issue an IAD in writing to the applicant determining whether the applicant qualifies for the exemption. If an applicant chooses to file an appeal of the IAD, the applicant must follow the appeals process outlined at paragraph (g) of this section and, for the timing of the appeals, at paragraph (g)(4)(ii) of this section.

(*3*) *Exemption status*. If at any time a change occurs relative to the qualifying criteria described at paragraph (b)(3)(iv)(C)(*1*), the vessel owner to whom the ownership limitation exemption applies must notify NMFS within 30 calendar days. If such changes mean the vessel owner no longer meets the qualifying criteria, the ownership limitation exemption becomes automatically null and void 30 calendar days after the date the vessel owner no longer meets the qualifying criteria. At any time, NMFS may request that the vessel owner submit a new exemption application. If NMFS at any time finds the vessel owner no longer meets the qualifying criteria described at paragraph (b)(3)(iv)(C)(*1*) of this section NMFS will issue an IAD, which may be appealed, as described at paragraph (g) of this section.

(v) *MS/CV endorsement*. An MS/CV endorsement on a trawl limited entry permit conveys a conditional privilege that allows a vessel registered to it to fish in either the coop or non-coop fishery in the MS Coop Program described at § 660.150, subpart D. The provisions for the MS/CV-endorsed limited entry permit, including eligibility, renewal, change of permit ownership, vessel registration, combinations, accumulation limits, fees, and appeals are described at § 660.150. Each MS/CV endorsement has an associated catch history assignment (CHA) that is permanently linked as originally issued by NMFS and which cannot be divided or registered

separately to another limited entry trawl permit. Regulations detailing this process and MS/CV-endorsed permit combinations are outlined in § 660.150(g)(2), subpart D.

(vi) *C/P endorsement*. A C/P endorsement on a trawl limited entry permit conveys a conditional privilege that allows a vessel registered to it to fish in the C/P Coop Program described at § 660.160. The provisions for the C/P-endorsed limited entry permit, including eligibility, renewal, change of permit ownership, vessel registration, combinations, fees, and appeals are described at § 660.160(e).

(vii) *Endorsement and exemption restrictions*. ''A'' endorsements, gear endorsements, sablefish endorsements and sablefish tier assignments, and C/P endorsements may not be registered to another permit owner (*i.e.*, change in permit ownership or ownership interest) or to another vessel (*i.e.*, change in vessel registration) separately from the limited entry permit. At-sea processing exemptions, specified at paragraph (b)(6) of this section, are associated with the vessel and not with the limited entry permit and may not be registered to another permit owner or to another vessel without losing the exemption.

(4) *Limited entry permit actions*—renewal, combination, stacking, joint registration, change of permit owner or vessel owner, and change in vessel registration—

(i) *Renewal of limited entry permits and gear endorsements*. (A) Limited entry permits expire at the end of each calendar year, and must be renewed between October 1 and November 30 of each year in order to remain in force the following year.

(B) Notification to renew limited entry permits will be issued by SFD prior to September 15 each year to the permit owner's most recent address in the SFD record. The permit owner shall provide SFD with notice of any address change within 15 days of the change.

(C) Limited entry permit renewal requests received in SFD between November 30 and December 31 will be effective on the date that the renewal is approved. A limited entry permit that is allowed to expire will not be renewed unless the permit owner requests reissuance by March 31 of the following year and the SFD determines that failure to renew was proximately caused by illness, injury, or death of the permit owner.

(D) Limited entry permits with sablefish endorsements, as described at paragraph (b)(3)(iv) of this section, will not be renewed until SFD has received complete documentation of permit ownership as required under paragraph (b)(3)(iv)(B)(*4*) of this section.

(E) Limited entry permits with an MS/CV endorsement or an MS permit, will not be renewed until SFD has received complete documentation of permit ownership as required under § 660.150(g) and § 660.150(f) of subpart D, respectively.

(F) A limited entry permit will not be renewed until a complete economic data collection form is submitted as required under § 660.113(b), (c) and (d), subpart D. The permit renewal will be marked incomplete until the required information is submitted.

(G) An MS permit or a limited entry permit with a C/P endorsement will not be renewed, if it was the permit owner that failed to pay, until payment of all cost recovery program fees required pursuant to § 660.115 has been made. The IAD, appeals, and final decision process for the cost recovery program is specified at § 660.115(d)(3)(ii).

(ii) *Combining limited entry ''A'' permits*. Two or more limited entry permits with ''A'' gear endorsements for the same type of limited entry gear may be combined and reissued as a single permit with a larger size endorsement as described in paragraph (b)(3)(iii) of this section.

(A) *Sablefish-endorsed permit*. With respect to limited entry permits endorsed for longline and pot (trap) gear, a sablefish endorsement will be issued for the new permit only if all of the permits being combined have sablefish endorsements. If two or more permits with sablefish endorsements are combined, the new permit will receive the same tier assignment as the tier with the largest cumulative landings limit of the permits being combined.

(B) *MS/CV-endorsed permit*. When an MS/CV-endorsed permit is combined with another MS/CV-endorsed permit

or with another limited entry trawl permit with no MS/CV or C/P endorsement, the resulting permit will be MS/CV-endorsed with the associated CHA as specified at § 660.150(g)(2)(iv) and (v). If an MS/CV-endorsed permit is combined with a C/P-endorsed permit, the MS/CV endorsement and CHA will not be reissued on the combined permit.

(C) *C/P-endorsed permit.* A C/P-endorsed permit that is combined with a limited entry trawl permit that is not C/P-endorsed will result in a single C/P-endorsed permit with a larger size endorsement. An MS/CV endorsement on one of the permits being combined will not be reissued on the resulting permit.

(iii) *Stacking limited entry permits.* ''Stacking'' limited entry permits, as defined at § 660.11, refers to the practice of registering more than one sablefish-endorsed permit for use with a single vessel. Only limited entry permits with sablefish endorsements may be stacked. Up to 3 limited entry permits with sablefish endorsements may be registered for use with a single vessel during the sablefish primary season described at § 660.231, subpart E. Privileges, responsibilities, and restrictions associated with stacking permits to fish in the sablefish primary fishery are described at § 660.231, subpart E and at paragraph (b)(3)(iv) of this section.

(iv) *Joint registration of limited entry permits*—(A) *General.* ''Joint registration'' of limited entry permits, as defined at § 660.11, is the practice of simultaneously registering both trawl-endorsed and longline or trap/pot-endorsed limited entry permits for use with a single vessel.

(B) *Restrictions.* Subject to vessel size endorsements in paragraph (b)(3)(iii), any limited entry permit with a trawl endorsement and any limited entry permit with a longline or trap/pot endorsement may be jointly registered for use with a single vessel but only in one of the following configurations:

(*1*) a single trawl-endorsed limited entry permit and one, two or three sablefish-endorsed fixed gear (longline and/or fishpot endorsed) limited entry permits; or

(*2*) a single trawl-endorsed limited entry permit and one longline-endorsed limited entry permit for use with a single vessel.

(v) *Changes in permit owner and/or vessel owner*—(A) *General.* Change in permit owner and/or vessel owner applications must be submitted to NMFS with the appropriate documentation described at paragraphs (b)(4)(viii) and (ix) of this section. The permit owner may convey the limited entry permit to a different person. The new permit owner will not be authorized to use the permit until the change in permit owner has been registered with and approved by NMFS. NMFS will not approve a change in permit owner for a limited entry permit with a sablefish endorsement that does not meet the ownership requirements for such permit described at paragraph (b)(3)(iv)(B) of this section. NMFS will not approve a change in permit owner for a limited entry permit with an MS/CV endorsement or an MS permit that does not meet the ownership requirements for such permit described at § 660.150(g)(3), and § 660.150(f)(3), respectively. NMFS considers the following as a change in permit owner that would require registering with and approval by NMFS, including but not limited to: Selling the permit to another individual or entity; adding an individual or entity to the legal name on the permit; or removing an individual or entity from the legal name on the permit. A change in vessel owner includes any changes to the name(s) of any or all vessel owners, as registered with USCG or a state. The new owner(s) of a vessel registered to a limited entry permit must report any change in vessel ownership to NMFS within 30 calendar days after such change has been registered with the USCG or a state licensing agency.

(B) *Effective date.* The change in permit ownership or change in the vessel holding the permit will be effective on the day the change is approved by NMFS, unless there is a concurrent change in the vessel registered to the permit. Requirements for changing the vessel registered to the permit are described at paragraph (b)(4)(vi) of this section.

(C) *Sablefish-endorsed permits.* If a permit owner submits an application to register a sablefish-endorsed limited entry permit to a new permit owner or

vessel owner during the primary sablefish season described at § 660.231 (generally April 1 through October 31), the initial permit owner must certify on the application form the cumulative quantity, in round weight, of primary season sablefish landed against that permit as of the application signature date for the then current primary season. The new permit owner or vessel owner must sign the application form acknowledging the amount of landings to date given by the initial permit owner. This certified amount should match the total amount of primary season sablefish landings reported on state landing receipts. As required at § 660.12(b), any person landing sablefish must retain on board the vessel from which sablefish is landed, and provide to an authorized officer upon request, copies of any and all reports of sablefish landings from the primary season containing all data, and in the exact manner, required by the applicable state law throughout the primary sablefish season during which a landing occurred and for 15 days thereafter.

(D) *Change in MS/CV endorsement registration.* The requirements for a change in MS/CV endorsement registration between limited entry trawl permits are specified at § 660.150(g)(2)(iv).

(vi) *Changes in vessel registration of limited entry permits and gear endorsements*—(A) *General.* A permit may not be used with any vessel other than the vessel registered to that permit. For purposes of this section, a permit change in vessel registration occurs when, through SFD, a permit owner registers a limited entry permit for use with a new vessel. Permit change in vessel registration applications must be submitted to SFD with the appropriate documentation described at paragraph (b)(4)(viii) of this section. Upon receipt of a complete application, and following review and approval of the application, the SFD will reissue the permit registered to the new vessel. Applications to change vessel registration on limited entry permits with sablefish endorsements will not be approved until SFD has received complete documentation of permit ownership as described at paragraph (b)(3)(iv)(B)(*4*) and as required under paragraph (b)(4)(viii) of this section. Applications to change vessel registration on limited entry permits with trawl endorsements or MS permits will not be approved until SFD has received complete EDC forms as required under § 660.114, subpart D.

(B) *Application.* Change in vessel registration applications must be submitted to NMFS with the appropriate documentation described at paragraphs (b)(4)(viii) and (ix) of this section. At a minimum, a permit owner seeking to change vessel registration of a limited entry permit shall submit to NMFS a signed application form and his/her current limited entry permit before the first day of the cumulative limit period in which they wish to fish. If a permit owner provides a signed application and current limited entry permit after the first day of a cumulative limit period, the permit will not be effective until the succeeding cumulative limit period. NMFS will not approve a change in vessel registration until it receives a complete application, the existing permit, a current copy of the USCG 1270, and other required documentation.

(C) *Effective date.* Changes in vessel registration on permits will take effect no sooner than the first day of the next major limited entry cumulative limit period following the date that SFD receives the signed permit change in vessel registration form and the original limited entry permit, except that changes in vessel registration on MS permits and C/P-endorsed permits will take effect immediately upon reissuance to the new vessel, and a change in vessel registration on MS/CV-endorsed permits will take effect immediately upon reissuance to the new vessel only on the second change in vessel registration for the year. No change in vessel registration is effective until the limited entry permit has been reissued as registered with the new vessel.

(D) *Sablefish-endorsed permits.* If a permit owner submits an application to register a sablefish-endorsed limited entry permit to a new vessel during the primary sablefish season described at § 660.231 (generally April 1 through October 31), the initial permit owner must certify on the application form the cumulative quantity, in round

weight, of primary season sablefish landed against that permit as of the application signature date for the then current primary season. The new permit owner or vessel owner associated with the new vessel must sign the application form acknowledging the amount of landings to date given by the initial permit owner. This certified amount should match the total amount of primary season sablefish landings reported on state landing receipts. As required at § 660.12(b), any person landing sablefish must retain on board the vessel from which sablefish is landed, and provide to an authorized officer upon request, copies of any and all reports of sablefish landings from the primary season containing all data, and in the exact manner, required by the applicable state law throughout the primary sablefish season during which a landing occurred and for 15 days thereafter.

(vii) *Restriction on frequency of changes in vessel registration*—(A) *General.* A permit owner may designate the vessel registration for a permit as ''unidentified,'' meaning that no vessel has been identified as registered for use with that permit. No vessel is authorized to use a permit with the vessel registration designated as ''unidentified.'' A vessel owner who removes a permit from his vessel and registers that permit as ''unidentified'' is not exempt from VMS requirements at § 660.14, unless specifically authorized by that section. When a permit owner requests that the permit's vessel registration be designated as ''unidentified,'' the transaction is not considered a change in vessel registration for purposes of this section. Any subsequent request by a permit owner to change from the ''unidentified'' status of the permit in order to register the permit with a specific vessel will be considered a change in vessel registration and subject to the restriction on frequency and timing of changes in vessel registration.

(B) *Limited entry fixed gear and trawl-endorsed permits (without MS/CV or C/P endorsements).* Limited entry fixed gear and trawl-endorsed permits (without MS/CV or C/P endorsements) may not be registered for use with a different vessel more than once per calendar year, except in cases of death of a vessel owner or if the vessel registered to the permit is totally lost as defined in § 660.11. The exception for death of a vessel owner applies for a vessel owned by a partnership or a corporation if the person or persons with at least 50 percent of the ownership interest in the entity dies.

(C) *Limited entry MS permits and limited entry permits with an MS/CV or a C/P endorsement.* Limited entry MS permits and limited entry permits with an MS/CV or a C/P endorsement may be registered to another vessel up to two times during the calendar year as long as the second change in vessel registration is back to the original vessel. The original vessel is either the vessel registered to the permit as of January 1, or if no vessel is registered to the permit as of January 1, the original vessel is the first vessel to which the permit is registered after January 1. After the original vessel has been established, the first change in vessel registration would be to another vessel, but any second change in vessel registration must be back to the original vessel. For an MS/CV-endorsed permit on the second change in vessel registration back to the original vessel, that vessel must be used to fish exclusively in the MS Coop Program described § 660.150 for the remainder of the calendar year, and declare in to the limited entry mid water trawl, Pacific whiting mothership sector as specified at § 660.13(d)(4)(iv).

(D) *Emergency rule creating season flexibility on at-sea processing restrictions.* Effective June 19, 2020, until December 16, 2020, notwithstanding any other section of these regulations, vessels may be registered to both a limited entry MS permit and limited entry trawl permit with a C/P endorsement during the same calendar year. Vessels registered to both an MS permit and a C/P endorsed permit may operate in both the at-sea MS sector and C/P sector during the same calendar year, but not on the same trip. Prior to leaving port, a vessel registered under both an MS permit and a C/P endorsed permit must declare through VMS the sector in which it will participate for the duration of the trip, as specified at § 660.13(d)(4)(iv)(A).

(viii) *Application and supplemental documentation*. Permit owners may request a change in vessel registration and/or change in permit owner or vessel owner by submitting a complete application form. In addition, a permit owner applying for a change in vessel registration and/or change in permit owner of a limited entry permit has the burden to submit evidence to prove that qualification requirements are met. If a change in vessel owner occurs, the new vessel owner has the burden to submit evidence to prove that qualification requirements are met. The following evidentiary standards apply:

(A) For a request to change a vessel registration and/or change a permit owner or vessel owner, the permit owner must provide NMFS with a current copy of the USCG Form 1270 for vessels of 5 net tons or greater, or a current copy of a state registration form for vessels under 5 net tons.

(B) For a request to change a vessel registration and/or change a permit owner or vessel owner for sablefish-endorsed permits with a tier assignment for which a corporation or partnership is listed as permit owner and/or vessel owner, an Identification of Ownership Interest Form must be completed and included with the application form.

(C) For a request to change a permit owner for an MS permit or for a request to change a vessel registration and/or change a permit owner or vessel owner for an MS/CV-endorsed limited entry trawl permit, an Identification of Ownership Interest Form must be completed and included with the application form.

(D) For a request to change the vessel registration to a permit, the permit owner must submit to SFD a current marine survey conducted by a certified marine surveyor in accordance with USCG regulations to authenticate the length overall of the vessel being newly registered with the permit. Marine surveys older than 3 years at the time of the request for change in vessel registration will not be considered ''current'' marine surveys for purposes of this requirement.

(E) For a request to change a permit's ownership where the current permit owner is a corporation, partnership or other business entity, the applicant must provide to SFD a corporate resolution that authorizes the conveyance of the permit to a new owner and which authorizes the individual applicant to request the conveyance on behalf of the corporation, partnership, or other business entity.

(F) For a request to change a permit's ownership that is necessitated by the death of the permit owner(s), the individual(s) requesting conveyance of the permit to a new owner must provide SFD with a death certificate of the permit owner(s) and appropriate legal documentation that either: Specifically registers the permit to a designated individual(s); or, provides legal authority to the transferor to convey the permit ownership or to request a change in vessel registration.

(G) For a request to change a permit's ownership that is necessitated by divorce, the individual requesting the change in permit ownership must submit an executed divorce decree that awards the permit to a designated individual(s).

(H) Such other relevant, credible documentation as the applicant may submit, or the SFD or Regional Administrator may request or acquire, may also be considered.

(ix) *Application forms available*. Application forms for a change in vessel registration, permit owner, or vessel owner are available at: NMFS West Coast Region, Sustainable Fisheries Division, ATTN: Fisheries Permit Office, 7600 Sand Point Way NE., Seattle, WA 98115; or *http://www.westcoast.fisheries.noaa.gov/fisheries/management/groundfish_permits/limited_entry_permits.html*. Contents of the application, and required supporting documentation, are also specified in the application form. Only complete applications will be processed.

(x) *Records maintenance*. The SFD will maintain records of all limited entry permits that have been issued, renewed, registered, or replaced.

(5) *Small fleet*. (i) Small limited entry fisheries fleets that are controlled by a local government, are in existence as of July 11, 1991, and have negligible impacts on the groundfish resource, may be certified as consistent with the goals and objectives of the limited entry program and incorporated into

the limited entry fishery. Permits issued under this subsection will be issued in accordance with the standards and procedures set out in the PCGFMP and will carry the rights explained therein.

(ii) A permit issued under this section may be registered only to another vessel that will continue to operate in the same certified small fleet, provided that the total number of vessels in the fleet does not increase. A vessel may not use a small fleet limited entry permit for participation in the limited entry fishery outside of authorized activities of the small fleet for which that permit and vessel have been designated.

(6) *At-sea processing exemptions*—(i) *Sablefish at-sea processing exemption*. No new applications for sablefish at-sea processing exemptions will be accepted. As specified at § 660.212(d)(3), subpart E, vessels are prohibited from processing sablefish at sea that were caught in the sablefish primary fishery without a sablefish at-sea processing exemption. Any sablefish at-sea processing exemptions were issued to a particular vessel and that permit and vessel owner who requested the exemption. The exemption is not part of the limited entry permit. The exemption cannot be registered with any other vessel, vessel owner, or permit owner for any reason. The exemption only applies to at-sea processing of sablefish caught in the sablefish primary fishery. The sablefish at-sea processing exemption will expire upon registration of the vessel to a new owner or if the vessel is totally lost, as defined at § 660.11.

(ii) *Non-whiting at-sea processing exemption*. No new applications for non-whiting at-sea processing exemptions will be accepted. As specified at § 660.112(b)(1)(xii), subpart D, vessels are prohibited from processing non-whiting groundfish at sea that were caught in the Shorebased IFQ Program without a non-whiting at-sea processing exemption. Any non-whiting at-sea processing exemptions were issued to a particular vessel and that permit and/or vessel owner who requested the exemption. The exemption is not part of the limited entry permit. The exemption is not transferable to any other vessel, vessel owner, or permit owner for any reason. The exemption only applies to at-sea processing of non-whiting groundfish caught in the Shorebased IFQ Program. The non-whiting at-sea processing exemption will expire upon registration of the vessel to a new owner or if the vessel is totally lost, as defined at § 660.11.

(c) *Quota share (QS) permit*. A QS permit conveys a conditional privilege to a person to own QS or IBQ for designated species and species groups and to fish in the Shorebased IFQ Program described § 660.140, subpart D. A QS permit is not a limited entry permit. The provisions for the QS permit, including eligibility, renewal, change of permit ownership, accumulation limits, fees, and appeals are described at § 660.140, subpart D.

(d) *First receiver site license*. The first receiver site license conveys a conditional privilege to a first receiver to receive, purchase, or take custody, control or possession of landings from the Shorebased IFQ Program. The first receiver site license is issued for a person and a unique physical site consistent with the terms and conditions required to account for and weigh the landed species. A first receiver site license is not a limited entry permit. The provisions for the First Receiver Site License, including eligibility, registration, change of ownership, fees, and appeals are described at § 660.140(f), subpart D.

(e) *Coop permit*—(1) *MS coop permit*. An MS coop permit conveys a conditional privilege to an eligible coop entity to receive and manage a coop's allocation of designated species and species groups. An MS coop permit is not a limited entry permit. The provisions for the MS coop permit, including eligibility, annual registration, fees, and appeals are described in the MS Coop Program at § 660.150, subpart D.

(2) *C/P coop permit*. A C/P coop permit conveys a conditional privilege to an eligible coop entity to receive and manage a coop's allocation of designated species and species groups. A C/P coop permit is not a limited entry permit. The provisions for the C/P coop permit, including eligibility, annual

registration, fees, and appeals are described in the C/P Coop Program at § 660.160, subpart D.

(1) *MS coop permit*. [Reserved]

(2) *C/P coop permit*. [Reserved]

(f) *Permit fees*. The Regional Administrator is authorized to charge fees to cover administrative expenses related to issuance of permits including initial issuance, renewal, permit registration, vessel registration, replacement, and appeals. The appropriate fee must accompany each application.

(g) *Permit appeals process*—(1) *General*. For permit actions, including issuance, renewal, change in vessel registration and/or change in permit owner or vessel owner, and endorsement upgrade, the Assistant Regional Administrator for Sustainable Fisheries will make an IAD on the action. In cases where the applicant disagrees with the IAD, the applicant may appeal that decision. Final decisions on appeals of IADs regarding issuance, renewal, change in vessel registration and/or change in permit owner or vessel owner, and endorsement upgrade, will be made in writing by the Regional Administrator acting on behalf of the Secretary of Commerce and will state the reasons therefore. This section describes the procedures for appealing the IAD on permit actions made in this title under subparts C through G of part 660. Additional information regarding appeals of an IAD related to the trawl rationalization program is contained in the specific program sections under subpart D of part 660.

(2) *Who May Appeal?* Only a person who received an IAD that disapproved any part of their application may file a written appeal. For purposes of this section, such person will be referred to as the ''applicant.''

(3) *Submission of appeals*. (i) The appeal must be in writing, must allege credible facts or circumstances to show why the criteria in this subpart have been met, and must include any relevant information or documentation to support the appeal.

(ii) Appeals must be mailed or faxed to: National Marine Fisheries Service, Northwest Region, Sustainable Fisheries Division, ATTN: Appeals, 7600 Sand Point Way NE., Seattle, WA, 98115; Fax: 206–526–6426; or delivered to National Marine Fisheries Service at the same address.

(4) *Timing of appeals*. (i) For permit actions related to the application and initial issuance process for QS permits, MS permits, MS/CV endorsements, and C/P endorsements for the trawl rationalization program listed in subpart D of part 660, if an applicant appeals an IAD, the appeal must be postmarked, faxed, or hand delivered to NMFS no later than 60 calendar days after the date on the IAD. If the applicant does not appeal the IAD within 60 calendar days, the IAD becomes the final decision of the Regional Administrator acting on behalf of the Secretary of Commerce.

(ii) For all other permit actions, if an applicant appeals an IAD, the appeal must be postmarked, faxed, or hand delivered to NMFS no later than 30 calendar days after the date on the IAD. If the applicant does not appeal the IAD within 30 calendar days, the IAD becomes the final decision of the Regional Administrator acting on behalf of the Secretary of Commerce.

(iii) The time period to submit an appeal begins with the date on the IAD. If the last day of the time period is a Saturday, Sunday, or Federal holiday, the time period will extend to the close of business on the next business day.

(5) *Address of record*. For purposes of the appeals process, NMFS will establish as the address of record, the address used by the applicant in initial correspondence to NMFS. Notifications of all actions affecting the applicant after establishing an address of record will be mailed to that address, unless the applicant provides NMFS, in writing, with any changes to that address. NMFS bears no responsibility if a notification is sent to the address of record and is not received because the applicant's actual address has changed without notification to NMFS.

(6) *Decisions on appeals*. (i) For the appeal of an IAD related to the application and initial issuance process for the trawl rationalization program listed in subpart D of part 660, the Regional Administrator shall appoint an appeals officer. After determining there is sufficient information and that all procedural requirements have been met, the appeals officer will review the record

and issue a recommendation on the appeal to the Regional Administrator, which shall be advisory only. The recommendation must be based solely on the record. Upon receiving the findings and recommendation, the Regional Administrator shall issue a final decision on the appeal acting on behalf of the Secretary of Commerce in accordance with paragraph (g)(6)(ii) of this section.

(ii) *Final decision on appeal.* The Regional Administrator will issue a written decision on the appeal which is the final decision of the Secretary of Commerce.

(7) *Status of permits pending appeal.* (i) For all permit actions, except those actions related to the application and initial issuance process for the trawl rationalization program listed in subpart D of part 660, the permit registration remains as it was prior to the request until the final decision has been made.

(ii) For permit actions related to the application and initial issuance process for the trawl rationalization program listed in subpart D of part 660, the status of permits pending appeal is as follows:

(A) For permit and endorsement qualifications and eligibility appeals (*i.e.*, QS permit, MS permit, MS/CV endorsement, C/P endorsement), any permit or endorsement under appeal after December 31, 2010 may not be used to fish in the Pacific Coast groundfish fishery until a final decision on the appeal has been made. If the permit or endorsement will be issued, the permit or endorsement will be effective upon approval, except for QS permits, which will be effective at the start of the next fishing year.

(B) For a QS or IBQ amount for specific IFQ management unit species under appeal, the QS or IBQ amount for the IFQ species under appeal will remain as the amount assigned to the associated QS permit in the IAD). The QS permit may be used to fish in the Pacific Coast groundfish fishery with the QS or IBQ amounts assigned to the QS permit in the IAD. Once a final decision on the appeal has been made and if a revised QS or IBQ amount for a specific IFQ species will be assigned to the QS permit, the additional QS or IBQ amount associated with the QS permit will be effective at the start of the next calendar year following the final decision.

(C) For a Pacific whiting catch history assignment associated with an MS/CV endorsement under appeal, the catch history assignment will remain as that previously assigned to the associated MS/CV-endorsed limited entry permit in the IAD). The MS/CV-endorsed limited entry permit may be used to fish in the Pacific Coast groundfish fishery with the catch history assigned to the MS/CV-endorsed permit in the IAD. Once a final decision on the appeal has been made, and if a revised catch history assignment will be issued, the additional Pacific whiting catch history assignment associated with the MS/CV endorsement will be effective at the start of the next calendar year following the final decision.

(h) *Permit sanctions.* (1) All permits and licenses issued or applied for under Subparts C through G are subject to sanctions pursuant to the Magnuson-Stevens Act at 16 U.S.C. 1858(g) and 15 CFR part 904, subpart D.

(2) All Shorebased IFQ Program permits (QS permit, first receiver site license), QS accounts, vessel accounts, and MS Coop Program permits (MS permit, MS/CV-endorsed permit, and MS coop permit), and C/P Coop Program permits (C/P-endorsed permit, C/P coop permit) issued under subpart D:

(i) Are considered permits for the purposes of 16 U.S.C. 1857, 1858, and 1859;

(ii) May be revoked, limited, or modified at any time in accordance with the Magnuson-Stevens Act, including revocation if the system is found to have jeopardized the sustainability of the stocks or the safety of fishermen;

(iii) Shall not confer any right of compensation to the holder of such permits, licenses, and accounts if it is revoked, limited, or modified;

(iv) Shall not create, or be construed to create, any right, title, or interest in or to any fish before the fish is harvested by the holder; and

(v) Shall be considered a grant of permission to the holder of the permit, license, or account to engage in activities permitted by such permit, license, or account.

[75 FR 60897, Oct. 1, 2010, as amended at 75 FR 78381, Dec. 15, 2010; 76 FR 53835, Aug. 30, 2011; 76 FR 74734, Dec. 1, 2011; 77 FR 55155, Sept. 7, 2012; 78 FR 68767, Nov. 15, 2013; 78 FR 75278, Dec. 11, 2013; 81 FR 84426, Nov. 23, 2016; 83 FR 62276, Dec. 3, 2018; 85 FR 37029, June 19, 2020]

EFFECTIVE DATE NOTE: At 85 FR 37029, June 19, 2020, § 660.25 was amended by adding paragraph (b)(4)(vii)(D), effective June 19, 2020, until Dec. 16, 2020.

### § 660.30 Compensation with fish for collecting resource information—EFPs.

In addition to the reasons stated in § 600.745(b)(1) of this chapter, an EFP may be issued under this subpart C for the purpose of compensating the owner or operator of a vessel for collecting resource information according to a protocol approved by NMFS. NMFS may issue an EFP allowing a vessel to retain fish as compensation in excess of trip limits or to be exempt from other specified management measures for the Pacific coast groundfish fishery.

(a) *Compensation EFP for vessels under contract with NMFS to conduct a resource survey*. NMFS may issue an EFP to the owner or operator of a vessel that conducted a resource survey according to a contract with NMFS. A vessel's total compensation from all sources (in terms of dollars or amount of fish, including fish from survey samples or compensation fish) will be determined through normal Federal procurement procedures. The compensation EFP will specify the maximum amount or value of fish the vessel may take and retain after the resource survey is completed.

(1) *Competitive offers*. NMFS may initiate a competitive solicitation (request for proposals or RFP) to select vessels to conduct resource surveys that use fish as full or partial compensation, following normal Federal procurement procedures.

(2) *Consultation and approval*. At a Council meeting, NMFS will consult with the Council and receive public comment on upcoming resource surveys to be conducted if groundfish could be used as whole or partial compensation. Generally, compensation fish would be similar to surveyed species, but there may be reasons to provide payment with healthier, more abundant, less restricted stocks, or more easily targeted species. For example, NMFS may decline to pay a vessel with species that are, or are expected to be, overfished, or that are subject to overfishing, or that are unavoidably caught with species that are overfished or subject to overfishing. NMFS may also consider levels of discards, bycatch, and other factors. If the Council does not approve providing whole or partial compensation for the conduct of a survey, NMFS will not use fish, other than fish taken during the scientific research, as compensation for that survey. For each proposal, NMFS will present:

(i) The maximum number of vessels expected or needed to conduct the survey,

(ii) An estimate of the species and amount of fish likely to be needed as compensation,

(iii) When the survey and compensation fish would be taken, and

(iv) The year in which the compensation fish would be deducted from the ACL or ACT before determining the fishery harvest guideline or commercial harvest guideline.

(3) *Issuance of the compensation EFP*. Upon successful completion of the survey, NMFS will issue a ''compensation EFP'' to the vessel if it has not been fully compensated. The procedures in § 600.745(b)(1) through (b)(4) of this chapter do not apply to a compensation EFP issued under this subpart for the Pacific coast groundfish fishery (50 CFR part 660, subparts C through G).

(4) *Terms and conditions of the compensation EFP*. Conditions for disposition of bycatch or any excess catch, for reporting the value of the amount landed, and other appropriate terms and conditions may be specified in the EFP. Compensation fishing must occur during the period specified in the EFP, but no later than the end of September of the fishing year following the survey, and must be conducted according to the terms and conditions of the EFP.

(5) *Reporting the compensation catch.* The compensation EFP may require the vessel owner or operator to keep separate records of compensation fishing and to submit them to NMFS within a specified period of time after the compensation fishing is completed.

(6) *Accounting for the compensation catch.* As part of the harvest specifications process, as described at § 660.60, subpart C, NMFS will advise the Council of the amount of fish authorized to be retained under a compensation EFP, which then will be deducted from the next harvest specifications (ACLs or ACTs) set by the Council. Fish authorized in an EFP too late in the year to 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]

### § 660.40 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.

(a) *Cowcod*. Cowcod was declared overfished in 2000. The target year for rebuilding the cowcod stock south of 40°10′ N. lat. to $B_{MSY}$ is 2020. The harvest control rule to be used to rebuild the cowcod stock is an annual SPR harvest rate of 82.7 percent.

(b) *Yelloweye rockfish*. Yelloweye rockfish was declared overfished in 2002. The target year for rebuilding the yelloweye rockfish stock to $B_{MSY}$ is 2029. The harvest control rule to be used to rebuild the yelloweye rockfish stock is an annual SPR harvest rate of 65.0 percent.

[82 FR 9638, Feb. 7, 2017, as amended at 83 FR 63991, Dec. 12, 2018]

### § 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 accustomed 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 Indian Tribe, Makah Indian Tribe, Quileute Indian Tribe and the Quinault Indian Nation.

(c) *Usual and accustomed fishing areas or U&A fishing areas*. The Pacific Coast treaty Indian tribes' U&A fishing areas within the EEZ are set out in § 660.4.

(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 the first Council meeting in which biennial harvest specifications and management measures are discussed for an upcoming biennial management period. The Secretary generally will announce the annual tribal allocations at the same time as the announcement of the harvest specifications.

(2) *Co-management*. The Secretary recognizes the sovereign status and co-manager role of Indian tribes over shared Federal and tribal fishery resources. Accordingly, the Secretary will develop tribal allocations and regulations under this paragraph in consultation with the affected tribe(s) and, insofar as possible, with tribal consensus.

(e) *Fishing by a member of a Pacific Coast treaty Indian tribe*. A member of a Pacific Coast treaty Indian tribe fishing under this section and within their U&A fishing area is not subject to the provisions of other sections of subparts C through G of this part.

(1) *Identification*. A valid treaty Indian identification card issued pursuant to 25 CFR part 249, subpart A, is prima facie evidence that the holder is a member of the Pacific Coast treaty Indian tribe named on the card.

(2) *Permits*. A limited entry permit described under § 660.25, subpart C is not required for a member of a Pacific Coast treaty Indian tribe to fish in a

tribal fishery described in paragraph (d) of this section.

(3) *Federal and tribal laws and regulations.* Any member of a Pacific Coast treaty Indian tribe must comply with this section, and with any applicable tribal law and regulation, when participating in a tribal groundfish fishery described in this section.

(4) *Fishing outside the U&A fishing area or without a groundfish allocation.* Fishing by a member of a Pacific Coast treaty Indian tribe outside the applicable Indian tribe's U&A fishing area, or for a species of groundfish not covered by an allocation, set-aside, or regulation under this section, is subject to the regulations in the other sections of subpart C through subpart G of this part. Treaty fisheries operating within tribal allocations are prohibited from operating outside the U&A fishing areas described at § 660.4, subpart A.

(f) *Pacific Coast treaty Indian fisheries allocations, harvest guidelines, and set-asides.* Catch amounts may be specified in this section and in Tables 1a and 2a to subpart C of this part. Trip limits for certain species were recommended by the tribes and the Council and are specified in paragraph (g) of this section.

(1) *Black rockfish.* (i) Harvest guidelines for commercial harvests of black rockfish by members of the Pacific Coast Indian tribes using hook and line gear will be established biennially for two subsequent one-year periods for the areas between the U.S.-Canadian border and Cape Alava (48°09.50′ N. lat.) and between Destruction Island (47°40′ N. lat.) and Leadbetter Point (46°38.17′ N. lat.), in accordance with the procedures for implementing harvest specifications and management measures. Pacific Coast treaty Indians fishing for black rockfish in these areas under these harvest guidelines are subject to the provisions in this section, and not to the restrictions in other sections of subparts C through G of this part.

(ii) For the commercial harvest of black rockfish off Washington State, a treaty Indian tribes' harvest guideline is set at 30,000 lb (13,608 kg) for the area north of Cape Alava, WA (48°09.50′ N. lat) and 10,000 lb (4,536 kg) for the area between Destruction Island, WA (47°40′ N. lat.) and Leadbetter Point, WA (46°38.17′ N. lat.). This harvest guideline applies and is available to the Pacific Coast treaty Indian tribes. There are no tribal harvest restrictions for black rockfish in the area between Cape Alava and Destruction Island.

(2) *Sablefish.* (i) The sablefish allocation to Pacific coast treaty Indian Tribes is 10 percent of the sablefish ACL for the area north of 36° N. lat. This allocation represents the total amount available to the treaty Indian fisheries before deductions for discard mortality.

(ii) The Tribal allocation is 561 mt in 2019 and 572 mt in 2020 per year. This allocation is, for each year, 10 percent of the Monterey through Vancouver area (North of 36° N lat.) ACL. The Tribal allocation is reduced by 1.5 percent for estimated discard mortality.

(3) *Lingcod.* Lingcod taken in the treaty fisheries are subject to a harvest guideline of 250 mt.

(4) *Pacific whiting.* The tribal allocation for 2020 will be 74,342 mt.

(5) *Pacific cod.* There is a tribal harvest guideline of 500 mt of Pacific cod per year. The tribes will manage their fisheries to stay within this harvest guideline.

(6) *Petrale sole.* For petrale sole, treaty fishing vessels are restricted to a fleetwide harvest target of 290 mt each year.

(7) *Yellowtail rockfish.* Yellowtail rockfish taken in the directed tribal mid-water trawl fisheries are subject to a catch limit of 1,000 mt for the entire fleet, per year.

(8) *Spiny dogfish.* Spiny dogfish taken in the treaty fisheries are subject to an overall expected total spiny dogfish catch of 275 mt per year.

(9) *Widow rockfish.* Widow rockfish taken in the directed tribal midwater trawl fisheries are subject to a catch limit of 200 mt for the entire fleet, per year.

(g) *Pacific Coast treaty Indian fisheries management measures.* Trip limits for certain species were recommended by the tribes and the Council and are specified here.

(1) *Rockfish.* The tribes will require full retention of all overfished rockfish species and all other marketable rockfish species during treaty fisheries.

(2) *Yelloweye rockfish*—are subject to a 100-lb (45-kg) trip limit.

(3) *Other rockfish*—(i) *Minor nearshore rockfish*. Minor nearshore rockfish 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. Limited entry trip limits for waters off Washington are specified in Table 1 (North) to subpart D, and Table 2 (North) to subpart E of this part.

(ii) *Minor shelf rockfish and minor slope rockfish*. Redstripe rockfish are subject to an 800 lb (363 kg) trip limit. Minor shelf (excluding redstripe rockfish), 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 fixed gear trip limit for those species if those limits are less restrictive than 300 lb (136 kg) per trip. Limited entry fixed gear trip limits are specified in Table 2 (North) to subpart E of this part.

(iii) *Other rockfish*. All other rockfish, not listed specifically in paragraph (g) of this section, 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. Limited entry trip limits for waters off Washington are specified in Table 1 (North) to subpart D, and Table 2 (North) to subpart E of this part.

(4) *Pacific whiting*. Tribal whiting processed at-sea by non-tribal vessels, must be transferred within the tribal U&A from a member of a Pacific Coast treaty Indian tribe fishing under this section.

(5) *Groundfish without a tribal allocation*. Makah tribal members may use midwater trawl gear to take and retain groundfish for which there is no tribal allocation and will be subject to the trip landing and frequency and size limits applicable to the limited entry fishery.

(6) *EFH*. Measures implemented to minimize adverse impacts to groundfish EFH, as described in § 660.12 of this subpart, do not apply to tribal fisheries in their U&A fishing areas described at § 660.4, subpart A.

(7) *Small footrope trawl gear*. Makah tribal members fishing in the bottom trawl fishery may use only small footrope (less than or equal to 8 inches (20.3 cm)) bottom trawl gear.

(h) *Salmon bycatch*. This fishery may be closed through automatic action at § 660.60(d)(1)(v) and (vi).

[75 FR 60897, Oct. 1, 2010, as amended at 75 FR 75421, Dec. 3, 2010; 75 FR 82300, Dec. 30, 2010; 76 FR 27529, May 11, 2011; 76 FR 28903, May 19, 2011; 77 FR 28507, May 15, 2012; 78 FR 588, Jan. 3, 2013; 78 FR 26532, May 7, 2013; 79 FR 27204, May 13, 2014; 80 FR 12572, Mar. 10, 2015; 80 FR 27593, May 14, 2015; 81 FR 30208, May 16, 2016; 81 FR 36807, June 8, 2016; 82 FR 9639, Feb. 7, 2017; 82 FR 21321, May 8, 2017; 83 FR 22405, May 15, 2018; 83 FR 63991, Dec. 12, 2018; 84 FR 20584, May 10, 2019; 85 FR 36812, June 18, 2020]

## § 660.55 Allocations.

(a) *General*. The opportunity to harvest Pacific Coast groundfish is allocated among participants in the fishery when the ACLs for a given year are established in the biennial harvest specifications. For any stock that has been declared overfished, any formal allocation may be temporarily revised for the duration of the rebuilding period. For certain species, primarily trawl-dominant species, separate allocations for the trawl and nontrawl fishery (which for this purpose includes limited entry fixed gear, directed open access, and recreational fisheries) will be established biennially or annually using the standards and procedures described in Chapter 6 of the PCGFMP. Chapter 6 of the PCGFMP provides the allocation structure and percentages for species allocated between the trawl and nontrawl fisheries. Also, for those species not subject to the trawl and nontrawl allocations specified under Amendment 21 and in paragraph (c)(1) of this section, separate allocations for the limited entry and open access fisheries may be established using the procedures described in Chapters 6 and 11 of the PCGFMP and this subpart. Allocation of sablefish north of 36° N lat. is described in paragraph (h) of this section and in the PCGFMP. Allocation of Pacific whiting is described in paragraph (i) of this section and in the PCGFMP. Allocation of black rockfish is described in paragraph (l) of this section. Allocation of Pacific halibut bycatch is described in paragraph (m) of

this section. Allocations not specified in the PCGFMP are established in regulation through the biennial harvest specifications and are listed in Tables 1 a through d and Tables 2 a through d of this subpart.

(b) *Fishery harvest guidelines and reductions made prior to fishery allocations.* Prior to the setting of fishery allocations, the TAC, ACL, or ACT when specified, is reduced by the Pacific Coast treaty Indian Tribal harvest (allocations, set-asides, and estimated harvest under regulations at § 660.50); projected scientific research catch of all groundfish species, estimates of fishing mortality in non-groundfish fisheries; and, as necessary, deductions to account for unforeseen catch events and deductions for EFPs. Deductions are listed in the footnotes of Tables 1a and 2a of subpart C of this part. The remaining amount after these deductions is the fishery harvest guideline or quota. (Note: recreational estimates are not deducted here.)

(1) Pacific Coast treaty Indian tribal allocations, set-asides, and regulations are specified during the biennial harvest specifications process and are found at § 660.50 and in Tables 1a and 2a of this subpart.

(2) Scientific research catch results from scientific research activity as defined in regulations at § 600.10.

(3) Estimates of fishing mortality in non-groundfish fisheries are based on historical catch and projected fishing activities.

(4) EFPs are authorized and governed by regulations at §§ 660.60(f) and 600.745.

(c) *Trawl/nontrawl allocations.* (1) Species/species groups and areas allocated between the trawl and non-trawl fisheries are allocated based on the amounts and percentages in the table below. IFQ species not listed in the table below are allocated between the trawl and nontrawl fisheries through the biennial harvest specifications process.

TABLE 1 TO PARAGRAPH (c)(1)—ALLOCATION AMOUNTS AND PERCENTAGES FOR LIMITED ENTRY TRAWL AND NON-TRAWL SECTORS SPECIFIED FOR FMP GROUNDFISH STOCKS AND STOCK COMPLEXES

| Stock or complex | All non-treaty LE trawl sectors (%) | All non-treaty non-trawl sectors (%) |
|---|---|---|
| Lingcod | 45 | 55 |
| Pacific Cod | 95 | 5 |
| Sablefish S of 36° N lat | 42 | 58 |
| PACIFIC OCEAN PERCH | 95 | 5 |
| WIDOW | 91 | 9 |
| Chilipepper S of 40°10′ N lat | 75 | 25 |
| Splitnose S of 40°10′ N lat | 95 | 5 |
| Yellowtail N of 40°10′ N lat | 88 | 12 |
| Shortspine N of 34°27′ N lat | 95 | 5 |
| Shortspine S of 34°27′ N lat | (*) | (**) |
| Longspine N of 34°27′ N lat | 95 | 5 |
| DARKBLOTCHED | 95 | 5 |
| Minor Slope RF North of 40°10′ N lat | 81 | 18 |
| Minor Slope RF South of 40°10′ N lat | 63 | 37 |
| Dover Sole | 95 | 5 |
| English Sole | 95 | 5 |
| Petrale Sole | 95 | 5 |
| Arrowtooth Flounder | 95 | 5 |
| Starry Flounder | 50 | 50 |
| Other Flatfish | 90 | 10 |

*50 mt.
**Remaining Yield.

(i) *Trawl fishery allocation.* The allocation for the limited entry trawl fishery is derived by applying the trawl allocation amounts and percentages as specified in paragraph (c) of this section and as specified during the biennial harvest specifications process to the fishery harvest guideline for species/species groups and areas. For IFQ species the trawl allocation is further subdivided within each of the trawl sectors (MS, C/P, and IFQ) as specified

in § 660.140, 660.150, and 660.160 of subpart D. The whiting allocation is further subdivided among the trawl sectors as specified in paragraph (c)(1)(i) of this section.

(ii) *Nontrawl fishery allocation.* For each species/species group and area, the nontrawl fishery allocation is derived by subtracting from the corresponding harvest guideline the trawl allocations specified in paragraph (c) of this section and during the biennial harvest specifications. The nontrawl allocation will be shared between the limited entry fixed gear, open access, and recreational fisheries as specified through the biennial harvest specifications process and consistent with allocations in the PCGFMP.

(2) [Reserved]

(d) *Commercial harvest guidelines.* To derive the commercial harvest guideline, the fishery harvest guideline is further reduced by the recreational set-asides. The commercial harvest guideline is then allocated between the limited entry fishery (both trawl and fixed gear) and the directed open access fishery, as appropriate.

(e) *Limited entry (LE)/open access (OA) allocations*—(1) *LE/OA allocation percentages.* The allocations between the limited entry and open access fisheries are based on standards from the PCGFMP.

(2) *Species with LE/OA allocations.* For species with LE/OA allocations that are not subject to Amendment 21 allocations, the allocation between the limited entry (both trawl and fixed gear) and the open access fisheries is determined by applying the percentage for those species with a LE/OA allocation to the commercial harvest guideline plus the amount set-aside for the non-groundfish fisheries.

(i) *Limited entry allocation.* The allocation for the limited entry fishery is the commercial harvest guideline minus any allocation to the directed open access fishery.

(ii) *Open access allocation.* The allocation for the open access fishery is derived by applying the open access allocation percentage to the annual commercial harvest guideline or quota plus the non-groundfish fishery (*i.e.*, incidental open access fishery) amount described in paragraph (b) of this section. The result is the total open access allocation. The portion that is set-aside for the non-groundfish fisheries is deducted and the remainder is the directed open access portion. For management areas or stocks for which quotas or harvest guidelines for a stock are not fully utilized, no separate allocation will be established for the open access fishery until it is projected that the allowable catch for a species will be reached.

(A) *Open access allocation percentage.* For each species with a harvest guideline or quota, the initial open access allocation percentage is calculated by:

(*1*) Computing the total catch for that species during the window period (July 11, 1984 through August 1, 1988) for the limited entry program by any vessel that did not initially receive a limited entry permit.

(*2*) Dividing that amount by the total catch during the window period by all gear.

(*3*) The guidelines in this paragraph apply to recalculation of the open access allocation percentage. Any recalculated allocation percentage will be used in calculating the following biennial fishing period's open access allocation.

(B) [Reserved]

(f) *Catch accounting.* Catch accounting refers to how the catch in a fishery is monitored against the allocations described in this section. For species with trawl/nontrawl allocations, catch of those species are counted against the trawl/nontrawl allocations as explained in paragraph (f)(1) of this section. For species with limited entry/open access allocations in a given biennial cycle, catch of those species are counted against the limited entry/open access allocations as explained in paragraph (f)(1)(ii) of this section.

(1) *Between the trawl and nontrawl fisheries*—(i) *Catch accounting for the trawl allocation.* Any groundfish caught by a vessel registered to a limited entry trawl-endorsed permit will be counted against the trawl allocation while they are declared in to a groundfish limited entry trawl fishery and while the applicable trawl fishery listed in subpart D of this part for that vessel's limited entry permit is open.

(ii) *Catch accounting for the nontrawl allocation.* All groundfish caught by a

vessel not registered to a limited entry permit and not fishing in the non-groundfish fishery will be counted against the nontrawl allocation. All groundfish caught by a vessel registered to a limited entry permit when the fishery for a vessel's limited entry permit has closed or they are not declared in to a limited entry fishery, will be counted against the nontrawl allocation, unless they are declared in to a non-groundfish fishery. Catch by vessels fishing in the non-groundfish fishery, as defined at § 660.11, will be accounted for in the estimated mortality in the non-groundfish fishery that is deducted from the ACL or ACT when specified.

(2) [Reserved]

(g) *Recreational fisheries*. Recreational fishing for groundfish is outside the scope of, and not affected by, the regulations governing limited entry and open access fisheries. Certain amounts of groundfish will be set aside for the recreational fishery during the biennial specifications process. These amounts will be estimated prior to dividing the commercial harvest guideline between the limited entry and open access fisheries.

(h) *Sablefish Allocations (north of 36° N. lat.)*. The allocations of sablefish north of 36° N. lat. described in paragraph (h) of this section are specified in Chapter 6 of the PCGFMP.

(1) *Tribal/nontribal allocation*. The sablefish allocation to Pacific coast treaty Indian tribes is identified at § 660.50(f)(2). The remainder is available to the nontribal fishery (limited entry, open access (directed and incidental), and research).

(2) *Between the limited entry and open access fisheries*. The allocation of sablefish after tribal deductions is further reduced by the estimated total mortality of sablefish in research and recreational fisheries; the remaining yield (commercial harvest guideline) is divided between open access and limited entry fisheries. The limited entry fishery allocation is 90.6 percent of the commercial harvest guideline. The open access allocation is 9.4 percent of the commercial harvest guideline and includes incidental catch in non-groundfish fisheries, or incidental open access.

(3) *Between the limited entry trawl and limited entry fixed gear fisheries*. The limited entry sablefish allocation is further allocated 58 percent to the trawl fishery and 42 percent to the limited entry fixed gear (longline and pot/trap) fishery.

(4) *Between the limited entry fixed gear primary season and daily trip limit fisheries*. Within the limited entry fixed gear fishery allocation, 85 percent is reserved for the primary season described in § 660.231, subpart E, leaving 15 percent for the limited entry daily trip limit fishery described in § 660.232, subpart E.

(5) *Ratios between tiers for sablefish-endorsed limited entry permits*. The Regional Administrator will biennially or annually calculate the size of the cumulative trip limit for each of the three tiers associated with the sablefish endorsement such that the ratio of limits between the tiers is approximately 1:1.75:3.85 for Tier 3:Tier 2:Tier 1, respectively. The size of the cumulative trip limits will vary depending on the amount of sablefish available for the primary fishery and on estimated discard mortality rates within the fishery. The size of the cumulative trip limits for the three tiers in the primary fishery will be announced in § 660.231(b)(3), subpart E.

(i) *Pacific whiting allocation*. The allocation structure and percentages for Pacific whiting are described in the PCGFMP.

(1) Annual treaty tribal Pacific whiting allocations are provided in § 660.50, subpart C.

(2) The fishery harvest guideline for Pacific whiting is allocated among three sectors, as follows: 34 percent for the C/P Coop Program; 24 percent for the MS Coop Program; and 42 percent for the Shore based IFQ Program. No more than 5 percent of the Shore based IFQ Program allocation may be taken and retained south of 42° N. lat. before the start of the primary Pacific whiting season north of 42° N. lat. Specific sector allocations for a given calendar year are found in Tables 1a through c and 2a through c of this subpart. Set-asides for other species for the at-sea whiting fishery for a given calendar year are found in Tables 1D and 2D of this subpart.

(j) *Fishery set-asides.* Annual set-asides are not formal allocations but they are amounts which are not available to the other fisheries during the fishing year. For Pacific Coast treaty Indian fisheries, set-asides will be deducted from the TAC, OY, ACL, or ACT when specified. For the catcher/processor and mothership sectors of the at-sea Pacific whiting fishery, set-asides will be deducted from the limited entry trawl fishery allocation. Set-aside amounts may be adjusted through the biennial harvest specifications and management measures process.

(k) [Reserved]

(l) *Black rockfish harvest guideline.* The commercial tribal harvest guideline for black rockfish off Washington State is specified at § 660.50(f)(1), subpart C.

(m) *Pacific halibut bycatch allocation.* The Pacific halibut fishery off Washington, Oregon and California (Area 2A in the halibut regulations) is managed under regulations at 50 CFR part 300, subpart E. The PCGFMP sets the trawl bycatch mortality limit at 15 percent of the Area 2A total constant exploitation yield (TCEY) for legal size halibut (net weight), not to exceed 130,000 pounds annually for legal size halibut (net weight) for 2012 through 2014 and, beginning in 2015, not to exceed 100,000 pounds annually for legal size halibut (net weight). The TCEY used for these calculations will be the best estimate of the TCEY available from the International Pacific Halibut Commission at the time of the calculation. For the purpose of this paragraph, the term ''legal sized'' halibut refers to halibut with a total length of 32 inches and above, or O32, and the term ''sublegal sized'' halibut refers to halibut under 32 inches in total length, or U32. To determine the trawl bycatch mortality limit, the pounds of halibut available to the trawl fleet will be expanded from the legal sized halibut mortality (net weight) to a round weight legal and sublegal sized amount. To convert from net weight to round weight, multiply by the conversion factor used by the International Pacific Halibut Commission at the time of calculation for net weight to round weight. To convert from legal sized halibut to legal and sublegal sized halibut, multiply by the conversion factor from the NMFS trawl fishery bycatch report as reported to the International Pacific Halibut Commission at the time of calculation for legal sized to legal and sublegal sized halibut. The bycatch allocation percent can be adjusted downward or upward through the biennial specifications and management measures process but the upper bound on the maximum pounds of allocation can only be changed though an FMP amendment. Part of the overall total mortality limit is a set-aside of 10 mt of Pacific halibut (legal and sublegal, round weight), to accommodate bycatch in the at-sea Pacific whiting fishery and in the shorebased trawl fishery south of 40°10′ N. lat. (estimated to be approximately 5 mt each). This set-aside can be adjusted through the biennial specifications and management measures process.

[75 FR 60897, Oct. 1, 2010, as amended at 75 FR 78382, Dec. 15, 2010; 75 FR 82300, Dec. 30, 2010; 76 FR 27529, May 11, 2011; 76 FR 53835, Aug. 30, 2011; 76 FR 74737, Dec. 1, 2011; 77 FR 28507, May 15, 2012; 78 FR 588, Jan. 3, 2013; 80 FR 77270, Dec. 14, 2015; 81 FR 84428, Nov. 23, 2016; 82 FR 9639, Feb. 7, 2017; 83 FR 759, Jan. 8, 2018; 83 FR 63991, Dec. 12, 2018; 84 FR 68805, Dec. 17, 2019]

### § 660.60 Specifications and management measures.

(a) *General.* NMFS will establish and adjust specifications and management measures biennially or annually and during the fishing year. Management of the Pacific Coast groundfish fishery will be conducted consistent with the standards and procedures in the PCGFMP and other applicable law. The PCGFMP is available from the Regional Administrator or the Council. Regulations under this subpart may be promulgated, removed, or revised during the fishing year. Any such action will be made according to the framework standards and procedures in the PCGFMP and other applicable law, and will be published in the FEDERAL REGISTER.

(b) *Biennial actions.* The Pacific Coast Groundfish fishery is managed on a biennial, calendar year basis. Harvest specifications and management measures will be announced biennially, with

the harvest specifications for each species or species group set for two sequential calendar years. In general, management measures are designed to achieve, but not exceed, the specifications, particularly optimum yields (harvest guidelines and quotas), fishery harvest guidelines, commercial harvest guidelines and quotas, limited entry and open access allocations, or other approved fishery allocations, and to protect overfished and depleted stocks. Management measures will be designed to take into account the co-occurrence ratios of target species with overfished species, and will select measures that will minimize bycatch to the extent practicable.

(1) Except for Pacific whiting, every biennium, NMFS will implement OFLs, ABCs, and ACLs, if applicable, for each species or species group based on the harvest controls used in the previous biennium (referred to as default harvest control rules) applied to the best available scientific information. The default harvest control rules for each species or species group are listed in Appendix F to the PCGFMP and the biennial SAFE document. NMFS may implement OFLs, ABCs, and ACLs, if applicable, that vary from the default harvest control rules based on a Council recommendation.

(2) [Reserved]

(c) *Routine management measures.* Catch restrictions that are likely to be adjusted on a biennial or more frequent basis may be imposed and announced by a single notification in the FEDERAL REGISTER if good cause exists under the Administrative Procedure Act (APA) to waive notice and comment, and if they have been designated as routine through the two-meeting process described in the PCGFMP. Routine management measures that may be revised during the fishing year, via this process, are implemented in paragraph (h) of this section, and in subparts C through G of this part, including Tables 1a through 1c, and 2a through 2c to subpart C of this part, Tables 1 (North) and 1 (South) of subpart D of this part, Tables 2 (North) and 2 (South) of subpart E of this part, and Tables 3 (North) and 3 (South) of subpart F of this part. Most trip, bag, and size limits, and some Groundfish Conservation Area closures in the groundfish fishery have been designated ''routine,'' which means they may be changed rapidly after a single Council meeting. Council meetings are held in the months of March, April, June, September, and November. Inseason changes to routine management measures are announced in the FEDERAL REGISTER pursuant to the requirements of the APA. Changes to trip limits are effective at the times stated in the FEDERAL REGISTER. Once a trip limit change is effective, it is illegal to take and retain, possess, or land more fish than allowed under the new trip limit. This means that, unless otherwise announced in the FEDERAL REGISTER, offloading must begin before the time a fishery closes or a more restrictive trip limit takes effect. The following catch restrictions have been designated as routine:

(1) *Commercial Limited Entry and Open Access Fisheries.* (i) *Trip landing and frequency limits, size limits, all gear.* Trip landing and frequency limits have been designated as routine for the following species or species groups: Widow rockfish, canary rockfish, yellowtail rockfish, Pacific ocean perch, yelloweye rockfish, black rockfish, blue/deacon rockfish, splitnose rockfish, blackgill rockfish in the area south of 40°10′ N. lat., chilipepper, bocaccio, cowcod, Minor Nearshore Rockfish or shallow and deeper Minor Nearshore Rockfish, shelf or Minor Shelf Rockfish, and Minor Slope Rockfish; Dover sole, sablefish, shortspine thornyheads, and longspine thornyheads; petrale sole, rex sole, arrowtooth flounder, Pacific sanddabs, big skate, and the Other Flatfish complex, which is composed of those species plus any other flatfish species listed at § 660.11; Pacific whiting; lingcod; Pacific cod; spiny dogfish; longnose skate; cabezon in Oregon and California and ''Other Fish'' as defined at § 660.11. In addition to the species and species groups listed above, sublimits or aggregate limits may be specified, specific to the Shorebased IFQ Program, for the following species: Big skate, California skate, California scorpionfish, leopard shark, soupfin shark, finescale codling, Pacific rattail (grenadier), ratfish, kelp greenling, shortbelly rockfish, and cabezon in

Washington. Size limits have been designated as routine for sablefish and lingcod. Trip landing and frequency limits and size limits for species with those limits designated as routine may be imposed or adjusted on a biennial or more frequent basis for the purpose of keeping landings within the harvest levels announced by NMFS, and for the other purposes given in paragraphs (c)(1)(i)(A) and (B) of this section.

(ii) *Differential trip landing limits and frequency limits based on gear type, closed seasons, and bycatch limits.* Trip landing and frequency limits that differ by gear type and closed seasons may be imposed or adjusted on a biennial or more frequent basis for the purpose of rebuilding and protecting overfished or depleted stocks.

(iii) *Type of limited entry trawl gear on board.* Limits on the type of limited entry trawl gear on board a vessel may be imposed on a biennial or more frequent basis. Requirements and restrictions on limited entry trawl gear type are found at § 660.130(b).

(iv) *List of IFQ species documented on Observer Program reporting form.* As specified at § 660.140(h)(1)(i), to be exempt from observer coverage while docked in port depends on documentation of specified retained IFQ species on the Observer Program reporting form. The list of IFQ species documented on the Observer Program form may be modified on a biennial or more frequent basis under routine management measures § 660.60(c)(1).

(v) *Shorebased IFQ Program surplus carryover percentage.* As specified at § 660.140(e)(5)(i), a percentage of surplus QP or IBQ pounds in a vessel account may be carried over from one year to the next. The percentage of surplus QP or IBQ pounds, that may be carried over may be modified on a biennial or more frequent basis, and may not be higher than 10 percent.

(2) *Recreational fisheries all gear types.* Routine management measures for all groundfish species, separately or in any combination, include bag limits, size limits, time/area closures, boat limits, hook limits, and dressing requirements. All routine management measures on recreational fisheries are intended to keep landings within the harvest levels announced by NMFS, to rebuild and protect overfished or depleted species, and to maintain consistency with State regulations, and for the other purposes set forth in this section.

(i) *Bag limits.* To spread the available catch over a large number of anglers; to protect and rebuild overfished species; to avoid waste.

(ii) *Size limits.* To protect juvenile fish; to protect and rebuild overfished species; to enhance the quality of the recreational fishing experience.

(iii) *Season duration restrictions.* To spread the available catch over a large number of anglers; to protect and rebuild overfished species; to avoid waste; to enhance the quality of the recreational fishing experience.

(3) *All fisheries, all gear types*—(i) *Depth-based management measures.* Depth-based management measures, particularly closed areas known as Groundfish Conservation Areas, defined in § 660.11, include RCAs, BRAs, and BACs, and may be implemented in any fishery sector that takes groundfish directly or incidentally. Depth-based management measures are set using specific boundary lines that approximate depth contours with latitude/longitude waypoints found at §§ 660.70 through 660.74. Depth-based management measures and closed areas may be used for the following conservation objectives: To protect and rebuild overfished stocks; to prevent the overfishing of any groundfish species by minimizing the direct or incidental catch of that species; or to minimize the incidental harvest of any protected or prohibited species taken in the groundfish fishery. Depth-based management measures and closed areas may be used for the following economic objectives: To extend the fishing season; for the commercial fisheries, to minimize disruption of traditional fishing and marketing patterns; for the recreational fisheries, to spread the available catch over a large number of anglers; to discourage target fishing while allowing small incidental catches to be landed; and to allow small fisheries to operate outside the normal season.

(A) *Rockfish Conservation Areas.* RCAs, as defined at sect; 660.11, may be modified as routine action for vessels

using trawl gear (off Washington), non-trawl gear (coastwide), or recreational gear (coastwide) consistent with the purposes described in this paragraph (c)(3)(i).

(B) *Bycatch Reduction Areas.* BRAs may be implemented through automatic action in the Pacific whiting fishery consistent with paragraph (d)(1) of this section. BRAs may be implemented as routine management measures for vessels using midwater groundfish trawl gear consistent with the purposes described in this paragraph (c)(3)(i).

(C) *Block Area Closures.* BACs, as defined at sect; 660.111, may be closed or reopened, off Oregon and California, for vessels using limited entry bottom trawl gear, consistent with the purposes described in this paragraph (c)(3)(i).

(ii) *Non-tribal deductions from the ACL.* Changes to the non-tribal amounts deducted from the TAC, ACLs, or ACT when specified, described at § 660.55(b)(2) through (4) and specified in the footnotes to Tables 1a through 1c, and 2a through 2c, to subpart C, have been designated as routine to make fish that would otherwise go unharvested available to other fisheries during the fishing year. Adjustments may be made to provide additional harvest opportunities in groundfish fisheries when catch in scientific research activities, non-groundfish fisheries, and EFPs are lower than the amounts that were initially deducted off the TAC, ACL, or ACT when specified, during the biennial specifications or to allocate yield from the deduction to account for unforeseen catch events to groundfish fisheries. When recommending adjustments to the non-tribal deductions, the Council shall consider the allocation framework criteria outlined in the PCGFMP and the objectives to maintain or extend fishing and marketing opportunities taking into account the best available fishery information on sector needs.

(4) *Inseason action for canary rockfish, yelloweye rockfish, and black rockfish in California State-Specific Federal Harvest Limits outside of a Council meeting.* The Regional Administrator, NMFS West Coast Region, after consultation with the Chairman of the Pacific Fishery Management Council and the Fishery Director of the California Department of Fish and Wildlife, or their designees, is authorized to modify the following designated routine management measures for canary rockfish, yelloweye rockfish, and black rockfish off the coast of California. For black rockfish in commercial fisheries trip landing and frequency limits; and depth based management measures. For black, canary, and yelloweye rockfish in recreational fisheries bag limits; time/area closures; depth based management. Any modifications may be made only after NMFS has determined that a California state-specific federal harvest limit for canary rockfish, yelloweye rockfish, or black rockfish, is attained or projected to be attained prior to the first day of the next Council meeting. Any modifications may only be used to restrict catch of canary rockfish, yelloweye rockfish, or black rockfish off the coast of California.

(d) *Automatic actions.* The NMFS Regional Administrator or designee will initiate automatic management actions without prior public notice, opportunity to comment, or a Council meeting. These actions are nondiscretionary, and the impacts must have been taken into account prior to the action. Unless otherwise stated, a single notice will be published in the FEDERAL REGISTER making the action effective if good cause exists under the APA to waive notice and comment.

(1) Automatic actions will be initiated in the following circumstances:

(i) Close the MS or C/P sector when that sector's Pacific whiting allocation is reached, or is projected to be reached. The MS sector non-coop fishery will be closed by automatic action when the Pacific whiting or non-whiting allocation to the non-coop fishery has been reached or is projected to be reached.

(ii) Close one or both MS and C/P sectors when a non-whiting groundfish species with allocations is reached or projected to be reached.

(iii) Reapportion the unused portion of the tribal allocation of Pacific whiting to the MS sector, C/P sector, and Shorebased IFQ sector.

(iv) Close one or both of the whiting or non-whiting sectors of the groundfish fishery upon that sector having exceeded its annual Chinook salmon bycatch guideline and the reserve. The whiting sector includes the Pacific whiting IFQ fishery, MS, and C/P sectors. The non-whiting sector includes the midwater trawl, bottom trawl, and fixed gear fisheries under the Shorebased IFQ Program, limited entry fixed gear fisheries, open access fisheries, and recreational fisheries subject to this provision as set out in § 660.360(d).

(A) The whiting sector Chinook salmon bycatch guideline is 11,000 fish.

(B) The non-whiting sector Chinook salmon bycatch guideline is 5,500 fish.

(C) The reserve is 3,500 fish.

(v) Close the whiting or non-whiting sector of the groundfish fishery upon that sector having exceeded its annual Chinook salmon bycatch guideline if the other sector has already been closed after exceeding its Chinook salmon bycatch guideline and the reserve. The whiting sector includes the Pacific whiting IFQ fishery, MS, and C/P sectors. The non-whiting sector includes the midwater trawl, bottom trawl, and fixed gear fisheries under the Shorebased IFQ Program, limited entry fixed gear fisheries, open access fisheries, and recreational fisheries subject to this provision as set out in § 660.360(d).

(vi) Implement BRAs, described at § 660.131, when NMFS projects a sector-specific allocation will be reached before the sector's whiting allocation.

(2) Automatic actions are effective when actual notice is sent by NMFS identifying the effective time and date. Actual notice to fishers and processors will be by email, Internet *www.westcoast.fisheries.noaa.gov/ publications/fishery_management/groundfish/ public_notices/recent_public_notices.html*), phone, letter, or press release. Allocation reapportionments will be followed by publication in the FEDERAL REGISTER, in which public comment will be sought for a reasonable period of time thereafter.

(e) [Reserved]

(f) *Exempted fishing permits (EFP).* (1) The Regional Administrator may issue EFPs under regulations at § 660.30, subpart C, for compensation with fish for collecting resource information. Such EFPs may include the collecting of scientific samples of groundfish species that would otherwise be prohibited for retention.

(2) The Regional Administrator may also issue EFPs under regulations at 50 CFR part § 600.745 for limited testing, public display, data collection, exploratory, health and safety, environmental cleanup, and/or hazard removal purposes, the target or incidental harvest of species managed under an FMP or fishery regulations that would otherwise be prohibited.

(3) U.S. vessels operating under an EFP are subject to restrictions in subparts C through G of this part unless otherwise provided in the permit.

(g) *Applicability.* Groundfish species harvested in the territorial sea (0–3 nm) will be counted toward the catch limitations in Tables 1a through 2d of this subpart, and those specified in subparts D through G, including Tables 1 (North) and 1 (South) of subpart D, Tables 2 (North) and 2 (South) of subpart E, Tables 3 (North) and 3 (South) of subpart F.

(h) *Fishery restrictions*—(1) *Commercial trip limits and recreational bag and boat limits.* Commercial trip limits and recreational bag and boat limits defined in Tables 1a through 2d of this subpart, and those specified in subparts D through G of this part, including Tables 1 (North) and 1 (South) of subpart D, Tables 2 (North) and 2 (South) of subpart E, Tables 3 (North) and 3 (South) of subpart F must not be exceeded.

(2) *Landing.* As stated at § 660.11 (in the definition of ''Land or landing''), once the offloading of any species begins, all fish aboard the vessel are counted as part of the landing and must be reported as such. All fish from a landing must be removed from the vessel before a new fishing trip begins, except for processing vessels fishing in the catcher/processor or mothership sectors of the Pacific whiting fishery. Transfer of fish at sea is prohibited under § 660.12, unless a vessel is participating in the primary whiting fishery as part of the mothership or catcher/processor sectors, as described at

§ 660.131(a). Catcher vessels in the mothership sector must transfer all catch from a haul to the same vessel registered to an MS permit prior to the gear being set for a subsequent haul. Catch may not be transferred to a tender vessel.

(3) *Fishing ahead.* Unless the fishery is closed, a vessel that has landed its cumulative or daily limit may continue to fish on the limit for the next legal period, so long as no fish (including, but not limited to, groundfish with no trip limits, shrimp, prawns, or other nongroundfish species or shellfish) are landed (offloaded) until the next legal period. Fishing ahead is not allowed during or before a closed period.

(4) *Weights and percentages.* All weights are round weights or round-weight equivalents unless otherwise specified. Percentages are based on round weights, and, unless otherwise specified, apply only to legal fish on board.

(5) *Size limits, length measurement, and weight conversions.* (i) *Length measurement.* Unless otherwise specified, size limits in the commercial and recreational groundfish fisheries apply to the ''total length,'' which is the longest measurement of the fish without mutilation of the fish or the use of force to extend the length of the fish. No fish with a size limit may be retained if it is in such condition that its length has been extended or cannot be determined by these methods. For conversions not listed here, contact the state where the fish will be landed. Washington state regulations require all fish with a size limit landed into Washington to be landed with the head on.

(A) *Whole fish.* For a whole fish, total length is measured from the tip of the snout (mouth closed) to the tip of the tail in a natural, relaxed position.

(B) *''Headed'' fish.* For a fish with the head removed (''headed''), the length is measured from the origin of the first dorsal fin (where the front dorsal fin meets the dorsal surface of the body closest to the head) to the tip of the upper lobe of the tail; the dorsal fin and tail must be left intact.

(C) *Filets.* A filet is the flesh from one side of a fish extending from the head to the tail, which has been removed from the body (head, tail, and backbone) in a single continuous piece. Filet lengths may be subject to size limits for some groundfish taken in the recreational fishery off California (see subpart G of this part). A filet is measured along the length of the longest part of the filet in a relaxed position; stretching or otherwise manipulating the filet to increase its length is not permitted.

(ii) *Weight conversions and size limits.* To determine the round weight, multiply the processed weight times the conversion factor. Federal commercial groundfish regulations do not supersede more restrictive state commercial groundfish regulations, including landings requirements regarding groundfish species or the condition in which they may be landed.

(A) Limited entry fixed gear or open access fisheries. The weight limit conversion factor established by the state where the fish is or will be landed will be used to convert the processed weight to round weight for purposes of applying the trip limit or other allocation. Weight conversions provided herein are those conversions currently in use by the States of Washington, Oregon, and California and may be subject to change by those states. Fishery participants should contact fishery enforcement officials in the state where the fish will be landed to determine that state's official conversion factor.

(*1*) *Sablefish.* The following conversion applies to both the limited entry fixed gear and open access fisheries when trip limits are in effect for those fisheries. For headed and gutted (eviscerated) sablefish the weight conversion factor is 1.6 (multiply the headed and gutted weight by 1.6 to determine the round weight).

(*2*) *Lingcod.* The following conversions apply in both limited entry fixed gear and open access fisheries.

(*i*) North of 42° N. lat., for lingcod with the head removed, the minimum size limit is 18 inches (46 cm), which corresponds to 22 inches (56 cm) total length for whole fish.

(*ii*) South of 42° N. lat., for lingcod with the head removed, the minimum size limit is 19.5 inches (49.5 cm), which corresponds to 24 inches (61 cm) total length for whole fish.

(*iii*) The weight conversion factor for headed and gutted lingcod is 1.5. The conversion factor for lingcod that has only been gutted with the head on is 1.1.

(B) *Shorebased IFQ Program*. For vessels landing sorted catch, the weight conversions for purposes of applying QP and size limits are provided in paragraphs (h)(5)(ii)(B)(*2*)(*i*) through (*iii*) of this section.

(*1*) *Sablefish*. The weight conversion factor for headed and gutted (eviscerated) sablefish is 1.6.

(*2*) *Lingcod*. The following conversions and size limits apply:

(*i*) The minimum size limit for lingcod North of 42° N. lat. is 22 inches (56 cm) total length for whole fish, which corresponds to 18 inches (46 cm) with the head removed.

(*ii*) The minimum size limit for lingcod South of 42° N. lat. is 24 inches (61 cm) total length for whole fish, which corresponds to 19.5 inches (49.5 cm) with the head removed.

(*iii*) The weight conversion factor for headed and gutted (eviscerated) lingcod is 1.5; for lingcod that has only been gutted with the head on, the weight conversion factor is 1.1.

(*3*) *Pacific whiting*. For headed and gutted Pacific whiting (head removed just in front of the collar bone and viscera removed,) the weight conversion factor is 1.56; and for headed and gutted Pacific whiting with the tail removed the weight conversion factor is 2.0.

(*4*) *Rockfish (including thornyheads), except POP*. For headed and gutted (eviscerated), the weight conversion factor is 1.75; for headed and gutted, western cut (head removed just in front of the collar bone and viscera removed,) the weight conversion factor is 1.66; for headed and gutted, eastern cut (head removed just behind the collar bone and viscera removed,) the weight conversion factor is 2.0.

(*5*) *Pacific ocean perch (POP)*. For headed and gutted (eviscerated), the weight conversion factor is 1.6.

(*6*) *Pacific cod*. For headed and gutted (eviscerated), the weight conversion factor is 1.58.

(*7*) *Dover sole, English sole, and ''other flatfish''*. For headed and gutted (eviscerated), the weight conversion factor is 1.53.

(*8*) *Petrale sole*. For headed and gutted (eviscerated), the weight conversion factor is 1.51.

(*9*) *Arrowtooth flounder*. For headed and gutted (eviscerated), the weight conversion factor is 1.35.

(*10*) *Starry flounder*. For headed and gutted (eviscerated), the weight conversion factor is 1.49.

(6) *Sorting*. Trawl fishery sorting requirements are specified at § 660.130(d), subpart D. Limited entry fixed gear fishery sorting requirements are specified at § 660.230(c), subpart E, and Open access fishery sorting requirements are specified at § 660.330(c), subpart F.

(7) *Crossover provisions*. Crossover provisions apply to three activities: Fishing on different sides of a management line, fishing in both the limited entry and open access fisheries, or fishing in both the Shorebased IFQ Program and the limited entry fixed gear fishery. Fishery-specific crossover provisions can be found in subparts D through F of this part.

(i) *Fishing in management areas with different trip limits*. Trip limits for a species or a species group may differ in different management areas along the coast. The following crossover provisions apply to vessels fishing in different geographical areas that have different cumulative or ''per trip'' trip limits for the same species or species group, with the following exceptions. Such crossover provisions do not apply to: IFQ species (defined at § 660.140(c), subpart D) for vessels that are declared into the Shorebased IFQ Program (see § 660.13(d)(4)(iv)(A), for valid Shorebased IFQ Program declarations); species that are subject only to daily trip limits; or to trip limits for black rockfish off Washington, as described at §§ 660.230(e) and 660.330(e).

(A) *Going from a more restrictive to a more liberal area*. If a vessel takes and retains any groundfish species or species group of groundfish in an area where a more restrictive trip limit applies before fishing in an area where a more liberal trip limit (or no trip limit) applies, then that vessel is subject to the more restrictive trip limit for the entire period to which that trip limit applies, no matter where the fish

are taken and retained, possessed, or landed.

(B) *Going from a more liberal to a more restrictive area.* If a vessel takes and retains a groundfish species or species group in an area where a higher trip limit or no trip limit applies, and takes and retains, possesses or lands the same species or species group in an area where a more restrictive trip limit applies, that vessel is subject to the more restrictive trip limit for the entire period to which that trip limit applies, no matter where the fish are taken and retained, possessed, or landed.

(C) *Fishing in two different areas where a species or species group is managed with different types of trip limits.* During the fishing year, NMFS may implement management measures for a species or species group that set different types of trip limits (for example, per trip limits versus cumulative trip limits) for different areas. If a vessel fishes for a species or species group that is managed with different types of trip limits in two different areas within the same cumulative limit period, then that vessel is subject to the most restrictive overall cumulative limit for that species, regardless of where fishing occurs.

(D) *Minor rockfish.* Several rockfish species are designated with species-specific limits on one side of the 40°10′ N. lat. management line, and are included as part of a minor rockfish complex on the other side of the line. A vessel that takes and retains fish from a minor rockfish complex (nearshore, shelf, or slope) on both sides of a management line during a single cumulative limit period is subject to the more restrictive cumulative limit for that minor rockfish complex during that period.

(*1*) If a vessel takes and retains minor slope rockfish north of 40°10′ N. lat., that vessel is also permitted to take and retain, possess or land splitnose rockfish up to its cumulative limit south of 40°10′ N. lat., even if splitnose rockfish were a part of the landings from minor slope rockfish taken and retained north of 40°10′ N. lat.

(*2*) If a vessel takes and retains minor slope rockfish south of 40°10′ N. lat., that vessel is also permitted to take and retain, possess or land POP up to its cumulative limit north of 40°10′ N. lat., even if POP were a part of the landings from minor slope rockfish taken and retained south of 40°10′ N. lat.

(ii) *Fishing in both limited entry and open access fisheries—*

(A) *Fishing in limited entry and open access fisheries with different trip limits.* Open access trip limits apply to any fishing conducted with open access gear, even if the vessel has a valid limited entry permit with an endorsement for another type of gear. Except such provisions do not apply to IFQ species (defined at § 660.140(c), subpart D) for vessels that are declared into the Shorebased IFQ Program (see § 660.13(d)(4)(iv)(A) for valid Shorebased IFQ Program declarations). A vessel that fishes in both the open access and limited entry fisheries is not entitled to two separate trip limits for the same species. If a vessel has a limited entry permit registered to it at any time during the trip limit period and uses open access gear, but the open access limit is smaller than the limited entry limit, the open access limit may not be exceeded and counts toward the limited entry limit. If a vessel has a limited entry permit registered to it at any time during the trip limit period and uses open access gear, but the open access limit is larger than the limited entry limit, the smaller limited entry limit applies, even if taken entirely with open access gear.

(B) *Limited entry permit restrictions for vessels fishing in the open access fishery—* (*1*) *Vessel registered to a limited entry trawl permit.* To fish with open access gear, defined at § 660.11, a vessel registered to a limited entry trawl permit must make the appropriate fishery declaration, as specified at § 660.13(d)(4)(iv)(A). In addition, a vessel registered to a limited entry trawl permit must remove the permit from their vessel, as specified at § 660.25(b)(4)(vi), unless the vessel will be fishing in the open access fishery under one of the following declarations specified at § 660.13(d):

(*i*) Non-groundfish trawl gear for pink shrimp,

(*ii*) Non-groundfish trawl gear for ridgeback prawn,

(*iii*) Non-groundfish trawl gear for California halibut,

(*iv*) Non-groundfish trawl gear for sea cucumber,

(*v*) Open access Dungeness crab pot/trap gear,

(*vi*) Open access HMS line gear,

(*vii*) Open access salmon troll gear,

(*viii*) Open access Coastal Pelagic Species net gear.

(*2*) *Vessel registered to a limited entry fixed gear permit(s).* To fish with open access gear, defined at § 660.11, subpart C, a vessel registered to a limit entry fixed gear permit must make the appropriate open access declaration, as specified at § 660.13(d)(4)(iv)(A). Vessels registered to a sablefish-endorsed permit(s) fishing in the sablefish primary season (described at § 660.231, subpart E) may only fish with the gear(s) endorsed on their sablefish-endorsed permit(s) against those limits.

(*3*) *Vessel jointly registered to more than one limited entry permit.* Vessels jointly registered (under the provisions at § 660.25(b)(4)(iv)(B)) may fish with open access gear (defined at § 660.11) if they meet the requirements of both paragraphs (h)(7)(ii)(B)(*1*) and (*2*) of this section.

(iii) *Fishing in both the Shorebased IFQ Program and the limited entry fixed gear fishery for vessels that are jointly registered.*

(A) *Fishing in the Shorebased IFQ Program and limited entry fixed gear fishery with different trip limits.* If a vessel fishes in both the Shorebased IFQ Program and the limited entry fixed gear fishery during a cumulative limit period, they are subject to the most restrictive trip limits for non-IFQ species.

(B) *Fishing in the Shorebased IFQ Program and the limited entry fixed gear sablefish primary fishery with different trip limits.* If a vessel is jointly registered and one or more of the limited entry permits is sablefish endorsed, any sablefish landings made by a vessel declared into the limited entry fixed gear fishery after the start of the sablefish primary fishery count towards the tier limit(s), per regulations at § 660.232(a)(2), subpart E. Any sablefish landings made by a vessel declared into the Shorebased IFQ Program must be covered by quota pounds, per regulations at § 660.112(b), subpart D, and will not count towards the tier limit(s).

[75 FR 60897, Oct. 1, 2010, as amended at 75 FR 78382, Dec. 15, 2010; 75 FR 82301, Dec. 30, 2010; 76 FR 27530, May 11, 2011; 76 FR 53835, Aug. 30, 2011; 76 FR 74738, Dec. 1, 2011; 77 FR 28507, May 15, 2012; 78 FR 588, Jan. 3, 2013; 80 FR 12572, Mar. 10, 2015; 80 FR 22285, Apr. 21, 2015; 80 FR 77271, Dec. 14, 2015; 81 FR 84429, Nov. 23, 2016; 82 FR 9639, Feb. 7, 2017; 82 FR 48658, Oct. 19, 2017; 83 FR 760, Jan. 8, 2018; 83 FR 62276, Dec. 3, 2018; 83 FR 63991, Dec. 12, 2018; 84 FR 63973, Nov. 19, 2019; 84 FR 68806, Dec. 17, 2019]

### § 660.65 Groundfish harvest specifications.

Harvest specifications include OFLs, ABCs, and the designation of OYs and ACLs. Management measures necessary to keep catch within the ACL include ACTs, harvest guidelines (HGs), or quotas for species that need individual management, and the allocation of fishery HGs between the trawl and nontrawl segments of the fishery, and the allocation of commercial HGs between the open access and limited entry segments of the fishery. These specifications include fish caught in state ocean waters (0–3 nm offshore) as well as fish caught in the EEZ (3–200 nm offshore). Harvest specifications are provided in Tables 1a through 2d of this subpart.

[76 FR 27530, May 11, 2011]

### § 660.70 Groundfish conservation areas.

(a) *General.* Groundfish conservation area (GCA) is defined in § 660.11. This section defines GCAs whose shapes are not exclusively defined by boundary lines approximating depth contours found in §§ 660.71 through 660.74 or commonly used geographic coordinates at § 660.11. Fishing activity that is prohibited or permitted within a particular GCA is detailed at subparts C through G of part 660.

(b) *North Coast Recreational Yelloweye Rockfish Conservation Area.* The North Coast Recreational Yelloweye Rockfish Conservation Area (YRCA) is a C-shaped area off the northern Washington coast intended to protect yelloweye rockfish. The North Coast Recreational YRCA is defined by straight lines connecting the following

specific latitude and longitude coordinates in the order listed:

(1) 48°18.00′ N. lat.; 125°18.00′ W. long.;
(2) 48°18.00′ N. lat.; 124°59.00′ W. long.;
(3) 48°11.00′ N. lat.; 124°59.00′ W. long.;
(4) 48°11.00′ N. lat.; 125°11.00′ W. long.;
(5) 48°04.00′ N. lat.; 125°11.00′ W. long.;
(6) 48°04.00′ N. lat.; 124°59.00′ W. long.;
(7) 48°00.00′ N. lat.; 124°59.00′ W. long.;
(8) 48°00.00′ N. lat.; 125°18.00′ W. long.;

and connecting back to 48°18.00′ N. lat.; 125°18.00′ W. long.

(c) *North Coast Commercial Yelloweye Rockfish Conservation Area.* The North Coast Commercial Yelloweye Rockfish Conservation Area (YRCA) is an area off the northern Washington coast, overlapping the northern part of North Coast Recreational YRCA, intended to protect yelloweye rockfish. The North Coast Commercial YRCA is defined by straight lines connecting the following specific latitude and longitude coordinates in the order listed:

(1) 48°11.77′ N. lat., 125°13.03′ W. long.;
(2) 48°16.43′ N. lat., 125°07.55′ W. long.;
(3) 48°14.72′ N. lat., 125°01.84′ W. long.;
(4) 48°13.36′ N. lat., 125°03.20′ W. long.;
(5) 48°12.74′ N. lat., 125°05.83′ W. long.;
(6) 48°11.55′ N. lat., 125°04.99′ W. long.;
(7) 48°09.96′ N. lat., 125°06.63′ W. long.;
(8) 48°09.68′ N. lat., 125°08.75′ W. long.;

and connecting back to 48°11.77′ N. lat., 125°13.03′ W. long.

(d) *Salmon Troll Yelloweye Rockfish Conservation Area.* The Salmon Troll Yelloweye Rockfish Conservation Area (YRCA) is an area off the northern Washington coast, overlapping the southern part of North Coast Recreational YRCA, intended to protect yelloweye rockfish.The Salmon Troll YRCA is defined by straight lines connecting the following specific latitude and longitude coordinates in the order listed:

(1) 48°00.00′ N. lat., 125°14.00′ W. long.;
(2) 48°02.00′ N. lat., 125°14.00′ W. long.;
(3) 48°02.00′ N. lat., 125°16.50′ W. long.;
(4) 48°00.00′ N. lat., 125°16.50′ W. long.;

and connecting back to 48°00.00′ N. lat., 125°14.00′ W. long.

(e) *South Coast Recreational Yelloweye Rockfish Conservation Area.* The South Coast Recreational Yelloweye Rockfish Conservation Area (YRCA) is an area off the southern Washington coast intended to protect yelloweye rockfish. The South Coast Recreational YRCA is defined by straight lines connecting the following specific latitude and longitude coordinates in the order listed:

(1) 46°58.00′ N. lat., 124°48.00′ W. long.;
(2) 46°55.00′ N. lat., 124°48.00′ W. long.;
(3) 46°55.00′ N. lat., 124°49.00′ W. long.;
(4) 46°58.00′ N. lat., 124°49.00′ W. long.;

and connecting back to 46°58.00′ N. lat., 124°48.00′ W. long.

(f) *Westport Offshore Recreational YRCA.* The Westport Offshore Recreational YRCA is an area off the southern Washington coast intended to protect yelloweye rockfish. The Westport Recreational YRCA is defined by straight lines connecting the following specific latitude and longitude coordinates in the order listed:

(1) 46°54.30′ N. lat., 124°53.40′ W. long.;
(2) 46°54.30′ N. lat., 124°51.00′ W. long.;
(3) 46°53.30′ N. lat., 124°51.00′ W. long.;
(4) 46°53.30′ N. lat., 124°53.40′ W. long.;

and connecting back to 46°54.30′ N. lat., 124°53.40′ W. long.

(g) *Stonewall Bank Yelloweye Rockfish Conservation Area.* The Stonewall Bank Yelloweye Rockfish Conservation Area (YRCA) is an area off central Oregon, near Stonewall Bank, intended to protect yelloweye rockfish.The Stonewall Bank YRCA is defined by straight lines connecting the following specific latitude and longitude coordinates in the order listed:

(1) 44°37.46′ N. lat.; 124°24.92′ W. long.;
(2) 44°37.46′ N. lat.; 124°23.63′ W. long.;
(3) 44°28.71′ N. lat.; 124°21.80′ W. long.;
(4) 44°28.71′ N. lat.; 124°24.10′ W. long.;
(5) 44°31.42′ N. lat.; 124°25.47′ W. long.;

and connecting back to 44°37.46′ N. lat.; 124°24.92′ W. long.

(h) *Stonewall Bank Yelloweye Rockfish Conservation Area, Expansion 1.* The Stonewall Bank Yelloweye Rockfish Conservation Area (YRCA) Expansion 1 is an area off central Oregon, near Stonewall Bank, intended to protect yelloweye rockfish. The Stonewall Bank YRCA Expansion 1 is defined by straight lines connecting the following specific latitude and longitude coordinates in the order listed:

(1) 44°41.76′ N. lat.; 124°30.02′ W. long.;
(2) 44°41.73′ N. lat.; 124°21.60′ W. long.;
(3) 44°25.25′ N. lat.; 124°16.94′ W. long.;
(4) 44°25.29′ N. lat.; 124°30.14′ W. long.;
(5) 44°41.76′ N. lat.; 124°30.02′ W. long.;

and connecting back to 44°41.76′ N. lat.; 124°30.02′ W. long.

(i) *Stonewall Bank Yelloweye Rockfish Conservation Area, Expansion 2.* The Stonewall Bank Yelloweye Rockfish Conservation Area (YRCA) Expansion 2 is an area off central Oregon, near Stonewall Bank, intended to protect yelloweye rockfish. The Stonewall Bank YRCA Expansion 2 is defined by straight lines connecting the following specific latitude and longitude coordinates in the order listed:

(1) 44°38.54′ N. lat.; 124°27.41′ W. long.;
(2) 44°38.54′ N. lat.; 124°23.86′ W. long.;
(3) 44°27.13′ N. lat.; 124°21.50′ W. long.;
(4) 44°27.13′ N. lat.; 124°26.89′ W. long.;
(5) 44°31.30′ N. lat.; 124°28.35′ W. long.;
and connecting back to 44°38.54′ N. lat.; 124°27.41′ W. long.

(j) *Point St. George YRCA.* The Point St. George YRCA is an area off the northern California coast, northwest of Point St. George, intended to protect yelloweye rockfish. The Point St. George YRCA is defined by straight lines connecting the following specific latitude and longitude coordinates in the order listed:

(1) 41°51.00′ N. lat., 124°23.75′ W. long.;
(2) 41°51.00′ N. lat., 124°20.75′ W. long.;
(3) 41°48.00′ N. lat., 124°20.75′ W. long.;
(4) 41°48.00′ N. lat., 124°23.75′ W. long.;
and connecting back to 41°51.00′ N. lat., 124°23.75′ W. long.

(k) *South Reef YRCA.* The South Reef YRCA is an area off the northern California coast, southwest of Crescent City, intended to protect yelloweye rockfish. The South Reef YRCA is defined by straight lines connecting the following specific latitude and longitude coordinates in the order listed:

(1) 41°42.20′ N. lat., 124°16.00′ W. long.;
(2) 41°42.20′ N. lat., 124°13.80′ W. long.;
(3) 41°40.50′ N. lat., 124°13.80′ W. long.;
(4) 41°40.50′ N. lat., 124°16.00′ W. long.;
and connecting back to 41°42.20′ N. lat., 124°16.00′ W. long.

(l) *Reading Rock YRCA.* The Reading Rock YRCA is an area off the northern California coast, between Crescent City and Eureka, intended to protect yelloweye rockfish. The Reading Rock YRCA is defined by straight lines connecting the following specific latitude and longitude coordinates in the order listed:

(1) 41°21.50′ N. lat., 124°12.00′ W. long.;
(2) 41°21.50′ N. lat., 124°10.00′ W. long.;
(3) 41°20.00′ N. lat., 124°10.00′ W. long.;
(4) 41°20.00′ N. lat., 124°12.00′ W. long.;
and connecting back to 41°21.50′ N. lat., 124°12.00′ W. long.

(m) *Point Delgada YRCAs.* The Point Delgada YRCAs are two areas off the northern California coast, south of Point Delgada and Shelter Cove, intended to protect yelloweye rockfish. The Northern Point Delgada YRCA is defined by straight lines connecting the following specific latitude and longitude coordinates in the order listed:

(1) 39°59.00′ N. lat., 124°05.00′ W. long.;
(2) 39°59.00′ N. lat., 124°03.00′ W. long.;
(3) 39°57.00′ N. lat., 124°03.00′ W. long.;
(4) 39°57.00′ N. lat., 124°05.00′ W. long.;
and connecting back to 39°59.00′ N. lat., 124°05.00′ W. long.

(n) *Southern Point Delgada YRCA.* The Southern Point Delgada YRCA is defined by straight lines connecting the following specific latitude and longitude coordinates in the order listed:

(1) 39°57.00′ N. lat., 124°05.00′ W. long.;
(2) 39°57.00′ N. lat., 124°02.00′ W. long.;
(3) 39°54.00′ N. lat., 124°02.00′ W. long.;
(4) 39°54.00′ N. lat., 124°05.00′ W. long.;
and connecting back to 39°57.00′ N. lat., 124°05.00′ W. long.

(o) *Cowcod Conservation Areas.* The Cowcod Conservation Areas (CCAs) are two areas off the southern California coast intended to protect cowcod.

(1) *Western CCA.* The Western CCA is an area south of Point Conception defined by the straight lines connecting the following specific latitude and longitude coordinates in the order listed and connecting back to 33°50.00′ N lat., 119°30.00′ W long.:

(i) 33°50.00′ N lat., 119°30.00′ W long.;
(ii) 33°50.00′ N lat., 118°50.00′ W long.;
(iii) 32°20.00′ N lat., 118°50.00′ W long.;
(iv) 32°20.00′ N lat., 119°37.00′ W long.;
(v) 33°00.00′ N lat., 119°37.00′ W long.;
(vi) 33°00.00′ N lat., 119°53.00′ W long.;
(vii) 33°33.00′ N lat., 119°53.00′ W long.; and
(viii) 33°33.00′ N lat., 119°30.00′ W long.

(2) *Transit corridor.* The Western CCA transit corridor is bounded on the north by the latitude line at 33°00.50′ N lat., and bounded on the south by the latitude line at 32°59.50′ N lat.

(3) *Eastern CCA.* The Eastern CCA is an area west of San Diego defined by the straight lines connecting the following specific latitude and longitude

coordinates in the order listed and connecting back to 32°42.00′ N lat., 118°02.00′ W long.:

(i) 32°42.00′ N lat., 118°02.00′ W long.;

(ii) 32°42.00′ N lat., 117°50.00′ W long.;

(iii) 32°36.70′ N lat., 117°50.00′ W long.;

(iv) 32°30.00′ N lat., 117°53.50′ W long.; and

(v) 32°30.00′ N lat., 118°02.00′ W long.

(p) *Farallon Islands.* The Farallon Islands, off San Francisco and San Mateo Counties, include Southeast Farallon Island, Middle Farallon Island, North Farallon Island and Noon Day Rock. Generally, the State of California prohibits fishing for groundfish between the shoreline and the 10–fm (18–m) depth contour around the Farallon Islands.

(q) *Cordell Banks.* Cordell Banks are located offshore of California's Marin County. Generally, fishing for groundfish is prohibited in waters of depths less than 100–fm (183–m) around Cordell Banks as defined by specific latitude and longitude coordinates. The Cordell Banks closed area is defined by straight lines connecting the following specific latitude and longitude coordinates in the order listed:

(1) 38°03.18′ N. lat., 123°20.77′ W. long.;

(2) 38°06.29′ N. lat., 123°25.03′ W. long.;

(3) 38°06.34′ N. lat., 123°29.32′ W. long.;

(4) 38°04.57′ N. lat., 123°31.30′ W. long.;

(5) 38°02.32′ N. lat., 123°31.07′ W. long.;

(6) 38°00.00′ N. lat., 123°28.40′ W. long.;

(7) 37°58.10′ N. lat., 123°26.66′ W. long.;

(8) 37°55.07′ N. lat., 123°26.81′ W. long.;

(9) 38°00.00′ N. lat., 123°23.08′ W. long.;

and connecting back to 38°03.18′ N. lat., 123°20.77′ W. long.

[71 FR 78663, Dec. 29, 2006, as amended at 72 FR 53167, Sept. 18, 2007; 74 FR 9893, Mar. 6, 2009. Redesignated at 75 FR 60995, Oct. 1, 2010; 76 FR 53835, Aug. 30, 2011; 82 FR 9640, Feb. 7, 2017; 84 FR 63973, Nov. 19, 2019]

### § 660.71 Latitude/longitude coordinates defining the 10–fm (18–m) through 40–fm (73–m) depth contours.

Boundaries for some GCAs are defined by straight lines connecting a series of latitude/longitude coordinates. This section provides coordinates for the 10-fm (18-m) through 40-fm (73-m) depth contours.

(a) The 10–fm (18–m) depth contour between the U.S. border with Canada and 46°16′ N. lat. is defined by straight lines connecting all of the following points in the order stated:

(1) 48°23.80′ N. lat., 124°44.18′ W. long.;

(2) 48°23.60′ N. lat., 124°44.80′ W. long.;

(3) 48°23.45′ N. lat., 124°44.80′ W. long.;

(4) 48°23.30′ N. lat., 124°44.20′ W. long.;

(5) 48°22.20′ N. lat., 124°44.30′ W. long.;

(6) 48°20.25′ N. lat., 124°42.20′ W. long.;

(7) 48°12.80′ N. lat., 124°43.10′ W. long.;

(8) 48°11.10′ N. lat., 124°46.50′ W. long.;

(9) 48°10.00′ N. lat., 124°46.50′ W. long.;

(10) 48°08.50′ N. lat., 124°44.20′ W. long.;

(11) 47°59.40′ N. lat., 124°42.50′ W. long.;

(12) 47°52.60′ N. lat., 124°38.80′ W. long.;

(13) 47°51.50′ N. lat., 124°34.60′ W. long.;

(14) 47°39.80′ N. lat., 124°28.10′ W. long.;

(15) 47°31.70′ N. lat., 124°26.30′ W. long.;

(16) 47°25.20′ N. lat., 124°24.80′ W. long.;

(17) 47°09.80′ N. lat., 124°15.20′ W. long.;

(18) 46°54.40′ N. lat., 124°14.80′ W. long.;

(19) 46°48.30′ N. lat., 124°10.25′ W. long.;

(20) 46°38.17′ N. lat., 124°10.30′ W. long.;

(21) 46°27.20′ N. lat., 124°06.50′ W. long.; and

(22) 46°16.00′ N. lat., 124°10.00′ W. long.

(b) The 20–fm (37–m) depth contour between the U.S. border with Canada and 42° N. lat. is defined by straight lines connecting all of the following points in the order stated:

(1) 48°23.90′ N. lat., 124°44.20′ W. long.;

(2) 48°23.60′ N. lat., 124°44.90′ W. long.;

(3) 48°18.60′ N. lat., 124°43.60′ W. long.;

(4) 48°18.60′ N. lat., 124°48.20′ W. long.;

(5) 48°10.00′ N. lat., 124°48.80′ W. long.;

(6) 48°02.40′ N. lat., 124°49.30′ W. long.;

(7) 47°37.60′ N. lat., 124°34.30′ W. long.;

(8) 47°31.70′ N. lat., 124°32.40′ W. long.;

(9) 47°17.90′ N. lat., 124°25.00′ W. long.;

(10) 46°58.80′ N. lat., 124°18.30′ W. long.;

(11) 46°47.40′ N. lat., 124°12.70′ W. long.;

(12) 46°38.17′ N. lat., 124°12.40′ W. long.;

(13) 46°16.00′ N. lat., 124°11.50′ W. long.;

(14) 46°16.01′ N. lat., 124°11.56′ W. long.;

(15) 46°15.09′ N. lat., 124°11.33′ W. long.;

(16) 46°11.94′ N. lat., 124°08.51′ W. long.;

(17) 46°08.02′ N. lat., 124°04.06′ W. long.;

(18) 46°05.05′ N. lat., 124°02.13′ W. long.;

(19) 46°02.19′ N. lat., 124°01.35′ W. long.;

(20) 45°58.28′ N. lat., 124°01.70′ W. long.;

(21) 45°55.64′ N. lat., 124°01.16′ W. long.;

(22) 45°52.61′ N. lat., 124°00.33′ W. long.;

(23) 45°48.43′ N. lat., 124°00.65′ W. long.;

(24) 45°46.59′ N. lat., 124°00.79′ W. long.;

(25) 45°46.00′ N. lat., 124°00.54′ W. long.;

(26) 45°46.00′ N. lat., 124°00.53′ W. long.;

(27) 45°44.75′ N. lat., 123°59.92′ W. long.;

(28) 45°44.57′ N. lat., 123°59.64′ W. long.;

(29) 45°41.86′ N. lat., 123°58.82′ W. long.;

(30) 45°36.40′ N. lat., 123°59.42′ W. long.;
(31) 45°34.10′ N. lat., 123°59.90′ W. long.;
(32) 45°32.81′ N. lat., 124°00.35′ W. long.;
(33) 45°29.87′ N. lat., 124°00.98′ W. long.;
(34) 45°27.49′ N. lat., 124°00.79′ W. long.;
(35) 45°25.37′ N. lat., 124°00.73′ W. long.;
(36) 45°22.06′ N. lat., 124°01.66′ W. long.;
(37) 45°17.27′ N. lat., 124°00.76′ W. long.;
(38) 45°14.09′ N. lat., 124°00.75′ W. long.;
(39) 45°12.50′ N. lat., 124°00.53′ W. long.;
(40) 45°11.92′ N. lat., 124°01.62′ W. long.;
(41) 45°11.02′ N. lat., 124°00.60′ W. long.;
(42) 45°10.08′ N. lat., 124°00.58′ W. long.;
(43) 45°05.51′ N. lat., 124°02.15′ W. long.;
(44) 45°03.83′ N. lat., 124°02.55′ W. long.;
(45) 45°01.03′ N. lat., 124°03.22′ W. long.;
(46) 44°57.98′ N. lat., 124°04.29′ W. long.;
(47) 44°55.37′ N. lat., 124°04.39′ W. long.;
(48) 44°51.56′ N. lat., 124°05.54′ W. long.;
(49) 44°45.24′ N. lat., 124°06.47′ W. long.;
(50) 44°42.69′ N. lat., 124°06.73′ W. long.;
(51) 44°33.86′ N. lat., 124°07.43′ W. long.;
(52) 44°29.78′ N. lat., 124°07.62′ W. long.;
(53) 44°28.53′ N. lat., 124°07.93′ W. long.;
(54) 44°23.71′ N. lat., 124°08.30′ W. long.;
(55) 44°21.75′ N. lat., 124°08.79′ W. long.;
(56) 44°20.99′ N. lat., 124°08.48′ W. long.;
(57) 44°17.29′ N. lat., 124°08.82′ W. long.;
(58) 44°11.90′ N. lat., 124°09.44′ W. long.;
(59) 44°03.25′ N. lat., 124°10.33′ W. long.;
(60) 43°52.69′ N. lat., 124°12.01′ W. long.;
(61) 43°42.94′ N. lat., 124°13.88′ W. long.;
(62) 43°41.44′ N. lat., 124°14.47′ W. long.;
(63) 43°36.60′ N. lat., 124°14.92′ W. long.;
(64) 43°29.85′ N. lat., 124°17.35′ W. long.;
(65) 43°25.00′ N. lat., 124°20.84′ W. long.;
(66) 43°21.61′ N. lat., 124°24.09′ W. long.;
(67) 43°20.83′ N. lat., 124°24.74′ W. long.;
(68) 43°20.51′ N. lat., 124°25.01′ W. long.;
(69) 43°19.33′ N. lat., 124°25.43′ W. long.;
(70) 43°16.18′ N. lat., 124°26.02′ W. long.;
(71) 43°14.39′ N. lat., 124°26.17′ W. long.;
(72) 43°13.94′ N. lat., 124°26.72′ W. long.;
(73) 43°13.39′ N. lat., 124°26.41′ W. long.;
(74) 43°11.39′ N. lat., 124°26.90′ W. long.;
(75) 43°10.06′ N. lat., 124°28.24′ W. long.;
(76) 43°07.48′ N. lat., 124°28.65′ W. long.;
(77) 43°06.67′ N. lat., 124°28.63′ W. long.;
(78) 43°06.43′ N. lat., 124°28.22′ W. long.;
(79) 43°03.09′ N. lat., 124°28.52′ W. long.;
(80) 42°57.55′ N. lat., 124°30.74′ W. long.;
(81) 42°52.91′ N. lat., 124°35.03′ W. long.;
(82) 42°51.58′ N. lat., 124°36.43′ W. long.;
(83) 42°50.00′ N. lat., 124°37.13′ W. long.;
(84) 42°49.85′ N. lat., 124°37.20′ W. long.;
(85) 42°46.07′ N. lat., 124°36.98′ W. long.;
(86) 42°46.03′ N. lat., 124°34.76′ W. long.;
(87) 42°45.37′ N. lat., 124°33.59′ W. long.;
(88) 42°43.91′ N. lat., 124°32.14′ W. long.;
(89) 42°41.73′ N. lat., 124°29.20′ W. long.;
(90) 42°40.50′ N. lat., 124°28.95′ W. long.;
(91) 42°40.49′ N. lat., 124°28.95′ W. long.;
(92) 42°40.06′ N. lat., 124°28.94′ W. long.;
(93) 42°39.74′ N. lat., 124°27.80′ W. long.;
(94) 42°37.53′ N. lat., 124°26.39′ W. long.;
(95) 42°34.33′ N. lat., 124°26.56′ W. long.;
(96) 42°32.81′ N. lat., 124°27.55′ W. long.;
(97) 42°31.66′ N. lat., 124°29.58′ W. long.;
(98) 42°30.70′ N. lat., 124°30.91′ W. long.;
(99) 42°29.20′ N. lat., 124°31.27′ W. long.;
(100) 42°27.52′ N. lat., 124°30.79′ W. long.;
(101) 42°24.70′ N. lat., 124°29.65′ W. long.;
(102) 42°23.93′ N. lat., 124°28.60′ W. long.;
(103) 42°19.35′ N. lat., 124°27.23′ W. long.;
(104) 42°14.87′ N. lat., 124°26.14′ W. long.;
(105) 42°11.85′ N. lat., 124°23.78′ W. long.;
(106) 42°08.08′ N. lat., 124°22.91′ W. long.;
(107) 42°07.04′ N. lat., 124°22.66′ W. long.;
(108) 42°05.17′ N. lat., 124°21.41′ W. long.;
(109) 42°04.16′ N. lat., 124°20.55′ W. long.;
(110) 42°02.12′ N. lat., 124°20.51′ W. long.;
(111) 42°01.42′ N. lat., 124°20.29′ W. long.; and
(112) 42°00.00′ N. lat., 124°19.61′ W. long.

(c) The 25–fm (46–m) depth contour between the Queets River, WA, and 42° N. lat. is defined by straight lines connecting all of the following points in the order stated:

(1) 47°31.70′ N. lat., 124°34.70′ W. long.;
(2) 47°25.70′ N. lat., 124°33.00′ W. long.;
(3) 47°12.80′ N. lat., 124°26.00′ W. long.;
(4) 46°53.00′ N. lat., 124°21.00′ W. long.;
(5) 46°44.20′ N. lat., 124°15.00′ W. long.;
(6) 46°38.17′ N. lat., 124°13.70′ W. long.;
(7) 46°16.00′ N. lat., 124°12.50′ W. long.;
(8) 46°15.99′ N. lat., 124°12.04′ W. long.;
(9) 46°13.72′ N. lat., 124°11.04′ W. long.;
(10) 46°09.50′ N. lat., 124°07.62′ W. long.;
(11) 46°04.00′ N. lat., 124°03.20′ W. long.;
(12) 45°57.61′ N. lat., 124°01.85′ W. long.;
(13) 45°51.73′ N. lat., 124°01.06′ W. long.;
(14) 45°47.27′ N. lat., 124°01.22′ W. long.;
(15) 45°46.00′ N. lat., 124°00.94′ W. long.;
(16) 45°43.19′ N. lat., 124°00.32′ W. long.;
(17) 45°36.11′ N. lat., 124°00.38′ W. long.;

(18) 45°32.95′ N. lat., 124°01.38′ W. long.;
(19) 45°27.47′ N. lat., 124°01.46′ W. long.;
(20) 45°23.18′ N. lat., 124°01.94′ W. long.;
(21) 45°19.04′ N. lat., 124°01.29′ W. long.;
(22) 45°16.79′ N. lat., 124°01.90′ W. long.;
(23) 45°13.54′ N. lat., 124°01.64′ W. long.;
(24) 45°09.56′ N. lat., 124°01.94′ W. long.;
(25) 45°06.15′ N. lat., 124°02.38′ W. long.;
(26) 45°03.83′ N. lat., 124°02.96′ W. long.;
(27) 45°00.77′ N. lat., 124°03.72′ W. long.;
(28) 44°49.08′ N. lat., 124°06.49′ W. long.;
(29) 44°40.06′ N. lat., 124°08.14′ W. long.;
(30) 44°36.64′ N. lat., 124°08.51′ W. long.;
(31) 44°29.41′ N. lat., 124°09.24′ W. long.;
(32) 44°25.18′ N. lat., 124°09.37′ W. long.;
(33) 44°16.34′ N. lat., 124°10.30′ W. long.;
(34) 44°12.16′ N. lat., 124°10.82′ W. long.;
(35) 44°06.59′ N. lat., 124°11.00′ W. long.;
(36) 44°02.09′ N. lat., 124°11.24′ W. long.;
(37) 43°57.82′ N. lat., 124°11.60′ W. long.;
(38) 43°53.44′ N. lat., 124°12.34′ W. long.;
(39) 43°49.19′ N. lat., 124°13.08′ W. long.;
(40) 43°45.19′ N. lat., 124°13.73′ W. long.;
(41) 43°41.22′ N. lat., 124°14.59′ W. long.;
(42) 43°37.52′ N. lat., 124°15.05′ W. long.;
(43) 43°33.97′ N. lat., 124°16.00′ W. long.;
(44) 43°29.72′ N. lat., 124°17.78′ W. long.;
(45) 43°27.63′ N. lat., 124°19.11′ W. long.;
(46) 43°20.83′ N. lat., 124°25.24′ W. long.;
(47) 43°20.66′ N. lat., 124°25.39′ W. long.;
(48) 43°15.57′ N. lat., 124°26.86′ W. long.;
(49) 43°06.88′ N. lat., 124°29.30′ W. long.;
(50) 43°03.37′ N. lat., 124°29.06′ W. long.;
(51) 43°01.03′ N. lat., 124°29.41′ W. long.;
(52) 42°56.59′ N. lat., 124°31.93′ W. long.;
(53) 42°54.08′ N. lat., 124°34.55′ W. long.;
(54) 42°51.16′ N. lat., 124°37.02′ W. long.;
(55) 42°50.00′ N. lat., 124°37.41′ W. long;
(56) 42°49.27′ N. lat., 124°37.73′ W. long.;
(57) 42°46.02′ N. lat., 124°37.54′ W. long.;
(58) 42°45.76′ N. lat., 124°35.68′ W. long.;
(59) 42°42.25′ N. lat., 124°30.47′ W. long.;
(60) 42°40.51′ N. lat., 124°29.00′ W. long.;
(61) 42°40.00′ N. lat., 124°29.01′ W. long.;
(62) 42°39.64′ N. lat., 124°28.28′ W. long.;
(63) 42°38.80′ N. lat., 124°27.57′ W. long.;
(64) 42°35.42′ N. lat., 124°26.77′ W. long.;
(65) 42°33.13′ N. lat., 124°29.06′ W. long.;
(66) 42°31.44′ N. lat., 124°30.71′ W. long.;
(67) 42°29.03′ N. lat., 124°31.71′ W. long.;
(68) 42°24.98′ N. lat., 124°29.95′ W. long.;
(69) 42°20.05′ N. lat., 124°28.16′ W. long.;
(70) 42°14.24′ N. lat., 124°26.03′ W. long.;
(71) 42°10.23′ N. lat., 124°23.93′ W. long.;
(72) 42°06.20′ N. lat., 124°22.70′ W. long.;
(73) 42°04.66′ N. lat., 124°21.49′ W. long.;
(74) 42°00.00′ N. lat., 124°20.80′ W. long.;

(d) The 25-fm (46-m) depth contour between the Queets River, WA, and 42° N. lat., modified to reduce impacts on canary and yelloweye rockfish by shifting the line shoreward in the area between 47°31.70′ N. lat. and 46°44.18′ N. lat., is defined by straight lines connecting all of the following points in the order stated:

(1) 47°31.70′ N. lat., 124°34.66′ W. long.;
(2) 47°25.67′ N. lat., 124°32.78′ W. long.;
(3) 47°12.82′ N. lat., 124°26.00′ W. long.;
(4) 46°52.94′ N. lat., 124°18.94′ W. long.;
(5) 46°44.18′ N. lat., 124°14.89′ W. long.;
(6) 46°38.17′ N. lat., 124°13.70′ W. long.;
(7) 46°16.00′ N. lat., 124°12.50′ W. long.;
(8) 46°15.99′ N. lat., 124°12.04′ W. long.;
(9) 46°13.72′ N. lat., 124°11.04′ W. long.;
(10) 46°09.50′ N. lat., 124°07.62′ W. long.;
(11) 46°04.00′ N. lat., 124°03.20′ W. long.;
(12) 45°57.61′ N. lat., 124°01.85′ W. long.;
(13) 45°51.73′ N. lat., 124°01.06′ W. long.;
(14) 45°47.27′ N. lat., 124°01.22′ W. long.;
(15) 45°46.00′ N. lat., 124°00.94′ W. long.;
(16) 45°43.19′ N. lat., 124°00.32′ W. long.;
(17) 45°36.11′ N. lat., 124°00.38′ W. long.;
(18) 45°32.95′ N. lat., 124°01.38′ W. long.;
(19) 45°27.47′ N. lat., 124°01.46′ W. long.;
(20) 45°23.18′ N. lat., 124°01.94′ W. long.;
(21) 45°19.04′ N. lat., 124°01.29′ W. long.;
(22) 45°16.79′ N. lat., 124°01.90′ W. long.;
(23) 45°13.54′ N. lat., 124°01.64′ W. long.;
(24) 45°09.56′ N. lat., 124°01.94′ W. long.;
(25) 45°06.15′ N. lat., 124°02.38′ W. long.;
(26) 45°03.83′ N. lat., 124°02.96′ W. long.;
(27) 45°00.77′ N. lat., 124°03.72′ W. long.;
(28) 44°49.08′ N. lat., 124°06.49′ W. long.;
(29) 44°40.06′ N. lat., 124°08.14′ W. long.;
(30) 44°36.64′ N. lat., 124°08.51′ W. long.;
(31) 44°29.41′ N. lat., 124°09.24′ W. long.;
(32) 44°25.18′ N. lat., 124°09.37′ W. long.;
(33) 44°16.34′ N. lat., 124°10.30′ W. long.;
(34) 44°12.16′ N. lat., 124°10.82′ W. long.;
(35) 44°06.59′ N. lat., 124°11.00′ W. long.;
(36) 44°02.09′ N. lat., 124°11.24′ W. long.;
(37) 43°57.82′ N. lat., 124°11.60′ W. long.;
(38) 43°53.44′ N. lat., 124°12.34′ W. long.;
(39) 43°49.19′ N. lat., 124°13.08′ W. long.;
(40) 43°45.19′ N. lat., 124°13.73′ W. long.;
(41) 43°41.22′ N. lat., 124°14.59′ W. long.;
(42) 43°37.52′ N. lat., 124°15.05′ W. long.;
(43) 43°33.97′ N. lat., 124°16.00′ W. long.;
(44) 43°29.72′ N. lat., 124°17.78′ W. long.;
(45) 43°27.63′ N. lat., 124°19.11′ W. long.;
(46) 43°20.83′ N. lat., 124°25.24′ W. long.;
(47) 43°20.66′ N. lat., 124°25.39′ W. long.;
(48) 43°15.57′ N. lat., 124°26.86′ W. long.;
(49) 43°06.88′ N. lat., 124°29.30′ W. long.;
(50) 43°03.37′ N. lat., 124°29.06′ W. long.;
(51) 43°01.03′ N. lat., 124°29.41′ W. long.;
(52) 42°56.59′ N. lat., 124°31.93′ W. long.;

(53) 42°54.08′ N. lat., 124°34.55′ W. long.;
(54) 42°51.16′ N. lat., 124°37.02′ W. long.;
(55) 42°50.00′ N. lat., 124°36.41′ W. long.;
(56) 42°49.27′ N. lat., 124°37.73′ W. long.;
(57) 42°46.02′ N. lat., 124°37.54′ W. long.;
(58) 42°45.76′ N. lat., 124°35.68′ W. long.;
(59) 42°42.25′ N. lat., 124°30.47′ W. long.;
(60) 42°40.51′ N. lat., 124°29.00′ W. long.;
(61) 42°40.00′ N. lat., 124°29.01′ W. long.;
(62) 42°39.64′ N. lat., 124°28.28′ W. long.;
(63) 42°38.80′ N. lat., 124°27.57′ W. long.;
(64) 42°35.42′ N. lat., 124°26.77′ W. long.;
(65) 42°33.13′ N. lat., 124°29.06′ W. long.;
(66) 42°31.44′ N. lat., 124°30.71′ W. long.;
(67) 42°29.03′ N. lat., 124°31.71′ W. long.;
(68) 42°24.98′ N. lat., 124°29.95′ W. long.;
(69) 42°20.05′ N. lat., 124°28.16′ W. long.;
(70) 42°14.24′ N. lat., 124°26.03′ W. long.;
(71) 42°10.23′ N. lat., 124°23.93′ W. long.;
(72) 42°06.20′ N. lat., 124°22.70′ W. long.;
(73) 42°04.66′ N. lat., 124°21.49′ W. long.; and
(74) 42°00.00′ N. lat., 124°20.80′ W. long.

(e) The 30–fm (55–m) depth contour between the U.S. border with Canada and the U.S. border with Mexico is defined by straight lines connecting all of the following points in the order stated:

(1) 48°24.79′ N. lat., 124°44.07′ W. long.;
(2) 48°24.80′ N. lat., 124°44.74′ W. long.;
(3) 48°23.94′ N. lat., 124°44.70′ W. long.;
(4) 48°23.51′ N. lat., 124°45.01′ W. long.;
(5) 48°22.59′ N. lat., 124°44.97′ W. long.;
(6) 48°21.75′ N. lat., 124°45.26′ W. long.;
(7) 48°21.23′ N. lat., 124°47.78′ W. long.;
(8) 48°20.32′ N. lat., 124°49.53′ W. long.;
(9) 48°16.72′ N. lat., 124°51.58′ W. long.;
(10) 48°10.00′ N. lat., 124°52.58′ W. long.;
(11) 48°05.63′ N. lat., 124°52.91′ W. long.;
(12) 47°53.37′ N. lat., 124°47.37′ W. long.;
(13) 47°40.28′ N. lat., 124°40.07′ W. long.;
(14) 47°31.70′ N. lat., 124°37.03′ W. long.;
(15) 47°25.67′ N. lat., 124°34.79′ W. long.;
(16) 47°12.82′ N. lat., 124°29.12′ W. long.;
(17) 46°52.94′ N. lat., 124°22.58′ W. long.;
(18) 46°44.18′ N. lat., 124°18.00′ W. long.;
(19) 46°38.17′ N. lat., 124°15.88′ W. long.;
(20) 46°29.53′ N. lat., 124°15.89′ W. long.;
(21) 46°19.27′ N. lat., 124°14.15′ W. long.;
(22) 46°16.00′ N. lat., 124°13.04′ W. long.;
(23) 46°07.00′ N. lat., 124°07.01′ W. long.;
(24) 45°55.95′ N. lat., 124°02.23′ W. long.;
(25) 45°54.53′ N. lat., 124°02.57′ W. long.;
(26) 45°50.65′ N. lat., 124°01.62′ W. long.;
(27) 45°48.20′ N. lat., 124°02.16′ W. long.;
(28) 45°46.00′ N. lat., 124°01.86′ W. long.;
(29) 45°43.46′ N. lat., 124°01.28′ W. long.;
(30) 45°40.48′ N. lat., 124°01.03′ W. long.;
(31) 45°39.04′ N. lat., 124°01.68′ W. long.;
(32) 45°35.48′ N. lat., 124°01.90′ W. long.;
(33) 45°29.81′ N. lat., 124°02.45′ W. long.;
(34) 45°27.97′ N. lat., 124°01.90′ W. long.;
(35) 45°27.22′ N. lat., 124°02.66′ W. long.;
(36) 45°24.20′ N. lat., 124°02.94′ W. long.;
(37) 45°20.60′ N. lat., 124°01.74′ W. long.;
(38) 45°20.25′ N. lat., 124°01.85′ W. long.;
(39) 45°16.44′ N. lat., 124°03.22′ W. long.;
(40) 45°13.63′ N. lat., 124°02.69′ W. long.;
(41) 45°11.05′ N. lat., 124°03.59′ W. long.;
(42) 45°08.55′ N. lat., 124°03.47′ W. long.;
(43) 45°03.82′ N. lat., 124°04.43′ W. long.;
(44) 45°02.81′ N. lat., 124°04.64′ W. long.;
(45) 44°58.06′ N. lat., 124°05.03′ W. long.;
(46) 44°53.97′ N. lat., 124°06.92′ W. long.;
(47) 44°48.89′ N. lat., 124°07.04′ W. long.;
(48) 44°46.94′ N. lat., 124°08.25′ W. long.;
(49) 44°42.72′ N. lat., 124°08.98′ W. long.;
(50) 44°38.16′ N. lat., 124°11.48′ W. long.;
(51) 44°33.38′ N. lat., 124°11.54′ W. long.;
(52) 44°28.51′ N. lat., 124°12.04′ W. long.;
(53) 44°27.65′ N. lat., 124°12.56′ W. long.;
(54) 44°19.67′ N. lat., 124°12.37′ W. long.;
(55) 44°10.79′ N. lat., 124°12.22′ W. long.;
(56) 44°09.22′ N. lat., 124°12.28′ W. long.;
(57) 44°08.30′ N. lat., 124°12.30′ W. long.;
(58) 44°00.22′ N. lat., 124°12.80′ W. long.;
(59) 43°51.56′ N. lat., 124°13.18′ W. long.;
(60) 43°44.26′ N. lat., 124°14.50′ W. long.;
(61) 43°33.82′ N. lat., 124°16.28′ W. long.;
(62) 43°28.66′ N. lat., 124°18.72′ W. long.;
(63) 43°23.12′ N. lat., 124°24.04′ W. long.;
(64) 43°20.83′ N. lat., 124°25.67′ W. long.;
(65) 43°20.48′ N. lat., 124°25.90′ W. long.;
(66) 43°16.41′ N. lat., 124°27.52′ W. long.;
(67) 43°14.23′ N. lat., 124°29.28′ W. long.;
(68) 43°14.03′ N. lat., 124°28.31′ W. long.;
(69) 43°11.92′ N. lat., 124°28.26′ W. long.;
(70) 43°11.02′ N. lat., 124°29.11′ W. long.;
(71) 43°10.13′ N. lat., 124°29.15′ W. long.;
(72) 43°09.26′ N. lat., 124°31.03′ W. long.;
(73) 43°07.73′ N. lat., 124°30.92′ W. long.;
(74) 43°05.93′ N. lat., 124°29.64′ W. long.;
(75) 43°01.59′ N. lat., 124°30.64′ W. long.;
(76) 42°59.72′ N. lat., 124°31.16′ W. long.;
(77) 42°53.75′ N. lat., 124°36.09′ W. long.;
(78) 42°50.00′ N. lat., 124°38.39′ W. long.;
(79) 42°49.37′ N. lat., 124°38.81′ W. long.;
(80) 42°46.42′ N. lat., 124°37.69′ W. long.;
(81) 42°46.07′ N. lat., 124°38.56′ W. long.;
(82) 42°45.29′ N. lat., 124°37.95′ W. long.;
(83) 42°45.61′ N. lat., 124°36.87′ W. long.;
(84) 42°44.27′ N. lat., 124°33.64′ W. long.;
(85) 42°42.75′ N. lat., 124°31.84′ W. long.;
(86) 42°40.50′ N. lat., 124°29.67′ W. long.;
(87) 42°40.04′ N. lat., 124°29.20′ W. long.;
(88) 42°38.09′ N. lat., 124°28.39′ W. long.;
(89) 42°36.73′ N. lat., 124°27.54′ W. long.;

(90) 42°36.56′ N. lat., 124°28.40′ W. long.;
(91) 42°35.77′ N. lat., 124°28.79′ W. long.;
(92) 42°34.03′ N. lat., 124°29.98′ W. long.;
(93) 42°34.19′ N. lat., 124°30.58′ W. long.;
(94) 42°31.27′ N. lat., 124°32.24′ W. long.;
(95) 42°27.07′ N. lat., 124°32.53′ W. long.;
(96) 42°24.21′ N. lat., 124°31.23′ W. long.;
(97) 42°20.47′ N. lat., 124°28.87′ W. long.;
(98) 42°14.60′ N. lat., 124°26.80′ W. long.;
(99) 42°13.67′ N. lat., 124°26.25′ W. long.;
(100) 42°10.90′ N. lat., 124°24.56′ W. long.;
(101) 42°07.04′ N. lat., 124°23.35′ W. long.;
(102) 42°02.16′ N. lat., 124°22.59′ W. long.;
(103) 42°00.00′ N. lat., 124°21.81′ W. long.;
(104) 41°55.75′ N. lat., 124°20.72′ W. long.;
(105) 41°50.93′ N. lat., 124°23.76′ W. long.;
(106) 41°42.53′ N. lat., 124°16.47′ W. long.;
(107) 41°37.20′ N. lat., 124°17.05′ W. long.;
(108) 41°24.58′ N. lat., 124°10.51′ W. long.;
(109) 41°20.73′ N. lat., 124°11.73′ W. long.;
(110) 41°17.59′ N. lat., 124°10.66′ W. long.;
(111) 41°04.54′ N. lat., 124°14.47′ W. long.;
(112) 40°54.26′ N. lat., 124°13.90′ W. long.;
(113) 40°40.31′ N. lat., 124°26.24′ W. long.;
(114) 40°34.00′ N. lat., 124°27.39′ W. long.;
(115) 40°30.00′ N. lat., 124°31.32′ W. long.;
(116) 40°28.89′ N. lat., 124°32.43′ W. long.;
(117) 40°24.77′ N. lat., 124°29.51′ W. long.;
(118) 40°22.47′ N. lat., 124°24.12′ W. long.;
(119) 40°19.73′ N. lat., 124°23.59′ W. long.;
(120) 40°18.64′ N. lat., 124°21.89′ W. long.;
(121) 40°17.67′ N. lat., 124°23.07′ W. long.;
(122) 40°15.58′ N. lat., 124°23.61′ W. long.;
(123) 40°13.42′ N. lat., 124°22.94′ W. long.;
(124) 40°10.00′ N. lat., 124°16.65′ W. long.;
(125) 40°09.46′ N. lat., 124°15.28′ W. long.;
(126) 40°08.89′ N. lat., 124°15.24′ W. long.;
(127) 40°06.40′ N. lat., 124°10.97′ W. long.;
(128) 40°06.08′ N. lat., 124°09.34′ W. long.;
(129) 40°06.64′ N. lat., 124°08.00′ W. long.;
(130) 40°05.08′ N. lat., 124°07.57′ W. long.;
(131) 40°04.29′ N. lat., 124°08.12′ W. long.;
(132) 40°00.61′ N. lat., 124°07.35′ W. long.;
(133) 39°58.60′ N. lat., 124°05.51′ W. long.;
(134) 39°54.89′ N. lat., 124°04.67′ W. long.;
(135) 39°53.01′ N. lat., 124°02.33′ W. long.;
(136) 39°53.20′ N. lat., 123°58.18′ W. long.;
(137) 39°48.45′ N. lat., 123°53.21′ W. long.;
(138) 39°43.89′ N. lat., 123°51.75′ W. long.;
(139) 39°39.60′ N. lat., 123°49.14′ W. long.;
(140) 39°37.50′ N. lat., 123°49.20′ W. long.;
(141) 39°34.43′ N. lat., 123°48.48′ W. long.;
(142) 39°30.63′ N. lat., 123°49.71′ W. long.;
(143) 39°21.25′ N. lat., 123°50.54′ W. long.;
(144) 39°13.00′ N. lat., 123°47.65′ W. long.;
(145) 39°11.06′ N. lat., 123°47.16′ W. long.;
(146) 39°10.35′ N. lat., 123°46.75′ W. long.;
(147) 39°08.87′ N. lat., 123°46.24′ W. long.;
(148) 39°03.79′ N. lat., 123°43.91′ W. long.;
(149) 38°59.65′ N. lat., 123°45.94′ W. long.;
(150) 38°57.50′ N. lat., 123°46.28′ W. long.;
(151) 38°56.80′ N. lat., 123°46.48′ W. long.;
(152) 38°51.16′ N. lat., 123°41.48′ W. long.;
(153) 38°45.77′ N. lat., 123°35.14′ W. long.;

(154) 38°42.21′ N. lat., 123°28.17′ W. long.;
(155) 38°34.05′ N. lat., 123°20.96′ W. long.;
(156) 38°22.47′ N. lat., 123°07.48′ W. long.;
(157) 38°16.52′ N. lat., 123°05.62′ W. long.;
(158) 38°14.42′ N. lat., 123°01.91′ W. long.;
(159) 38°08.24′ N. lat., 122°59.79′ W. long.;
(160) 38°02.69′ N. lat., 123°01.96′ W. long.;
(161) 38°00.00′ N. lat., 123°04.75′ W. long.;
(162) 37°58.41′ N. lat., 123°02.93′ W. long.;
(163) 37°58.25′ N. lat., 122°56.49′ W. long.;
(164) 37°50.30′ N. lat., 122°52.23′ W. long.;
(165) 37°43.36′ N. lat., 123°04.18′ W. long.;
(166) 37°40.77′ N. lat., 123°01.62′ W. long.;
(167) 37°40.13′ N. lat., 122°57.30′ W. long.;
(168) 37°39.85.′ N. lat., 122°49.90′ W. long.;
(169) 37°35.67′ N. lat., 122°44.20′ W. long.;
(170) 37°29.62′ N. lat., 122°36.00′ W. long.;
(171) 37°22.38′ N. lat., 122°31.66′ W. long.;
(172) 37°13.86′ N. lat., 122°28.27′ W. long.;
(173) 37°11.00′ N. lat., 122°26.50′ W. long.;
(174) 37°08.10′ N. lat., 122°24.75′ W. long.;
(175) 37°07.00′ N. lat., 122°23.60′ W. long.;
(176) 37°05.84′ N. lat., 122°22.47′ W. long.;
(177) 36°58.77′ N. lat., 122°13.03′ W. long.;
(178) 36°53.74′ N. lat., 122°03.39′ W. long.;
(179) 36°52.71′ N. lat., 122°00.14′ W. long.;
(180) 36°52.51′ N. lat., 121°56.77′ W. long.;
(181) 36°49.44′ N. lat., 121°49.63′ W. long.;
(182) 36°48.01′ N. lat., 121°49.92′ W. long.;
(183) 36°48.25′ N. lat., 121°47.66′ W. long.;
(184) 36°46.26′ N. lat., 121°51.27′ W. long.;
(185) 36°39.14′ N. lat., 121°52.05′ W. long.;
(186) 36°38.00′ N. lat., 121°53.57′ W. long.;
(187) 36°39.14′ N. lat., 121°55.45′ W. long.;
(188) 36°38.50′ N. lat., 121°57.90′ W. long.;
(189) 36°36.75′ N. lat., 121°59.44′ W. long.;
(190) 36°34.97′ N. lat., 121°59.37′ W. long.;
(191) 36°33.07′ N. lat., 121°58.32′ W. long.;
(192) 36°33.27′ N. lat., 121°57.07′ W. long.;
(193) 36°32.68′ N. lat., 121°57.03′ W. long.;
(194) 36°32.04′ N. lat., 121°55.98′ W. long.;
(195) 36°31.61′ N. lat., 121°55.72′ W. long.;
(196) 36°31.59′ N. lat., 121°57.12′ W. long.;
(197) 36°31.52′ N. lat., 121°57.57′ W. long.;
(198) 36°30.88′ N. lat., 121°57.90′ W. long.;
(199) 36°30.25′ N. lat., 121°57.37′ W. long.;
(200) 36°29.47′ N. lat., 121°57.55′ W. long.;
(201) 36°26.72′ N. lat., 121°56.40′ W. long.;
(202) 36°24.33′ N. lat., 121°56.00′ W. long.;
(203) 36°23.36′ N. lat., 121°55.45′ W. long.;
(204) 36°18.86′ N. lat., 121°56.15′ W. long.;
(205) 36°16.21′ N. lat., 121°54.81′ W. long.;
(206) 36°15.30′ N. lat., 121°53.79′ W. long.;
(207) 36°12.04′ N. lat., 121°45.38′ W. long.;
(208) 36°11.87′ N. lat., 121°44.45′ W. long.;
(209) 36°12.13′ N. lat., 121°44.25′ W. long.;
(210) 36°11.89′ N. lat., 121°43.65′ W. long.;
(211) 36°10.56′ N. lat., 121°42.62′ W. long.;

(212) 36°09.90′ N. lat., 121°41.57′ W. long.;
(213) 36°08.14′ N. lat., 121°40.44′ W. long.;
(214) 36°06.69′ N. lat., 121°38.79′ W. long.;
(215) 36°05.85′ N. lat., 121°38.47′ W. long.;
(216) 36°03.08′ N. lat., 121°36.25′ W. long.;
(217) 36°02.92′ N. lat., 121°35.89′ W. long.;
(218) 36°01.53′ N. lat., 121°36.13′ W. long.;
(219) 36°00.59′ N. lat., 121°35.40′ W. long.;
(220) 36°00.00′ N. lat., 121°34.10′ W. long.;
(221) 35°59.93′ N. lat., 121°33.81′ W. long.;
(222) 35°59.69′ N. lat., 121°31.84′ W. long.;
(223) 35°58.59′ N. lat., 121°30.30′ W. long.;
(224) 35°54.02′ N. lat., 121°29.71′ W. long.;
(225) 35°51.54′ N. lat., 121°27.67′ W. long.;
(226) 35°50.42′ N. lat., 121°25.79′ W. long.;
(227) 35°48.37′ N. lat., 121°24.29′ W. long.;
(228) 35°47.02′ N. lat., 121°22.46′ W. long.;
(229) 35°42.28′ N. lat., 121°21.20′ W. long.;
(230) 35°41.57′ N. lat., 121°21.82′ W. long.;
(231) 35°39.24′ N. lat., 121°18.84′ W. long.;
(232) 35°35.14′ N. lat., 121°10.45′ W. long.;
(233) 35°30.11′ N. lat., 121°05.59′ W. long.;
(234) 35°25.86′ N. lat., 121°00.07′ W. long.;
(235) 35°22.82′ N. lat., 120°54.68′ W. long.;
(236) 35°17.96′ N. lat., 120°55.54′ W. long.;
(237) 35°14.83′ N. lat., 120°55.42′ W. long.;
(238) 35°08.87′ N. lat., 120°50.22′ W. long.;
(239) 35°05.55′ N. lat., 120°44.89′ W. long.;
(240) 35°02.91′ N. lat., 120°43.94′ W. long.;
(241) 34°53.80′ N. lat., 120°43.94′ W. long.;
(242) 34°34.89′ N. lat., 120°41.92′ W. long.;
(243) 34°32.48′ N. lat., 120°40.05′ W. long.;
(244) 34°30.12′ N. lat., 120°32.81′ W. long.;
(245) 34°27.00′ N. lat., 120°30.46′ W. long.;
(246) 34°27.00′ N. lat., 120°30.31′ W. long.;
(247) 34°25.84′ N. lat., 120°27.40′ W. long.;
(248) 34°25.16′ N. lat., 120°20.18′ W. long.;
(249) 34°25.88′ N. lat., 120°18.24′ W. long.;
(250) 34°27.26′ N. lat., 120°12.47′ W. long.;
(251) 34°26.27′ N. lat., 120°02.22′ W. long.;
(252) 34°23.41′ N. lat., 119°53.40′ W. long.;
(253) 34°23.33′ N. lat., 119°48.74′ W. long.;
(254) 34°22.31′ N. lat., 119°41.36′ W. long.;
(255) 34°21.72′ N. lat., 119°40.14′ W. long.;
(256) 34°21.25′ N. lat., 119°41.18′ W. long.;
(257) 34°20.25′ N. lat., 119°39.03′ W. long.;
(258) 34°19.87′ N. lat., 119°33.65′ W. long.;
(259) 34°18.67′ N. lat., 119°30.16′ W. long.;
(260) 34°16.95′ N. lat., 119°27.90′ W. long.;
(261) 34°13.02′ N. lat., 119°26.99′ W. long.;
(262) 34°08.62′ N. lat., 119°20.89′ W. long.;
(263) 34°06.95′ N. lat., 119°17.68′ W. long.;
(264) 34°05.93′ N. lat., 119°15.17′ W. long.;
(265) 34°08.42′ N. lat., 119°13.11′ W. long.;
(266) 34°05.23′ N. lat., 119°13.34′ W. long.;
(267) 34°04.98′ N. lat., 119°11.39′ W. long.;
(268) 34°04.55′ N. lat., 119°11.09′ W. long.;
(269) 34°04.15′ N. lat., 119°09.35′ W. long.;

(270) 34°04.89′ N. lat., 119°07.86′ W. long.;
(271) 34°04.08′ N. lat., 119°07.33′ W. long.;
(272) 34°04.10′ N. lat., 119°06.89′ W. long.;
(273) 34°05.08′ N. lat., 119°07.02′ W. long.;
(274) 34°05.27′ N. lat., 119°04.95′ W. long.;
(275) 34°04.51′ N. lat., 119°04.70′ W. long.;
(276) 34°02.26′ N. lat., 118°59.88′ W. long.;
(277) 34°01.08′ N. lat., 118°59.77′ W. long.;
(278) 34°00.94′ N. lat., 118°51.65′ W. long.;
(279) 33°59.77′ N. lat., 118°49.26′ W. long.;
(280) 34°00.04′ N. lat., 118°48.92′ W. long.;
(281) 33°59.65′ N. lat., 118°48.43′ W. long.;
(282) 33°59.46′ N. lat., 118°47.25′ W. long.;
(283) 33°59.80′ N. lat., 118°45.89′ W. long.;
(284) 34°00.21′ N. lat., 118°37.64′ W. long.;
(285) 33°59.26′ N. lat., 118°34.58′ W. long.;
(286) 33°58.07′ N. lat., 118°33.36′ W. long.;
(287) 33°53.76′ N. lat., 118°30.14′ W. long.;
(288) 33°51.00′ N. lat., 118°25.19′ W. long.;
(289) 33°50.07′ N. lat., 118°24.70′ W. long.;
(290) 33°50.16′ N. lat., 118°23.77′ W. long.;
(291) 33°48.80′ N. lat., 118°25.31′ W. long.;
(292) 33°47.07′ N. lat., 118°27.07′ W. long.;
(293) 33°46.12′ N. lat., 118°26.87′ W. long.;
(294) 33°44.15′ N. lat., 118°25.15′ W. long.;
(295) 33°43.54′ N. lat., 118°23.02′ W. long.;
(296) 33°41.35′ N. lat., 118°18.86′ W. long.;
(297) 33°39.96′ N. lat., 118°17.37′ W. long.;
(298) 33°40.12′ N. lat., 118°16.33′ W. long.;
(299) 33°39.28′ N. lat., 118°16.21′ W. long.;
(300) 33°38.04′ N. lat., 118°14.86′ W. long.;
(301) 33°36.57′ N. lat., 118°14.67′ W. long.;
(302) 33°34.93′ N. lat., 118°10.94′ W. long.;
(303) 33°35.14′ N. lat., 118°08.61′ W. long.;
(304) 33°35.69′ N. lat., 118°07.68′ W. long.;
(305) 33°36.21′ N. lat., 118°07.53′ W. long.;
(306) 33°36.43′ N. lat., 118°06.73′ W. long.;
(307) 33°36.05′ N. lat., 118°06.15′ W. long.;
(308) 33°36.32′ N. lat., 118°03.91′ W. long.;
(309) 33°35.69′ N. lat., 118°03.64′ W. long.;
(310) 33°34.62′ N. lat., 118°00.04′ W. long.;
(311) 33°34.80′ N. lat., 117°57.73′ W. long.;
(312) 33°35.57′ N. lat., 117°56.62′ W. long.;
(313) 33°35.46′ N. lat., 117°55.99′ W. long.;
(314) 33°35.98′ N. lat., 117°55.99′ W. long.;
(315) 33°35.46′ N. lat., 117°55.38′ W. long.;
(316) 33°35.21′ N. lat., 117°53.46′ W. long.;
(317) 33°33.61′ N. lat., 117°50.45′ W. long.;
(318) 33°31.41′ N. lat., 117°47.28′ W. long.;
(319) 33°27.54′ N. lat., 117°44.36′ W. long.;
(320) 33°26.63′ N. lat., 117°43.17′ W. long.;
(321) 33°25.21′ N. lat., 117°40.90′ W. long.;
(322) 33°20.33′ N. lat., 117°35.99′ W. long.;
(323) 33°16.35′ N. lat., 117°31.51′ W. long.;
(324) 33°11.53′ N. lat., 117°26.81′ W. long.;
(325) 33°07.59′ N. lat., 117°21.13′ W. long.;
(326) 33°02.21′ N. lat., 117°19.05′ W. long.;
(327) 32°56.55′ N. lat., 117°17.70′ W. long.;

(328) 32°54.61′ N. lat., 117°16.60′ W. long.;
(329) 32°52.32′ N. lat., 117°15.97′ W. long.;
(330) 32°51.48′ N. lat., 117°16.15′ W. long.;
(331) 32°51.85′ N. lat., 117°17.26′ W. long.;
(332) 32°51.55′ N. lat., 117°19.01′ W. long.;
(333) 32°49.55′ N. lat., 117°19.63′ W. long.;
(334) 32°46.71′ N. lat., 117°18.32′ W. long.;
(335) 32°36.35′ N. lat., 117°15.68′ W. long.; and
(336) 32°32.85′ N. lat., 117°15.44′ W. long.

(f) The 30 fm (55 m) depth contour around the Farallon Islands off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 37°46.73′ N. lat., 123°6.37′ W. long.;
(2) 37°45.79′ N. lat., 123°07.91′ W. long.;
(3) 37°45.28′ N. lat., 123°07.75′ W. long.;
(4) 37°44.98′ N. lat., 123°07.11′ W. long.;
(5) 37°45.51′ N. lat., 123°06.26′ W. long.;
(6) 37°45.14′ N. lat., 123°05.41′ W. long.;
(7) 37°45.31′ N. lat., 123°04.82′ W. long.;
(8) 37°46.11′ N. lat., 123°05.23′ W. long.;
(9) 37°46.44′ N. lat., 123°05.63′ W. long.; and
(10) 37°46.73′ N. lat., 123°06.37′ W. long.

(g) The 30 fm (55 m) depth contour around Noon Day Rock off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 37°47.83′ N. lat., 123°10.83′ W. long.;
(2) 37°47.51′ N. lat., 123°11.19′ W. long.;
(3) 37°47.33′ N. lat., 123°10.68′ W. long.;
(4) 37°47.02′ N. lat., 123°10.59′ W. long.;
(5) 37°47.21′ N. lat., 123°09.85′ W. long.;
(6) 37°47.56′ N. lat., 123°09.72′ W. long.;
(7) 37°47.87′ N. lat., 123°10.26′ W. long.; and
(8) 37°47.83′ N. lat., 123°10.83′ W. long.

(h) The 30 fm (55–m) depth contour around the northern Channel Islands of the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 34°00.98′ N. lat., 119°20.46′ W. long.;
(2) 34°00.53′ N. lat., 119°20.98′ W. long.;
(3) 34°00.17′ N. lat., 119°21.83′ W. long.;
(4) 33°59.65′ N. lat., 119°24.45′ W. long.;
(5) 33°59.68′ N. lat., 119°25.20′ W. long.;
(6) 33°59.95′ N. lat., 119°26.25′ W. long.;
(7) 33°59.87′ N. lat., 119°27.27′ W. long.;
(8) 33°59.55′ N. lat., 119°28.02′ W. long.;
(9) 33°58.63′ N. lat., 119°36.48′ W. long.;
(10) 33°57.62′ N. lat., 119°41.13′ W. long.;
(11) 33°57.00′ N. lat., 119°42.20′ W. long.;
(12) 33°56.93′ N. lat., 119°48.00′ W. long.;
(13) 33°56.45′ N. lat., 119°49.12′ W. long.;
(14) 33°58.54′ N. lat., 119°52.80′ W. long.;
(15) 33°59.95′ N. lat., 119°54.49′ W. long.;
(16) 33°59.83′ N. lat., 119°56.00′ W. long.;
(17) 33°59.18′ N. lat., 119°57.17′ W. long.;
(18) 33°57.83′ N. lat., 119°56.74′ W. long.;
(19) 33°55.71′ N. lat., 119°56.89′ W. long.;
(20) 33°53.89′ N. lat., 119°57.68′ W. long.;
(21) 33°52.93′ N. lat., 119°59.80′ W. long.;
(22) 33°52.79′ N. lat., 120°01.81′ W. long.;
(23) 33°52.51′ N. lat., 120°03.08′ W. long.;
(24) 33°53.12′ N. lat., 120°04.88′ W. long.;
(25) 33°53.12′ N. lat., 120°05.80′ W. long.;
(26) 33°52.94′ N. lat., 120°06.50′ W. long.;
(27) 33°54.03′ N. lat., 120°10.00′ W. long.;
(28) 33°54.58′ N. lat., 120°11.82′ W. long.;
(29) 33°57.08′ N. lat., 120°14.58′ W. long.;
(30) 33°59.50′ N. lat., 120°16.72′ W. long.;
(31) 33°59.63′ N. lat., 120°17.88′ W. long.;
(32) 34°00.30′ N. lat., 120°19.14′ W. long.;
(33) 34°00.02′ N. lat., 120°19.68′ W. long.;
(34) 34°00.08′ N. lat., 120°21.73′ W. long.;
(35) 34°00.94′ N. lat., 120°24.82′ W. long.;
(36) 34°01.09′ N. lat., 120°27.29′ W. long.;
(37) 34°00.96′ N. lat., 120°28.09′ W. long.;
(38) 34°01.56′ N. lat., 120°28.71′ W. long.;
(39) 34°01.80′ N. lat., 120°28.31′ W. long.;
(40) 34°03.60′ N. lat., 120°28.87′ W. long.;
(41) 34°05.20′ N. lat., 120°29.38′ W. long.;
(42) 34°05.35′ N. lat., 120°28.20′ W. long.;
(43) 34°05.30′ N. lat., 120°27.33′ W. long.;
(44) 34°05.65′ N. lat., 120°26.79′ W. long.;
(45) 34°05.69′ N. lat., 120°25.82′ W. long.;
(46) 34°07.24′ N. lat., 120°24.98′ W. long.;
(47) 34°06.00′ N. lat., 120°23.30′ W. long.;
(48) 34°05.64′ N. lat., 120°21.44′ W. long.;
(49) 34°03.61′ N. lat., 120°18.40′ W. long.;
(50) 34°03.25′ N. lat., 120°16.64′ W. long.;
(51) 34°04.33′ N. lat., 120°14.22′ W. long.;
(52) 34°04.11′ N. lat., 120°11.17′ W. long.;
(53) 34°03.72′ N. lat., 120°09.93′ W. long.;
(54) 34°03.81′ N. lat., 120°08.96′ W. long.;
(55) 34°03.36′ N. lat., 120°06.52′ W. long.;
(56) 34°04.80′ N. lat., 120°04.00′ W. long.;
(57) 34°03.48′ N. lat., 120°01.75′ W. long.;
(58) 34°04.00′ N. lat., 120°01.00′ W. long.;
(59) 34°03.99′ N. lat., 120°00.15′ W. long.;
(60) 34°03.51′ N. lat., 119°59.42′ W. long.;
(61) 34°03.79′ N. lat., 119°58.15′ W. long.;
(62) 34°04.72′ N. lat., 119°57.61′ W. long.;
(63) 34°05.14′ N. lat., 119°55.17′ W. long.;
(64) 34°04.66′ N. lat., 119°51.60′ W. long.;
(65) 34°03.79′ N. lat., 119°48.86′ W. long.;

(66) 34°03.79′ N. lat., 119°45.46′ W. long.;
(67) 34°03.27′ N. lat., 119°44.17′ W. long.;
(68) 34°03.29′ N. lat., 119°43.30′ W. long.;
(69) 34°01.71′ N. lat., 119°40.83′ W. long.;
(70) 34°01.74′ N. lat., 119°37.92′ W. long.;
(71) 34°02.07′ N. lat., 119°37.17′ W. long.;
(72) 34°02.93′ N. lat., 119°36.52′ W. long.;
(73) 34°03.48′ N. lat., 119°35.50′ W. long.;
(74) 34°03.56′ N. lat., 119°32.80′ W. long.;
(75) 34°02.72′ N. lat., 119°31.84′ W. long.;
(76) 34°02.20′ N. lat., 119°30.53′ W. long.;
(77) 34°01.49′ N. lat., 119°30.20′ W. long.;
(78) 34°00.66′ N. lat., 119°28.62′ W. long.;
(79) 34°00.66′ N. lat., 119°27.57′ W. long.;
(80) 34°01.41′ N. lat., 119°26.91′ W. long.;
(81) 34°00.91′ N. lat., 119°24.28′ W. long.;
(82) 34°01.51′ N. lat., 119°22.06′ W. long.;
(83) 34°01.41′ N. lat., 119°20.61′ W. long.; and
(84) 34°00.98′ N. lat., 119°20.46′ W. long.

(i) The 30 fm (55 m) depth contour around San Clemente Island off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 33°03.37′ N. lat., 118°37.76′ W. long.;
(2) 33°02.72′ N. lat., 118°38.12′ W. long.;
(3) 33°02.18′ N. lat., 118°37.46′ W. long.;
(4) 33°00.66′ N. lat., 118°37.36′ W. long.;
(5) 33°00.08′ N. lat., 118°36.94′ W. long.;
(6) 33°00.11′ N. lat., 118°36.00′ W. long.;
(7) 32°58.02′ N. lat., 118°35.41′ W. long.;
(8) 32°56.00′ N. lat., 118°33.59′ W. long.;
(9) 32°54.76′ N. lat., 118°33.58′ W. long.;
(10) 32°53.97′ N. lat., 118°32.45′ W. long.;
(11) 32°51.18′ N. lat., 118°30.83′ W. long.;
(12) 32°50.00′ N. lat., 118°29.68′ W. long.;
(13) 32°49.72′ N. lat., 118°28.33′ W. long.;
(14) 32°47.88′ N. lat., 118°26.90′ W. long.;
(15) 32°47.30′ N. lat., 118°25.73′ W. long.;
(16) 32°47.28′ N. lat., 118°24.83′ W. long.;
(17) 32°48.12′ N. lat., 118°24.33′ W. long.;
(18) 32°48.74′ N. lat., 118°23.39′ W. long.;
(19) 32°48.69′ N. lat., 118°21.75′ W. long.;
(20) 32°49.06′ N. lat., 118°20.53′ W. long.;
(21) 32°50.28′ N. lat., 118°21.90′ W. long.;
(22) 32°51.73′ N. lat., 118°23.86′ W. long.;
(23) 32°52.79′ N. lat., 118°25.08′ W. long.;
(24) 32°54.03′ N. lat., 118°26.83′ W. long.;
(25) 32°54.70′ N. lat., 118°27.55′ W. long.;
(26) 32°55.49′ N. lat., 118°29.04′ W. long.;
(27) 32°59.58′ N. lat., 118°32.51′ W. long.;
(28) 32°59.89′ N. lat., 118°32.52′ W. long.;
(29) 33°00.29′ N. lat., 118°32.73′ W. long.;
(30) 33°00.85′ N. lat., 118°33.50′ W. long.;
(31) 33°01.70′ N. lat., 118°33.64′ W. long.;
(32) 33°02.90′ N. lat., 118°35.35′ W. long.;
(33) 33°02.61′ N. lat., 118°36.96′ W. long.; and
(34) 33°03.37′ N. lat., 118°37.76′ W. long.

(j) The 30 fm (55 m) depth contour around Santa Catalina Island off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 33°19.13′ N. lat., 118°18.04′ W. long.;
(2) 33°18.32′ N. lat., 118°18.20′ W. long.;
(3) 33°17.82′ N. lat., 118°18.73′ W. long.;
(4) 33°17.54′ N. lat., 118°19.52′ W. long.;
(5) 33°17.99′ N. lat., 118°21.71′ W. long.;
(6) 33°18.48′ N. lat., 118°22.82′ W. long.;
(7) 33°18.77′ N. lat., 118°26.95′ W. long.;
(8) 33°19.69′ N. lat., 118°28.87′ W. long.;
(9) 33°20.53′ N. lat., 118°30.52′ W. long.;
(10) 33°20.46′ N. lat., 118°31.47′ W. long.;
(11) 33°20.98′ N. lat., 118°31.39′ W. long.;
(12) 33°20.81′ N. lat., 118°30.49′ W. long.;
(13) 33°21.38′ N. lat., 118°30.07′ W. long.;
(14) 33°23.12′ N. lat., 118°29.31′ W. long.;
(15) 33°24.95′ N. lat., 118°29.70′ W. long.;
(16) 33°25.39′ N. lat., 118°30.50′ W. long.;
(17) 33°25.21′ N. lat., 118°30.79′ W. long.;
(18) 33°25.65′ N. lat., 118°31.60′ W. long.;
(19) 33°25.65′ N. lat., 118°32.04′ W. long.;
(20) 33°25.94′ N. lat., 118°32.96′ W. long.;
(21) 33°25.86′ N. lat., 118°33.49′ W. long.;
(22) 33°26.06′ N. lat., 118°34.12′ W. long.;
(23) 33°28.28′ N. lat., 118°36.60′ W. long.;
(24) 33°28.83′ N. lat., 118°36.42′ W. long.;
(25) 33°28.72′ N. lat., 118°34.93′ W. long.;
(26) 33°28.71′ N. lat., 118°33.61′ W. long.;
(27) 33°28.81′ N. lat., 118°32.95′ W. long.;
(28) 33°28.73′ N. lat., 118°32.07′ W. long.;
(29) 33°27.55′ N. lat., 118°30.14′ W. long.;
(30) 33°27.86′ N. lat., 118°29.41′ W. long.;
(31) 33°26.98′ N. lat., 118°29.06′ W. long.;
(32) 33°26.96′ N. lat., 118°28.58′ W. long.;
(33) 33°26.76′ N. lat., 118°28.40′ W. long.;
(34) 33°26.52′ N. lat., 118°27.66′ W. long.;
(35) 33°26.31′ N. lat., 118°27.41′ W. long.;
(36) 33°25.09′ N. lat., 118°23.13′ W. long.;
(37) 33°24.80′ N. lat., 118°22.86′ W. long.;
(38) 33°24.60′ N. lat., 118°22.02′ W. long.;
(39) 33°22.82′ N. lat., 118°21.04′ W. long.;
(40) 33°20.23′ N. lat., 118°18.45′ W. long.; and
(41) 33°19.13′ N. lat., 118°18.04′ W. long.

(k) The 30 fm (55 m) depth contour around Santa Barbara Island off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 33°30.38′ N lat., 119°03.15′ W long.;
(2) 33°29.64′ N lat., 119°00.58′ W long.;
(3) 33°27.24′ N lat., 119°01.73′ W long.;
(4) 33°27.76′ N lat., 119°03.48′ W long.;
(5) 33°29.50′ N lat., 119°04.20′ W long.; and

(6) 33°30.38′ N lat., 119°03.15′ W long.

(l) The 30 fm (55 m) depth contour around San Nicholas Island off the state of California is defined by straight lines connecting all of the following points in the order stated:

(1) 33°18.39′ N lat., 119°38.87′ W long.;
(2) 33°18.63′ N lat., 119°27.52′ W long.;
(3) 33°15.24′ N lat., 119°20.10′ W long.;
(4) 33°13.27′ N lat., 119°20.10′ W long.;
(5) 33°12.16′ N lat., 119°26.82′ W long.;
(6) 33°13.20′ N lat., 119°31.87′ W. long.;
(7) 33°15.70′ N lat., 119°38.87′ W long.;
(8) 33°17.52′ N lat., 119°40.15′ W long.; and
(9) 33°18.39′ N lat., 119°38.87′ W long.

(m) The 30 fm (55 m) depth contour around Tanner Bank off the state of California is defined by straight lines connecting all of the following points in the order stated:

(1) 32°43.02′ N lat., 119°08.52′ W long.;
(2) 32°41.81′ N lat., 119°06.20′ W long.;
(3) 32°40.67′ N lat., 119°06.82′ W long.;
(4) 32°41.62′ N lat., 119°09.46′ W long.; and
(5) 32°43.02′ N lat., 119°08.52′ W long.

(n) The 30 fm (55 m) depth contour around Cortes Bank off the state of California is defined by straight lines connecting all of the following points in the order stated:

(1) 32°29.73′ N lat., 119°12.95′ W long.;
(2) 32°28.17′ N lat., 119°07.04′ W long.;
(3) 32°26.27′ N lat., 119°04.14′ W long.;
(4) 32°25.22′ N lat., 119°04.77′ W long.;
(5) 32°28.60′ N lat., 119°14.15′ W long.; and
(6) 32°29.73′ N lat., 119°12.95′ W long.

(o) The 40–fm (73–m) depth contour between 46°16′ N. lat. and the U.S. border with Mexico is defined by straight lines connecting all of the following points in the order stated:

(1) 46°16.00′ N. lat., 124°16.10′ W. long.;
(2) 46°15.29′ N. lat., 124°15.60′ W. long.;
(3) 46°11.90′ N. lat., 124°13.59′ W. long.;
(4) 46°06.94′ N. lat., 124°10.15′ W. long.;
(5) 46°05.33′ N. lat., 124°08.30′ W. long.;
(6) 45°58.69′ N. lat., 124°05.60′ W. long.;
(7) 45°57.71′ N. lat., 124°05.81′ W. long.;
(8) 45°53.98′ N. lat., 124°05.05′ W. long.;
(9) 45°49.75′ N. lat., 124°05.14′ W. long.;
(10) 45°47.87′ N. lat., 124°05.16′ W. long.;
(11) 45°47.07′ N. lat., 124°04.21′ W. long.;
(12) 45°46.00′ N. lat., 124°04.49′ W. long.;
(13) 45°44.34′ N. lat., 124°05.09′ W. long.;
(14) 45°40.64′ N. lat., 124°04.90′ W. long.;
(15) 45°33.00′ N. lat., 124°04.46′ W. long.;
(16) 45°32.27′ N. lat., 124°04.74′ W. long.;
(17) 45°29.26′ N. lat., 124°04.22′ W. long.;
(18) 45°20.25′ N. lat., 124°04.67′ W. long.;
(19) 45°19.99′ N. lat., 124°04.62′ W. long.;
(20) 45°17.50′ N. lat., 124°04.91′ W. long.;
(21) 45°11.29′ N. lat., 124°05.20′ W. long.;
(22) 45°05.80′ N. lat., 124°05.40′ W. long.;
(23) 45°05.08′ N. lat., 124°05.93′ W. long.;
(24) 45°03.83′ N. lat., 124°06.47′ W. long.;
(25) 45°01.70′ N. lat., 124°06.53′ W. long.;
(26) 44°58.75′ N. lat., 124°07.14′ W. long.;
(27) 44°51.28′ N. lat., 124°10.21′ W. long.;
(28) 44°49.49′ N. lat., 124°10.90′ W. long.;
(29) 44°44.96′ N. lat., 124°14.39′ W. long.;
(30) 44°43.44′ N. lat., 124°14.78′ W. long.;
(31) 44°42.26′ N. lat., 124°13.81′ W. long.;
(32) 44°41.68′ N. lat., 124°15.38′ W. long.;
(33) 44°34.87′ N. lat., 124°15.80′ W. long.;
(34) 44°33.74′ N. lat., 124°14.44′ W. long.;
(35) 44°27.66′ N. lat., 124°16.99′ W. long.;
(36) 44°19.13′ N. lat., 124°19.22′ W. long.;
(37) 44°15.35′ N. lat., 124°17.38′ W. long.;
(38) 44°14.38′ N. lat., 124°17.78′ W. long.;
(39) 44°12.80′ N. lat., 124°17.18′ W. long.;
(40) 44°09.23′ N. lat., 124°15.96′ W. long.;
(41) 44°08.38′ N. lat., 124°16.79′ W. long.;
(42) 44°08.30′ N. lat., 124°16.75′ W. long.;
(43) 44°01.18′ N. lat., 124°15.42′ W. long.;
(44) 43°51.61′ N. lat., 124°14.68′ W. long.;
(45) 43°42.66′ N. lat., 124°15.46′ W. long.;
(46) 43°40.49′ N. lat., 124°15.74′ W. long.;
(47) 43°38.77′ N. lat., 124°15.64′ W. long.;
(48) 43°34.52′ N. lat., 124°16.73′ W. long.;
(49) 43°28.82′ N. lat., 124°19.52′ W. long.;
(50) 43°23.91′ N. lat., 124°24.28′ W. long.;
(51) 43°20.83′ N. lat., 124°26.63′ W. long.;
(52) 43°17.96′ N. lat., 124°28.81′ W. long.;
(53) 43°16.75′ N. lat., 124°28.42′ W. long.;
(54) 43°13.97′ N. lat., 124°31.99′ W. long.;
(55) 43°13.72′ N. lat., 124°33.25′ W. long.;
(56) 43°12.26′ N. lat., 124°34.16′ W. long.;
(57) 43°10.96′ N. lat., 124°32.33′ W. long.;
(58) 43°05.65′ N. lat., 124°31.52′ W. long.;
(59) 42°59.66′ N. lat., 124°32.58′ W. long.;
(60) 42°54.97′ N. lat., 124°36.99′ W. long.;
(61) 42°53.81′ N. lat., 124°38.57′ W. long.;
(62) 42°50.00′ N. lat., 124°39.68′ W. long.;
(63) 42°49.13′ N. lat., 124°39.70′ W. long.;
(64) 42°46.47′ N. lat., 124°38.89′ W. long.;
(65) 42°45.74′ N. lat., 124°38.86′ W. long.;
(66) 42°44.79′ N. lat., 124°37.96′ W. long.;
(67) 42°45.01′ N. lat., 124°36.39′ W. long.;
(68) 42°44.14′ N. lat., 124°35.17′ W. long.;
(69) 42°42.14′ N. lat., 124°32.82′ W. long.;
(70) 42°40.50′ N. lat., 124°31.98′ W. long.;
(71) 42°38.81′ N. lat., 124°31.09′ W. long.;
(72) 42°35.91′ N. lat., 124°31.02′ W. long.;
(73) 42°31.34′ N. lat., 124°34.84′ W. long.;
(74) 42°28.13′ N. lat., 124°34.84′ W. long.;

(75) 42°26.74′ N. lat., 124°35.59′ W. long.;
(76) 42°23.84′ N. lat., 124°34.06′ W. long.;
(77) 42°21.68′ N. lat., 124°30.64′ W. long.;
(78) 42°19.62′ N. lat., 124°29.02′ W. long.;
(79) 42°15.01′ N. lat., 124°27.72′ W. long.;
(80) 42°13.67′ N. lat., 124°26.93′ W. long.;
(81) 42°11.38′ N. lat., 124°25.63′ W. long.;
(82) 42°04.66′ N. lat., 124°24.40′ W. long.;
(83) 42°00.00′ N. lat., 124°23.55′ W. long.;
(84) 41°51.35′ N. lat., 124°25.25′ W. long.;
(85) 41°44.10′ N. lat., 124°19.05′ W. long.;
(86) 41°38.00′ N. lat., 124°20.04′ W. long.;
(87) 41°18.43′ N. lat., 124°13.48′ W. long.;
(88) 40°55.12′ N. lat., 124°16.33′ W. long.;
(89) 40°41.00′ N. lat., 124°27.66′ W. long.;
(90) 40°36.71′ N. lat., 124°27.15′ W. long.;
(91) 40°32.81′ N. lat., 124°29.42′ W. long.;
(92) 40°30.00′ N. lat., 124°32.38′ W. long.;
(93) 40°29.13′ N. lat., 124°33.23′ W. long.;
(94) 40°24.55′ N. lat., 124°30.40′ W. long.;
(95) 40°22.32′ N. lat., 124°24.19′ W. long.;
(96) 40°19.67′ N. lat., 124°25.52′ W. long.;
(97) 40°18.63′ N. lat., 124°22.38′ W. long.;
(98) 40°15.21′ N. lat., 124°24.53′ W. long.;
(99) 40°12.56′ N. lat., 124°22.69′ W. long.;
(100) 40°10.00′ N. lat., 124°17.84′ W. long.;
(101) 40°09.30′ N. lat., 124°15.68′ W. long.;
(102) 40°08.31′ N. lat., 124°15.17′ W. long.;
(103) 40°05.62′ N. lat., 124°09.80′ W. long.;
(104) 40°06.57′ N. lat., 124°07.99′ W. long.;
(105) 40°00.86′ N. lat., 124°08.42′ W. long.;
(106) 39°54.79′ N. lat., 124°05.25′ W. long.;
(107) 39°52.75′ N. lat., 124°02.62′ W. long.;
(108) 39°52.51′ N. lat., 123°58.15′ W. long.;
(109) 39°49.64′ N. lat., 123°54.98′ W. long.;
(110) 39°41.46′ N. lat., 123°50.65′ W. long.;
(111) 39°34.57′ N. lat., 123°49.24′ W. long.;
(112) 39°22.62′ N. lat., 123°51.21′ W. long.;
(113) 39°04.58′ N. lat., 123°45.43′ W. long.;
(114) 39°00.45′ N. lat., 123°47.58′ W. long.;
(115) 38°57.50′ N. lat., 123°47.27′ W. long.;
(116) 38°55.82′ N. lat., 123°46.97′ W. long.;
(117) 38°52.26′ N. lat., 123°44.35′ W. long.;
(118) 38°45.41′ N. lat., 123°35.67′ W. long.;
(119) 38°40.60′ N. lat., 123°28.22′ W. long.;
(120) 38°30.57′ N. lat., 123°18.60′ W. long.;
(121) 38°21.64′ N. lat., 123°08.91′ W. long.;
(122) 38°12.01′ N. lat., 123°03.86′ W. long.;
(123) 38°06.16′ N. lat., 123°07.01′ W. long.;
(124) 38°00.00′ N. lat., 123°07.05′ W. long.;
(125) 37°51.73′ N. lat., 122°57.97′ W. long.;
(126) 37°47.96′ N. lat., 122°59.34′ W. long.;
(127) 37°47.37′ N. lat., 123°08.84′ W. long.;
(128) 37°48.22′ N. lat., 123°10.62′ W. long.;
(129) 37°47.53′ N. lat., 123°11.54′ W. long.;
(130) 37°39.91′ N. lat., 123°00.84′ W. long.;
(131) 37°38.75′ N. lat., 122°52.16′ W. long.;
(132) 37°35.67′ N. lat., 122°49.47′ W. long.;
(133) 37°20.24′ N. lat., 122°33.82′ W. long.;
(134) 37°11.00′ N. lat., 122°28.50′ W. long.;
(135) 37°07.00′ N. lat., 122°26.26′ W. long.;
(136) 36°52.04′ N. lat., 122°04.60′ W. long.;
(137) 36°52.00′ N. lat., 121°57.41′ W. long.;
(138) 36°49.26′ N. lat., 121°52.53′ W. long.;
(139) 36°49.22′ N. lat., 121°49.85′ W. long.;
(140) 36°47.87′ N. lat., 121°50.15′ W. long.;
(141) 36°48.07′ N. lat., 121°48.21′ W. long.;
(142) 36°45.93′ N. lat., 121°52.11′ W. long.;
(143) 36°40.55′ N. lat., 121°52.59′ W. long.;
(144) 36°38.93′ N. lat., 121°58.17′ W. long.;
(145) 36°36.54′ N. lat., 122°00.18′ W. long.;

(146) 36°32.96′ N. lat., 121°58.84′ W. long.;
(147) 36°33.14′ N. lat., 121°57.56′ W. long.;
(148) 36°31.81′ N. lat., 121°55.86′ W. long.;
(149) 36°31.53′ N. lat., 121°58.09′ W. long.;
(150) 36°23.28′ N. lat., 121°56.10′ W. long.;
(151) 36°18.40′ N. lat., 121°57.93′ W. long.;
(152) 36°16.80′ N. lat., 121°59.97′ W. long.;
(153) 36°15.00′ N. lat., 121°55.95′ W. long.;
(154) 36°15.00′ N. lat., 121°54.41′ W. long.;
(155) 36°11.06′ N. lat., 121°43.10′ W. long.;
(156) 36°02.85′ N. lat., 121°36.21′ W. long.;
(157) 36°01.22′ N. lat., 121°36.36′ W. long.;
(158) 36°00.00′ N. lat., 121°34.73′ W. long.;
(159) 35°58.67′ N. lat., 121°30.68′ W. long.;
(160) 35°54.16′ N. lat., 121°30.21′ W. long.;
(161) 35°46.98′ N. lat., 121°24.02′ W. long.;
(162) 35°40.75′ N. lat., 121°21.89′ W. long.;
(163) 35°34.36′ N. lat., 121°11.07′ W. long.;
(164) 35°29.30′ N. lat., 121°05.74′ W. long.;
(165) 35°22.15′ N. lat., 120°56.15′ W. long.;
(166) 35°14.93′ N. lat., 120°56.37′ W. long.;
(167) 35°04.06′ N. lat., 120°46.35′ W. long.;
(168) 34°45.85′ N. lat., 120°43.96′ W. long.;
(169) 34°37.80′ N. lat., 120°44.44′ W. long.;
(170) 34°32.82′ N. lat., 120°42.08′ W. long.;
(171) 34°27.00′ N. lat., 120°31.27′ W. long.;
(172) 34°24.25′ N. lat., 120°23.33′ W. long.;
(173) 34°26.48′ N. lat., 120°13.93′ W. long.;
(174) 34°25.12′ N. lat., 120°03.46′ W. long.;
(175) 34°17.58′ N. lat., 119°31.62′ W. long.;
(176) 34°11.49′ N. lat., 119°27.30′ W. long.;
(177) 34°05.59′ N. lat., 119°15.52′ W. long.;
(178) 34°08.60′ N. lat., 119°12.93′ W. long.;
(179) 34°04.81′ N. lat., 119°13.44′ W. long.;
(180) 34°04.26′ N. lat., 119°12.39′ W. long.;
(181) 34°03.89′ N. lat., 119°07.06′ W. long.;
(182) 34°05.14′ N. lat., 119°05.55′ W. long.;
(183) 34°01.27′ N. lat., 118°59.62′ W. long.;
(184) 33°59.56′ N. lat., 118°48.21′ W. long.;
(185) 33°59.30′ N. lat., 118°35.43′ W. long.;
(186) 33°55.14′ N. lat., 118°32.16′ W. long.;
(187) 33°52.95′ N. lat., 118°34.49′ W. long.;
(188) 33°51.07′ N. lat., 118°31.50′ W. long.;
(189) 33°52.45′ N. lat., 118°28.54′ W. long.;
(190) 33°49.86′ N. lat., 118°24.10′ W. long.;
(191) 33°47.14′ N. lat., 118°28.38′ W. long.;
(192) 33°44.14′ N. lat., 118°25.18′ W. long.;
(193) 33°41.54′ N. lat., 118°19.63′ W. long.;
(194) 33°37.86′ N. lat., 118°15.06′ W. long.;
(195) 33°36.58′ N. lat., 118°15.97′ W. long.;
(196) 33°34.78′ N. lat., 118°12.60′ W. long.;
(197) 33°34.46′ N. lat., 118°08.77′ W. long.;
(198) 33°35.92′ N. lat., 118°07.04′ W. long.;
(199) 33°36.06′ N. lat., 118°03.96′ W. long.;
(200) 33°34.98′ N. lat., 118°02.74′ W. long.;
(201) 33°34.03′ N. lat., 117°59.37′ W. long.;
(202) 33°35.46′ N. lat., 117°55.61′ W. long.;
(203) 33°34.97′ N. lat., 117°53.33′ W. long.;

(204) 33°31.20′ N. lat., 117°47.40′ W. long.;
(205) 33°27.26′ N. lat., 117°44.34′ W. long.;
(206) 33°24.84′ N. lat., 117°40.75′ W. long.;
(207) 33°11.45′ N. lat., 117°26.84′ W. long.;
(208) 33°07.59′ N. lat., 117°21.46′ W. long.;
(209) 33°01.74′ N. lat., 117°19.23′ W. long.;
(210) 32°56.44′ N. lat., 117°18.08′ W. long.;
(211) 32°54.63′ N. lat., 117°16.94′ W. long.;
(212) 32°51.67′ N. lat., 117°16.21′ W. long.;
(213) 32°52.16′ N. lat., 117°19.41′ W. long.;
(214) 32°46.91′ N. lat., 117°20.43′ W. long.;
(215) 32°43.49′ N. lat., 117°18.12′ W. long.; and
(216) 32°33.00′ N. lat., 117°16.39′ W. long.

(p) The 40 fm (73 m) depth contour around the northern Channel Islands off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 34°07.88′ N. lat., 120°27.79′ W. long.;
(2) 34°07.45′ N. lat., 120°28.26′ W. long.;
(3) 34°07.03′ N. lat., 120°27.29′ W. long.;
(4) 34°06.19′ N. lat., 120°28.81′ W. long.;
(5) 34°06.44′ N. lat., 120°31.17′ W. long.;
(6) 34°05.81′ N. lat., 120°31.97′ W. long.;
(7) 34°03.51′ N. lat., 120°29.61′ W. long.;
(8) 34°01.56′ N. lat., 120°28.83′ W. long.;
(9) 34°00.81′ N. lat., 120°27.94′ W. long.;
(10) 33°59.26′ N. lat., 120°17.95′ W. long.;
(11) 33°54.71′ N. lat., 120°12.72′ W. long.;
(12) 33°51.61′ N. lat., 120°02.49′ W. long.;
(13) 33°51.68′ N. lat., 119°59.41′ W. long.;
(14) 33°52.71′ N. lat., 119°57.25′ W. long.;
(15) 33°55.83′ N. lat., 119°55.92′ W. long.;
(16) 33°59.64′ N. lat., 119°56.03′ W. long.;
(17) 33°56.30′ N. lat., 119°48.63′ W. long.;
(18) 33°56.77′ N. lat., 119°41.87′ W. long.;
(19) 33°58.54′ N. lat., 119°34.98′ W. long.;
(20) 33°59.52′ N. lat., 119°24.69′ W. long.;
(21) 34°00.24′ N. lat., 119°21.00′ W. long.;
(22) 34°02.00′ N. lat., 119°19.57′ W. long.;
(23) 34°01.29′ N. lat., 119°23.92′ W. long.;
(24) 34°01.95′ N. lat., 119°28.94′ W. long.;
(25) 34°03.90′ N. lat., 119°33.43′ W. long.;
(26) 34°03.31′ N. lat., 119°36.51′ W. long.;
(27) 34°02.13′ N. lat., 119°37.99′ W. long.;
(28) 34°01.96′ N. lat., 119°40.35′ W. long.;
(29) 34°03.52′ N. lat., 119°43.22′ W. long.;
(30) 34°04.03′ N. lat., 119°45.66′ W. long.;
(31) 34°04.03′ N. lat., 119°48.13′ W. long.;
(32) 34°05.15′ N. lat., 119°52.97′ W. long.;
(33) 34°05.47′ N. lat., 119°57.55′ W. long.;
(34) 34°04.43′ N. lat., 120°02.29′ W. long.;
(35) 34°05.64′ N. lat., 120°04.05′ W. long.;
(36) 34°04.16′ N. lat., 120°07.60′ W. long.;
(37) 34°05.04′ N. lat., 120°12.78′ W. long.;
(38) 34°04.45′ N. lat., 120°17.78′ W. long.;
(39) 34°07.37′ N. lat., 120°24.14′ W. long.; and
(40) 34°07.88′ N. lat., 120°27.79′ W. long.

(q) The 40 fm (73 m) depth contour around San Clemente Island off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 33°02.94′ N. lat., 118°38.42′ W. long.;
(2) 33°01.79′ N. lat., 118°37.67′ W. long.;
(3) 33°00.47′ N. lat., 118°37.65′ W. long.;
(4) 32°59.64′ N. lat., 118°37.04′ W. long.;
(5) 32°59.81′ N. lat., 118°36.37′ W. long.;
(6) 32°57.84′ N. lat., 118°35.67′ W. long.;
(7) 32°55.89′ N. lat., 118°33.88′ W. long.;
(8) 32°54.75′ N. lat., 118°33.57′ W. long.;
(9) 32°53.75′ N. lat., 118°32.47′ W. long.;
(10) 32°50.36′ N. lat., 118°30.50′ W. long.;
(11) 32°49.78′ N. lat., 118°29.65′ W. long.;
(12) 32°49.70′ N. lat., 118°28.96′ W. long.;
(13) 32°46.79′ N. lat., 118°25.60′ W. long.;
(14) 32°45.24′ N. lat., 118°24.55′ W. long.;
(15) 32°45.94′ N. lat., 118°24.12′ W. long.;
(16) 32°46.85′ N. lat., 118°24.79′ W. long.;
(17) 32°48.49′ N. lat., 118°23.25′ W. long.;
(18) 32°48.80′ N. lat., 118°20.52′ W. long.;
(19) 32°49.76′ N. lat., 118°20.98′ W. long.;
(20) 32°55.04′ N. lat., 118°27.97′ W. long.;
(21) 32°55.48′ N. lat., 118°29.01′ W. long.;
(22) 33°00.35′ N. lat., 118°32.61′ W. long.;
(23) 33°01.79′ N. lat., 118°33.66′ W. long.;
(24) 33°02.98′ N. lat., 118°35.40′ W. long.; and
(25) 33°02.94′ N. lat., 118°38.42′ W. long.

(r) The 40 fm (73 m) depth contour around Santa Catalina Island off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 33°28.90′ N. lat., 118°36.43′ W. long.;
(2) 33°28.49′ N. lat., 118°36.70′ W. long.;
(3) 33°28.02′ N. lat., 118°36.70′ W. long.;
(4) 33°25.81′ N. lat., 118°33.95′ W. long.;
(5) 33°25.78′ N. lat., 118°32.94′ W. long.;
(6) 33°24.77′ N. lat., 118°29.99′ W. long.;
(7) 33°23.19′ N. lat., 118°29.61′ W. long.;
(8) 33°20.81′ N. lat., 118°30.52′ W. long.;
(9) 33°21.06′ N. lat., 118°31.52′ W. long.;
(10) 33°20.43′ N. lat., 118°31.62′ W. long.;

(11) 33°20.45′ N. lat., 118°30.46′ W. long.;
(12) 33°18.71′ N. lat., 118°27.64′ W. long.;
(13) 33°17.36′ N. lat., 118°18.75′ W. long.;
(14) 33°19.17′ N. lat., 118°17.56′ W. long.;
(15) 33°22.20′ N. lat., 118°20.11′ W. long.;
(16) 33°23.31′ N. lat., 118°20.45′ W. long.;
(17) 33°24.71′ N. lat., 118°22.13′ W. long.;
(18) 33°25.27′ N. lat., 118°23.30′ W. long.;
(19) 33°26.73′ N. lat., 118°28.00′ W. long.;
(20) 33°27.85′ N. lat., 118°29.33′ W. long.;
(21) 33°27.91′ N. lat., 118°29.93′ W. long.;
(22) 33°28.79′ N. lat., 118°32.16′ W. long.; and
(23) 33°28.90′ N. lat., 118°36.43′ W. long.

(s) The 40 fm (73 m) depth contour around Santa Barbara Island off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 33°30.87′ N lat., 119°02.43′ W long.;
(2) 33°29.87′ N lat., 119°00.34′ W long.;
(3) 33°27.08′ N lat., 119°01.65′ W long.;
(4) 33°27.64′ N lat., 119°03.45′ W long.;
(5) 33°29.12′ N lat., 119°04.55′ W long.;
(6) 33°29.66′ N lat., 119°05.49′ W long.; and
(7) 33°30.87′ N lat., 119°02.43′ W long.

(t) The 40 fm (73 m) depth contour around Tanner Bank off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 32°43.40′ N lat., 119°08.56′ W long.;
(2) 32°41.36′ N lat., 119°05.02′ W long.;
(3) 32°40.07′ N lat., 119°05.59′ W long.;
(4) 32°41.51′ N lat., 119°09.76′ W long.; and
(5) 32°43.40′ N lat., 119°08.56′ W long.

(u) The 40 fm (73 m) depth contour around San Nicholas Island off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 33°19.30′ N lat., 119°41.05′ W long.;
(2) 33°19.42′ N lat., 119°27.88′ W long.;
(3) 33°14.31′ N lat., 119°17.48′ W long.;
(4) 33°12.90′ N lat., 119°17.64′ W long.;
(5) 33°11.89′ N lat., 119°27.26′ W long.;
(6) 33°12.19′ N lat., 119°29.96′ W long.;
(7) 33°15.42′ N lat., 119°39.14′ W long.;
(8) 33°17.58′ N lat., 119°41.38′ W long.; and
(9) 33°19.30′ N lat., 119°41.05′ W long.

(v) The 40 fm (73 m) depth contour around Cortes Bank off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 32°30.00′ N lat., 119°12.98′ W long.;
(2) 32°28.33′ N lat., 119°06.81′ W long.;
(3) 32°25.69′ N lat., 119°03.21′ W long.;
(4) 32°24.66′ N lat., 119°03.83′ W long.;
(5) 32°28.48′ N lat., 119°14.66′ W long.; and
(6) 32°30.00′ N lat., 119°12.98′ W long.

[69 FR 77042, Dec. 23, 2004, as amended at 70 FR 16149, Mar. 30, 2005; 71 FR 8498, Feb. 17, 2006; 71 FR 78665, Dec. 29, 2006; 72 FR 13045, Mar. 20, 2007; 74 FR 9893, Mar. 6, 2009. Redesignated at 75 FR 60995, Oct. 1, 2010; 76 FR 27530, May 11, 2011; 77 FR 55155, Sept. 7, 2012; 82 FR 9640, Feb. 7, 2017; 83 FR 63991, Dec. 12, 2018; 84 FR 63974, Nov. 19, 2019]

### § 660.72 Latitude/longitude coordinates defining the 50 fm (91 m) through 75 fm (137 m) depth contours.

Boundaries for some GCAs are defined by straight lines connecting a series of latitude/longitude coordinates. This section provides coordinates for the 50 fm (91 m) through 75 fm (137 m) depth contours.

(a) The 50–fm (91–m) depth contour between the U.S. border with Canada and the U.S. border with Mexico is defined by straight lines connecting all of the following points in the order stated:
(1) 48°22.15′ N. lat., 124°43.15′ W. long.;
(2) 48°22.15′ N. lat., 124°49.10′ W. long.;
(3) 48°20.03′ N. lat., 124°51.18′ W. long.;
(4) 48°16.61′ N. lat., 124°53.72′ W. long.;
(5) 48°14.68′ N. lat., 124°54.50′ W. long.;
(6) 48°12.02′ N. lat., 124°55.29′ W. long.;
(7) 48°10.00′ N. lat., 124°55.68′ W. long.;
(8) 48°03.14′ N. lat., 124°57.02′ W. long.;
(9) 47°56.05′ N. lat., 124°55.60′ W. long.;
(10) 47°52.58′ N. lat., 124°54.00′ W. long.;
(11) 47°50.18′ N. lat., 124°52.36′ W. long.;
(12) 47°45.34′ N. lat., 124°51.07′ W. long.;
(13) 47°40.96′ N. lat., 124°48.84′ W. long.;
(14) 47°34.59′ N. lat., 124°46.24′ W. long.;
(15) 47°27.86′ N. lat., 124°42.12′ W. long.;
(16) 47°22.34′ N. lat., 124°39.43′ W. long.;
(17) 47°17.66′ N. lat., 124°38.75′ W. long.;
(18) 47°06.25′ N. lat., 124°39.74′ W. long.;
(19) 47°00.43′ N. lat., 124°38.01′ W. long.;
(20) 46°52.00′ N. lat., 124°32.44′ W. long.;
(21) 46°38.17′ N. lat., 124°26.66′ W. long.;
(22) 46°35.41′ N. lat., 124°25.51′ W. long.;
(23) 46°25.43′ N. lat., 124°23.46′ W. long.;
(24) 46°16.00′ N. lat., 124°17.32′ W. long.;
(25) 45°50.88′ N. lat., 124°09.68′ W. long.;
(26) 45°46.00′ N. lat., 124°09.39′ W. long.;
(27) 45°20.25′ N. lat., 124°07.34′ W. long.;
(28) 45°12.99′ N. lat., 124°06.71′ W. long.;
(29) 45°03.83′ N. lat., 124°09.17′ W. long.;

(30) 44°52.48′ N. lat., 124°11.22′ W. long.;
(31) 44°42.41′ N. lat., 124°19.70′ W. long.;
(32) 44°38.80′ N. lat., 124°26.58′ W. long.;
(33) 44°23.39′ N. lat., 124°31.70′ W. long.;
(34) 44°20.30′ N. lat., 124°38.72′ W. long.;
(35) 44°13.52′ N. lat., 124°40.45′ W. long.;
(36) 44°18.80′ N. lat., 124°35.48′ W. long.;
(37) 44°19.62′ N. lat., 124°27.18′ W. long.;
(38) 44°08.30′ N. lat., 124°22.17′ W. long.;
(39) 43°56.65′ N. lat., 124°16.86′ W. long.;
(40) 43°34.95′ N. lat., 124°17.47′ W. long.;
(41) 43°20.83′ N. lat., 124°29.11′ W. long.;
(42) 43°12.60′ N. lat., 124°35.80′ W. long.;
(43) 43°08.96′ N. lat., 124°33.77′ W. long.;
(44) 42°59.66′ N. lat., 124°34.79′ W. long.;
(45) 42°54.29′ N. lat., 124°39.46′ W. long.;
(46) 42°50.00′ N. lat., 124°39.84′ W. long.;
(47) 42°46.50′ N. lat., 124°39.99′ W. long.;
(48) 42°41.00′ N. lat., 124°34.92′ W. long.;
(49) 42°40.50′ N. lat., 124°34.98′ W. long.;
(50) 42°36.29′ N. lat., 124°34.70′ W. long.;
(51) 42°28.36′ N. lat., 124°37.90′ W. long.;
(52) 42°25.53′ N. lat., 124°37.68′ W. long.;
(53) 42°18.64′ N. lat., 124°29.47′ W. long.;
(54) 42°13.67′ N. lat., 124°27.67′ W. long.;
(55) 42°03.04′ N. lat., 124°25.81′ W. long.;
(56) 42°00.00′ N. lat., 124°26.21′ W. long.;
(57) 41°57.60′ N. lat., 124°27.35′ W. long.;
(58) 41°52.53′ N. lat., 124°26.51′ W. long.;
(59) 41°50.17′ N. lat., 124°25.63′ W. long.;
(60) 41°46.01′ N. lat., 124°22.16′ W. long.;
(61) 41°26.50′ N. lat., 124°21.78′ W. long.;
(62) 41°15.66′ N. lat., 124°16.42′ W. long.;
(63) 41°05.45′ N. lat., 124°16.89′ W. long.;
(64) 40°54.55′ N. lat., 124°19.53′ W. long.;
(65) 40°42.22′ N. lat., 124°28.29′ W. long.;
(66) 40°39.68′ N. lat., 124°28.37′ W. long.;
(67) 40°36.76′ N. lat., 124°27.39′ W. long.;
(68) 40°34.44′ N. lat., 124°28.89′ W. long.;
(69) 40°32.57′ N. lat., 124°32.43′ W. long.;
(70) 40°30.95′ N. lat., 124°33.87′ W. long.;
(71) 40°30.00′ N. lat., 124°34.18′ W. long.;
(72) 40°28.90′ N. lat., 124°34.59′ W. long.;
(73) 40°24.36′ N. lat., 124°31.42′ W. long.;
(74) 40°23.66′ N. lat., 124°28.35′ W. long.;
(75) 40°22.54′ N. lat., 124°24.71′ W. long.;
(76) 40°21.52′ N. lat., 124°24.86′ W. long.;
(77) 40°21.25′ N. lat., 124°25.59′ W. long.;
(78) 40°20.63′ N. lat., 124°26.47′ W. long.;
(79) 40°19.18′ N. lat., 124°25.98′ W. long.;
(80) 40°18.42′ N. lat., 124°24.77′ W. long.;
(81) 40°18.64′ N. lat., 124°22.81′ W. long.;
(82) 40°15.31′ N. lat., 124°25.28′ W. long.;
(83) 40°15.37′ N. lat., 124°26.82′ W. long.;
(84) 40°11.91′ N. lat., 124°22.68′ W. long.;
(85) 40°10.00′ N. lat., 124°19.97′ W. long.;
(86) 40°09.20′ N. lat., 124°15.81′ W. long.;
(87) 40°07.51′ N. lat., 124°15.29′ W. long.;
(88) 40°05.22′ N. lat., 124°10.06′ W. long.;
(89) 40°06.51′ N. lat., 124°08.01′ W. long.;
(90) 40°00.72′ N. lat., 124°08.45′ W. long.;
(91) 39°56.60′ N. lat., 124°07.12′ W. long.;
(92) 39°52.58′ N. lat., 124°03.57′ W. long.;
(93) 39°50.65′ N. lat., 123°57.98′ W. long.;
(94) 39°40.16′ N. lat., 123°52.41′ W. long.;
(95) 39°30.12′ N. lat., 123°52.92′ W. long.;
(96) 39°24.53′ N. lat., 123°55.16′ W. long.;
(97) 39°11.58′ N. lat., 123°50.93′ W. long.;
(98) 38°57.50′ N. lat., 123°51.10′ W. long.;
(99) 38°55.13′ N. lat., 123°51.14′ W. long.;
(100) 38°28.58′ N. lat., 123°22.84′ W. long.;
(101) 38°14.60′ N. lat., 123°09.92′ W. long.;
(102) 38°01.84′ N. lat., 123°09.75′ W. long.;
(103) 38°00.00′ N. lat., 123°09.25′ W. long.;
(104) 37°55.24′ N. lat., 123°08.30′ W. long.;
(105) 37°52.06′ N. lat., 123°09.19′ W. long.;
(106) 37°50.21′ N. lat., 123°14.90′ W. long.;
(107) 37°45.57′ N. lat., 123°9.46′ W. long.;
(108) 37°11.00′ N. lat., 122°31.67′ W. long.;
(109) 37°07.00′ N. lat., 122°28.00′ W. long.;
(110) 37°03.06′ N. lat., 122°24.22′ W. long.;
(111) 36°50.20′ N. lat., 122°03.58′ W. long.;
(112) 36°51.46′ N. lat., 121°57.54′ W. long.;
(113) 36°48.53′ N. lat., 121°57.84′ W. long.;
(114) 36°48.91′ N. lat., 121°49.92′ W. long.;
(115) 36°36.82′ N. lat., 122°00.66′ W. long.;
(116) 36°32.89′ N. lat., 121°58.85′ W. long.;
(117) 36°33.10′ N. lat., 121°57.56′ W. long.;
(118) 36°31.82′ N. lat., 121°55.96′ W. long.;
(119) 36°31.57′ N. lat., 121°58.15′ W. long.;
(120) 36°23.15′ N. lat., 121°57.12′ W. long.;
(121) 36°18.40′ N. lat., 121°58.97′ W. long.;
(122) 36°18.40′ N. lat., 122°00.35′ W. long.;
(123) 36°16.02′ N. lat., 122°00.35′ W. long.;
(124) 36°15.00′ N. lat., 121°58.53′ W. long.;

(125) 36°15.00′ N. lat., 121°56.53′ W. long.;
(126) 36°14.79′ N. lat., 121°54.41′ W. long.;
(127) 36°10.41′ N. lat., 121°42.88′ W. long.;
(128) 36°02.56′ N. lat., 121°36.37′ W. long.;
(129) 36°01.11′ N. lat., 121°36.39′ W. long.;
(130) 36°00.00′ N. lat., 121°35.15′ W. long.;
(131) 35°58.26′ N. lat., 121°32.88′ W. long.;
(132) 35°40.38′ N. lat., 121°22.59′ W. long.;
(133) 35°27.74′ N. lat., 121°04.69′ W. long.;
(134) 35°01.43′ N. lat., 120°48.01′ W. long.;
(135) 34°37.98′ N. lat., 120°46.48′ W. long.;
(136) 34°32.98′ N. lat., 120°43.34′ W. long.;
(137) 34°27.00′ N. lat., 120°33.31′ W. long.;
(138) 34°23.47′ N. lat., 120°24.76′ W. long.;
(139) 34°25.78′ N. lat., 120°16.82′ W. long.;
(140) 34°24.65′ N. lat., 120°04.83′ W. long.;
(141) 34°23.18′ N. lat., 119°56.18′ W. long.;
(142) 34°19.20′ N. lat., 119°41.64′ W. long.;
(143) 34°16.82′ N. lat., 119°35.32′ W. long.;
(144) 34°13.43′ N. lat., 119°32.29′ W. long.;
(145) 34°05.39′ N. lat., 119°15.13′ W. long.;
(146) 34°07.98′ N. lat., 119°13.43′ W. long.;
(147) 34°07.64′ N. lat., 119°13.10′ W. long.;
(148) 34°04.56′ N. lat., 119°13.73′ W. long.;
(149) 34°03.90′ N. lat., 119°12.66′ W. long.;
(150) 34°03.66′ N. lat., 119°06.82′ W. long.;
(151) 34°04.58′ N. lat., 119°04.91′ W. long.;
(152) 34°01.28′ N. lat., 119°00.21′ W. long.;
(153) 34°00.19′ N. lat., 119°03.14′ W. long.;
(154) 33°59.66′ N. lat., 119°03.10′ W. long.;
(155) 33°59.54′ N. lat., 119°00.88′ W. long.;
(156) 34°00.82′ N. lat., 118°59.03′ W. long.;
(157) 33°59.11′ N. lat., 118°47.52′ W. long.;
(158) 33°59.07′ N. lat., 118°36.33′ W. long.;
(159) 33°55.06′ N. lat., 118°32.86′ W. long.;
(160) 33°53.56′ N. lat., 118°37.75′ W. long.;
(161) 33°51.22′ N. lat., 118°36.14′ W. long.;
(162) 33°50.48′ N. lat., 118°32.16′ W. long.;
(163) 33°51.86′ N. lat., 118°28.71′ W. long.;
(164) 33°50.09′ N. lat., 118°27.88′ W. long.;
(165) 33°49.95′ N. lat., 118°26.38′ W. long.;
(166) 33°50.73′ N. lat., 118°26.17′ W. long.;
(167) 33°49.86′ N. lat., 118°24.25′ W. long.;
(168) 33°48.10′ N. lat., 118°26.87′ W. long.;
(169) 33°47.54′ N. lat., 118°29.66′ W. long.;
(170) 33°44.10′ N. lat., 118°25.25′ W. long.;
(171) 33°41.78′ N. lat., 118°20.28′ W. long.;
(172) 33°38.18′ N. lat., 118°15.69′ W. long.;
(173) 33°37.50′ N. lat., 118°16.71′ W. long.;
(174) 33°35.98′ N. lat., 118°16.54′ W. long.;
(175) 33°34.15′ N. lat., 118°11.22′ W. long.;
(176) 33°34.29′ N. lat., 118°08.35′ W. long.;
(177) 33°35.53′ N. lat., 118°06.66′ W. long.;
(178) 33°35.93′ N. lat., 118°04.78′ W. long.;
(179) 33°34.97′ N. lat., 118°02.91′ W. long.;
(180) 33°33.84′ N. lat., 117°59.77′ W. long.;
(181) 33°35.33′ N. lat., 117°55.89′ W. long.;
(182) 33°35.05′ N. lat., 117°53.72′ W. long.;

(183) 33°31.32′ N. lat., 117°48.01′ W. long.;
(184) 33°27.99′ N. lat., 117°45.19′ W. long.;
(185) 33°26.93′ N. lat., 117°44.24′ W. long.;
(186) 33°25.46′ N. lat., 117°42.06′ W. long.;
(187) 33°18.45′ N. lat., 117°35.73′ W. long.;
(188) 33°10.29′ N. lat., 117°25.68′ W. long.;
(189) 33°07.47′ N. lat., 117°21.62′ W. long.;
(190) 33°04.47′ N. lat., 117°21.24′ W. long.;
(191) 32°59.89′ N. lat., 117°19.11′ W. long.;
(192) 32°57.41′ N. lat., 117°18.64′ W. long.;
(193) 32°55.35′ N. lat., 117°18.65′ W. long.;
(194) 32°54.43′ N. lat., 117°16.93′ W. long.;
(195) 32°52.34′ N. lat., 117°16.73′ W. long.;
(196) 32°52.64′ N. lat., 117°17.76′ W. long.;
(197) 32°52.24′ N. lat., 117°19.36′ W. long.;
(198) 32°47.06′ N. lat., 117°21.92′ W. long.;
(199) 32°41.93′ N. lat., 117°19.68′ W. long.; and
(200) 32°33.59′ N. lat., 117°17.89′ W. long.

(b) The 50-fm (91-m) depth contour around the Swiftsure Bank and along the U.S. border with Canada is defined by straight lines connecting all of the following points in the order stated:
(1) 48°30.15′ N. lat., 124°56.12′ W. long.;
(2) 48°28.29′ N. lat., 124°56.30′ W. long.;
(3) 48°29.23′ N. lat., 124°53.63′ W. long.;
(4) 48°30.31′ N. lat., 124°51.73′ W. long.;
and connecting back to 48°30.15′ N. lat., 124°56.12′ W. long.

(c) The 50 fm (91 m) depth contour around the northern Channel Islands off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 34°08.40′ N. lat., 120°33.78′ W. long.;
(2) 34°07.80′ N. lat., 120°30.99′ W. long.;
(3) 34°08.42′ N. lat., 120°27.92′ W. long.;
(4) 34°09.31′ N. lat., 120°27.81′ W. long.;
(5) 34°05.85′ N. lat., 120°17.13′ W. long.;
(6) 34°05.73′ N. lat., 120°05.93′ W. long.;
(7) 34°06.14′ N. lat., 120°04.86′ W. long.;
(8) 34°05.70′ N. lat., 120°03.17′ W. long.;
(9) 34°05.67′ N. lat., 119°58.98′ W. long.;
(10) 34°06.34′ N. lat., 119°56.78′ W. long.;
(11) 34°05.57′ N. lat., 119°51.35′ W. long.;
(12) 34°07.08′ N. lat., 119°52.43′ W. long.;
(13) 34°04.49′ N. lat., 119°35.55′ W. long.;
(14) 34°04.73′ N. lat., 119°32.77′ W. long.;
(15) 34°02.02′ N. lat., 119°19.18′ W. long.;
(16) 34°01.03′ N. lat., 119°19.50′ W. long.;
(17) 33°59.45′ N. lat., 119°22.38′ W. long.;
(18) 33°58.68′ N. lat., 119°32.36′ W. long.;
(19) 33°56.43′ N. lat., 119°41.13′ W. long.;
(20) 33°56.04′ N. lat., 119°48.20′ W. long.;
(21) 33°57.32′ N. lat., 119°51.96′ W. long.;
(22) 33°59.32′ N. lat., 119°55.59′ W. long.;
(23) 33°57.52′ N. lat., 119°55.19′ W. long.;
(24) 33°56.26′ N. lat., 119°54.29′ W. long.;
(25) 33°54.30′ N. lat., 119°54.83′ W. long.;
(26) 33°50.97′ N. lat., 119°57.03′ W. long.;
(27) 33°50.25′ N. lat., 120°00.00′ W. long.;
(28) 33°50.03′ N. lat., 120°03.00′ W. long.;
(29) 33°51.06′ N. lat., 120°03.73′ W. long.;
(30) 33°54.49′ N. lat., 120°12.85′ W. long.;
(31) 33°58.90′ N. lat., 120°20.15′ W. long.;
(32) 34°00.71′ N. lat., 120°28.21′ W. long.;
(33) 34°02.20′ N. lat., 120°30.37′ W. long.;
(34) 34°03.60′ N. lat., 120°30.60′ W. long.;
(35) 34°06.96′ N. lat., 120°34.22′ W. long.;
(36) 34°08.01′ N. lat., 120°35.24′ W. long.; and
(37) 34°08.40′ N. lat., 120°33.78′ W. long.

(d) The 50 fm (91 m) depth contour around San Clemente Island off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 33°03.73′ N. lat., 118°36.98′ W. long.;
(2) 33°02.56′ N. lat., 118°34.12′ W. long.;
(3) 32°55.54′ N. lat., 118°28.87′ W. long.;
(4) 32°55.02′ N. lat., 118°27.69′ W. long.;
(5) 32°49.73′ N. lat., 118°20.99′ W. long.;
(6) 32°48.55′ N. lat., 118°20.24′ W. long.;
(7) 32°47.92′ N. lat., 118°22.45′ W. long.;
(8) 32°45.25′ N. lat., 118°24.59′ W. long.;
(9) 32°50.23′ N. lat., 118°30.80′ W. long.;
(10) 32°55.28′ N. lat., 118°33.83′ W. long.;
(11) 33°00.45′ N. lat., 118°37.88′ W. long.;
(12) 33°03.27′ N. lat., 118°38.56′ W. long.; and
(13) 33°03.73′ N. lat., 118°36.98′ W. long.

(e) The 50 fm (91 m) depth contour around Santa Catalina Island off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 33°28.01′ N. lat., 118°37.42′ W. long.;
(2) 33°29.02′ N. lat., 118°36.33′ W. long.;
(3) 33°28.97′ N. lat., 118°33.16′ W. long.;
(4) 33°28.71′ N. lat., 118°31.22′ W. long.;

(5) 33°26.66′ N. lat., 118°27.48′ W. long.;
(6) 33°25.35′ N. lat., 118°22.83′ W. long.;
(7) 33°22.61′ N. lat., 118°19.18′ W. long.;
(8) 33°20.06′ N. lat., 118°17.35′ W. long.;
(9) 33°17.58′ N. lat., 118°17.42′ W. long.;
(10) 33°17.05′ N. lat., 118°18.72′ W. long.;
(11) 33°17.87′ N. lat., 118°24.47′ W. long.;
(12) 33°18.63′ N. lat., 118°28.16′ W. long.;
(13) 33°20.17′ N. lat., 118°31.69′ W. long.;
(14) 33°20.85′ N. lat., 118°31.82′ W. long.;
(15) 33°23.19′ N. lat., 118°29.78′ W. long.;
(16) 33°24.85′ N. lat., 118°31.22′ W. long.;
(17) 33°25.65′ N. lat., 118°34.11′ W. long.; and
(18) 33°28.01′ N. lat., 118°37.42′ W. long.

(f) The 60–fm (110–m) depth contour used between the U.S. border with Canada and the U.S. border with Mexico is defined by straight lines connecting all of the following points in the order stated:

(1) 48°26.70′ N. lat., 125°09.43′ W. long.;
(2) 48°23.76′ N. lat., 125°06.77′ W. long.;
(3) 48°23.01′ N. lat., 125°03.48′ W. long.;
(4) 48°22.42′ N. lat., 124°57.84′ W. long.;
(5) 48°22.62′ N. lat., 124°48.97′ W. long.;
(6) 48°18.61′ N. lat., 124°52.52′ W. long.;
(7) 48°16.62′ N. lat., 124°54.03′ W. long.;
(8) 48°15.39′ N. lat., 124°54.79′ W. long.;
(9) 48°13.81′ N. lat., 124°55.45′ W. long.;
(10) 48°10.51′ N. lat., 124°56.56′ W. long.;
(11) 48°10.00′ N. lat., 124°56.72′ W. long.;
(12) 48°06.90′ N. lat., 124°57.72′ W. long.;
(13) 48°02.23′ N. lat., 125°00.20′ W. long.;
(14) 48°00.87′ N. lat., 125°00.37′ W. long.;
(15) 47°56.30′ N. lat., 124°59.51′ W. long.;
(16) 47°46.84′ N. lat., 124°57.34′ W. long.;
(17) 47°36.49′ N. lat., 124°50.93′ W. long.;
(18) 47°32.01′ N. lat., 124°48.45′ W. long.;
(19) 47°27.19′ N. lat., 124°46.47′ W. long.;
(20) 47°21.76′ N. lat., 124°43.29′ W. long.;
(21) 47°17.82′ N. lat., 124°42.12′ W. long.;
(22) 47°08.87′ N. lat., 124°43.10′ W. long.;
(23) 47°03.16′ N. lat., 124°42.61′ W. long.;
(24) 46°49.70′ N. lat., 124°36.80′ W. long.;
(25) 46°42.91′ N. lat., 124°33.20′ W. long.;
(26) 46°39.67′ N. lat., 124°30.59′ W. long.;
(27) 46°38.17′ N. lat., 124°29.70′ W. long.;
(28) 46°32.47′ N. lat., 124°26.34′ W. long.;
(29) 46°23.69′ N. lat., 124°25.41′ W. long.;
(30) 46°20.84′ N. lat., 124°24.24′ W. long.;
(31) 46°16.00′ N. lat., 124°19.10′ W. long.;
(32) 46°15.97′ N. lat., 124°18.80′ W. long.;
(33) 46°11.23′ N. lat., 124°19.96′ W. long.;
(34) 46°02.51′ N. lat., 124°19.84′ W. long.;
(35) 45°59.05′ N. lat., 124°16.52′ W. long.;
(36) 45°50.99′ N. lat., 124°12.83′ W. long.;
(37) 45°46.00′ N. lat., 124°11.58′ W. long.;
(38) 45°45.85′ N. lat., 124°11.54′ W. long.;
(39) 45°38.53′ N. lat., 124°11.92′ W. long.;
(40) 45°30.90′ N. lat., 124°10.94′ W. long.;
(41) 45°21.20′ N. lat., 124°09.12′ W. long.;
(42) 45°12.43′ N. lat., 124°08.74′ W. long.;
(43) 45°03.83′ N. lat., 124°10.94′ W. long.;
(44) 44°59.89′ N. lat., 124°11.95′ W. long.;
(45) 44°51.96′ N. lat., 124°15.15′ W. long.;
(46) 44°44.63′ N. lat., 124°20.07′ W. long.;
(47) 44°39.23′ N. lat., 124°28.09′ W. long.;
(48) 44°30.61′ N. lat., 124°31.66′ W. long.;
(49) 44°26.20′ N. lat., 124°35.87′ W. long.;
(50) 44°23.65′ N. lat., 124°39.07′ W. long.;
(51) 44°20.30′ N. lat., 124°38.72′ W. long.;
(52) 44°13.52′ N. lat., 124°40.45′ W. long.;
(53) 44°10.97′ N. lat., 124°38.78′ W. long.;
(54) 44°08.71′ N. lat., 124°33.54′ W. long.;
(55) 44°04.91′ N. lat., 124°24.55′ W. long.;
(56) 43°57.49′ N. lat., 124°20.05′ W. long.;
(57) 43°50.26′ N. lat., 124°21.85′ W. long.;
(58) 43°41.69′ N. lat., 124°21.94′ W. long.;
(59) 43°35.51′ N. lat., 124°21.51′ W. long.;
(60) 43°25.77′ N. lat., 124°28.47′ W. long.;
(61) 43°20.83′ N. lat., 124°31.26′ W. long.;
(62) 43°20.25′ N. lat., 124°31.59′ W. long.;
(63) 43°12.73′ N. lat., 124°36.68′ W. long.;
(64) 43°08.08′ N. lat., 124°36.10′ W. long.;
(65) 43°00.33′ N. lat., 124°37.57′ W. long.;
(66) 42°53.99′ N. lat., 124°41.03′ W. long.;
(67) 42°50.00′ N. lat., 124°41.09′ W. long.;
(68) 42°46.66′ N. lat., 124°41.13′ W. long.;
(69) 42°41.74′ N. lat., 124°37.46′ W. long.;
(70) 42°40.50′ N. lat., 124°37.39′ W. long.;
(71) 42°37.42′ N. lat., 124°37.22′ W. long.;
(72) 42°27.35′ N. lat., 124°39.91′ W. long.;
(73) 42°23.94′ N. lat., 124°38.29′ W. long.;
(74) 42°17.72′ N. lat., 124°31.10′ W. long.;
(75) 42°10.36′ N. lat., 124°29.11′ W. long.;
(76) 42°00.00′ N. lat., 124°28.00′ W. long.;
(77) 41°54.87′ N. lat., 124°28.50′ W. long.;
(78) 41°45.80′ N. lat., 124°23.89′ W. long.;
(79) 41°34.40′ N. lat., 124°24.03′ W. long.;
(80) 41°28.33′ N. lat., 124°25.46′ W. long.;
(81) 41°15.80′ N. lat., 124°18.90′ W. long.;
(82) 41°09.77′ N. lat., 124°17.99′ W. long.;
(83) 41°02.26′ N. lat., 124°18.71′ W. long.;
(84) 40°53.54′ N. lat., 124°21.18′ W. long.;
(85) 40°49.93′ N. lat., 124°23.02′ W. long.;
(86) 40°43.15′ N. lat., 124°28.74′ W. long.;
(87) 40°40.19′ N. lat., 124°29.07′ W. long.;
(88) 40°36.77′ N. lat., 124°27.61′ W. long.;
(89) 40°34.13′ N. lat., 124°29.39′ W. long.;
(90) 40°33.15′ N. lat., 124°33.46′ W. long.;
(91) 40°30.00′ N. lat., 124°35.84′ W. long.;
(92) 40°24.72′ N. lat., 124°33.06′ W. long.;
(93) 40°23.91′ N. lat., 124°31.28′ W. long.;
(94) 40°23.67′ N. lat., 124°28.35′ W. long.;
(95) 40°22.53′ N. lat., 124°24.72′ W. long.;
(96) 40°21.51′ N. lat., 124°24.86′ W. long.;
(97) 40°21.02′ N. lat., 124°27.70′ W. long.;

(98) 40°19.75′ N. lat., 124°27.06′ W. long.;
(99) 40°18.23′ N. lat., 124°25.30′ W. long.;
(100) 40°18.60′ N. lat., 124°22.86′ W. long.;
(101) 40°15.43′ N. lat., 124°25.37′ W. long.;
(102) 40°15.55′ N. lat., 124°28.16′ W. long.;
(103) 40°11.27′ N. lat., 124°22.56′ W. long.;
(104) 40°10.00′ N. lat., 124°19.97′ W. long.;
(105) 40°09.20′ N. lat., 124°15.81′ W. long.;
(106) 40°07.51′ N. lat., 124°15.29′ W. long.;
(107) 40°05.22′ N. lat., 124°10.06′ W. long.;
(108) 40°06.51′ N. lat., 124°08.01′ W. long.;
(109) 40°00.72′ N. lat., 124°08.45′ W. long.;
(110) 39°56.60′ N. lat., 124°07.12′ W. long.;
(111) 39°52.58′ N. lat., 124°03.57′ W. long.;
(112) 39°50.65′ N. lat., 123°57.98′ W. long.;
(113) 39°40.16′ N. lat., 123°52.41′ W. long.;
(114) 39°30.12′ N. lat., 123°52.92′ W. long.;
(115) 39°24.53′ N. lat., 123°55.16′ W. long.;
(116) 39°11.58′ N. lat., 123°50.93′ W. long.;
(117) 38°57.50′ N. lat., 123°51.14′ W. long.;
(118) 38°55.13′ N. lat., 123°51.14′ W. long.;
(119) 38°28.58′ N. lat., 123°22.84′ W. long.;
(120) 38°08.57′ N. lat., 123°14.74′ W. long.;
(121) 38°00.00′ N. lat., 123°15.61′ W. long.;
(122) 37°56.98′ N. lat., 123°21.82′ W. long.;
(123) 37°49.65′ N. lat., 123°17.48′ W. long.;
(124) 37°36.41′ N. lat., 122°58.09′ W. long.;
(125) 37°11.00′ N. lat., 122°40.22′ W. long.;
(126) 37°07.00′ N. lat., 122°37.64′ W. long.;
(127) 37°02.08′ N. lat., 122°25.49′ W. long.;
(128) 36°48.20′ N. lat., 122°03.32′ W. long.;
(129) 36°51.46′ N. lat., 121°57.54′ W. long.;
(130) 36°48.13′ N. lat., 121°58.16′ W. long.;
(131) 36°48.84′ N. lat., 121°50.06′ W. long.;
(132) 36°45.38′ N. lat., 121°53.56′ W. long.;
(133) 36°45.13′ N. lat., 121°57.06′ W. long.;
(134) 36°36.86′ N. lat., 122°00.81′ W. long.;
(135) 36°32.77′ N. lat., 121°58.90′ W. long.;
(136) 36°33.03′ N. lat., 121°57.63′ W. long.;
(137) 36°31.87′ N. lat., 121°56.10′ W. long.;
(138) 36°31.59′ N. lat., 121°58.27′ W. long.;
(139) 36°23.26′ N. lat., 121°57.70′ W. long.;
(140) 36°16.80′ N. lat., 122°01.76′ W. long.;
(141) 36°14.33′ N. lat., 121°57.80′ W. long.;
(142) 36°14.67′ N. lat., 121°54.41′ W. long.;
(143) 36°10.42′ N. lat., 121°42.90′ W. long.;
(144) 36°02.55′ N. lat., 121°36.35′ W. long.;
(145) 36°01.09′ N. lat., 121°36.41′ W. long.;
(146) 35°58.25′ N. lat., 121°32.88′ W. long.;
(147) 35°40.38′ N. lat., 121°22.59′ W. long.;
(148) 35°26.31′ N. lat., 121°03.73′ W. long.;
(149) 35°01.36′ N. lat., 120°49.02′ W. long.;
(150) 34°39.52′ N. lat., 120°48.72′ W. long.;
(151) 34°31.26′ N. lat., 120°44.12′ W. long.;
(152) 34°27.00′ N. lat., 120°36.00′ W. long.;
(153) 34°23.00′ N. lat., 120°25.32′ W. long.;
(154) 34°25.65′ N. lat., 120°17.20′ W. long.;
(155) 34°23.18′ N. lat., 119°56.17′ W. long.;
(156) 34°18.73′ N. lat., 119°41.89′ W. long.;

(157) 34°11.18′ N. lat., 119°31.21′ W. long.;
(158) 34°10.01′ N. lat., 119°25.84′ W. long.;
(159) 34°03.88′ N. lat., 119°12.46′ W. long.;
(160) 34°03.58′ N. lat., 119°06.71′ W. long.;
(161) 34°04.52′ N. lat., 119°04.89′ W. long.;
(162) 34°01.28′ N. lat., 119°00.27′ W. long.;
(163) 34°00.20′ N. lat., 119°03.18′ W. long.;
(164) 33°59.60′ N. lat., 119°03.14′ W. long.;
(165) 33°59.45′ N. lat., 119°00.87′ W. long.;
(166) 34°00.71′ N. lat., 118°59.07′ W. long.;
(167) 33°59.05′ N. lat., 118°47.34′ W. long.;
(168) 33°58.86′ N. lat., 118°36.24′ W. long.;
(169) 33°55.05′ N. lat., 118°32.85′ W. long.;
(170) 33°53.63′ N. lat., 118°37.88′ W. long.;
(171) 33°51.22′ N. lat., 118°36.13′ W. long.;
(172) 33°50.19′ N. lat., 118°32.19′ W. long.;
(173) 33°51.28′ N. lat., 118°29.12′ W. long.;
(174) 33°49.89′ N. lat., 118°28.04′ W. long.;
(175) 33°49.95′ N. lat., 118°26.38′ W. long.;
(176) 33°50.73′ N. lat., 118°26.16′ W. long.;
(177) 33°50.06′ N. lat., 118°24.79′ W. long.;
(178) 33°48.48′ N. lat., 118°26.86′ W. long.;
(179) 33°47.75′ N. lat., 118°30.21′ W. long.;
(180) 33°44.10′ N. lat., 118°25.25′ W. long.;
(181) 33°41.77′ N. lat., 118°20.32′ W. long.;
(182) 33°38.17′ N. lat., 118°15.69′ W. long.;
(183) 33°37.48′ N. lat., 118°16.72′ W. long.;
(184) 33°35.80′ N. lat., 118°16.65′ W. long.;
(185) 33°33.92′ N. lat., 118°11.36′ W. long.;
(186) 33°34.09′ N. lat., 118°08.15′ W. long.;
(187) 33°35.73′ N. lat., 118°05.01′ W. long.;
(188) 33°33.75′ N. lat., 117°59.82′ W. long.;
(189) 33°35.25′ N. lat., 117°55.89′ W. long.;
(190) 33°35.03′ N. lat., 117°53.80′ W. long.;
(191) 33°31.37′ N. lat., 117°48.15′ W. long.;
(192) 33°27.49′ N. lat., 117°44.85′ W. long.;
(193) 33°16.63′ N. lat., 117°34.01′ W. long.;
(194) 33°07.21′ N. lat., 117°21.96′ W. long.;
(195) 33°03.35′ N. lat., 117°21.22′ W. long.;
(196) 33°02.14′ N. lat., 117°20.26′ W. long.;
(197) 32°59.87′ N. lat., 117°19.16′ W. long.;
(198) 32°57.39′ N. lat., 117°18.72′ W. long.;
(199) 32°56.00′ N. lat., 117°19.16′ W. long.;
(200) 32°55.31′ N. lat., 117°18.80′ W. long.;
(201) 32°54.38′ N. lat., 117°17.09′ W. long.;
(202) 32°52.81′ N. lat., 117°16.94′ W. long.;
(203) 32°52.56′ N. lat., 117°19.30′ W. long.;
(204) 32°50.86′ N. lat., 117°20.98′ W. long.;
(205) 32°46.96′ N. lat., 117°22.69′ W. long.;
(206) 32°45.58′ N. lat., 117°22.38′ W. long.;
(207) 32°44.89′ N. lat., 117°21.89′ W. long.;
(208) 32°43.52′ N. lat., 117°19.32′ W. long.;
(209) 32°41.52′ N. lat., 117°20.12′ W. long.;
(210) 32°37.00′ N. lat., 117°20.10′ W. long.;
(211) 32°34.76′ N. lat., 117°18.77′ W. long.; and
(212) 32°33.70′ N. lat., 117°18.46′ W. long.

(g) The 60 fm (110 m) depth contour around the northern Channel Islands off the State of California is defined by straight lines connecting all of the following points in the order stated:

(1) 34°09.83′ N. lat., 120°25.61′ W. long.;
(2) 34°07.03′ N. lat., 120°16.43′ W. long.;
(3) 34°06.38′ N. lat., 120°04.00′ W. long.;
(4) 34°07.90′ N. lat., 119°55.12′ W. long.;
(5) 34°05.07′ N. lat., 119°37.33′ W. long.;
(6) 34°05.04′ N. lat., 119°32.80′ W. long.;
(7) 34°04.00′ N. lat., 119°26.70′ W. long.;
(8) 34°02.27′ N. lat., 119°18.73′ W. long.;
(9) 34°00.98′ N. lat., 119°19.10′ W. long.;
(10) 33°59.44′ N. lat., 119°21.89′ W. long.;
(11) 33°58.70′ N. lat., 119°32.22′ W. long.;
(12) 33°57.81′ N. lat., 119°33.72′ W. long.;
(13) 33°57.65′ N. lat., 119°35.94′ W. long.;
(14) 33°56.14′ N. lat., 119°41.09′ W. long.;
(15) 33°55.84′ N. lat., 119°48.00′ W. long.;
(16) 33°57.22′ N. lat., 119°52.09′ W. long.;
(17) 33°59.32′ N. lat., 119°55.65′ W. long.;
(18) 33°57.73′ N. lat., 119°55.06′ W. long.;
(19) 33°56.48′ N. lat., 119°53.80′ W. long.;
(20) 33°49.29′ N. lat., 119°55.76′ W. long.;
(21) 33°48.11′ N. lat., 119°59.72′ W. long.;
(22) 33°49.14′ N. lat., 120°03.58′ W. long.;
(23) 33°52.95′ N. lat., 120°10.00′ W. long.;
(24) 33°56.00′ N. lat., 120°17.00′ W. long.;
(25) 34°00.12′ N. lat., 120°28.12′ W. long.;
(26) 34°08.23′ N. lat., 120°36.25′ W. long.;
(27) 34°08.80′ N. lat., 120°34.58′ W. long.; and
(28) 34°09.83′ N. lat., 120°25.61′ W. long.

(h) The 60 fm (110 m) depth contour around San Clemente Island off the state of California is defined by straight lines connecting all of the following points in the order stated:

(1) 33°04.44′ N. lat., 118°37.61′ W. long.;
(2) 33°02.56′ N. lat., 118°34.12′ W. long.;
(3) 32°55.54′ N. lat., 118°28.87′ W. long.;
(4) 32°55.02′ N. lat., 118°27.69′ W. long.;
(5) 32°49.78′ N. lat., 118°20.88′ W. long.;
(6) 32°48.32′ N. lat., 118°19.89′ W. long.;
(7) 32°47.60′ N. lat., 118°22.00′ W. long.;
(8) 32°44.59′ N. lat., 118°24.52′ W. long.;
(9) 32°49.97′ N. lat., 118°31.52′ W. long.;
(10) 32°53.62′ N. lat., 118°32.94′ W. long.;
(11) 32°55.63′ N. lat., 118°34.82′ W. long.;
(12) 33°00.71′ N. lat., 118°38.42′ W. long.;
(13) 33°03.49′ N. lat., 118°38.81′ W. long.; and
(14) 33°04.44′ N. lat., 118°37.61′ W. long.

(i) The 60 fm (110 m) depth contour around Santa Catalina Island off the state of California is defined by straight lines connecting all of the following points in the order stated:

(1) 33°28.15′ N. lat., 118°38.17′ W. long.;
(2) 33°29.23′ N. lat., 118°36.27′ W. long.;
(3) 33°28.85′ N. lat., 118°30.85′ W. long.;
(4) 33°26.69′ N. lat., 118°27.37′ W. long.;
(5) 33°26.30′ N. lat., 118°25.38′ W. long.;
(6) 33°25.35′ N. lat., 118°22.83′ W. long.;
(7) 33°22.60′ N. lat., 118°18.82′ W. long.;
(8) 33°19.49′ N. lat., 118°16.91′ W. long.;
(9) 33°17.13′ N. lat., 118°16.58′ W. long.;
(10) 33°16.65′ N. lat., 118°17.71′ W. long.;
(11) 33°18.35′ N. lat., 118°27.86′ W. long.;
(12) 33°20.07′ N. lat., 118°32.34′ W. long.;
(13) 33°21.82′ N. lat., 118°32.08′ W. long.;
(14) 33°23.15′ N. lat., 118°29.89′ W. long.;
(15) 33°24.99′ N. lat., 118°32.25′ W. long.;
(16) 33°25.73′ N. lat., 118°34.88′ W. long.; and
(17) 33°28.15′ N. lat., 118°38.17′ W. long.

(j) The 75–fm (137–m) depth contour used between the U.S. border with Canada and the U.S. border with Mexico is defined by straight lines connecting all of the following points in the order stated:

(1) 48°16.80′ N. lat., 125°34.90′ W. long.;
(2) 48°14.50′ N. lat., 125°29.50′ W. long.;
(3) 48°12.08′ N. lat., 125°28.00′ W. long.;
(4) 48°10.00′ N. lat., 125°27.99′ W. long.;
(5) 48°09.00′ N. lat., 125°28.00′ W. long.;
(6) 48°07.80′ N. lat., 125°31.70′ W. long.;
(7) 48°04.28′ N. lat., 125°29.00′ W. long.;
(8) 48°02.50′ N. lat., 125°25.70′ W. long.;
(9) 48°10.00′ N. lat., 125°20.19′ W. long.;
(10) 48°21.70′ N. lat., 125°17.56′ W. long.;
(11) 48°23.12′ N. lat., 125°10.25′ W. long.;
(12) 48°21.77′ N. lat., 125°02.59′ W. long.;
(13) 48°23.00′ N. lat., 124°59.30′ W. long.;
(14) 48°23.90′ N. lat., 124°54.37′ W. long.;
(15) 48°23.05′ N. lat., 124°48.80′ W. long.;
(16) 48°17.10′ N. lat., 124°54.82′ W. long.;
(17) 48°10.00′ N. lat., 124°57.54′ W. long;
(18) 48°05.10′ N. lat., 124°59.40′ W. long.;
(19) 48°04.50′ N. lat., 125°02.00′ W. long.;
(20) 48°04.70′ N. lat., 125°04.08′ W. long.;
(21) 48°05.20′ N. lat., 125°04.90′ W. long.;
(22) 48°06.25′ N. lat., 125°06.40′ W. long.;
(23) 48°05.91′ N. lat., 125°08.30′ W. long.;
(24) 48°07.00′ N. lat., 125°09.80′ W. long.;
(25) 48°06.93′ N. lat., 125°11.48′ W. long.;
(26) 48°04.98′ N. lat., 125°10.02′ W. long.;
(27) 47°54.00′ N. lat., 125°04.98′ W. long.;
(28) 47°44.52′ N. lat., 125°00.00′ W. long.;
(29) 47°42.00′ N. lat., 124°58.98′ W. long.;
(30) 47°35.52′ N. lat., 124°55.50′ W. long.;
(31) 47°22.02′ N. lat., 124°44.40′ W. long.;
(32) 47°16.98′ N. lat., 124°45.48′ W. long.;
(33) 47°10.98′ N. lat., 124°48.48′ W. long.;
(34) 47°04.98′ N. lat., 124°49.02′ W. long.;
(35) 46°57.98′ N. lat., 124°46.50′ W. long.;
(36) 46°54.00′ N. lat., 124°45.00′ W. long.;
(37) 46°48.48′ N. lat., 124°44.52′ W. long.;
(38) 46°40.02′ N. lat., 124°36.00′ W. long.;
(39) 46°38.17′ N. lat., 124°33.20′ W. long.;
(40) 46°34.09′ N. lat., 124°27.03′ W. long.;

(41) 46°24.64′ N. lat., 124°30.33′ W. long.;
(42) 46°19.98′ N. lat., 124°36.00′ W. long.;
(43) 46°18.14′ N. lat., 124°34.26′ W. long.;
(44) 46°18.72′ N. lat., 124°22.68′ W. long.;
(45) 46°16.00′ N. lat., 124°19.49′ W. long.;
(46) 46°14.63′ N. lat., 124°22.54′ W. long.;
(47) 46°11.08′ N. lat., 124°30.74′ W. long.;
(48) 46°04.28′ N. lat., 124°31.49′ W. long.;
(49) 45°55.97′ N. lat., 124°19.95′ W. long.;
(50) 45°46.00′ N. lat., 124°16.41′ W. long.;
(51) 45°44.97′ N. lat., 124°15.95′ W. long.;
(52) 45°43.14′ N. lat., 124°21.86′ W. long.;
(53) 45°34.45′ N. lat., 124°14.44′ W. long.;
(54) 45°20.25′ N. lat., 124°12.23′ W. long.;
(55) 45°15.49′ N. lat., 124°11.49′ W. long.;
(56) 45°03.83′ N. lat., 124°13.75′ W. long.;
(57) 44°57.31′ N. lat., 124°15.03′ W. long.;
(58) 44°43.90′ N. lat., 124°28.88′ W. long.;
(59) 44°28.64′ N. lat., 124°35.67′ W. long.;
(60) 44°25.31′ N. lat., 124°43.08′ W. long.;
(61) 44°16.28′ N. lat., 124°47.86′ W. long.;
(62) 44°13.47′ N. lat., 124°54.08′ W. long.;
(63) 44°02.88′ N. lat., 124°53.96′ W. long.;
(64) 44°00.14′ N. lat., 124°55.25′ W. long.;
(65) 43°57.68′ N. lat., 124°55.48′ W. long.;
(66) 43°56.66′ N. lat., 124°55.45′ W. long.;
(67) 43°57.50′ N. lat., 124°41.23′ W. long.;
(68) 44°01.79′ N. lat., 124°38.00′ W. long.;
(69) 44°02.17′ N. lat., 124°32.62′ W. long.;
(70) 43°58.15′ N. lat., 124°30.39′ W. long.;
(71) 43°53.25′ N. lat., 124°31.39′ W. long.;
(72) 43°35.56′ N. lat., 124°28.17′ W. long.;
(73) 43°21.84′ N. lat., 124°36.07′ W. long.;
(74) 43°20.83′ N. lat., 124°35.49′ W. long.;
(75) 43°19.73′ N. lat., 124°34.87′ W. long.;
(76) 43°09.38′ N. lat., 124°39.29′ W. long.;
(77) 43°07.11′ N. lat., 124°37.66′ W. long.;
(78) 42°56.27′ N. lat., 124°43.28′ W. long.;
(79) 42°50.00′ N. lat., 124°42.30′ W. long.;
(80) 42°45.01′ N. lat., 124°41.50′ W. long.;
(81) 42°40.50′ N. lat., 124°39.46′ W. long.;
(82) 42°39.71′ N. lat., 124°39.11′ W. long.;
(83) 42°32.87′ N. lat., 124°40.13′ W. long.;
(84) 42°32.30′ N. lat., 124°39.04′ W. long.;
(85) 42°26.96′ N. lat., 124°44.30′ W. long.;
(86) 42°24.11′ N. lat., 124°42.16′ W. long.;
(87) 42°21.10′ N. lat., 124°35.46′ W. long.;
(88) 42°14.72′ N. lat., 124°32.30′ W. long.;
(89) 42°13.67′ N. lat., 124°32.29′ W. long.;
(90) 42°09.25′ N. lat., 124°32.04′ W. long.;
(91) 42°01.88′ N. lat., 124°32.71′ W. long.;
(92) 42°00.00′ N. lat., 124°32.02′ W. long.;
(93) 41°46.18′ N. lat., 124°26.60′ W. long.;
(94) 41°29.22′ N. lat., 124°28.04′ W. long.;
(95) 41°09.62′ N. lat., 124°19.75′ W. long.;
(96) 40°50.71′ N. lat., 124°23.80′ W. long.;
(97) 40°43.35′ N. lat., 124°29.30′ W. long.;
(98) 40°40.24′ N. lat., 124°29.86′ W. long.;
(99) 40°37.50′ N. lat., 124°28.68′ W. long.;
(100) 40°34.42′ N. lat., 124°29.65′ W. long.;
(101) 40°34.74′ N. lat., 124°34.61′ W. long.;
(102) 40°31.70′ N. lat., 124°37.13′ W. long.;
(103) 40°30.00′ N. lat., 124°36.50′ W. long.;
(104) 40°25.03′ N. lat., 124°34.77′ W. long.;
(105) 40°23.58′ N. lat., 124°31.49′ W. long.;
(106) 40°23.64′ N. lat., 124°28.35′ W. long.;
(107) 40°22.53′ N. lat., 124°24.76′ W. long.;
(108) 40°21.46′ N. lat., 124°24.86′ W. long.;
(109) 40°21.74′ N. lat., 124°27.63′ W. long.;
(110) 40°19.76′ N. lat., 124°28.15′ W. long.;
(111) 40°18.00′ N. lat., 124°25.38′ W. long.;
(112) 40°18.54′ N. lat., 124°22.94′ W. long.;
(113) 40°15.55′ N. lat., 124°25.75′ W. long.;
(114) 40°16.06′ N. lat., 124°30.48′ W. long.;
(115) 40°15.75′ N. lat., 124°31.69′ W. long.;
(116) 40°10.00′ N. lat., 124°21.28′ W. long.;
(117) 40°08.37′ N. lat., 124°17.99′ W. long.;
(118) 40°09.00′ N. lat., 124°15.77′ W. long.;
(119) 40°06.93′ N. lat., 124°16.49′ W. long.;
(120) 40°03.60′ N. lat., 124°11.60′ W. long.;
(121) 40°06.20′ N. lat., 124°08.23′ W. long.;
(122) 40°00.94′ N. lat., 124°08.57′ W. long.;
(123) 40°00.01′ N. lat., 124°09.84′ W. long.;
(124) 39°57.75′ N. lat., 124°09.53′ W. long.;
(125) 39°55.56′ N. lat., 124°07.67′ W. long.;
(126) 39°52.21′ N. lat., 124°05.54′ W. long.;
(127) 39°48.07′ N. lat., 123°57.48′ W. long.;
(128) 39°41.60′ N. lat., 123°55.12′ W. long.;

(129) 39°30.39′ N. lat., 123°55.03′ W. long.;
(130) 39°29.48′ N. lat., 123°56.12′ W. long.;
(131) 39°13.76′ N. lat., 123°54.65′ W. long.;
(132) 39°05.21′ N. lat., 123°55.38′ W. long.;
(133) 38°57.50′ N. lat., 123°54.50′ W. long.;
(134) 38°55.90′ N. lat., 123°54.35′ W. long.;
(135) 38°48.59′ N. lat., 123°49.61′ W. long.;
(136) 38°28.82′ N. lat., 123°27.44′ W. long.;
(137) 38°09.70′ N. lat., 123°18.66′ W. long.;
(138) 38°01.81′ N. lat., 123°19.22′ W. long.;
(139) 38°00.00′ N. lat., 123°22.19′ W. long.;
(140) 37°57.70′ N. lat., 123°25.98′ W. long.;
(141) 37°56.73′ N. lat., 123°25.22′ W. long.;
(142) 37°55.59′ N. lat., 123°25.62′ W. long.;
(143) 37°52.79′ N. lat., 123°23.85′ W. long.;
(144) 37°49.13′ N. lat., 123°18.83′ W. long.;
(145) 37°46.01′ N. lat., 123°12.28′ W. long.;
(146) 37°35.67′ N. lat., 123°00.33′ W. long.;
(147) 37°28.20′ N. lat., 122°54.92′ W. long.;
(148) 37°27.34′ N. lat., 122°52.91′ W. long.;
(149) 37°26.45′ N. lat., 122°52.95′ W. long.;
(150) 37°26.06′ N. lat., 122°51.17′ W. long.;
(151) 37°23.07′ N. lat., 122°51.34′ W. long.;
(152) 37°11.00′ N. lat., 122°43.89′ W. long.;
(153) 37°07.00′ N. lat., 122°41.06′ W. long.;
(154) 37°04.12′ N. lat., 122°38.94′ W. long.;
(155) 37°00.64′ N. lat., 122°33.26′ W. long.;
(156) 36°59.15′ N. lat., 122°27.84′ W. long.;
(157) 37°1.41′ N. lat., 122°24.41′ W. long.;
(158) 36°58.75′ N. lat., 122°23.81′ W. long.;
(159) 36°59.17′ N. lat., 122°21.44′ W. long.;
(160) 36°57.51′ N. lat., 122°20.69′ W. long.;
(161) 36°51.46′ N. lat., 122°10.01′ W. long.;
(162) 36°48.43′ N. lat., 122°06.47′ W. long.;
(163) 36°48.66′ N. lat., 122°04.99′ W. long.;
(164) 36°47.75′ N. lat., 122°03.33′ W. long.;
(165) 36°51.23′ N. lat., 121°57.79′ W. long.;
(166) 36°49.72′ N. lat., 121°57.87′ W. long.;
(167) 36°48.84′ N. lat., 121°58.68′ W. long.;
(168) 36°47.89′ N. lat., 121°58.53′ W. long.;
(169) 36°48.66′ N. lat., 121°50.49′ W. long.;
(170) 36°45.56′ N. lat., 121°54.11′ W. long.;
(171) 36°45.30′ N. lat., 121°57.62′ W. long.;
(172) 36°38.54′ N. lat., 122°01.13′ W. long.;
(173) 36°35.76′ N. lat., 122°00.87′ W. long.;
(174) 36°32.58′ N. lat., 121°59.12′ W. long.;
(175) 36°32.95′ N. lat., 121°57.62′ W. long.;
(176) 36°31.96′ N. lat., 121°56.27′ W. long.;
(177) 36°31.74′ N. lat., 121°58.24′ W. long.;
(178) 36°30.57′ N. lat., 121°59.66′ W. long.;
(179) 36°27.80′ N. lat., 121°59.30′ W. long.;
(180) 36°26.52′ N. lat., 121°58.09′ W. long.;
(181) 36°23.65′ N. lat., 121°58.94′ W. long.;
(182) 36°20.93′ N. lat., 122°00.28′ W. long.;
(183) 36°17.49′ N. lat., 122°03.08′ W. long.;
(184) 36°14.21′ N. lat., 121°57.80′ W. long.;
(185) 36°14.53′ N. lat., 121°54.99′ W. long.;
(186) 36°10.42′ N. lat., 121°42.90′ W. long.;
(187) 36°02.55′ N. lat., 121°36.35′ W. long.;

(188) 36°01.04′ N. lat., 121°36.47′ W. long.;
(189) 36°00.00′ N. lat., 121°35.40′ W. long.;
(190) 35°58.25′ N. lat., 121°32.88′ W. long.;
(191) 35°39.35′ N. lat., 121°22.63′ W. long.;
(192) 35°25.09′ N. lat., 121°03.02′ W. long.;
(193) 35°10.84′ N. lat., 120°55.90′ W. long.;
(194) 35°04.35′ N. lat., 120°51.62′ W. long.;
(195) 34°55.25′ N. lat., 120°49.36′ W. long.;
(196) 34°47.95′ N. lat., 120°50.76′ W. long.;
(197) 34°39.27′ N. lat., 120°49.16′ W. long.;
(198) 34°31.05′ N. lat., 120°44.71′ W. long.;
(199) 34°27.00′ N. lat., 120°36.54′ W. long.;
(200) 34°22.60′ N. lat., 120°25.41′ W. long.;
(201) 34°25.45′ N. lat., 120°17.41′ W. long.;
(202) 34°22.94′ N. lat., 119°56.40′ W. long.;
(203) 34°18.37′ N. lat., 119°42.01′ W. long.;
(204) 34°11.22′ N. lat., 119°32.47′ W. long.;
(205) 34°09.58′ N. lat., 119°25.94′ W. long.;
(206) 34°03.89′ N. lat., 119°12.47′ W. long.;
(207) 34°03.57′ N. lat., 119°06.72′ W. long.;
(208) 34°04.53′ N. lat., 119°04.90′ W. long.;
(209) 34°02.84′ N. lat., 119°02.37′ W. long.;
(210) 34°01.30′ N. lat., 119°00.26′ W. long.;
(211) 34°00.22′ N. lat., 119°03.20′ W. long.;
(212) 33°59.56′ N. lat., 119°03.36′ W. long.;
(213) 33°59.35′ N. lat., 119°00.92′ W. long.;
(214) 34°00.49′ N. lat., 118°59.08′ W. long.;
(215) 33°59.07′ N. lat., 118°47.34′ W. long.;
(216) 33°58.73′ N. lat., 118°36.45′ W. long.;
(217) 33°55.24′ N. lat., 118°33.42′ W. long.;
(218) 33°53.71′ N. lat., 118°38.01′ W. long.;
(219) 33°51.19′ N. lat., 118°36.50′ W. long.;
(220) 33°49.85′ N. lat., 118°32.31′ W. long.;
(22) 33°49.61′ N. lat., 118°28.07′ W. long.;
(222) 33°49.77′ N. lat., 118°26.34′ W. long.;
(223) 33°50.36′ N. lat., 118°25.84′ W. long.;
(224) 33°49.92′ N. lat., 118°25.05′ W. long.;
(225) 33°48.70′ N. lat., 118°26.70′ W. long.;
(226) 33°47.72′ N. lat., 118°30.48′ W. long.;
(227) 33°44.11′ N. lat., 118°25.25′ W. long.;
(228) 33°41.62′ N. lat., 118°20.31′ W. long.;
(229) 33°38.15′ N. lat., 118°15.85′ W. long.;
(230) 33°37.53′ N. lat., 118°16.82′ W. long.;
(231) 33°35.76′ N. lat., 118°16.75′ W. long.;
(232) 33°33.76′ N. lat., 118°11.37′ W. long.;
(233) 33°33.76′ N. lat., 118°07.94′ W. long.;
(234) 33°35.59′ N. lat., 118°05.05′ W. long.;
(235) 33°33.67′ N. lat., 117°59.98′ W. long.;
(236) 33°34.98′ N. lat., 117°55.66′ W. long.;
(237) 33°34.84′ N. lat., 117°53.83′ W. long.;
(238) 33°31.43′ N. lat., 117°48.76′ W. long.;
(239) 33°16.61′ N. lat., 117°34.49′ W. long.;
(240) 33°07.43′ N. lat., 117°22.40′ W. long.;
(241) 33°02.93′ N. lat., 117°21.12′ W. long.;
(242) 33°02.09′ N. lat., 117°20.28′ W. long.;
(243) 32°59.91′ N. lat., 117°19.28′ W. long.;
(244) 32°57.27′ N. lat., 117°18.82′ W. long.;
(245) 32°56.17′ N. lat., 117°19.43′ W. long.;
(246) 32°55.22′ N. lat., 117°19.09′ W. long.;

(247) 32°54.30′ N. lat., 117°17.13′ W. long.;
(248) 32°52.89′ N. lat., 117°17.03′ W. long.;
(249) 32°52.61′ N. lat., 117°19.50′ W. long.;
(250) 32°50.85′ N. lat., 117°21.14′ W. long.;
(251) 32°47.11′ N. lat., 117°22.95′ W. long.;
(252) 32°45.66′ N. lat., 117°22.60′ W. long.;
(253) 32°42.99′ N. lat., 117°20.70′ W. long.;
(254) 32°40.72′ N. lat., 117°20.23′ W. long.;
(255) 32°38.11′ N. lat., 117°20.59′ W. long.; and
(256) 32°33.83′ N. lat., 117°19.18′ W. long.

(k) The 75 fm (137 m) depth contour around the northern Channel Islands off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 34°10.82′ N. lat., 120°33.26′ W. long.;
(2) 34°11.78′ N. lat., 120°28.12′ W. long.;
(3) 34°08.65′ N. lat., 120°18.46′ W. long.;
(4) 34°07.01′ N. lat., 120°10.46′ W. long.;
(5) 34°06.56′ N. lat., 120°04.00′ W. long.;
(6) 34°08.11′ N. lat., 119°55.01′ W. long.;
(7) 34°05.18′ N. lat., 119°37.94′ W. long.;
(8) 34°05.22′ N. lat., 119°35.52′ W. long.;
(9) 34°05.12′ N. lat., 119°32.74′ W. long.;
(10) 34°04.32′ N. lat., 119°27.32′ W. long.;
(11) 34°02.32′ N. lat., 119°18.46′ W. long.;
(12) 34°00.95′ N. lat., 119°18.95′ W. long.;
(13) 33°59.40′ N. lat., 119°21.74′ W. long.;
(14) 33°58.70′ N. lat., 119°32.21′ W. long.;
(15) 33°57.77′ N lat., 119°33.49′ W long.;
(16) 33°57.64′ N lat., 119°35.78′ W long.;
(17) 33°56.12′ N. lat., 119°41.10′ W. long.;
(18) 33°55.74′ N. lat., 119°48.00′ W. long.;
(19) 33°56.91′ N. lat., 119°52.04′ W. long.;
(20) 33°59.06′ N. lat., 119°55.38′ W. long.;
(21) 33°57.82′ N. lat., 119°54.99′ W. long.;
(22) 33°56.58′ N. lat., 119°53.75′ W. long.;
(23) 33°54.43′ N. lat., 119°54.07′ W. long.;
(24) 33°52.67′ N. lat., 119°54.78′ W. long.;
(25) 33°48.33′ N. lat., 119°55.09′ W. long.;
(26) 33°47.28′ N. lat., 119°57.30′ W. long.;
(27) 33°47.36′ N. lat., 120°00.39′ W. long.;
(28) 33°49.16′ N. lat., 120°05.06′ W. long.;
(29) 33°52.00′ N. lat., 120°08.15′ W. long.;
(30) 33°58.11′ N. lat., 120°25.59′ W. long.;
(31) 34°02.15′ N. lat., 120°32.70′ W. long.;
(32) 34°08.86′ N. lat., 120°37.12′ W. long.; and
(33) 34°10.82′ N. lat., 120°33.26′ W. long.

(l) The 75 fm (137 m) depth contour around San Clemente Island off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 33°04.54′ N. lat., 118°37.54′ W. long.;
(2) 33°02.56′ N. lat., 118°34.12′ W. long.;
(3) 32°55.54′ N. lat., 118°28.87′ W. long.;
(4) 32°55.02′ N. lat., 118°27.69′ W. long.;
(5) 32°49.78′ N. lat., 118°20.88′ W. long.;
(6) 32°48.32′ N. lat., 118°19.89′ W. long.;
(7) 32°47.41′ N. lat., 118°21.98′ W. long.;
(8) 32°44.39′ N. lat., 118°24.49′ W. long.;
(9) 32°47.93′ N. lat., 118°29.90′ W. long.;
(10) 32°49.69′ N. lat., 118°31.52′ W. long.;
(11) 32°53.57′ N. lat., 118°33.09′ W. long.;
(12) 32°55.42′ N. lat., 118°35.17′ W. long.;
(13) 33°00.49′ N. lat., 118°38.56′ W. long.;
(14) 33°03.23′ N. lat., 118°39.16′ W. long.; and
(15) 33°04.54′ N. lat., 118°37.54′ W. long.

(m) The 75 fm (137 m) depth contour around Santa Catalina Island off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 33°28.17′ N. lat., 118°38.16′ W. long.;
(2) 33°29.35′ N. lat., 118°36.23′ W. long.;
(3) 33°28.85′ N. lat., 118°30.85′ W. long.;
(4) 33°26.69′ N. lat., 118°27.37′ W. long.;
(5) 33°26.33′ N. lat., 118°25.37′ W. long.;
(6) 33°25.35′ N. lat., 118°22.83′ W. long.;
(7) 33°22.47′ N. lat., 118°18.53′ W. long.;
(8) 33°19.51′ N. lat., 118°16.82′ W. long.;
(9) 33°17.07′ N. lat., 118°16.38′ W. long.;
(10) 33°16.58′ N. lat., 118°17.61′ W. long.;
(11) 33°18.35′ N. lat., 118°27.86′ W. long.;
(12) 33°20.07′ N. lat., 118°32.35′ W. long.;
(13) 33°21.82′ N. lat., 118°32.09′ W. long.;
(14) 33°23.15′ N. lat., 118°29.99′ W. long.;
(15) 33°24.96′ N. lat., 118°32.21′ W. long.;
(16) 33°25.67′ N. lat., 118°34.88′ W. long.;
(17) 33°27.57′ N. lat., 118°37.90′ W. long.; and
(18) 33°28.17′ N. lat., 118°38.16′ W. long.

[69 FR 77051, Dec. 23, 2004, as amended at 71 FR 8500, Feb. 17, 2006; 71 FR 78672, Dec. 29, 2006; 74 FR 9898, Mar. 6, 2009. Redesignated at 75 FR 60995, Oct. 1, 2010; 76 FR 27530, May 11, 2011; 76 FR 54714, Sept. 2, 2011; 78 FR 589, Jan. 3, 2013; 80 FR 12573, Mar. 10, 2015; 82 FR 9640, Feb. 7, 2017; 83 FR 63992, Dec. 12, 2018; 84 FR 63974, Nov. 19, 2019]

**§ 660.73 Latitude/longitude coordinates defining the 100 fm (183 m) through 150 fm (274 m) depth contours.**

Boundaries for some GCAs are defined by straight lines connecting a series of latitude/longitude coordinates. This section provides coordinates for the 100 fm (183 m) through 150 fm (274 m) depth contours.

(a) The 100–fm (183–m) depth contour used between the U.S. border with Canada and the U.S. border with Mexico is defined by straight lines connecting all of the following points in the order stated:

(1) 48°15.00′ N. lat., 125°41.00′ W. long.;
(2) 48°14.00′ N. lat., 125°36.00′ W. long.;
(3) 48°10.00′ N. lat., 125°40.00′ W. long.;
(4) 48°09.50′ N. lat., 125°40.50′ W. long.;
(5) 48°08.00′ N. lat., 125°38.00′ W. long.;
(6) 48°05.00′ N. lat., 125°37.25′ W. long.;
(7) 48°02.60′ N. lat., 125°34.70′ W. long.;
(8) 47°59.00′ N. lat., 125°34.00′ W. long.;
(9) 47°57.26′ N. lat., 125°29.82′ W. long.;
(10) 47°59.87′ N. lat., 125°25.81′ W. long.;
(11) 48°01.80′ N. lat., 125°24.53′ W. long.;
(12) 48°02.08′ N. lat., 125°22.98′ W. long.;
(13) 48°02.97′ N. lat., 125°22.89′ W. long.;
(14) 48°04.47′ N. lat., 125°21.75′ W. long.;
(15) 48°06.11′ N. lat., 125°19.33′ W. long.;
(16) 48°07.95′ N. lat., 125°18.55′ W. long.;
(17) 48°09.00′ N. lat., 125°18.00′ W. long.;
(18) 48°10.00′ N. lat., 125°17.81′ W. long.;
(19) 48°11.31′ N. lat., 125°17.55′ W. long.;
(20) 48°14.60′ N. lat., 125°13.46′ W. long.;
(21) 48°16.67′ N. lat., 125°14.34′ W. long.;
(22) 48°18.73′ N. lat., 125°14.41′ W. long.;
(23) 48°19.67′ N. lat., 125°13.70′ W. long.;
(24) 48°19.70′ N. lat., 125°11.13′ W. long.;
(25) 48°22.95′ N. lat., 125°10.79′ W. long.;
(26) 48°21.61′ N. lat., 125°02.54′ W. long.;
(27) 48°23.00′ N. lat., 124°49.34′ W. long.;
(28) 48°17.00′ N. lat., 124°56.50′ W. long.;
(29) 48°06.00′ N. lat., 125°00.00′ W. long.;
(30) 48°04.62′ N. lat., 125°01.73′ W. long.;
(31) 48°04.84′ N. lat., 125°04.03′ W. long.;
(32) 48°06.41′ N. lat., 125°06.51′ W. long.;
(33) 48°06.00′ N. lat., 125°08.00′ W. long.;
(34) 48°07.08′ N. lat., 125°09.34′ W. long.;
(35) 48°07.28′ N. lat., 125°11.14′ W. long.;
(36) 48°03.45′ N. lat., 125°16.66′ W. long.;
(37) 48°02.35′ N. lat., 125°17.30′ W. long.;
(38) 48°02.35′ N. lat., 125°18.07′ W. long.;
(39) 48°00.00′ N. lat., 125°19.30′ W. long.;
(40) 47°59.50′ N. lat., 125°18.88′ W. long.;
(41) 47°58.68′ N. lat., 125°16.19′ W. long.;
(42) 47°56.62′ N. lat., 125°13.50′ W. long.;
(43) 47°53.71′ N. lat., 125°11.96′ W. long.;
(44) 47°51.70′ N. lat., 125°09.38′ W. long.;
(45) 47°49.95′ N. lat., 125°06.07′ W. long.;
(46) 47°49.00′ N. lat., 125°03.00′ W. long.;
(47) 47°46.95′ N. lat., 125°04.00′ W. long.;
(48) 47°46.58′ N. lat., 125°03.15′ W. long.;
(49) 47°44.07′ N. lat., 125°04.28′ W. long.;
(50) 47°43.32′ N. lat., 125°04.41′ W. long.;
(51) 47°40.95′ N. lat., 125°04.14′ W. long.;
(52) 47°39.58′ N. lat., 125°04.97′ W. long.;
(53) 47°36.23′ N. lat., 125°02.77′ W. long.;
(54) 47°34.28′ N. lat., 124°58.66′ W. long.;
(55) 47°32.17′ N. lat., 124°57.77′ W. long.;
(56) 47°30.27′ N. lat., 124°56.16′ W. long.;
(57) 47°30.60′ N. lat., 124°54.80′ W. long.;
(58) 47°29.26′ N. lat., 124°52.21′ W. long.;
(59) 47°28.21′ N. lat., 124°50.65′ W. long.;
(60) 47°27.38′ N. lat., 124°49.34′ W. long.;
(61) 47°25.61′ N. lat., 124°48.26′ W. long.;
(62) 47°23.54′ N. lat., 124°46.42′ W. long.;
(63) 47°20.64′ N. lat., 124°45.91′ W. long.;
(64) 47°17.99′ N. lat., 124°45.59′ W. long.;
(65) 47°18.20′ N. lat., 124°49.12′ W. long.;
(66) 47°15.01′ N. lat., 124°51.09′ W. long.;
(67) 47°12.61′ N. lat., 124°54.89′ W. long.;
(68) 47°08.22′ N. lat., 124°56.53′ W. long.;
(69) 47°08.50′ N. lat., 124°57.74′ W. long.;
(70) 47°01.92′ N. lat., 124°54.95′ W. long.;
(71) 47°01.08′ N. lat., 124°59.22′ W. long.;
(72) 46°58.48′ N. lat., 124°57.81′ W. long.;
(73) 46°56.79′ N. lat., 124°56.03′ W. long.;
(74) 46°58.01′ N. lat., 124°55.09′ W. long.;
(75) 46°55.07′ N. lat., 124°54.14′ W. long.;
(76) 46°59.60′ N. lat., 124°49.79′ W. long.;
(77) 46°58.72′ N. lat., 124°48.78′ W. long.;
(78) 46°54.45′ N. lat., 124°48.36′ W. long.;
(79) 46°53.99′ N. lat., 124°49.95′ W. long.;
(80) 46°54.38′ N. lat., 124°52.73′ W. long.;
(81) 46°52.38′ N. lat., 124°52.02′ W. long.;
(82) 46°48.93′ N. lat., 124°49.17′ W. long.;
(83) 46°41.50′ N. lat., 124°43.00′ W. long.;
(84) 46°34.50′ N. lat., 124°28.50′ W. long.;
(85) 46°29.00′ N. lat., 124°30.00′ W. long.;
(86) 46°20.00′ N. lat., 124°36.50′ W. long.;
(87) 46°18.40′ N. lat., 124°37.70′ W. long.;
(88) 46°18.03′ N. lat., 124°35.46′ W. long.;
(89) 46°17.00′ N. lat., 124°22.50′ W. long.;
(90) 46°16.00′ N. lat., 124°20.62′ W. long.;
(91) 46°13.52′ N. lat., 124°25.49′ W. long.;
(92) 46°12.17′ N. lat., 124°30.74′ W. long.;
(93) 46°10.63′ N. lat., 124°37.96′ W. long.;
(94) 46°09.29′ N. lat., 124°39.01′ W. long.;
(95) 46°02.40′ N. lat., 124°40.37′ W. long.;
(96) 45°56.45′ N. lat., 124°38.00′ W. long.;
(97) 45°51.92′ N. lat., 124°38.50′ W. long.;
(98) 45°47.20′ N. lat., 124°35.58′ W. long.;
(99) 45°46.40′ N. lat., 124°32.36′ W. long.;
(100) 45°46.00′ N. lat., 124°32.10′ W. long.;
(101) 45°41.75′ N. lat., 124°28.12′ W. long.;

(102) 45°36.95′ N. lat., 124°24.47′ W. long.;
(103) 45°31.84′ N. lat., 124°22.04′ W. long.;
(104) 45°27.10′ N. lat., 124°21.74′ W. long.;
(105) 45°20.25′ N. lat., 124°18.54′ W. long.;
(106) 45°18.14′ N. lat., 124°17.59′ W. long.;
(107) 45°11.08′ N. lat., 124°16.97′ W. long.;
(108) 45°04.39′ N. lat., 124°18.35′ W. long.;
(109) 45°03.83′ N. lat., 124°18.60′ W. long.;
(110) 44°58.05′ N. lat., 124°21.58′ W. long.;
(111) 44°47.67′ N. lat., 124°31.41′ W. long.;
(112) 44°44.54′ N. lat., 124°33.58′ W. long.;
(113) 44°39.88′ N. lat., 124°35.00′ W. long.;
(114) 44°32.90′ N. lat., 124°36.81′ W. long.;
(115) 44°30.34′ N. lat., 124°38.56′ W. long.;
(116) 44°30.04′ N. lat., 124°42.31′ W. long.;
(117) 44°26.84′ N. lat., 124°44.91′ W. long.;
(118) 44°17.99′ N. lat., 124°51.04′ W. long.;
(119) 44°12.92′ N. lat., 124°56.28′ W. long.;
(120) 44°02.34′ N. lat., 124°55.46′ W. long.;
(121) 43°59.18′ N. lat., 124°56.94′ W. long.;
(122) 43°56.74′ N. lat., 124°56.74′ W. long.;
(123) 43°56.07′ N. lat., 124°55.41′ W. long.;
(124) 43°55.41′ N. lat., 124°52.21′ W. long.;
(125) 43°54.62′ N. lat., 124°48.23′ W. long.;
(126) 43°55.90′ N. lat., 124°41.11′ W. long.;
(127) 43°57.36′ N. lat., 124°38.68′ W. long.;
(128) 43°56.47′ N. lat., 124°34.61′ W. long.;
(129) 43°42.73′ N. lat., 124°32.41′ W. long.;
(130) 43°30.92′ N. lat., 124°34.43′ W. long.;
(131) 43°20.83′ N. lat., 124°39.39′ W. long.;
(132) 43°17.45′ N. lat., 124°41.16′ W. long.;
(133) 43°07.04′ N. lat., 124°41.25′ W. long.;
(134) 43°03.45′ N. lat., 124°44.36′ W. long.;
(135) 43°03.91′ N. lat., 124°50.81′ W. long.;
(136) 42°55.70′ N. lat., 124°52.79′ W. long.;
(137) 42°54.12′ N. lat., 124°47.36′ W. long.;
(138) 42°50.00′ N. lat., 124°45.33′ W. long.;
(139) 42°44.00′ N. lat., 124°42.38′ W. long.;
(140) 42°40.50′ N. lat., 124°41.71′ W. long.;
(141) 42°38.23′ N. lat., 124°41.25′ W. long.;
(142) 42°33.02′ N. lat., 124°42.38′ W. long.;
(143) 42°31.90′ N. lat., 124°42.04′ W. long.;
(144) 42°30.08′ N. lat., 124°42.67′ W. long.;
(145) 42°28.28′ N. lat., 124°47.08′ W. long.;
(146) 42°25.22′ N. lat., 124°43.51′ W. long.;
(147) 42°19.23′ N. lat., 124°37.91′ W. long.;
(148) 42°16.29′ N. lat., 124°36.11′ W. long.;
(149) 42°13.67′ N. lat., 124°35.81′ W. long.;
(150) 42°05.66′ N. lat., 124°34.92′ W. long.;
(151) 42°00.00′ N. lat., 124°35.27′ W. long.;
(152) 41°47.04′ N. lat., 124°27.64′ W. long.;
(153) 41°32.92′ N. lat., 124°28.79′ W. long.;
(154) 41°24.17′ N. lat., 124°28.46′ W. long.;
(155) 41°10.12′ N. lat., 124°20.50′ W. long.;
(156) 40°51.41′ N. lat., 124°24.38′ W. long.;
(157) 40°43.71′ N. lat., 124°29.89′ W. long.;
(158) 40°40.14′ N. lat., 124°30.90′ W. long.;
(159) 40°37.35′ N. lat., 124°29.05′ W. long.;

(160) 40°34.76′ N. lat., 124°29.82′ W. long.;
(161) 40°36.78′ N. lat., 124°37.06′ W. long.;
(162) 40°32.44′ N. lat., 124°39.58′ W. long.;
(163) 40°30.37′ N. lat., 124°37.30′ W. long.;
(164) 40°28.48′ N. lat., 124°36.95′ W. long.;
(165) 40°24.82′ N. lat., 124°35.12′ W. long.;
(166) 40°23.30′ N. lat., 124°31.60′ W. long.;
(167) 40°23.52′ N. lat., 124°28.78′ W. long.;
(168) 40°22.43′ N. lat., 124°25.00′ W. long.;
(169) 40°21.72′ N. lat., 124°24.94′ W. long.;
(170) 40°21.87′ N. lat., 124°27.96′ W. long.;
(171) 40°21.40′ N. lat., 124°28.74′ W. long.;
(172) 40°19.68′ N. lat., 124°28.49′ W. long.;
(173) 40°17.73′ N. lat., 124°25.43′ W. long.;
(174) 40°18.37′ N. lat., 124°23.35′ W. long.;
(175) 40°15.75′ N. lat., 124°26.05′ W. long.;
(176) 40°16.75′ N. lat., 124°33.71′ W. long.;
(177) 40°16.29′ N. lat., 124°34.36′ W. long.;
(178) 40°10.13′ N lat., 124°21.92′ W long.;
(179) 40°07.70′ N. lat., 124°18.44′ W. long.;
(180) 40°08.84′ N. lat., 124°15.86′ W. long.;
(181) 40°06.39′ N lat., 124°17.26′ W long.;
(182) 40°03.15′ N. lat., 124°14.43′ W. long.;
(183) 40°02.19′ N. lat., 124°12.85′ W. long.;
(184) 40°02.89′ N. lat., 124°11.78′ W. long.;
(185) 40°02.78′ N. lat., 124°10.70′ W. long.;
(186) 40°04.57′ N. lat., 124°10.08′ W. long.;
(187) 40°06.06′ N. lat., 124°08.30′ W. long.;
(188) 40°04.05′ N. lat., 124°08.93′ W. long.;
(189) 40°01.17′ N. lat., 124°08.80′ W. long.;
(190) 40°01.00′ N lat., 124°09.96′ W long.;
(191) 39°58.07′ N lat., 124°11.81′ W long.;
(192) 39°56.39′ N lat., 124°08.69′ W long.;
(193) 39°54.64′ N. lat., 124°07.30′ W. long.;
(194) 39°53.86′ N. lat., 124°07.95′ W. long.;
(195) 39°51.95′ N. lat., 124°07.63′ W. long.;
(196) 39°48.78′ N. lat., 124°03.29′ W. long.;
(197) 39°47.36′ N. lat., 124°03.31′ W. long.;
(198) 39°40.08′ N. lat., 123°58.37′ W. long.;
(199) 39°36.16′ N. lat., 123°56.90′ W. long.;
(200) 39°30.75′ N. lat., 123°55.86′ W. long.;
(201) 39°31.62′ N. lat., 123°57.33′ W. long.;
(202) 39°30.91′ N. lat., 123°57.88′ W. long.;
(203) 39°01.79′ N. lat., 123°56.59′ W. long.;
(204) 38°59.42′ N. lat., 123°55.67′ W. long.;
(205) 38°58.89′ N. lat., 123°56.28′ W. long.;
(206) 38°57.50′ N. lat., 123°56.28′ W. long.;
(207) 38°54.72′ N. lat., 123°55.68′ W. long.;
(208) 38°48.95′ N. lat., 123°51.85′ W. long.;
(209) 38°36.67′ N. lat., 123°40.20′ W. long.;
(210) 38°33.82′ N. lat., 123°39.23′ W. long.;
(211) 38°29.02′ N. lat., 123°33.52′ W. long.;
(212) 38°18.88′ N. lat., 123°25.93′ W. long.;
(213) 38°14.12′ N. lat., 123°23.26′ W. long.;
(214) 38°11.07′ N. lat., 123°22.07′ W. long.;
(215) 38°03.18′ N. lat., 123°20.77′ W. long.;
(216) 38°00.00′ N. lat., 123°23.08′ W. long.;
(217) 37°55.07′ N. lat., 123°26.81′ W. long.;
(218) 37°50.66′ N. lat., 123°23.06′ W. long.;
(219) 37°45.18′ N. lat., 123°11.88′ W. long.;
(220) 37°35.67′ N. lat., 123°01.20′ W. long.;

(221) 37°26.81′ N. lat., 122°55.57′ W. long.;
(222) 37°26.78′ N. lat., 122°53.91′ W. long.;
(223) 37°25.74′ N. lat., 122°54.13′ W. long.;
(224) 37°25.33′ N. lat., 122°53.59′ W. long.;
(225) 37°25.29′ N. lat., 122°52.57′ W. long.;
(226) 37°24.50′ N. lat., 122°52.09′ W. long.;
(227) 37°23.25′ N. lat., 122°53.12′ W. long.;
(228) 37°15.58′ N. lat., 122°48.36′ W. long.;
(229) 37°11.00′ N. lat., 122°44.50′ W. long.;
(230) 37°07.00′ N. lat., 122°41.25′ W. long.;
(231) 37°03.18′ N. lat., 122°38.15′ W. long.;
(232) 37°00.48′ N. lat., 122°33.93′ W. long.;
(233) 36°58.70′ N. lat., 122°27.22′ W. long.;
(234) 37°00.85′ N. lat., 122°24.70′ W. long.;
(235) 36°58.00′ N. lat., 122°24.14′ W. long.;
(236) 36°58.74′ N. lat., 122°21.51′ W. long.;
(237) 36°56.97′ N. lat., 122°21.32′ W. long.;
(238) 36°51.52′ N. lat., 122°10.68′ W. long.;
(239) 36°48.39′ N. lat., 122°07.60′ W. long.;
(240) 36°47.43′ N. lat., 122°03.22′ W. long.;
(241) 36°50.95′ N. lat., 121°58.03′ W. long.;
(242) 36°49.92′ N. lat., 121°58.01′ W. long.;
(243) 36°48.88′ N. lat., 121°58.90′ W. long.;
(244) 36°47.70′ N. lat., 121°58.75′ W. long.;
(245) 36°48.37′ N. lat., 121°51.14′ W. long.;
(246) 36°45.74′ N. lat., 121°54.17′ W. long.;
(247) 36°45.51′ N. lat., 121°57.72′ W. long.;
(248) 36°38.84′ N. lat., 122°01.32′ W. long.;
(249) 36°35.62′ N. lat., 122°00.98′ W. long.;
(250) 36°32.46′ N. lat., 121°59.15′ W. long.;
(251) 36°32.79′ N. lat., 121°57.67′ W. long.;
(252) 36°31.98′ N. lat., 121°56.55′ W. long.;
(253) 36°31.79′ N. lat., 121°58.40′ W. long.;
(254) 36°30.73′ N. lat., 121°59.70′ W. long.;
(255) 36°30.31′ N. lat., 122°00.22′ W. long.;
(256) 36°29.35′ N. lat., 122°00.36′ W. long.;
(257) 36°27.66′ N. lat., 121°59.80′ W. long.;
(258) 36°26.22′ N. lat., 121°58.35′ W. long.;
(259) 36°21.20′ N. lat., 122°00.72′ W. long.;
(260) 36°20.47′ N. lat., 122°02.92′ W. long.;
(261) 36°18.46′ N. lat., 122°04.51′ W. long.;
(262) 36°15.92′ N. lat., 122°01.33′ W. long.;
(263) 36°13.76′ N. lat., 121°57.27′ W. long.;
(264) 36°14.43′ N. lat., 121°55.43′ W. long.;
(265) 36°10.24′ N. lat., 121°43.08′ W. long.;
(266) 36°07.66′ N. lat., 121°40.91′ W. long.;
(267) 36°02.49′ N. lat., 121°36.51′ W. long.;
(268) 36°01.08′ N. lat., 121°36.63′ W. long.;
(269) 36°00.00′ N. lat., 121°35.41′ W. long.;
(270) 35°57.84′ N. lat., 121°32.81′ W. long.;
(271) 35°50.36′ N. lat., 121°29.32′ W. long.;
(272) 35°39.03′ N. lat., 121°22.86′ W. long.;
(273) 35°24.30′ N. lat., 121°02.56′ W. long.;
(274) 35°16.53′ N. lat., 121°00.39′ W. long.;
(275) 35°04.82′ N. lat., 120°53.96′ W. long.;
(276) 34°52.51′ N. lat., 120°51.62′ W. long.;
(277) 34°43.36′ N. lat., 120°52.12′ W. long.;
(278) 34°37.64′ N. lat., 120°49.99′ W. long.;

(279) 34°30.80′ N. lat., 120°45.02′ W. long.;
(280) 34°27.00′ N. lat., 120°39.00′ W. long.;
(281) 34°21.90′ N. lat., 120°25.25′ W. long.;
(282) 34°24.86′ N. lat., 120°16.81′ W. long.;
(283) 34°22.80′ N. lat., 119°57.06′ W. long.;
(284) 34°18.59′ N. lat., 119°44.84′ W. long.;
(285) 34°15.04′ N. lat., 119°40.34′ W. long.;
(286) 34°14.40′ N. lat., 119°45.39′ W. long.;
(287) 34°12.32′ N. lat., 119°42.41′ W. long.;
(288) 34°09.71′ N. lat., 119°28.85′ W. long.;
(289) 34°04.70′ N. lat., 119°15.38′ W. long.;
(2902) 34°03.33′ N. lat., 119°12.93′ W. long.;
(291) 34°02.72′ N. lat., 119°07.01′ W. long.;
(292) 34°03.90′ N. lat., 119°04.64′ W. long.;
(293) 34°01.80′ N. lat., 119°03.23′ W. long.;
(294) 33°59.32′ N. lat., 119°03.50′ W. long.;
(295) 33°59.00′ N. lat., 118°59.55′ W. long.;
(296) 33°59.51′ N. lat., 118°57.25′ W. long.;
(297) 33°58.82′ N. lat., 118°52.47′ W. long.;
(298) 33°58.54′ N. lat., 118°41.86′ W. long.;
(299) 33°55.07′ N. lat., 118°34.25′ W. long.;
(300) 33°54.28′ N. lat., 118°38.68′ W. long.;
(301) 33°51.00′ N. lat., 118°36.66′ W. long.;
(302) 33°39.77′ N. lat., 118°18.41′ W. long.;
(303) 33°35.50′ N. lat., 118°16.85′ W. long.;
(304) 33°32.68′ N. lat., 118°09.82′ W. long.;
(305) 33°34.09′ N. lat., 117°54.06′ W. long.;
(306) 33°31.60′ N. lat., 117°49.28′ W. long.;
(307) 33°16.07′ N. lat., 117°34.74′ W. long.;
(308) 33°07.06′ N. lat., 117°22.71′ W. long.;
(309) 32°59.28′ N. lat., 117°19.69′ W. long.;
(310) 32°55.36′ N. lat., 117°19.54′ W. long.;
(311) 32°53.35′ N. lat., 117°17.05′ W. long.;
(312) 32°53.36′ N. lat., 117°19.97′ W. long.;
(313) 32°46.39′ N. lat., 117°23.45′ W. long.;
(314) 32°42.79′ N. lat., 117°21.16′ W. long.; and
(315) 32°34.22′ N. lat., 117°21.20′ W. long.

(b) The 100 fm (183 m) depth contour around San Clemente Island off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 33°04.73′ N. lat., 118°37.98′ W. long.;
(2) 33°02.67′ N. lat., 118°34.06′ W. long.;
(3) 32°55.80′ N. lat., 118°28.92′ W. long.;
(4) 32°49.78′ N. lat., 118°20.88′ W. long.;
(5) 32°48.01′ N. lat., 118°19.49′ W. long.;
(6) 32°47.53′ N. lat., 118°21.76′ W. long.;
(7) 32°44.03′ N. lat., 118°24.70′ W. long.;
(8) 32°49.75′ N. lat., 118°32.10′ W. long.;
(9) 32°53.36′ N. lat., 118°33.23′ W. long.;
(10) 32°55.17′ N. lat., 118°34.64′ W. long.;
(11) 32°55.13′ N. lat., 118°35.31′ W. long.;
(12) 33°00.22′ N. lat., 118°38.68′ W. long.;
(13) 33°03.13′ N. lat., 118°39.59′ W. long.; and
(14) 33°04.73′ N. lat., 118°37.98′ W. long.

(c) The 100 fm (183 m) depth contour around Santa Catalina Island off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 33°28.23′ N. lat., 118°39.38′ W. long.;
(2) 33°29.60′ N. lat., 118°36.11′ W. long.;
(3) 33°29.14′ N. lat., 118°30.81′ W. long.;
(4) 33°26.97′ N. lat., 118°27.57′ W. long.;
(5) 33°25.68′ N. lat., 118°23.00′ W. long.;
(6) 33°22.67′ N. lat., 118°18.41′ W. long.;
(7) 33°19.72′ N. lat., 118°16.25′ W. long.;
(8) 33°17.14′ N. lat., 118°14.96′ W. long.;
(9) 33°16.09′ N. lat., 118°15.46′ W. long.;
(10) 33°18.10′ N. lat., 118°27.95′ W. long.;
(11) 33°19.84′ N. lat., 118°32.16′ W. long.;
(12) 33°20.83′ N. lat., 118°32.83′ W. long.;
(13) 33°21.91′ N. lat., 118°31.98′ W. long.;
(14) 33°23.05′ N. lat., 118°30.11′ W. long.;
(15) 33°24.87′ N. lat., 118°32.45′ W. long.;
(16) 33°25.30′ N. lat., 118°34.32′ W. long.; and
(17) 33°28.23′ N. lat., 118°39.38′ W. long.

(d) The 125–fm (229–m) depth contour used between the U.S. border with Canada and the U.S. border with Mexico is defined by straight lines connecting all of the following points in the order stated:

(1) 48°15.00′ N. lat., 125°41.13′ W. long.;
(2) 48°13.05′ N. lat., 125°37.43′ W. long.;
(3) 48°08.62′ N. lat., 125°41.68′ W. long.;
(4) 48°07.42′ N. lat., 125°42.38′ W. long.;
(5) 48°04.20′ N. lat., 125°36.57′ W. long.;
(6) 48°02.79′ N. lat., 125°35.55′ W. long.;
(7) 48°00.48′ N. lat., 125°37.84′ W. long.;
(8) 47°54.90′ N. lat., 125°34.79′ W. long.;
(9) 47°58.37′ N. lat., 125°26.58′ W. long.;
(10) 47°59.84′ N. lat., 125°25.20′ W. long.;
(11) 48°01.85′ N. lat., 125°24.12′ W. long.;
(12) 48°02.13′ N. lat., 125°22.80′ W. long.;
(13) 48°03.31′ N. lat., 125°22.46′ W. long.;
(14) 48°06.83′ N. lat., 125°17.73′ W. long.;
(15) 48°10.08′ N. lat., 125°15.56′ W. long.;
(16) 48°11.24′ N. lat., 125°13.72′ W. long.;
(17) 48°12.41′ N. lat., 125°14.48′ W. long.;
(18) 48°13.01′ N. lat., 125°13.77′ W. long.;
(19) 48°13.59′ N. lat., 125°12.83′ W. long.;
(20) 48°12.22′ N. lat., 125°12.28′ W. long.;
(21) 48°11.15′ N. lat., 125°12.26′ W. long.;
(22) 48°10.18′ N. lat., 125°10.44′ W. long.;
(23) 48°10.18′ N. lat., 125°06.32′ W. long.;
(24) 48°15.39′ N. lat., 125°02.83′ W. long.;
(25) 48°18.32′ N. lat., 125°01.00′ W. long.;
(26) 48°21.67′ N. lat., 125°01.86′ W. long.;
(27) 48°25.70′ N. lat., 125°00.10′ W. long.;
(28) 48°26.43′ N. lat., 124°56.65′ W. long.;
(29) 48°24.28′ N. lat., 124°56.48′ W. long.;
(30) 48°23.27′ N. lat., 124°59.12′ W. long.;
(31) 48°21.79′ N. lat., 124°59.30′ W. long.;
(32) 48°20.71′ N. lat., 124°58.74′ W. long.;
(33) 48°19.84′ N. lat., 124°57.09′ W. long.;
(34) 48°22.06′ N. lat., 124°54.78′ W. long.;
(35) 48°22.45′ N. lat., 124°53.35′ W. long.;
(36) 48°22.74′ N. lat., 124°50.96′ W. long.;
(37) 48°21.04′ N. lat., 124°52.60′ W. long.;
(38) 48°18.07′ N. lat., 124°55.85′ W. long.;
(39) 48°15.03′ N. lat., 124°58.16′ W. long.;
(40) 48°11.31′ N. lat., 124°58.53′ W. long.;
(41) 48°06.25′ N. lat., 125°00.06′ W. long.;
(42) 48°04.70′ N. lat., 125°01.80′ W. long.;
(43) 48°04.93′ N. lat., 125°03.92′ W. long.;
(44) 48°06.44′ N. lat., 125°06.50′ W. long.;
(45) 48°07.34′ N. lat., 125°09.35′ W. long.;
(46) 48°07.62′ N. lat., 125°11.37′ W. long.;
(47) 48°03.71′ N. lat., 125°17.63′ W. long.;
(48) 48°01.35′ N. lat., 125°18.66′ W. long.;
(49) 48°00.05′ N. lat., 125°19.66′ W. long.;
(50) 47°59.51′ N. lat., 125°18.90′ W. long.;
(51) 47°58.29′ N. lat., 125°16.64′ W. long.;
(52) 47°54.67′ N. lat., 125°13.20′ W. long.;
(53) 47°53.15′ N. lat., 125°12.53′ W. long.;
(54) 47°48.46′ N. lat., 125°04.72′ W. long.;
(55) 47°46.10′ N. lat., 125°04.00′ W. long.;
(56) 47°44.60′ N. lat., 125°04.49′ W. long.;
(57) 47°42.90′ N. lat., 125°04.72′ W. long.;
(58) 47°40.71′ N. lat., 125°04.68′ W. long.;
(59) 47°39.02′ N. lat., 125°05.63′ W. long.;
(60) 47°34.86′ N. lat., 125°02.11′ W. long.;
(61) 47°31.64′ N. lat., 124°58.11′ W. long.;
(62) 47°29.69′ N. lat., 124°55.71′ W. long.;
(63) 47°29.35′ N. lat., 124°53.23′ W. long.;
(64) 47°28.56′ N. lat., 124°51.34′ W. long.;
(65) 47°25.31′ N. lat., 124°48.20′ W. long.;
(66) 47°23.92′ N. lat., 124°47.15′ W. long.;
(67) 47°18.09′ N. lat., 124°45.74′ W. long.;
(68) 47°18.65′ N. lat., 124°51.51′ W. long.;
(69) 47°18.12′ N. lat., 124°52.58′ W. long.;
(70) 47°17.64′ N. lat., 124°50.45′ W. long.;
(71) 47°16.31′ N. lat., 124°50.92′ W. long.;
(72) 47°15.60′ N. lat., 124°52.62′ W. long.;
(73) 47°14.25′ N. lat., 124°52.49′ W. long.;
(74) 47°11.32′ N. lat., 124°57.19′ W. long.;
(75) 47°09.14′ N. lat., 124°57.46′ W. long.;
(76) 47°08.83′ N. lat., 124°58.47′ W. long.;
(77) 47°05.88′ N. lat., 124°58.26′ W. long.;
(78) 47°03.60′ N. lat., 124°55.84′ W. long.;
(79) 47°02.91′ N. lat., 124°56.15′ W. long.;
(80) 47°01.08′ N. lat., 124°59.46′ W. long.;
(81) 46°58.13′ N. lat., 124°58.83′ W. long.;
(82) 46°57.44′ N. lat., 124°57.78′ W. long.;
(83) 46°55.98′ N. lat., 124°54.60′ W. long.;
(84) 46°54.90′ N. lat., 124°54.14′ W. long.;
(85) 46°58.47′ N. lat., 124°49.65′ W. long.;
(86) 46°54.44′ N. lat., 124°48.79′ W. long.;
(87) 46°54.41′ N. lat., 124°52.87′ W. long.;
(88) 46°49.36′ N. lat., 124°52.77′ W. long.;
(89) 46°40.06′ N. lat., 124°45.34′ W. long.;
(90) 46°39.64′ N. lat., 124°42.21′ W. long.;
(91) 46°34.27′ N. lat., 124°34.63′ W. long.;
(92) 46°33.58′ N. lat., 124°29.10′ W. long.;
(93) 46°25.64′ N. lat., 124°32.57′ W. long.;
(94) 46°21.33′ N. lat., 124°36.36′ W. long.;
(95) 46°20.59′ N. lat., 124°36.15′ W. long.;
(96) 46°19.38′ N. lat., 124°38.21′ W. long.;
(97) 46°17.94′ N. lat., 124°38.10′ W. long.;
(98) 46°16.00′ N. lat., 124°22.17′ W. long.;
(99) 46°13.37′ N. lat., 124°30.70′ W. long.;
(100) 46°12.20′ N. lat., 124°36.04′ W. long.;
(101) 46°11.01′ N. lat., 124°38.68′ W. long.;
(102) 46°09.73′ N. lat., 124°39.91′ W. long.;
(103) 46°03.23′ N. lat., 124°42.03′ W. long.;
(104) 46°01.16′ N. lat., 124°42.06′ W. long.;
(105) 46°00.35′ N. lat., 124°42.26′ W. long.;
(106) 45°52.81′ N. lat., 124°41.62′ W. long.;

(107) 45°49.70′ N. lat., 124°41.14′ W. long.;
(108) 45°46.00′ N. lat., 124°38.92′ W. long.;
(109) 45°45.18′ N. lat., 124°38.39′ W. long.;
(110) 45°43.24′ N. lat., 124°37.77′ W. long.;
(111) 45°34.75′ N. lat., 124°28.58′ W. long.;
(112) 45°19.90′ N. lat., 124°21.34′ W. long.;
(113) 45°12.44′ N. lat., 124°19.34′ W. long.;
(114) 45°07.48′ N. lat., 124°19.73′ W. long.;
(115) 45°03.83′ N. lat., 124°21.20′ W. long.;
(116) 44°59.96′ N. lat., 124°22.91′ W. long.;
(117) 44°54.73′ N. lat., 124°26.84′ W. long.;
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(123) 44°30.35′ N. lat., 124°43.03′ W. long.;
(124) 44°27.95′ N. lat., 124°45.13′ W. long.;
(125) 44°24.73′ N. lat., 124°47.42′ W. long.;
(126) 44°19.67′ N. lat., 124°51.17′ W. long.;
(127) 44°17.96′ N. lat., 124°52.52′ W. long.;
(128) 44°13.70′ N. lat., 124°56.45′ W. long.;
(129) 44°12.26′ N. lat., 124°57.53′ W. long.;
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(132) 44°04.78′ N. lat., 124°56.31′ W. long.;
(133) 44°01.14′ N. lat., 124°56.07′ W. long.;
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(136) 43°55.73′ N. lat., 124°55.41′ W. long.;
(137) 43°54.74′ N. lat., 124°53.15′ W. long.;
(138) 43°54.58′ N. lat., 124°52.18′ W. long.;
(139) 43°53.18′ N. lat., 124°47.41′ W. long.;
(140) 43°53.60′ N. lat., 124°37.45′ W. long.;
(141) 43°53.05′ N. lat., 124°36.00′ W. long.;
(142) 43°47.93′ N. lat., 124°35.18′ W. long.;
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(144) 43°32.38′ N. lat., 124°35.26′ W. long.;
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(147) 43°23.73′ N. lat., 124°39.66′ W. long.;
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(149) 43°10.48′ N. lat., 124°43.54′ W. long.;
(150) 43°04.77′ N. lat., 124°45.51′ W. long.;
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(156) 42°52.89′ N. lat., 124°47.45′ W. long.;
(157) 42°50.00′ N. lat., 124°47.03′ W. long.;
(158) 42°48.10′ N. lat., 124°46.75′ W. long.;
(159) 42°46.34′ N. lat., 124°43.54′ W. long.;
(160) 42°41.66′ N. lat., 124°42.70′ W. long.;
(161) 42°39.97′ N. lat., 124°42.45′ W. long.;
(162) 42°32.53′ N. lat., 124°42.77′ W. long.;
(163) 42°30.37′ N. lat., 124°42.97′ W. long.;
(164) 42°28.07′ N. lat., 124°47.65′ W. long.;

(165) 42°21.58′ N. lat., 124°41.41′ W. long.;
(166) 42°15.17′ N. lat., 124°36.25′ W. long.;
(167) 42°13.67′ N. lat., 124°36.20′ W. long.;
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(169) 42°00.00′ N. lat., 124°35.46′ W. long.;
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(172) 41°22.57′ N. lat., 124°28.66′ W. long.;
(173) 41°13.38′ N. lat., 124°22.88′ W. long.;
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(176) 40°44.08′ N. lat., 124°30.43′ W. long.;
(177) 40°40.54′ N. lat., 124°31.75′ W. long.;
(178) 40°37.36′ N. lat., 124°29.17′ W. long.;
(179) 40°35.30′ N. lat., 124°30.03′ W. long.;
(180) 40°37.02′ N. lat., 124°37.10′ W. long.;
(181) 40°35.82′ N. lat., 124°39.58′ W. long.;
(182) 40°31.70′ N. lat., 124°39.97′ W. long.;
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(184) 40°28.39′ N. lat., 124°37.16′ W. long.;
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(190) 40°21.91′ N. lat., 124°27.97′ W. long.;
(191) 40°21.37′ N. lat., 124°29.03′ W. long.;
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(194) 40°17.57′ N. lat., 124°25.49′ W. long.;
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(197) 40°17.00′ N. lat., 124°35.01′ W. long.;
(198) 40°15.97′ N. lat., 124°35.91′ W. long.;
(199) 40°10.00′ N. lat., 124°22.00′ W. long.;
(200) 40°07.35′ N. lat., 124°18.64′ W. long.;
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(202) 40°06.26′ N. lat., 124°17.54′ W. long.;
(203) 40°03.26′ N. lat., 124°15.30′ W. long.;
(204) 40°02.00′ N. lat., 124°12.97′ W. long.;
(205) 40°02.67′ N lat., 124°11.83′ W long.;
(206) 40°02.70′ N lat., 124°10.57′ W long.;
(207) 40°04.08′ N lat., 124°10.09′ W long.;
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(209) 40°01.23′ N lat., 124°08.91′ W long.;
(210) 40°01.18′ N lat., 124°09.92′ W long.;
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(212) 39°56.39′ N lat., 124°08.70′ W long.;
(213) 39°54.64′ N lat., 124°07.31′ W long.;
(214) 39°53.87′ N lat., 124°07.95′ W long.;
(215) 39°52.42′ N lat., 124°08.18′ W long.;
(216) 39°49.64′ N lat., 124°06.05′ W long.;
(217) 39°49.30′ N lat., 124°04.60′ W long.;
(218) 39°48.49′ N lat., 124°03.86′ W long.;
(219) 39°47.73′ N lat., 124°04.59′ W long.;
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(221) 39°34.23′ N lat., 123°56.82′ W long.;
(222) 39°33.00′ N lat., 123°56.44′ W long.;
(223) 39°30.96′ N lat., 123°56.00′ W long.;
(224) 39°31.34′ N lat., 123°56.71′ W long.;
(225) 39°32.03′ N lat., 123°57.44′ W long.;
(226) 39°31.43′ N lat., 123°58.16′ W long.;
(227) 39°05.56′ N lat., 123°57.24′ W long.;
(228) 39°01.75′ N lat., 123°56.83′ W long.;
(229) 38°59.52′ N lat., 123°55.95′ W long.;
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(232) 38°53.91′ N lat., 123°56.00′ W long.;
(233) 38°42.57′ N lat., 123°46.60′ W long.;
(234) 38°28.72′ N lat., 123°35.61′ W long.;
(235) 38°28.01′ N lat., 123°36.47′ W long.;
(236) 38°20.94′ N lat., 123°31.26′ W long.;
(237) 38°15.94′ N lat., 123°25.33′ W long.;
(238) 38°10.95′ N lat., 123°23.19′ W long.;
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(244) 38°02.32′ N lat., 123°31.09′ W long.;
(245) 37°59.97′ N lat., 123°28.43′ W long.;
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(248) 37°51.51′ N lat., 123°24.86′ W long.;
(249) 37°45.01′ N lat., 123°12.09′ W long.;
(250) 37°35.67′ N lat., 123°01.56′ W long.;
(251) 37°26.62′ N lat., 122°56.21′ W long.;
(252) 37°14.41′ N lat., 122°49.07′ W long.;
(253) 37°11.00′ N lat., 122°45.87′ W long.;
(254) 37°07.00′ N lat., 122°41.97′ W long.;
(255) 37°03.19′ N lat., 122°38.31′ W long.;
(256) 37°00.99′ N lat., 122°35.51′ W long.;
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(262) 36°55.37′ N lat., 122°18.45′ W long.;
(263) 36°52.16′ N lat., 122°12.17′ W long.;
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(271) 36°45.74′ N lat., 121°54.18′ W long.;
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(273) 36°44.02′ N lat., 121°58.55′ W long.;
(274) 36°38.84′ N lat., 122°01.32′ W long.;
(275) 36°35.63′ N lat., 122°00.98′ W long.;
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(288) 36°02.51′ N lat., 121°36.76′ W long.;
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(292) 35°45.57′ N lat., 121°27.26′ W long.;
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(294) 35°25.92′ N lat., 121°05.52′ W long.;
(295) 35°16.26′ N lat., 121°01.50′ W long.;
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(317) 34°06.85′ N lat., 120°05.60′ W long.;
(318) 34°07.03′ N lat., 120°10.47′ W long.;
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(327) 33°45.88′ N lat., 120°04.26′ W long.;
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(329) 33°38.19′ N lat., 119°50.42′ W long.;
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(333) 33°58.48′ N lat., 119°27.90′ W long.;
(334) 33°59.24′ N lat., 119°23.61′ W long.;
(335) 33°59.35′ N lat., 119°21.71′ W long.;
(336) 33°59.94′ N lat., 119°19.57′ W long.;
(337) 34°04.48′ N lat., 119°15.32′ W long.;
(338) 34°02.80′ N lat., 119°12.95′ W long.;
(339) 34°02.39′ N lat., 119°07.17′ W long.;
(340) 34°03.75′ N lat., 119°04.72′ W long.;
(341) 34°01.82′ N lat., 119°03.24′ W long.;
(342) 33°59.33′ N lat., 119°03.49′ W long.;
(343) 33°59.01′ N lat., 118°59.56′ W long.;
(344) 33°59.51′ N lat., 118°57.25′ W long.;
(345) 33°58.83′ N lat., 118°52.50′ W long.;
(346) 33°58.55′ N lat., 118°41.86′ W long.;
(347) 33°55.10′ N lat., 118°34.25′ W long.;
(348) 33°54.30′ N lat., 118°38.71′ W long.;
(349) 33°50.88′ N lat., 118°37.02′ W long.;
(350) 33°39.78′ N lat., 118°18.40′ W long.;
(351) 33°35.50′ N lat., 118°16.85′ W long.;
(352) 33°32.46′ N lat., 118°10.90′ W long.;
(353) 33°34.11′ N lat., 117°54.07′ W long.;
(354) 33°31.61′ N lat., 117°49.30′ W long.;
(355) 33°16.36′ N lat., 117°35.48′ W long.;
(356) 33°06.81′ N lat., 117°22.93′ W long.;
(357) 32°59.28′ N lat., 117°19.69′ W long.;
(358) 32°55.37′ N lat., 117°19.55′ W long.;
(359) 32°53.35′ N lat., 117°17.05′ W long.;
(360) 32°53.36′ N lat., 117°19.12′ W long.;

(361) 32°46.42′ N lat., 117°23.45′ W long.;
(362) 32°42.71′ N lat., 117°21.45′ W long.; and
(363) 32°34.54′ N lat., 117°23.04′ W long.

(e) The 125 fm (229 m) depth contour around San Clemente Island off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 33°04.73′ N. lat., 118°37.99′ W. long.;
(2) 33°02.67′ N. lat., 118°34.07′ W. long.;
(3) 32°55.97′ N. lat., 118°28.95′ W. long.;
(4) 32°49.79′ N. lat., 118°20.89′ W. long.;
(5) 32°48.02′ N. lat., 118°19.49′ W. long.;
(6) 32°47.37′ N. lat., 118°21.72′ W. long.;
(7) 32°43.58′ N. lat., 118°24.54′ W. long.;
(8) 32°49.74′ N. lat., 118°32.11′ W. long.;
(9) 32°53.36′ N. lat., 118°33.44′ W. long.;
(10) 32°55.03′ N. lat., 118°34.64′ W. long.;
(11) 32°54.89′ N. lat., 118°35.37′ W. long.;
(12) 33°00.20′ N. lat., 118°38.72′ W. long.;
(13) 33°03.15′ N. lat., 118°39.80′ W. long.; and
(14) 33°04.73′ N. lat., 118°37.99′ W. long.

(f) The 125 fm (229 m) depth contour around Santa Catalina Island off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 33°28.42′ N. lat., 118°39.85′ W. long.;
(2) 33°29.99′ N. lat., 118°36.14′ W. long.;
(3) 33°29.47′ N. lat., 118°33.66′ W. long.;
(4) 33°29.31′ N. lat., 118°30.53′ W. long.;
(5) 33°27.24′ N. lat., 118°27.71′ W. long.;
(6) 33°25.77′ N. lat., 118°22.57′ W. long.;
(7) 33°23.76′ N. lat., 118°19.27′ W. long.;
(8) 33°17.61′ N. lat., 118°13.61′ W. long.;
(9) 33°16.16′ N. lat., 118°13.98′ W. long.;
(10) 33°15.86′ N. lat., 118°15.27′ W. long.;
(11) 33°18.11′ N. lat., 118°27.96′ W. long.;
(12) 33°19.83′ N. lat., 118°32.16′ W. long.;
(13) 33°20.81′ N. lat., 118°32.94′ W. long.;
(14) 33°21.99′ N. lat., 118°32.04′ W. long.;
(15) 33°23.09′ N. lat., 118°30.37′ W. long.;
(16) 33°24.78′ N. lat., 118°32.46′ W. long.;
(17) 33°25.43′ N. lat., 118°34.93′ W. long.; and
(18) 33°28.42′ N. lat., 118°39.85′ W. long.

(g) The 125 fm (229 m) depth contour around Lasuen Knoll off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 33°24.57′ N. lat., 118°00.15′ W. long.;
(2) 33°23.42′ N. lat., 117°59.43′ W. long.;
(3) 33°23.69′ N. lat., 117°58.72′ W. long.;
(4) 33°24.72′ N. lat., 117°59.51′ W. long.; and
(5) 33°24.57′ N. lat., 118°00.15′ W. long.

(h) The 150–fm (274–m) depth contour used between the U.S. border with Canada and the U.S. border with Mexico is defined by straight lines connecting all of the following points in the order stated:
(1) 48°14.96′ N. lat., 125°41.24′ W. long.;
(2) 48°12.89′ N. lat., 125°37.83′ W. long.;
(3) 48°11.49′ N. lat., 125°39.27′ W. long.;
(4) 48°10.00′ N. lat., 125°40.65′ W. long.;
(5) 48°08.72′ N. lat., 125°41.84′ W. long.;
(6) 48°07.00′ N. lat., 125°45.00′ W. long.;
(7) 48°06.13′ N. lat., 125°41.57′ W. long.;
(8) 48°05.00′ N. lat., 125°39.00′ W. long.;
(9) 48°04.15′ N. lat., 125°36.71′ W. long.;
(10) 48°03.00′ N. lat., 125°36.00′ W. long.;
(11) 48°01.65′ N. lat., 125°36.96′ W. long.;
(12) 48°01.00′ N. lat., 125°38.50′ W. long.;
(13) 47°57.50′ N. lat., 125°36.50′ W. long.;
(14) 47°56.53′ N. lat., 125°30.33′ W. long.;
(15) 47°57.28′ N. lat., 125°27.89′ W. long.;
(16) 47°59.00′ N. lat., 125°25.50′ W. long.;
(17) 48°01.77′ N. lat., 125°24.05′ W. long.;
(18) 48°02.08′ N. lat., 125°22.98′ W. long.;
(19) 48°03.00′ N. lat., 125°22.50′ W. long.;
(20) 48°03.46′ N. lat., 125°22.10′ W. long.;
(21) 48°04.29′ N. lat., 125°20.37′ W. long.;
(22) 48°02.00′ N. lat., 125°18.50′ W. long.;
(23) 48°00.01′ N. lat., 125°19.90′ W. long.;
(24) 47°58.75′ N. lat., 125°17.54′ W. long.;
(25) 47°53.50′ N. lat., 125°13.50′ W. long.;
(26) 47°48.88′ N. lat., 125°05.91′ W. long.;
(27) 47°48.50′ N. lat., 125°05.00′ W. long.;
(28) 47°45.98′ N. lat., 125°04.26′ W. long.;
(29) 47°45.00′ N. lat., 125°05.50′ W. long.;
(30) 47°42.11′ N. lat., 125°04.74′ W. long.;
(31) 47°39.00′ N. lat., 125°06.00′ W. long.;
(32) 47°35.53′ N. lat., 125°04.55′ W. long.;
(33) 47°30.90′ N. lat., 124°57.31′ W. long.;
(34) 47°29.54′ N. lat., 124°56.50′ W. long.;
(35) 47°29.50′ N. lat., 124°54.50′ W. long.;
(36) 47°28.57′ N. lat., 124°51.50′ W. long.;
(37) 47°25.00′ N. lat., 124°48.00′ W. long.;
(38) 47°23.95′ N. lat., 124°47.24′ W. long.;
(39) 47°23.00′ N. lat., 124°47.00′ W. long.;
(40) 47°21.00′ N. lat., 124°46.50′ W. long.;
(41) 47°18.20′ N. lat., 124°45.84′ W. long.;
(42) 47°18.50′ N. lat., 124°49.00′ W. long.;
(43) 47°19.17′ N. lat., 124°50.86′ W. long.;
(44) 47°18.07′ N. lat., 124°53.29′ W. long.;
(45) 47°17.78′ N. lat., 124°51.39′ W. long.;
(46) 47°16.81′ N. lat., 124°50.85′ W. long.;
(47) 47°15.96′ N. lat., 124°53.15′ W. long.;
(48) 47°14.31′ N. lat., 124°52.62′ W. long.;
(49) 47°11.87′ N. lat., 124°56.90′ W. long.;
(50) 47°12.39′ N. lat., 124°58.09′ W. long.;
(51) 47°09.50′ N. lat., 124°57.50′ W. long.;
(52) 47°09.00′ N. lat., 124°59.00′ W. long.;
(53) 47°06.06′ N. lat., 124°58.80′ W. long.;

(54) 47°03.62′ N. lat., 124°55.96′ W. long.;
(55) 47°02.89′ N. lat., 124°56.89′ W. long.;
(56) 47°01.04′ N. lat., 124°59.54′ W. long.;
(57) 46°58.47′ N. lat., 124°59.08′ W. long.;
(58) 46°58.36′ N. lat., 124°59.82′ W. long.;
(59) 46°56.80′ N. lat., 125°00.00′ W. long.;
(60) 46°56.62′ N. lat., 125°00.00′ W. long.;
(61) 46°57.09′ N. lat., 124°58.86′ W. long.;
(62) 46°55.95′ N. lat., 124°54.88′ W. long.;
(63) 46°54.79′ N. lat., 124°54.14′ W. long.;
(64) 46°58.00′ N. lat., 124°50.00′ W. long.;
(65) 46°54.50′ N. lat., 124°49.00′ W. long.;
(66) 46°54.53′ N. lat., 124°52.94′ W. long.;
(67) 46°49.52′ N. lat., 124°53.41′ W. long.;
(68) 46°42.24′ N. lat., 124°47.86′ W. long.;
(69) 46°39.50′ N. lat., 124°42.50′ W. long.;
(70) 46°38.17′ N. lat., 124°41.50′ W. long.;
(71) 46°37.50′ N. lat., 124°41.00′ W. long.;
(72) 46°36.50′ N. lat., 124°38.00′ W. long.;
(73) 46°33.85′ N. lat., 124°36.99′ W. long.;
(74) 46°33.50′ N. lat., 124°29.50′ W. long.;
(75) 46°32.00′ N. lat., 124°31.00′ W. long.;
(76) 46°30.53′ N. lat., 124°30.55′ W. long.;
(77) 46°25.50′ N. lat., 124°33.00′ W. long.;
(78) 46°23.00′ N. lat., 124°35.00′ W. long.;
(79) 46°21.05′ N. lat., 124°37.00′ W. long.;
(80) 46°20.64′ N. lat., 124°36.21′ W. long.;
(81) 46°20.36′ N. lat., 124°37.85′ W. long.;
(82) 46°19.48′ N. lat., 124°38.35′ W. long.;
(83) 46°17.87′ N. lat., 124°38.54′ W. long.;
(84) 46°16.15′ N. lat., 124°25.20′ W. long.;
(85) 46°16.00′ N. lat., 124°23.00′ W. long.;
(86) 46°14.87′ N. lat., 124°26.15′ W. long.;
(87) 46°13.37′ N. lat., 124°31.36′ W. long.;
(88) 46°12.08′ N. lat., 124°38.39′ W. long.;
(89) 46°09.46′ N. lat., 124°40.64′ W. long.;
(90) 46°07.29′ N. lat., 124°40.89′ W. long.;
(91) 46°02.76′ N. lat., 124°44.01′ W. long.;
(92) 46°01.22′ N. lat., 124°43.47′ W. long.;
(93) 45°51.82′ N. lat., 124°42.89′ W. long.;
(94) 45°46.00′ N. lat., 124°40.88′ W. long.;
(95) 45°45.95′ N. lat., 124°40.72′ W. long.;
(96) 45°44.11′ N. lat., 124°43.09′ W. long.;
(97) 45°34.50′ N. lat., 124°30.28′ W. long.;
(98) 45°21.10′ N. lat., 124°23.11′ W. long.;
(99) 45°20.25′ N. lat., 124°22.92′ W. long.;
(100) 45°09.69′ N. lat., 124°20.45′ W. long.;
(101) 45°03.83′ N. lat., 124°23.30′ W. long.;
(102) 44°56.41′ N. lat., 124°27.65′ W. long.;
(103) 44°44.47′ N. lat., 124°37.85′ W. long.;
(104) 44°37.17′ N. lat., 124°38.60′ W. long.;
(105) 44°35.55′ N. lat., 124°39.27′ W. long.;
(106) 44°31.81′ N. lat., 124°39.60′ W. long.;
(107) 44°31.48′ N. lat., 124°43.30′ W. long.;
(108) 44°12.67′ N. lat., 124°57.87′ W. long.;
(109) 44°08.30′ N. lat., 124°57.84′ W. long.;
(110) 44°07.38′ N. lat., 124°57.87′ W. long.;
(111) 43°57.42′ N. lat., 124°57.20′ W. long.;
(112) 43°52.52′ N. lat., 124°49.00′ W. long.;
(113) 43°51.55′ N. lat., 124°37.49′ W. long.;
(114) 43°47.83′ N. lat., 124°36.43′ W. long.;
(115) 43°31.79′ N. lat., 124°36.80′ W. long.;
(116) 43°29.34′ N. lat., 124°36.77′ W. long.;
(117) 43°26.37′ N. lat., 124°39.53′ W. long.;
(118) 43°20.83′ N. lat., 124°42.39′ W. long.;
(119) 43°16.15′ N. lat., 124°44.36′ W. long.;
(120) 43°09.33′ N. lat., 124°45.35′ W. long.;
(121) 43°08.77′ N. lat., 124°49.82′ W. long.;
(122) 43°08.83′ N. lat., 124°50.93′ W. long.;
(123) 43°05.89′ N. lat., 124°51.60′ W. long.;
(124) 43°04.60′ N. lat., 124°53.02′ W. long.;
(125) 43°02.64′ N. lat., 124°52.01′ W. long.;
(126) 43°00.39′ N. lat., 124°51.77′ W. long.;
(127) 42°58.00′ N. lat., 124°52.99′ W. long.;
(128) 42°57.56′ N. lat., 124°54.10′ W. long.;
(129) 42°53.82′ N. lat., 124°55.76′ W. long.;
(130) 42°52.31′ N. lat., 124°50.76′ W. long.;
(131) 42°50.00′ N. lat., 124°48.97′ W. long.;
(132) 42°47.78′ N. lat., 124°47.27′ W. long.;
(133) 42°46.31′ N. lat., 124°43.60′ W. long.;
(134) 42°41.63′ N. lat., 124°44.07′ W. long.;
(135) 42°40.50′ N. lat., 124°43.52′ W. long.;

(136) 42°38.83′ N. lat., 124°42.77′ W. long.;
(137) 42°35.36′ N. lat., 124°43.22′ W. long.;
(138) 42°32.78′ N. lat., 124°44.68′ W. long.;
(139) 42°32.02′ N. lat., 124°43.00′ W. long.;
(140) 42°30.54′ N. lat., 124°43.50′ W. long.;
(141) 42°28.16′ N. lat., 124°48.38′ W. long.;
(142) 42°18.26′ N. lat., 124°39.01′ W. long.;
(143) 42°13.66′ N. lat., 124°36.82′ W. long.;
(144) 42°00.00′ N. lat., 124°35.99′ W. long.;
(145) 41°47.80′ N. lat., 124°29.41′ W. long.;
(146) 41°23.51′ N. lat., 124°29.50′ W. long.;
(147) 41°13.29′ N. lat., 124°23.31′ W. long.;
(148) 41°06.23′ N. lat., 124°22.62′ W. long.;
(149) 40°55.60′ N. lat., 124°26.04′ W. long.;
(150) 40°49.62′ N. lat., 124°26.57′ W. long.;
(151) 40°45.72′ N. lat., 124°30.00′ W. long.;
(152) 40°40.56′ N. lat., 124°32.11′ W. long.;
(153) 40°37.33′ N. lat., 124°29.27′ W. long.;
(154) 40°35.60′ N. lat., 124°30.49′ W. long.;
(155) 40°37.38′ N. lat., 124°37.14′ W. long.;
(156) 40°36.03′ N. lat., 124°39.97′ W. long.;
(157) 40°31.58′ N. lat., 124°40.74′ W. long.;
(158) 40°30.30′ N. lat., 124°37.63′ W. long.;
(159) 40°28.22′ N. lat., 124°37.23′ W. long.;
(160) 40°24.86′ N. lat., 124°35.71′ W. long.;
(161) 40°23.01′ N. lat., 124°31.94′ W. long.;
(162) 40°23.39′ N. lat., 124°28.64′ W. long.;
(163) 40°22.29′ N. lat., 124°25.25′ W. long.;
(164) 40°21.90′ N. lat., 124°25.18′ W. long.;
(165) 40°22.02′ N. lat., 124°28.00′ W. long.;
(166) 40°21.34′ N. lat., 124°29.53′ W. long.;
(167) 40°19.74′ N. lat., 124°28.95′ W. long.;
(168) 40°18.13′ N. lat., 124°27.08′ W. long.;
(169) 40°17.45′ N. lat., 124°25.53′ W. long.;
(170) 40°17.97′ N. lat., 124°24.12′ W. long.;
(171) 40°15.96′ N. lat., 124°26.05′ W. long.;
(172) 40°17.00′ N. lat., 124°35.01′ W. long.;
(173) 40°15.97′ N. lat., 124°35.90′ W. long.;
(174) 40°10.00′ N. lat., 124°22.96′ W. long.;
(175) 40°07.00′ N. lat., 124°19.00′ W. long.;
(176) 40°08.10′ N. lat., 124°16.70′ W. long.;
(177) 40°05.90′ N. lat., 124°17.77′ W. long.;
(178) 40°02.99′ N. lat., 124°15.55′ W. long.;
(179) 40°02.00′ N. lat., 124°12.97′ W. long.;
(180) 40°02.60′ N. lat., 124°10.61′ W. long.;
(181) 40°03.63′ N. lat., 124°09.12′ W. long.;
(182) 40°02.18′ N. lat., 124°09.07′ W. long.;
(183) 39°58.25′ N. lat., 124°12.56′ W. long.;
(184) 39°57.03′ N. lat., 124°11.34′ W. long.;
(185) 39°56.30′ N. lat., 124°08.96′ W. long.;
(186) 39°54.82′ N. lat., 124°07.66′ W. long.;
(187) 39°52.57′ N. lat., 124°08.55′ W. long.;
(188) 39°49.10′ N. lat., 124°06.00′ W. long.;
(189) 39°48.94′ N. lat., 124°04.74′ W. long.;
(190) 39°48.60′ N. lat., 124°04.50′ W. long.;
(191) 39°47.95′ N. lat., 124°05.22′ W. long.;
(192) 39°45.34′ N. lat., 124°03.30′ W. long.;
(193) 39°39.82′ N. lat., 123°59.98′ W. long.;

(194) 39°34.59′ N. lat., 123°58.08′ W. long.;
(195) 39°34.22′ N. lat., 123°56.82′ W. long.;
(196) 39°32.98′ N. lat., 123°56.43′ W. long.;
(197) 39°31.64′ N. lat., 123°56.16′ W. long.;
(198) 39°31.40′ N. lat., 123°56.70′ W. long.;
(199) 39°32.35′ N. lat., 123°57.42′ W. long.;
(200) 39°31.47′ N. lat., 123°58.73′ W. long.;
(201) 39°05.68′ N. lat., 123°57.81′ W. long.;
(202) 39°00.24′ N. lat., 123°56.74′ W. long.;
(203) 38°57.50′ N. lat., 123°56.74′ W. long.;
(204) 38°54.31′ N. lat., 123°56.73′ W. long.;
(205) 38°41.42′ N. lat., 123°46.75′ W. long.;
(206) 38°39.61′ N. lat., 123°46.48′ W. long.;
(207) 38°37.52′ N. lat., 123°43.78′ W. long.;
(208) 38°35.25′ N. lat., 123°42.00′ W. long.;
(209) 38°28.79′ N. lat., 123°37.07′ W. long.;
(210) 38°18.75′ N. lat., 123°31.21′ W. long.;
(211) 38°14.43′ N. lat., 123°25.56′ W. long.;
(212) 38°08.75′ N. lat., 123°24.48′ W. long.;
(213) 38°10.10′ N. lat., 123°27.20′ W. long.;
(214) 38°07.16′ N. lat., 123°28.18′ W. long.;
(215) 38°06.15′ N. lat., 123°30.00′ W. long.;
(216) 38°04.28′ N. lat., 123°31.70′ W. long.;
(217) 38°01.88′ N. lat., 123°30.98′ W. long.;
(218) 38°00.75′ N. lat., 123°29.72′ W. long.;
(219) 38°00.00′ N. lat., 123°28.60′ W. long.;
(220) 37°58.23′ N. lat., 123°26.90′ W. long.;
(221) 37°55.32′ N. lat., 123°27.19′ W. long.;
(222) 37°51.47′ N. lat., 123°24.92′ W. long.;
(223) 37°44.47′ N. lat., 123°11.57′ W. long.;
(224) 37°35.67′ N. lat., 123°01.76′ W. long.;
(225) 37°26.10′ N. lat., 122°57.07′ W. long.;
(226) 37°26.51′ N. lat., 122°54.23′ W. long.;
(227) 37°25.05′ N. lat., 122°55.64′ W. long.;
(228) 37°24.42′ N. lat., 122°54.94′ W. long.;
(229) 37°25.16′ N. lat., 122°52.73′ W. long.;
(230) 37°24.55′ N. lat., 122°52.48′ W. long.;
(231) 37°22.81′ N. lat., 122°54.36′ W. long.;
(232) 37°19.87′ N. lat., 122°53.98′ W. long.;
(233) 37°15.16′ N. lat., 122°51.64′ W. long.;
(234) 37°11.00′ N. lat., 122°47.20′ W. long.;
(235) 37°07.00′ N. lat., 122°42.90′ W. long.;
(236) 37°01.68′ N. lat., 122°37.28′ W. long.;
(237) 36°59.70′ N. lat., 122°33.71′ W. long.;
(238) 36°58.00′ N. lat., 122°27.80′ W. long.;
(239) 37°00.25′ N. lat., 122°24.85′ W. long.;
(240) 36°57.50′ N. lat., 122°24.98′ W. long.;
(241) 36°58.38′ N. lat., 122°21.85′ W. long.;
(242) 36°55.85′ N. lat., 122°21.95′ W. long.;
(243) 36°52.02′ N. lat., 122°12.10′ W. long.;
(244) 36°47.63′ N. lat., 122°07.37′ W. long.;
(245) 36°47.26′ N. lat., 122°03.22′ W. long.;
(246) 36°50.34′ N. lat., 121°58.40′ W. long.;
(247) 36°48.83′ N. lat., 121°59.14′ W. long.;
(248) 36°47.60′ N. lat., 121°58.88′ W. long.;
(249) 36°48.24′ N. lat., 121°51.40′ W. long.;
(250) 36°45.84′ N. lat., 121°57.21′ W. long.;
(251) 36°45.77′ N. lat., 121°57.61′ W. long.;

(252) 36°44.81′ N. lat., 121°58.28′ W. long.;
(253) 36°39.00′ N. lat., 122°01.71′ W. long.;
(254) 36°29.60′ N. lat., 122°00.49′ W. long.;
(255) 36°23.43′ N. lat., 121°59.76′ W. long.;
(256) 36°18.90′ N. lat., 122°05.32′ W. long.;
(257) 36°15.38′ N. lat., 122°01.40′ W. long.;
(258) 36°13.79′ N. lat., 121°58.12′ W. long.;
(259) 36°10.12′ N. lat., 121°43.33′ W. long.;
(260) 36°02.57′ N. lat., 121°37.02′ W. long.;
(261) 36°01.01′ N. lat., 121°36.69′ W. long.;
(262) 36°00.00′ N. lat., 121°35.45′ W. long.;
(263) 35°57.74′ N. lat., 121°33.45′ W. long.;
(264) 35°51.32′ N. lat., 121°30.08′ W. long.;
(265) 35°45.84′ N. lat., 121°28.84′ W. long.;
(266) 35°38.94′ N. lat., 121°23.16′ W. long.;
(267) 35°26.00′ N. lat., 121°08.00′ W. long.;
(268) 35°07.42′ N. lat., 120°57.08′ W. long.;
(269) 34°42.76′ N. lat., 120°55.09′ W. long.;
(270) 34°37.75′ N. lat., 120°51.96′ W. long.;
(271) 34°29.29′ N. lat., 120°44.19′ W. long.;
(272) 34°27.00′ N. lat., 120°40.42′ W. long.;
(273) 34°21.89′ N. lat., 120°31.36′ W. long.;
(274) 34°20.79′ N. lat., 120°21.58′ W. long.;
(275) 34°23.97′ N. lat., 120°15.25′ W. long.;
(276) 34°22.11′ N. lat., 119°56.63′ W. long.;
(277) 34°19.00′ N. lat., 119°48.00′ W. long.;
(278) 34°15.00′ N. lat., 119°48.00′ W. long.;
(279) 34°08.00′ N. lat., 119°37.00′ W. long.;
(280) 34°08.39′ N. lat., 119°54.78′ W. long.;
(281) 34°07.10′ N lat., 120°10.37′ W long.;
(282) 34°09.00′ N lat., 120°18.40′ W long.;
(283) 34°11.07′ N lat., 120°25.03′ W long.;
(284) 34°13.16′ N lat., 120°29.40′ W long.;
(285) 34°09.41′ N lat., 120°37.75′ W long.;
(286) 34°03.15′ N lat., 120°34.71′ W long.;
(287) 33°57.09′ N lat., 120°27.76′ W long.;
(288) 33°51.00′ N lat., 120°09.00′ W long.;
(289) 33°38.16′ N lat., 119°59.23′ W long.;
(290) 33°37.04′ N lat., 119°50.17′ W long.;
(291) 33°42.28′ N lat., 119°48.85′ W long.;
(292) 33°53.96′ N lat., 119°53.77′ W long.;
(293) 33°55.88′ N lat., 119°41.05′ W long.;
(294) 33°59.18′ N lat., 119°23.64′ W long.;
(295) 33°59.26′ N lat., 119°21.92′ W long.;
(296) 33°59.94′ N lat., 119°19.57′ W long.;
(297) 34°03.12′ N lat., 119°15.51′ W long.;
(298) 34°01.97′ N lat., 119°07.28′ W long.;
(299) 34°03.60′ N lat., 119°04.71′ W long.;
(300) 33°59.30′ N lat., 119°03.73′ W long.;
(301) 33°58.87′ N lat., 118°59.37′ W long.;
(302) 33°58.08′ N lat., 118°41.14′ W long.;
(303) 33°50.93′ N lat., 118°37.65′ W long.;
(304) 33°39.54′ N lat., 118°18.70′ W long.;
(305) 33°35.42′ N lat., 118°17.14′ W long.;
(306) 33°32.15′ N lat., 118°10.84′ W long.;
(307) 33°33.71′ N lat., 117°53.72′ W long.;
(308) 33°31.17′ N lat., 117°49.11′ W long.;
(309) 33°16.53′ N lat., 117°36.13′ W long.;
(310) 33°06.77′ N lat., 117°22.92′ W long.;
(311) 32°58.94′ N lat., 117°20.05′ W long.;
(312) 32°55.83′ N lat., 117°20.15′ W long.;
(313) 32°46.29′ N lat., 117°23.89′ W long.;
(314) 32°42.00′ N lat., 117°22.16′ W long.;
(315) 32°39.47′ N lat., 117°27.78′ W long.; and
(316) 32°34.83′ N lat., 117°24.69′ W long.

(i) The 150 fm (274 m) depth contour used around San Clemente Island off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 32°47.95′ N. lat., 118°19.31′ W. long.;
(2) 32°49.79′ N. lat., 118°20.82′ W. long.;
(3) 32°55.99′ N. lat., 118°28.80′ W. long.;
(4) 33°03.00′ N. lat., 118°34.00′ W. long.;
(5) 33°05.00′ N. lat., 118°38.00′ W. long.;
(6) 33°03.21′ N. lat., 118°39.85′ W. long.;
(7) 33°01.93′ N. lat., 118°39.85′ W. long.;
(8) 32°54.69′ N. lat., 118°35.45′ W. long.;
(9) 32°53.28′ N. lat., 118°33.58′ W. long.;
(10) 32°48.26′ N. lat., 118°31.62′ W. long.;
(11) 32°43.03′ N. lat., 118°24.21′ W. long.;
(12) 32°47.15′ N. lat., 118°21.53′ W. long.; and
(13) 32°47.95′ N. lat., 118°19.31′ W. long.

(j) The 150 fm (274 m) depth contour used around Santa Catalina Island off the state of California is defined by straight lines connecting all of the following points in the order stated:

(1) 33°17.24′ N. lat., 118°12.94′ W. long.;
(2) 33°23.60′ N. lat., 118°18.79′ W. long.;
(3) 33°26.00′ N. lat., 118°22.00′ W. long.;
(4) 33°27.57′ N. lat., 118°27.69′ W. long.;
(5) 33°29.78′ N. lat., 118°31.01′ W. long.;
(6) 33°30.46′ N. lat., 118°36.52′ W. long.;
(7) 33°28.65′ N. lat., 118°41.07′ W. long.;
(8) 33°23.23′ N. lat., 118°30.69′ W. long.;
(9) 33°20.97′ N. lat., 118°33.29′ W. long.;
(10) 33°19.81′ N. lat., 118°32.24′ W. long.;
(11) 33°18.00′ N. lat., 118°28.00′ W. long.;
(12) 33°15.62′ N. lat., 118°14.74′ W. long.;
(13) 33°16.00′ N. lat., 118°13.00′ W. long.; and
(14) 33°17.24′ N. lat., 118°12.94′ W. long.

(k) The 150 fm (274 m) depth contour used around Lasuen Knoll off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 33°24.99′ N. lat., 117°59.32′ W. long.;
(2) 33°23.66′ N. lat., 117°58.28′ W. long.;
(3) 33°23.21′ N. lat., 117°59.55′ W. long.;
(4) 33°24.74′ N. lat., 118°00.61′ W. long.; and
(5) 33°24.99′ N. lat., 117°59.32′ W. long.

(l) The 150 fm (274 m) depth contour used between the U.S. border with Canada and 40°10′ N. lat., modified to allow fishing in petrale sole areas, is defined by straight lines connecting all of the following points in the order stated:
(1) 48°14.96′ N. lat., 125°41.24′ W. long.;
(2) 48°12.89′ N. lat., 125°37.83′ W. long.;
(3) 48°11.49′ N. lat., 125°39.27′ W. long.;
(4) 48°10.00′ N. lat., 125°40.65′ W. long.;
(5) 48°08.72′ N. lat., 125°41.84′ W. long.;
(6) 48°07.00′ N. lat., 125°45.00′ W. long.;
(7) 48°06.13′ N. lat., 125°41.57′ W. long.;
(8) 48°05.00′ N. lat., 125°39.00′ W. long.;
(9) 48°04.15′ N. lat., 125°36.71′ W. long.;
(10) 48°03.00′ N. lat., 125°36.00′ W. long.;
(11) 48°01.65′ N. lat., 125°36.96′ W. long.;
(12) 48°01.00′ N. lat., 125°38.50′ W. long.;
(13) 47°57.50′ N. lat., 125°36.50′ W. long.;
(14) 47°56.53′ N. lat., 125°30.33′ W. long.;
(15) 47°57.28′ N. lat., 125°27.89′ W. long.;
(16) 47°59.00′ N. lat., 125°25.50′ W. long.;
(17) 48°01.77′ N. lat., 125°24.05′ W. long.;
(18) 48°02.08′ N. lat., 125°22.98′ W. long.;
(19) 48°03.00′ N. lat., 125°22.50′ W. long.;
(20) 48°03.46′ N. lat., 125°22.10′ W. long.;
(21) 48°04.29′ N. lat., 125°20.37′ W. long.;
(22) 48°02.00′ N. lat., 125°18.50′ W. long.;
(23) 48°00.01′ N. lat., 125°19.90′ W. long.;
(24) 47°58.75′ N. lat., 125°17.54′ W. long.;
(25) 47°53.50′ N. lat., 125°13.50′ W. long.;
(26) 47°48.88′ N. lat., 125°05.91′ W. long.;
(27) 47°48.50′ N. lat., 125°05.00′ W. long.;
(28) 47°45.98′ N. lat., 125°04.26′ W. long.;
(29) 47°45.00′ N. lat., 125°05.50′ W. long.;
(30) 47°42.11′ N. lat., 125°04.74′ W. long.;
(31) 47°39.00′ N. lat., 125°06.00′ W. long.;
(32) 47°35.53′ N. lat., 125°04.55′ W. long.;
(33) 47°30.90′ N. lat., 124°57.31′ W. long.;
(34) 47°29.54′ N. lat., 124°56.50′ W. long.;
(35) 47°29.50′ N. lat., 124°54.50′ W. long.;
(36) 47°28.57′ N. lat., 124°51.50′ W. long.;
(37) 47°25.00′ N. lat., 124°48.00′ W. long.;
(38) 47°23.95′ N. lat., 124°47.24′ W. long.;
(39) 47°23.00′ N. lat., 124°47.00′ W. long.;
(40) 47°21.00′ N. lat., 124°46.50′ W. long.;
(41) 47°18.20′ N. lat., 124°45.84′ W. long.;
(42) 47°18.50′ N. lat., 124°49.00′ W. long.;
(43) 47°19.17′ N. lat., 124°50.86′ W. long.;
(44) 47°18.07′ N. lat., 124°53.29′ W. long.;
(45) 47°17.78′ N. lat., 124°51.39′ W. long.;
(46) 47°16.81′ N. lat., 124°50.85′ W. long.;
(47) 47°15.96′ N. lat., 124°53.15′ W. long.;
(48) 47°14.31′ N. lat., 124°52.62′ W. long.;
(49) 47°11.87′ N. lat., 124°56.90′ W. long.;
(50) 47°12.39′ N. lat., 124°58.09′ W. long.;
(51) 47°09.50′ N. lat., 124°57.50′ W. long.;
(52) 47°09.00′ N. lat., 124°59.00′ W. long.;
(53) 47°06.06′ N. lat., 124°58.80′ W. long.;
(54) 47°03.62′ N. lat., 124°55.96′ W. long.;
(55) 47°02.89′ N. lat., 124°56.89′ W. long.;
(56) 47°01.04′ N. lat., 124°59.54′ W. long.;
(57) 46°58.47′ N. lat., 124°59.08′ W. long.;
(58) 46°58.36′ N. lat., 124°59.82′ W. long.;
(59) 46°56.80′ N. lat., 125°00.00′ W. long.;
(60) 46°56.62′ N. lat., 125°00.00′ W. long.;
(61) 46°57.09′ N. lat., 124°58.86′ W. long.;
(62) 46°55.95′ N. lat., 124°54.88′ W. long.;
(63) 46°54.79′ N. lat., 124°54.14′ W. long.;
(64) 46°58.00′ N. lat., 124°50.00′ W. long.;
(65) 46°54.50′ N. lat., 124°49.00′ W. long.;
(66) 46°54.53′ N. lat., 124°52.94′ W. long.;
(67) 46°49.52′ N. lat., 124°53.41′ W. long.;
(68) 46°42.24′ N. lat., 124°47.86′ W. long.;
(69) 46°39.50′ N. lat., 124°42.50′ W. long.;
(70) 46°38.17′ N. lat., 124°41.50′ W. long.;
(71) 46°37.50′ N. lat., 124°41.00′ W. long.;
(72) 46°36.50′ N. lat., 124°38.00′ W. long.;
(73) 46°33.85′ N. lat., 124°36.99′ W. long.;
(74) 46°33.50′ N. lat., 124°29.50′ W. long.;
(75) 46°32.00′ N. lat., 124°31.00′ W. long.;
(76) 46°30.53′ N. lat., 124°30.55′ W. long.;
(77) 46°25.50′ N. lat., 124°33.00′ W. long.;
(78) 46°23.00′ N. lat., 124°35.00′ W. long.;
(79) 46°21.05′ N. lat., 124°37.00′ W. long.;
(80) 46°20.64′ N. lat., 124°36.21′ W. long.;
(81) 46°20.36′ N. lat., 124°37.85′ W. long.;
(82) 46°19.48′ N. lat., 124°38.35′ W. long.;
(83) 46°17.87′ N. lat., 124°38.54′ W. long.;
(84) 46°16.15′ N. lat., 124°25.20′ W. long.;
(85) 46°16.00′ N. lat., 124°23.00′ W. long.;
(86) 46°14.87′ N. lat., 124°26.15′ W. long.;

(87) 46°13.37′ N. lat., 124°31.36′ W. long.;
(88) 46°12.08′ N. lat., 124°38.39′ W. long.;
(89) 46°09.46′ N. lat., 124°40.64′ W. long.;
(90) 46°07.29′ N. lat., 124°40.89′ W. long.;
(91) 46°02.76′ N. lat., 124°44.01′ W. long.;
(92) 46°01.22′ N. lat., 124°43.47′ W. long.;
(93) 45°51.82′ N. lat., 124°42.89′ W. long.;
(94) 45°46.00′ N. lat., 124°40.88′ W. long.;
(95) 45°45.95′ N. lat., 124°40.72′ W. long.;
(96) 45°45.21′ N. lat., 124°41.70′ W. long.;
(97) 45°42.72′ N. lat., 124°41.22′ W. long.;
(98) 45°34.50′ N. lat., 124°30.28′ W. long.;
(99) 45°21.10′ N. lat., 124°23.11′ W. long.;
(100) 45°20.25′ N. lat., 124°22.92′ W. long.;
(101) 45°09.69′ N. lat., 124°20.45′ W. long.;
(102) 45°03.83′ N. lat., 124°23.30′ W. long.;
(103) 44°56.41′ N. lat., 124°27.65′ W. long.;
(104) 44°44.47′ N. lat., 124°37.85′ W. long.;
(105) 44°37.17′ N. lat., 124°38.60′ W. long.;
(106) 44°35.55′ N. lat., 124°39.27′ W. long.;
(107) 44°31.81′ N. lat., 124°39.60′ W. long.;
(108) 44°31.48′ N. lat., 124°43.30′ W. long.;
(109) 44°12.67′ N. lat., 124°57.87′ W. long.;
(110) 44°08.30′ N. lat., 124°57.84′ W. long.;
(111) 44°07.38′ N. lat., 124°57.87′ W. long.;
(112) 43°57.42′ N. lat., 124°57.20′ W. long.;
(113) 43°52.52′ N. lat., 124°49.00′ W. long.;
(114) 43°51.55′ N. lat., 124°37.49′ W. long.;
(115) 43°47.83′ N. lat., 124°36.43′ W. long.;
(116) 43°31.79′ N. lat., 124°36.80′ W. long.;
(117) 43°29.34′ N. lat., 124°36.77′ W. long.;
(118) 43°26.37′ N. lat., 124°39.53′ W. long.;
(119) 43°20.83′ N. lat., 124°42.39′ W. long.;
(120) 43°16.15′ N. lat., 124°44.36′ W. long.;
(121) 43°09.33′ N. lat., 124°45.35′ W. long.;
(122) 43°08.77′ N. lat., 124°49.82′ W. long.;
(123) 43°08.83′ N. lat., 124°50.93′ W. long.;
(124) 43°05.89′ N. lat., 124°51.60′ W. long.;
(125) 43°04.60′ N. lat., 124°53.02′ W. long.;
(126) 43°02.64′ N. lat., 124°52.01′ W. long.;
(127) 43°00.39′ N. lat., 124°51.77′ W. long.;
(128) 42°58.00′ N. lat., 124°52.99′ W. long.;
(129) 42°57.56′ N. lat., 124°54.10′ W. long.;
(130) 42°53.93′ N. lat., 124°54.60′ W. long.;
(131) 42°53.26′ N. lat., 124°53.94′ W. long.;
(132) 42°52.31′ N. lat., 124°50.76′ W. long.;
(133) 42°50.00′ N. lat., 124°48.97′ W. long.;
(134) 42°47.78′ N. lat., 124°47.27′ W. long.;
(135) 42°46.31′ N. lat., 124°43.60′ W. long.;
(136) 42°41.63′ N. lat., 124°44.07′ W. long.;
(137) 42°40.50′ N. lat., 124°43.52′ W. long.;
(138) 42°38.83′ N. lat., 124°42.77′ W. long.;
(139) 42°35.36′ N. lat., 124°43.22′ W. long.;
(140) 42°32.78′ N. lat., 124°44.68′ W. long.;
(141) 42°32.02′ N. lat., 124°43.00′ W. long.;
(142) 42°30.54′ N. lat., 124°43.50′ W. long.;
(143) 42°28.16′ N. lat., 124°48.38′ W. long.;
(144) 42°18.26′ N. lat., 124°39.01′ W. long.;
(145) 42°13.66′ N. lat., 124°36.82′ W. long.;
(146) 42°00.00′ N. lat., 124°35.99′ W. long.;
(147) 41°47.80′ N. lat., 124°29.41′ W. long.;
(148) 41°41.67′ N. lat., 124°29.46′ W. long.;
(149) 41°22.80′ N. lat., 124°29.10′ W. long.;
(150) 41°13.29′ N. lat., 124°23.31′ W. long.;
(151) 41°06.23′ N. lat., 124°22.62′ W. long.;

(152) 40°55.60′ N. lat., 124°26.04′ W. long.;
(153) 40°53.97′ N. lat., 124°26.16′ W. long.;
(154) 40°53.94′ N. lat., 124°26.10′ W. long.;
(155) 40°50.31′ N. lat., 124°26.16′ W. long.;
(156) 40°49.82′ N. lat., 124°26.58′ W. long.;
(157) 40°49.62′ N. lat., 124°26.57′ W. long.;
(158) 40°45.72′ N. lat., 124°30.00′ W. long.;
(159) 40°40.56′ N. lat., 124°32.11′ W. long.;
(160) 40°38.87′ N. lat., 124°30.18′ W. long.;
(161) 40°38.38′ N. lat., 124°30.18′ W. long.;
(162) 40°37.33′ N. lat., 124°29.27′ W. long.;
(163) 40°35.60′ N. lat., 124°30.49′ W. long.;
(164) 40°37.38′ N. lat., 124°37.14′ W. long.;
(165) 40°36.03′ N. lat., 124°39.97′ W. long.;
(166) 40°31.58′ N. lat., 124°40.74′ W. long.;
(167) 40°30.30′ N. lat., 124°37.63′ W. long.;
(168) 40°28.22′ N. lat., 124°37.23′ W. long.;
(169) 40°24.86′ N. lat., 124°35.71′ W. long.;
(170) 40°23.01′ N. lat., 124°31.94′ W. long.;
(171) 40°23.39′ N. lat., 124°28.64′ W. long.;
(172) 40°22.29′ N. lat., 124°25.25′ W. long.;
(173) 40°21.90′ N. lat., 124°25.18′ W. long.;
(174) 40°22.02′ N. lat., 124°28.00′ W. long.;
(175) 40°21.34′ N. lat., 124°29.53′ W. long.;
(176) 40°19.74′ N. lat., 124°28.95′ W. long.;
(177) 40°18.13′ N. lat., 124°27.08′ W. long.;
(178) 40°17.45′ N. lat., 124°25.53′ W. long.;
(179) 40°17.97′ N. lat., 124°24.12′ W. long.;
(180) 40°15.96′ N. lat., 124°26.05′ W. long.;
(181) 40°16.90′ N. lat., 124°34.20′ W. long.;
(182) 40°16.29′ N. lat., 124°34.50′ W. long.;
(183) 40°14.91′ N. lat., 124°33.60′ W. long.; and
(184) 40°10.00′ N. lat., 124°22.96′ W. long.

[69 FR 77059, Dec. 23, 2004; 70 FR 13119, Mar. 18, 2005, as amended at 70 FR 16149, Mar. 30, 2005; 71 FR 8500, Feb. 17, 2006; 71 FR 78678, Dec. 29, 2006; 74 FR 9905, Mar. 6, 2009. Redesignated at 75 FR 60995, Oct. 1, 2010; 76 FR 27531, May 11, 2011; 76 FR 54714, Sept. 2, 2011; 78 FR 589, Jan. 3, 2013; 80 FR 12573, Mar. 10, 2015; 82 FR 9640, Feb. 7, 2017; 83 FR 63992, Dec. 12, 2018; 83 FR 66639, Dec. 27, 2018; 84 FR 63974, Nov. 19, 2019]

### § 660.74 Latitude/longitude coordinates defining the 180 fm (329 m) through 250 fm (457 m) depth contours.

Boundaries for some GCAs are defined by straight lines connecting a series of latitude/longitude coordinates. This section provides coordinates for the 180 fm (329 m) through 250 fm (457 m) depth contours.

(a) The 180–fm (329–m) depth contour used between the U.S. border with Canada and the U.S. border with Mexico is defined by straight lines connecting all of the following points in the order stated:

(1) 48°14.82′ N. lat., 125°41.61′ W. long.;
(2) 48°12.86′ N. lat., 125°37.95′ W. long.;
(3) 48°11.28′ N. lat., 125°39.67′ W. long.;
(4) 48°10.13′ N. lat., 125°42.62′ W. long.;
(5) 48°10.00′ N. lat., 125°42.55′ W. long.;
(6) 48°08.86′ N. lat., 125°41.92′ W. long.;
(7) 48°08.15′ N. lat., 125°44.95′ W. long.;
(8) 48°07.18′ N. lat., 125°45.67′ W. long.;
(9) 48°05.79′ N. lat., 125°44.64′ W. long.;
(10) 48°06.04′ N. lat., 125°41.84′ W. long.;
(11) 48°04.26′ N. lat., 125°40.09′ W. long.;
(12) 48°04.18′ N. lat., 125°36.94′ W. long.;
(13) 48°03.02′ N. lat., 125°36.24′ W. long.;
(14) 48°01.75′ N. lat., 125°37.42′ W. long.;
(15) 48°01.39′ N. lat., 125°39.42′ W. long.;
(16) 47°57.08′ N. lat., 125°36.51′ W. long.;
(17) 47°55.20′ N. lat., 125°36.62′ W. long.;
(18) 47°54.33′ N. lat., 125°34.98′ W. long.;
(19) 47°54.73′ N. lat., 125°31.95′ W. long.;
(20) 47°56.39′ N. lat., 125°30.22′ W. long.;
(21) 47°55.86′ N. lat., 125°28.54′ W. long.;
(22) 47°58.07′ N. lat., 125°25.72′ W. long.;
(23) 48°00.81′ N. lat., 125°24.39′ W. long.;
(24) 48°01.81′ N. lat., 125°23.76′ W. long.;
(25) 48°02.16′ N. lat., 125°22.71′ W. long.;

(26) 48°03.46′ N. lat., 125°22.01′ W. long.;
(27) 48°04.21′ N. lat., 125°20.40′ W. long.;
(28) 48°03.15′ N. lat., 125°19.50′ W. long.;
(29) 48°01.92′ N. lat., 125°18.69′ W. long.;
(30) 48°00.85′ N. lat., 125°20.02′ W. long.;
(31) 48°00.12′ N. lat., 125°20.04′ W. long.;
(32) 47°58.18′ N. lat., 125°18.78′ W. long.;
(33) 47°58.24′ N. lat., 125°17.26′ W. long.;
(34) 47°52.47′ N. lat., 125°15.30′ W. long.;
(35) 47°52.13′ N. lat., 125°12.95′ W. long.;
(36) 47°50.60′ N. lat., 125°10.65′ W. long.;
(37) 47°49.39′ N. lat., 125°10.59′ W. long.;
(38) 47°48.74′ N. lat., 125°06.07′ W. long.;
(39) 47°47.03′ N. lat., 125°06.95′ W. long.;
(40) 47°47.46′ N. lat., 125°05.20′ W. long.;
(41) 47°45.88′ N. lat., 125°04.50′ W. long.;
(42) 47°44.51′ N. lat., 125°06.64′ W. long.;
(43) 47°42.22′ N. lat., 125°04.86′ W. long.;
(44) 47°38.49′ N. lat., 125°06.32′ W. long.;
(45) 47°34.93′ N. lat., 125°04.34′ W. long.;
(46) 47°30.85′ N. lat., 124°57.42′ W. long.;
(47) 47°28.80′ N. lat., 124°56.51′ W. long.;
(48) 47°29.25′ N. lat., 124°53.92′ W. long.;
(49) 47°28.29′ N. lat., 124°51.32′ W. long.;
(50) 47°24.04′ N. lat., 124°47.38′ W. long.;
(51) 47°18.24′ N. lat., 124°45.97′ W. long.;
(52) 47°19.36′ N. lat., 124°50.96′ W. long.;
(53) 47°18.07′ N. lat., 124°53.38′ W. long.;
(54) 47°17.73′ N. lat., 124°52.83′ W. long.;
(55) 47°17.77′ N. lat., 124°51.56′ W. long.;
(56) 47°16.84′ N. lat., 124°50.94′ W. long.;
(57) 47°16.01′ N. lat., 124°53.36′ W. long.;
(58) 47°14.32′ N. lat., 124°52.73′ W. long.;
(59) 47°11.97′ N. lat., 124°56.81′ W. long.;
(60) 47°12.93′ N. lat., 124°58.47′ W. long.;
(61) 47°09.43′ N. lat., 124°57.99′ W. long.;
(62) 47°09.36′ N. lat., 124°59.29′ W. long.;
(63) 47°05.88′ N. lat., 124°59.06′ W. long.;
(64) 47°03.64′ N. lat., 124°56.07′ W. long.;
(65) 47°01.00′ N. lat., 124°59.69′ W. long.;
(66) 46°58.72′ N. lat., 124°59.17′ W. long.;
(67) 46°58.30′ N. lat., 125°00.60′ W. long.;
(68) 46°55.61′ N. lat., 125°01.19′ W. long.;
(69) 46°56.96′ N. lat., 124°58.85′ W. long.;
(70) 46°55.91′ N. lat., 124°54.98′ W. long.;
(71) 46°54.55′ N. lat., 124°54.21′ W. long.;
(72) 46°56.80′ N. lat., 124°50.55′ W. long.;
(73) 46°54.87′ N. lat., 124°49.59′ W. long.;
(74) 46°54.63′ N. lat., 124°53.48′ W. long.;
(75) 46°52.33′ N. lat., 124°54.75′ W. long.;
(76) 46°45.12′ N. lat., 124°51.82′ W. long.;
(77) 46°39.20′ N. lat., 124°47.02′ W. long.;
(78) 46°38.17′ N. lat., 124°45.16′ W. long.;
(79) 46°33.45′ N. lat., 124°36.61′ W. long.;
(80) 46°33.37′ N. lat., 124°30.21′ W. long.;
(81) 46°31.67′ N. lat., 124°31.41′ W. long.;
(82) 46°27.87′ N. lat., 124°32.04′ W. long.;
(83) 46°21.01′ N. lat., 124°37.63′ W. long.;
(84) 46°18.58′ N. lat., 124°38.92′ W. long.;
(85) 46°16.00′ N. lat., 124°23.57′ W. long.;
(86) 46°12.85′ N. lat., 124°35.52′ W. long.;
(87) 46°12.27′ N. lat., 124°38.69′ W. long.;
(88) 46°08.71′ N. lat., 124°41.27′ W. long.;
(89) 46°05.80′ N. lat., 124°42.11′ W. long.;
(90) 46°02.84′ N. lat., 124°48.05′ W. long.;
(91) 46°02.41′ N. lat., 124°48.16′ W. long.;
(92) 45°58.96′ N. lat., 124°43.97′ W. long.;
(93) 45°47.05′ N. lat., 124°43.25′ W. long.;
(94) 45°46.00′ N. lat., 124°43.31′ W. long.;
(95) 45°44.22′ N. lat., 124°44.55′ W. long.;
(96) 45°34.97′ N. lat., 124°31.95′ W. long.;
(97) 45°20.25′ N. lat., 124°25.18′ W. long.;
(98) 45°13.09′ N. lat., 124°21.61′ W. long.;
(99) 45°09.59′ N. lat., 124°22.78′ W. long.;
(100) 45°03.83′ N. lat., 124°26.21′ W. long.;
(101) 45°00.22′ N. lat., 124°28.31′ W. long.;
(102) 44°53.53′ N. lat., 124°32.98′ W. long.;
(103) 44°40.79′ N. lat., 124°45.76′ W. long.;
(104) 44°41.35′ N. lat., 124°48.03′ W. long.;
(105) 44°40.27′ N. lat., 124°49.11′ W. long.;
(106) 44°38.52′ N. lat., 124°49.11′ W. long.;
(107) 44°38.25′ N. lat., 124°46.47′ W. long.;
(108) 44°28.84′ N. lat., 124°47.09′ W. long.;
(109) 44°23.24′ N. lat., 124°49.96′ W. long.;
(110) 44°13.07′ N. lat., 124°58.34′ W. long.;
(111) 44°08.30′ N. lat., 124°58.23′ W. long.;
(112) 43°57.99′ N. lat., 124°57.83′ W. long.;
(113) 43°51.43′ N. lat., 124°52.02′ W. long.;
(114) 43°50.72′ N. lat., 124°39.23′ W. long.;
(115) 43°39.04′ N. lat., 124°37.82′ W. long.;
(116) 43°27.76′ N. lat., 124°39.76′ W. long.;
(117) 43°20.83′ N. lat., 124°42.70′ W. long.;
(118) 43°20.22′ N. lat., 124°42.92′ W. long.;
(119) 43°13.07′ N. lat., 124°46.03′ W. long.;
(120) 43°10.43′ N. lat., 124°50.27′ W. long.;
(121) 43°08.83′ N. lat., 124°50.93′ W. long.;

(122) 43°05.89′ N. lat., 124°51.60′ W. long.;
(123) 43°04.60′ N. lat., 124°53.01′ W. long.;
(124) 43°02.64′ N. lat., 124°52.01′ W. long.;
(125) 43°00.39′ N. lat., 124°51.77′ W. long.;
(126) 42°58.00′ N. lat., 124°52.99′ W. long.;
(127) 42°57.56′ N. lat., 124°54.10′ W. long.;
(128) 42°53.82′ N. lat., 124°55.76′ W. long.;
(129) 42°53.20′ N. lat., 124°53.56′ W. long.;
(130) 42°50.00′ N. lat., 124°52.36′ W. long.;
(131) 42°50.00′ N. lat., 124°52.36′ W. long.;
(132) 42°49.43′ N. lat., 124°52.03′ W. long.;
(133) 42°47.68′ N. lat., 124°47.72′ W. long.;
(134) 42°46.17′ N. lat., 124°44.05′ W. long.;
(135) 42°41.67′ N. lat., 124°44.36′ W. long.;
(136) 42°40.50′ N. lat., 124°43.86′ W. long.;
(137) 42°38.79′ N. lat., 124°42.88′ W. long.;
(138) 42°32.39′ N. lat., 124°45.38′ W. long.;
(139) 42°32.08′ N. lat., 124°43.44′ W. long.;
(140) 42°30.98′ N. lat., 124°43.84′ W. long.;
(141) 42°28.37′ N. lat., 124°48.91′ W. long.;
(142) 42°20.07′ N. lat., 124°41.59′ W. long.;
(143) 42°15.05′ N. lat., 124°38.07′ W. long.;
(144) 42°13.67′ N. lat., 124°37.77′ W. long.;
(145) 42°07.37′ N. lat., 124°37.25′ W. long.;
(146) 42°04.93′ N. lat., 124°36.79′ W. long.;
(147) 42°00.00′ N. lat., 124°36.26′ W. long.;
(148) 41°47.60′ N. lat., 124°29.75′ W. long.;
(149) 41°22.07′ N. lat., 124°29.55′ W. long.;
(150) 41°13.58′ N. lat., 124°24.17′ W. long.;
(151) 41°06.51′ N. lat., 124°23.07′ W. long.;
(152) 40°55.20′ N. lat., 124°27.46′ W. long.;
(153) 40°49.76′ N. lat., 124°27.17′ W. long.;
(154) 40°45.79′ N. lat., 124°30.37′ W. long.;
(155) 40°40.31′ N. lat., 124°32.47′ W. long.;
(156) 40°37.42′ N. lat., 124°37.20′ W. long.;
(157) 40°36.03′ N. lat., 124°39.97′ W. long.;
(158) 40°31.48′ N. lat., 124°40.95′ W. long.;
(159) 40°30.22′ N. lat., 124°37.80′ W. long.;
(160) 40°27.29′ N. lat., 124°37.10′ W. long.;
(161) 40°24.81′ N. lat., 124°35.82′ W. long.;
(162) 40°22.00′ N. lat., 124°30.01′ W. long.;
(163) 40°16.84′ N. lat., 124°29.87′ W. long.;
(164) 40°17.06′ N. lat., 124°35.51′ W. long.;
(165) 40°16.41′ N. lat., 124°39.10′ W. long.;
(166) 40°10.00′ N. lat., 124°23.56′ W. long.;
(167) 40°06.67′ N. lat., 124°19.08′ W. long.;
(168) 40°08.10′ N. lat., 124°16.71′ W. long.;
(169) 40°05.90′ N. lat., 124°17.77′ W. long.;
(170) 40°02.80′ N. lat., 124°16.28′ W. long.;
(171) 40°01.98′ N. lat., 124°12.99′ W. long.;
(172) 40°01.53′ N. lat., 124°09.82′ W. long.;
(173) 39°58.28′ N. lat., 124°12.93′ W. long.;
(174) 39°57.06′ N. lat., 124°12.03′ W. long.;
(175) 39°56.31′ N. lat., 124°08.98′ W. long.;
(176) 39°55.20′ N. lat., 124°07.98′ W. long.;
(177) 39°52.57′ N. lat., 124°09.04′ W. long.;
(178) 39°42.78′ N. lat., 124°02.11′ W. long.;
(179) 39°34.76′ N. lat., 123°58.51′ W. long.;

(180) 39°34.22′ N. lat., 123°56.82′ W. long.;
(181) 39°32.98′ N. lat., 123°56.43′ W. long.;
(182) 39°32.14′ N. lat., 123°58.83′ W. long.;
(183) 39°07.79′ N. lat., 123°58.72′ W. long.;
(184) 39°00.99′ N. lat., 123°57.56′ W. long.;
(185) 39°00.05′ N. lat., 123°56.83′ W. long.;
(186) 38°57.50′ N. lat., 123°57.22′ W. long.;
(187) 38°56.28′ N. lat., 123°57.53′ W. long.;
(188) 38°56.01′ N. lat., 123°58.72′ W. long.;
(189) 38°52.41′ N. lat., 123°56.38′ W. long.;
(190) 38°46.81′ N. lat., 123°51.46′ W. long.;
(191) 38°45.56′ N. lat., 123°51.32′ W. long.;
(192) 38°43.24′ N. lat., 123°49.91′ W. long.;
(193) 38°41.42′ N. lat., 123°47.22′ W. long.;
(194) 38°40.97′ N. lat., 123°47.80′ W. long.;
(195) 38°38.58′ N. lat., 123°46.07′ W. long.;
(196) 38°37.38′ N. lat., 123°43.80′ W. long.;
(197) 38°33.86′ N. lat., 123°41.51′ W. long.;
(198) 38°29.45′ N. lat., 123°38.42′ W. long.;
(199) 38°28.20′ N. lat., 123°38.17′ W. long.;
(200) 38°24.09′ N. lat., 123°35.26′ W. long.;
(201) 38°16.72′ N. lat., 123°31.42′ W. long.;
(202) 38°15.32′ N. lat., 123°29.33′ W. long.;
(203) 38°14.45′ N. lat., 123°26.15′ W. long.;
(204) 38°10.26′ N. lat., 123°25.43′ W. long.;
(205) 38°12.61′ N. lat., 123°28.08′ W. long.;
(206) 38°11.98′ N. lat., 123°29.35′ W. long.;
(207) 38°08.23′ N. lat., 123°28.04′ W. long.;
(208) 38°06.39′ N. lat., 123°30.59′ W. long.;
(209) 38°04.25′ N. lat., 123°31.81′ W. long.;
(210) 38°02.08′ N. lat., 123°31.27′ W. long.;
(211) 38°00.17′ N. lat., 123°29.43′ W. long.;
(212) 38°00.00′ N. lat., 123°28.55′ W. long.;
(213) 37°58.24′ N. lat., 123°26.91′ W. long.;
(214) 37°55.32′ N. lat., 123°27.19′ W. long.;
(215) 37°51.52′ N. lat., 123°25.01′ W. long.;
(216) 37°44.21′ N. lat., 123°11.38′ W. long.;
(217) 37°35.67′ N. lat., 123°01.86′ W. long.;
(218) 37°14.29′ N. lat., 122°52.99′ W. long.;
(219) 37°11.00′ N. lat., 122°49.28′ W. long.;
(220) 37°07.00′ N. lat., 122°44.65′ W. long.;
(221) 37°00.86′ N. lat., 122°37.55′ W. long.;
(222) 36°59.71′ N. lat., 122°33.73′ W. long.;
(223) 36°57.98′ N. lat., 122°27.80′ W. long.;
(224) 36°59.83′ N. lat., 122°25.17′ W. long.;
(225) 36°57.21′ N. lat., 122°25.17′ W. long.;
(226) 36°57.79′ N. lat., 122°22.28′ W. long.;
(227) 36°55.86′ N. lat., 122°21.99′ W. long.;
(228) 36°52.06′ N. lat., 122°12.12′ W. long.;
(229) 36°47.63′ N. lat., 122°07.40′ W. long.;
(230) 36°47.26′ N. lat., 122°03.23′ W. long.;
(231) 36°49.53′ N. lat., 121°59.35′ W. long.;
(232) 36°44.81′ N. lat., 121°58.29′ W. long.;
(233) 36°38.95′ N. lat., 122°02.02′ W. long.;
(234) 36°23.43′ N. lat., 121°59.76′ W. long.;
(235) 36°19.66′ N. lat., 122°06.25′ W. long.;
(236) 36°14.78′ N. lat., 122°01.52′ W. long.;
(237) 36°13.64′ N. lat., 121°57.83′ W. long.;

(238) 36°09.99′ N. lat., 121°43.48′ W. long.;
(239) 36°00.00′ N. lat., 121°36.95′ W. long.;
(240) 35°57.09′ N. lat., 121°34.16′ W. long.;
(241) 35°52.71′ N. lat., 121°32.32′ W. long.;
(242) 35°51.23′ N. lat., 121°30.54′ W. long.;
(243) 35°46.07′ N. lat., 121°29.75′ W. long.;
(244) 35°34.08′ N. lat., 121°19.83′ W. long.;
(245) 35°31.41′ N. lat., 121°14.80′ W. long.;
(246) 35°15.42′ N. lat., 121°03.47′ W. long.;
(247) 35°07.70′ N. lat., 120°59.31′ W. long.;
(248) 34°57.27′ N. lat., 120°56.93′ W. long.;
(249) 34°44.27′ N. lat., 120°57.65′ W. long.;
(250) 34°32.75′ N. lat., 120°50.08′ W. long.;
(251) 34°27.00′ N. lat., 120°41.50′ W. long.;
(252) 34°20.00′ N. lat., 120°30.99′ W. long.;
(253) 34°19.15′ N. lat., 120°19.78′ W. long.;
(254) 34°23.24′ N. lat., 120°14.17′ W. long.;
(255) 34°21.35′ N. lat., 119°54.89′ W. long.;
(256) 34°09.79′ N. lat., 119°44.51′ W. long.;
(257) 34°07.34′ N. lat., 120°06.71′ W. long.;
(258) 34°09.74′ N. lat., 120°19.78′ W. long.;
(259) 34°13.95′ N. lat., 120°29.78′ W. long.;
(260) 34°09.41′ N. lat., 120°37.75′ W. long.;
(261) 34°03.39′ N. lat., 120°35.26′ W. long.;
(262) 33°56.82′ N. lat., 120°28.30′ W. long.;
(263) 33°50.71′ N. lat., 120°09.24′ W. long.;
(264) 33°38.21′ N. lat., 119°59.90′ W. long.;
(265) 33°35.35′ N. lat., 119°51.95′ W. long.;
(266) 33°35.99′ N. lat., 119°49.13′ W. long.;
(267) 33°42.74′ N. lat., 119°47.80′ W. long.;
(268) 33°53.65′ N. lat., 119°53.29′ W. long.;
(269) 33°57.85′ N. lat., 119°31.05′ W. long.;
(270) 33°56.78′ N. lat., 119°27.44′ W. long.;
(271) 33°58.03′ N. lat., 119°27.82′ W. long.;
(272) 33°59.31′ N. lat., 119°20.02′ W. long.;
(273) 34°02.91′ N. lat., 119°15.38′ W. long.;
(274) 33°59.04′ N. lat., 119°03.02′ W. long.;
(275) 33°57.88′ N. lat., 118°41.69′ W. long.;
(276) 33°50.89′ N. lat., 118°37.78′ W. long.;
(277) 33°39.54′ N. lat., 118°18.70′ W. long.;
(278) 33°35.42′ N. lat., 118°17.15′ W. long.;
(279) 33°31.26′ N. lat., 118°10.84′ W. long.;
(280) 33°32.71′ N. lat., 117°52.05′ W. long.;
(281) 32°58.94′ N. lat., 117°20.05′ W. long.;
(282) 32°46.45′ N. lat., 117°24.37′ W. long.;
(283) 32°42.25′ N. lat., 117°22.87′ W. long.;
(284) 32°39.50′ N. lat., 117°27.80′ W. long.; and
(285) 32°34.83′ N. lat., 117°24.67′ W. long.

(b) The 180 fm (329 m) depth contour used around San Clemente Island off the state of California is defined by straight lines connecting all of the following points in the order stated:

(1) 33°01.90′ N. lat., 118°40.17′ W. long.;
(2) 33°03.23′ N. lat., 118°40.05′ W. long.;
(3) 33°05.07′ N. lat., 118°39.01′ W. long.;
(4) 33°05.00′ N. lat., 118°38.01′ W. long.;
(5) 33°03.00′ N. lat., 118°34.00′ W. long.;
(6) 32°55.92′ N. lat., 118°28.39′ W. long.;
(7) 32°49.78′ N. lat., 118°20.82′ W. long.;
(8) 32°47.32′ N. lat., 118°18.30′ W. long.;
(9) 32°47.46′ N. lat., 118°20.29′ W. long.;
(10) 32°46.21′ N. lat., 118°21.96′ W. long.;
(11) 32°42.25′ N. lat., 118°24.07′ W. long.;
(12) 32°47.73′ N. lat., 118°31.74′ W. long.;
(13) 32°53.16′ N. lat., 118°33.85′ W. long.;
(14) 32°54.51′ N. lat., 118°35.56′ W. long.; and
(15) 33°01.90′ N. lat., 118°40.17′ W. long.

(c) The 180 fm (329 m) depth contour used around Santa Catalina Island off the state of California is defined by straight lines connecting all of the following points in the order stated:

(1) 33°30.00′ N. lat., 118°44.18′ W. long.;
(2) 33°30.65′ N. lat., 118°35.07′ W. long.;
(3) 33°29.88′ N. lat., 118°30.89′ W. long.;
(4) 33°27.54′ N. lat., 118°26.91′ W. long.;
(5) 33°26.11′ N. lat., 118°21.97′ W. long.;
(6) 33°24.20′ N. lat., 118°19.05′ W. long.;
(7) 33°14.58′ N. lat., 118°10.35′ W. long.;
(8) 33°17.91′ N. lat., 118°28.20′ W. long.;
(9) 33°19.14′ N. lat., 118°31.34′ W. long.;
(10) 33°20.79′ N. lat., 118°33.75′ W. long.;
(11) 33°23.14′ N. lat., 118°30.80′ W. long.;and
(12) 33°30.00′ N. lat., 118°44.18′ W. long.

(d) The 180 fm (329 m) depth contour used around Lasuen Knoll off the state of California is defined by straight lines connecting all of the following points in the order stated:

(1) 33°25.12′ N. lat., 118°01.09′ W. long.;
(2) 33°25.41′ N. lat., 117°59.36′ W. long.;
(3) 33°23.49′ N. lat., 117°57.47′ W. long.;
(4) 33°23.02′ N. lat., 117°59.58′ W. long.; and
(5) 33°25.12′ N. lat., 118°01.09′ W. long.

(e) The 180 fm (329 m) depth contour used around San Diego Rise off the state of California is defined by straight lines connecting all of the following points in the order stated:

(1) 32°49.98′ N. lat., 117°50.19′ W. long.;
(2) 32°44.10′ N. lat., 117°45.34′ W. long.;
(3) 32°42.01′ N. lat., 117°46.01′ W. long.;
(4) 32°44.42′ N. lat., 117°48.69′ W. long.;
(5) 32°49.86′ N. lat., 117°50.50′ W. long.; and
(6) 32°49.98′ N. lat., 117°50.19′ W. long.

(f) The 180 fm (329 m) depth contour between 42° N. lat. and the U.S. border with Mexico, modified to allow fishing in petrale sole areas, is defined by straight lines connecting all of the following points in the order stated:

(1) 42°00.00′ N. lat., 124°36.37′ W. long.;
(2) 41°47.79′ N. lat., 124°29.48′ W. long.;
(3) 41°21.16′ N. lat., 124°28.97′ W. long.;
(4) 41°11.30′ N. lat., 124°22.86′ W. long.;
(5) 41°06.51′ N. lat., 124°23.07′ W. long.;
(6) 40°55.20′ N. lat., 124°27.46′ W. long.;
(7) 40°53.95′ N. lat., 124°26.04′ W. long.;
(8) 40°49.96′ N. lat., 124°26.04′ W. long.;
(9) 40°44.49′ N. lat., 124°30.81′ W. long.;
(10) 40°40.58′ N. lat., 124°32.05′ W. long.;
(11) 40°38.82′ N. lat., 124°29.45′ W. long.;
(12) 40°35.65′ N. lat., 124°30.34′ W. long.;
(13) 40°37.39′ N. lat., 124°37.00′ W. long.;
(14) 40°36.03′ N. lat., 124°39.97′ W. long.;
(15) 40°31.42′ N. lat., 124°40.85′ W. long.;
(16) 40°30.00′ N. lat., 124°37.12′ W. long.;
(17) 40°27.36′ N. lat., 124°37.14′ W. long.;
(18) 40°24.81′ N. lat., 124°35.82′ W. long.;
(19) 40°22.45′ N. lat., 124°30.94′ W. long.;
(20) 40°14.00′ N. lat., 124°32.90′ W. long.;
(21) 40°10.00′ N. lat., 124°23.56′ W. long.;
(22) 40°06.67′ N. lat., 124°19.08′ W. long.;
(23) 40°08.10′ N. lat., 124°16.71′ W. long.;
(24) 40°05.90′ N. lat., 124°17.77′ W. long.;
(25) 40°02.80′ N. lat., 124°16.28′ W. long.;
(26) 40°01.98′ N. lat., 124°12.99′ W. long.;
(27) 40°01.52′ N. lat., 124°09.83′ W. long.;
(28) 39°58.55′ N. lat., 124°12.32′ W. long.;
(29) 39°55.74′ N. lat., 124°07.37′ W. long.;
(30) 39°42.78′ N. lat., 124°02.11′ W. long.;
(31) 39°34.76′ N. lat., 123°58.51′ W. long.;
(32) 39°34.22′ N. lat., 123°56.82′ W. long.;
(33) 39°32.98′ N. lat., 123°56.43′ W. long.;
(34) 39°32.14′ N. lat., 123°58.83′ W. long.;
(35) 39°07.79′ N. lat., 123°58.72′ W. long.;
(36) 39°00.99′ N. lat., 123°57.56′ W. long.;
(37) 39°00.05′ N. lat., 123°56.83′ W. long.;
(38) 38°57.50′ N. lat., 123°57.04′ W. long.;
(39) 38°51.19′ N. lat., 123°55.70′ W. long.;
(40) 38°47.29′ N. lat., 123°51.12′ W. long.;
(41) 38°45.48′ N. lat., 123°51.36′ W. long.;
(42) 38°43.24′ N. lat., 123°49.91′ W. long.;
(43) 38°41.61′ N. lat., 123°47.50′ W. long.;
(44) 38°35.75′ N. lat., 123°43.76′ W. long.;
(45) 38°34.92′ N. lat., 123°42.45′ W. long.;
(46) 38°19.84′ N. lat., 123°31.96′ W. long.;
(47) 38°14.38′ N. lat., 123°25.51′ W. long.;
(48) 38°09.39′ N. lat., 123°24.39′ W. long.;
(49) 38°10.02′ N. lat., 123°26.73′ W. long.;
(50) 38°04.11′ N. lat., 123°31.62′ W. long.;
(51) 38°02.11′ N. lat., 123°31.11′ W. long.;
(52) 38°00.23′ N. lat., 123°29.51′ W. long.;
(53) 38°00.00′ N. lat., 123°28.72′ W. long.;
(54) 37°58.07′ N. lat., 123°26.97′ W. long.;
(55) 37°50.80′ N. lat., 123°24.47′ W. long.;
(56) 37°44.21′ N. lat., 123°11.38′ W. long.;
(57) 37°35.67′ N. lat., 123°01.86′ W. long.;
(58) 37°23.42′ N. lat., 122°56.78′ W. long.;
(59) 37°23.23′ N. lat., 122°53.78′ W. long.;
(60) 37°13.97′ N. lat., 122°49.91′ W. long.;
(61) 37°11.00′ N. lat., 122°45.61′ W. long.;
(62) 37°07.00′ N. lat., 122°42.89′ W. long.;
(63) 37°01.10′ N. lat., 122°37.50′ W. long.;
(64) 36°57.81′ N. lat., 122°28.29′ W. long.;
(65) 36°59.83′ N. lat., 122°25.17′ W. long.;
(66) 36°57.21′ N. lat., 122°25.17′ W. long.;
(67) 36°57.81′ N. lat., 122°21.73′ W. long.;
(68) 36°56.10′ N. lat., 122°21.51′ W. long.;
(69) 36°55.17′ N. lat., 122°16.94′ W. long.;
(70) 36°52.06′ N. lat., 122°12.12′ W. long.;
(71) 36°47.63′ N. lat., 122°07.40′ W. long.;

(72) 36°47.37′ N. lat., 122°03.10′ W. long.;
(73) 36°24.14′ N. lat., 121°59.45′ W. long.;
(74) 36°21.82′ N. lat., 122°00.80′ W. long.;
(75) 36°19.47′ N. lat., 122°05.28′ W. long.;
(76) 36°14.67′ N. lat., 122°00.88′ W. long.;
(77) 36°09.34′ N. lat., 121°42.61′ W. long.;
(78) 36°00.00′ N. lat., 121°35.77′ W. long.;
(79) 35°56.78′ N. lat., 121°32.69′ W. long.;
(80) 35°52.71′ N. lat., 121°32.32′ W. long.;
(81) 35°51.23′ N. lat., 121°30.54′ W. long.;
(82) 35°46.07′ N. lat., 121°29.75′ W. long.;
(83) 35°34.08′ N. lat., 121°19.83′ W. long.;
(84) 35°31.41′ N. lat., 121°14.80′ W. long.;
(85) 35°15.42′ N. lat., 121°03.47′ W. long.;
(86) 35°07.21′ N. lat., 120°59.05′ W. long.;
(87) 35°07.45′ N. lat., 120°57.09′ W. long.;
(88) 34°44.29′ N. lat., 120°54.28′ W. long.;
(89) 34°44.24′ N. lat., 120°57.62′ W. long.;
(90) 34°40.04′ N. lat., 120°53.95′ W. long.;
(91) 34°27.00′ N. lat., 120°41.50′ W. long.;
(92) 34°21.16′ N. lat., 120°33.11′ W. long.;
(93) 34°19.15′ N. lat., 120°19.78′ W. long.;
(94) 34°23.24′ N. lat., 120°14.17′ W. long.;
(95) 34°21.47′ N. lat., 119°54.68′ W. long.;
(96) 34°09.79′ N. lat., 119°44.51′ W. long.;
(97) 34°07.34′ N. lat., 120°06.71′ W. long.;
(98) 34°09.43′ N. lat., 120°18.34′ W. long.;
(99) 34°12.50′ N. lat., 120°18.34′ W. long.;
(100) 34°12.50′ N. lat., 120°26.11′ W. long.;
(101) 34°14.02′ N. lat., 120°29.61′ W. long.;
(102) 34°09.55′ N. lat., 120°37.83′ W. long.;
(103) 34°05.35′ N. lat., 120°36.23′ W. long.;
(104) 34°02.21′ N. lat., 120°36.23′ W. long.;
(105) 34°02.21′ N. lat., 120°33.94′ W. long.;
(106) 33°56.82′ N. lat., 120°28.30′ W. long.;
(107) 33°50.40′ N. lat., 120°09.94′ W. long.;
(108) 33°38.21′ N. lat., 119°59.90′ W. long.;
(109) 33°35.35′ N. lat., 119°51.95′ W. long.;
(110) 33°35.99′ N. lat., 119°49.13′ W. long.;
(111) 33°42.74′ N. lat., 119°47.81′ W. long.;
(112) 33°51.63′ N. lat., 119°52.94′ W. long.;
(113) 33°51.62′ N. lat., 119°47.94′ W. long.;
(114) 33°54.67′ N. lat., 119°47.94′ W. long.;
(115) 33°57.84′ N. lat., 119°30.94′ W. long.;
(116) 33°54.11′ N. lat., 119°30.94′ W. long.;
(117) 33°54.11′ N. lat., 119°25.94′ W. long.;
(118) 33°58.14′ N. lat., 119°25.94′ W. long.;
(119) 33°59.31′ N. lat., 119°20.02′ W. long.;
(120) 34°02.91′ N. lat., 119°15.38′ W. long.;
(121) 33°59.04′ N. lat., 119°03.02′ W. long.;
(122) 33°57.88′ N. lat., 118°41.69′ W. long.;
(123) 33°50.89′ N. lat., 118°37.78′ W. long.;
(124) 33°39.16′ N. lat., 118°18.24′ W. long.;
(125) 33°35.44′ N. lat., 118°17.31′ W. long.;
(126) 33°31.37′ N. lat., 118°10.39′ W. long.;
(127) 33°32.71′ N. lat., 117°52.05′ W. long.;
(128) 32°58.94′ N. lat., 117°20.06′ W. long.; and
(129) 32°35.48′ N. lat., 117°28.83′ W. long.

(g) The 200–fm (366–m) depth contour between the U.S. border with Canada and the U.S. border with Mexico is defined by straight lines connecting all of the following points in the order stated:

(1) 48°14.75′ N. lat., 125°41.73′ W. long.;
(2) 48°12.85′ N. lat., 125°38.06′ W. long.;
(3) 48°10.00′ N. lat., 125°41.82′ W. long.;
(4) 48°07.10′ N. lat., 125°45.65′ W. long.;
(5) 48°05.71′ N. lat., 125°44.70′ W. long.;
(6) 48°04.07′ N. lat., 125°36.96′ W. long.;
(7) 48°03.05′ N. lat., 125°36.38′ W. long.;
(8) 48°01.98′ N. lat., 125°37.41′ W. long.;
(9) 48°01.46′ N. lat., 125°39.61′ W. long.;
(10) 47°56.94′ N. lat., 125°36.65′ W. long.;
(11) 47°55.11′ N. lat., 125°36.92′ W. long.;
(12) 47°54.10′ N. lat., 125°34.98′ W. long.;
(13) 47°54.50′ N. lat., 125°32.01′ W. long.;
(14) 47°55.77′ N. lat., 125°30.13′ W. long.;
(15) 47°55.65′ N. lat., 125°28.46′ W. long.;
(16) 47°58.11′ N. lat., 125°26.60′ W. long.;
(17) 48°00.40′ N. lat., 125°24.83′ W. long.;
(18) 48°02.04′ N. lat., 125°22.90′ W. long.;
(19) 48°03.60′ N. lat., 125°21.84′ W. long.;
(20) 48°03.98′ N. lat., 125°20.65′ W. long.;
(21) 48°03.26′ N. lat., 125°19.76′ W. long.;
(22) 48°01.50′ N. lat., 125°18.80′ W. long.;
(23) 48°01.03′ N. lat., 125°20.12′ W. long.;
(24) 48°00.04′ N. lat., 125°20.26′ W. long.;
(25) 47°58.10′ N. lat., 125°18.91′ W. long.;

(26) 47°58.17′ N. lat., 125°17.50′ W. long.;
(27) 47°52.33′ N. lat., 125°15.78′ W. long.;
(28) 47°49.20′ N. lat., 125°10.67′ W. long.;
(29) 47°48.27′ N. lat., 125°07.38′ W. long.;
(30) 47°47.24′ N. lat., 125°05.38′ W. long.;
(31) 47°45.95′ N. lat., 125°04.61′ W. long.;
(32) 47°44.58′ N. lat., 125°07.12′ W. long.;
(33) 47°42.24′ N. lat., 125°05.15′ W. long.;
(34) 47°38.54′ N. lat., 125°06.76′ W. long.;
(35) 47°35.03′ N. lat., 125°04.28′ W. long.;
(36) 47°28.82′ N. lat., 124°56.24′ W. long.;
(37) 47°29.15′ N. lat., 124°54.10′ W. long.;
(38) 47°28.43′ N. lat., 124°51.58′ W. long.;
(39) 47°24.13′ N. lat., 124°47.50′ W. long.;
(40) 47°18.31′ N. lat., 124°46.17′ W. long.;
(41) 47°19.57′ N. lat., 124°51.00′ W. long.;
(42) 47°18.12′ N. lat., 124°53.66′ W. long.;
(43) 47°17.60′ N. lat., 124°52.94′ W. long.;
(44) 47°17.71′ N. lat., 124°51.63′ W. long.;
(45) 47°16.90′ N. lat., 124°51.23′ W. long.;
(46) 47°16.10′ N. lat., 124°53.67′ W. long.;
(47) 47°14.24′ N. lat., 124°53.02′ W. long.;
(48) 47°12.16′ N. lat., 124°56.77′ W. long.;
(49) 47°13.35′ N. lat., 124°58.70′ W. long.;
(50) 47°09.53′ N. lat., 124°58.32′ W. long.;
(51) 47°09.54′ N. lat., 124°59.50′ W. long.;
(52) 47°05.87′ N. lat., 124°59.30′ W. long.;
(53) 47°03.65′ N. lat., 124°56.26′ W. long.;
(54) 47°00.87′ N. lat., 124°59.52′ W. long.;
(55) 46°56.80′ N. lat., 125°00.00′ W. long.;
(56) 46°51.55′ N. lat., 125°00.00′ W. long.;
(57) 46°50.07′ N. lat., 124°53.90′ W. long.;
(58) 46°44.88′ N. lat., 124°51.97′ W. long.;
(59) 46°38.17′ N. lat., 124°42.66′ W. long.;
(60) 46°33.45′ N. lat., 124°36.11′ W. long.;
(61) 46°33.20′ N. lat., 124°30.64′ W. long.;
(62) 46°27.85′ N. lat., 124°31.95′ W. long.;
(63) 46°18.27′ N. lat., 124°39.28′ W. long.;
(64) 46°16.00′ N. lat., 124°24.88′ W. long.;
(65) 46°14.22′ N. lat., 124°26.29′ W. long.;
(66) 46°11.53′ N. lat., 124°39.58′ W. long.;
(67) 46°08.77′ N. lat., 124°41.71′ W. long.;
(68) 46°05.86′ N. lat., 124°42.26′ W. long.;
(69) 46°03.85′ N. lat., 124°48.20′ W. long.;
(70) 46°02.33′ N. lat., 124°48.51′ W. long.;
(71) 45°58.99′ N. lat., 124°44.42′ W. long.;
(72) 45°46.90′ N. lat., 124°43.50′ W. long.;
(73) 45°46.00′ N. lat., 124°44.27′ W. long.;
(74) 45°44.98′ N. lat., 124°44.93′ W. long.;
(75) 45°43.46′ N. lat., 124°44.93′ W. long.;
(76) 45°34.88′ N. lat., 124°32.59′ W. long.;
(77) 45°20.25′ N. lat., 124°25.47′ W. long.;
(78) 45°13.06′ N. lat., 124°22.25′ W. long.;
(79) 45°03.83′ N. lat., 124°27.13′ W. long.;
(80) 45°00.17′ N. lat., 124°29.29′ W. long.;
(81) 44°55.60′ N. lat., 124°32.36′ W. long.;
(82) 44°48.25′ N. lat., 124°40.61′ W. long.;
(83) 44°42.24′ N. lat., 124°48.05′ W. long.;
(84) 44°41.35′ N. lat., 124°48.03′ W. long.;
(85) 44°40.27′ N. lat., 124°49.11′ W. long.;
(86) 44°38.52′ N. lat., 124°49.11′ W. long.;
(87) 44°21.73′ N. lat., 124°49.82′ W. long.;
(88) 44°17.57′ N. lat., 124°55.04′ W. long.;
(89) 44°13.19′ N. lat., 124°58.66′ W. long.;
(90) 44°08.30′ N. lat., 124°58.50′ W. long.;
(91) 43°57.89′ N. lat., 124°58.13′ W. long.;
(92) 43°50.59′ N. lat., 124°52.80′ W. long.;
(93) 43°50.10′ N. lat., 124°40.27′ W. long.;
(94) 43°39.05′ N. lat., 124°38.56′ W. long.;
(95) 43°28.85′ N. lat., 124°40.00′ W. long.;
(96) 43°20.83′ N. lat., 124°42.84′ W. long.;
(97) 43°20.22′ N. lat., 124°43.05′ W. long.;
(98) 43°13.29′ N. lat., 124°47.00′ W. long.;
(99) 43°13.15′ N. lat., 124°52.61′ W. long.;
(100) 43°04.60′ N. lat., 124°53.01′ W. long.;
(101) 42°57.56′ N. lat., 124°54.10′ W. long.;
(102) 42°53.82′ N. lat., 124°55.76′ W. long.;
(103) 42°53.41′ N. lat., 124°54.35′ W. long.;
(104) 42°49.52′ N. lat., 124°53.16′ W. long.;
(105) 42°47.47′ N. lat., 124°50.24′ W. long.;
(106) 42°47.57′ N. lat., 124°48.13′ W. long.;
(107) 42°46.19′ N. lat., 124°44.52′ W. long.;
(108) 42°41.75′ N. lat., 124°44.69′ W. long.;
(109) 42°40.50′ N. lat., 124°44.02′ W. long.;
(110) 42°38.81′ N. lat., 124°43.09′ W. long.;
(111) 42°31.82′ N. lat., 124°46.24′ W. long.;
(112) 42°31.96′ N. lat., 124°44.32′ W. long.;
(113) 42°30.95′ N. lat., 124°44.50′ W. long.;
(114) 42°28.39′ N. lat., 124°49.56′ W. long.;
(115) 42°23.34′ N. lat., 124°44.91′ W. long.;
(116) 42°19.72′ N. lat., 124°41.60′ W. long.;
(117) 42°15.12′ N. lat., 124°38.34′ W. long.;
(118) 42°13.67′ N. lat., 124°38.22′ W. long.;
(119) 42°12.35′ N. lat., 124°38.09′ W. long.;
(120) 42°04.35′ N. lat., 124°37.23′ W. long.;
(121) 42°00.00′ N. lat., 124°36.80′ W. long.;

(122) 41°47.84′ N. lat., 124°30.48′ W. long.;
(123) 41°43.33′ N. lat., 124°29.96′ W. long.;
(124) 41°23.46′ N. lat., 124°30.36′ W. long.;
(125) 41°21.29′ N. lat., 124°29.43′ W. long.;
(126) 41°13.52′ N. lat., 124°24.48′ W. long.;
(127) 41°06.71′ N. lat., 124°23.37′ W. long.;
(128) 40°54.66′ N. lat., 124°28.20′ W. long.;
(129) 40°51.52′ N. lat., 124°27.47′ W. long.;
(130) 40°40.62′ N. lat., 124°32.75′ W. long.;
(131) 40°36.08′ N. lat., 124°40.18′ W. long.;
(132) 40°32.90′ N. lat., 124°41.90′ W. long.;
(133) 40°31.30′ N. lat., 124°41.00′ W. long.;
(134) 40°30.16′ N. lat., 124°37.91′ W. long.;
(135) 40°27.29′ N. lat., 124°37.34′ W. long.;
(136) 40°24.98′ N. lat., 124°36.44′ W. long.;
(137) 40°22.34′ N. lat., 124°31.22′ W. long.;
(138) 40°16.94′ N. lat., 124°32.00′ W. long.;
(139) 40°17.58′ N. lat., 124°45.30′ W. long.;
(140) 40°14.40′ N. lat., 124°35.82′ W. long.;
(141) 40°13.24′ N. lat., 124°32.43′ W. long.;
(142) 40°10.00′ N. lat., 124°24.64′ W. long.;
(143) 40°06.43′ N. lat., 124°19.26′ W. long.;
(144) 40°07.06′ N. lat., 124°17.82′ W. long.;
(145) 40°04.70′ N. lat., 124°18.17′ W. long.;
(146) 40°02.34′ N. lat., 124°16.64′ W. long.;
(147) 40°01.52′ N. lat., 124°09.89′ W. long.;
(148) 39°58.27′ N. lat., 124°13.58′ W. long.;
(149) 39°56.59′ N. lat., 124°12.09′ W. long.;
(150) 39°55.19′ N. lat., 124°08.03′ W. long.;
(151) 39°52.54′ N. lat., 124°09.47′ W. long.;
(152) 39°42.67′ N. lat., 124°02.59′ W. long.;
(153) 39°35.95′ N. lat., 123°59.56′ W. long.;
(154) 39°34.61′ N. lat., 123°59.66′ W. long.;
(155) 39°33.77′ N. lat., 123°56.89′ W. long.;
(156) 39°33.01′ N. lat., 123°57.14′ W. long.;
(157) 39°32.20′ N. lat., 123°59.20′ W. long.;
(158) 39°07.84′ N. lat., 123°59.14′ W. long.;
(159) 39°01.11′ N. lat., 123°57.97′ W. long.;
(160) 39°00.51′ N. lat., 123°56.96′ W. long.;
(161) 38°57.50′ N. lat., 123°57.57′ W. long.;
(162) 38°56.57′ N. lat., 123°57.80′ W. long.;
(163) 38°56.39′ N. lat., 123°59.48′ W. long.;
(164) 38°50.22′ N. lat., 123°55.55′ W. long.;
(165) 38°46.76′ N. lat., 123°51.56′ W. long.;
(166) 38°45.27′ N. lat., 123°51.63′ W. long.;
(167) 38°42.76′ N. lat., 123°49.83′ W. long.;
(168) 38°41.53′ N. lat., 123°47.83′ W. long.;
(169) 38°40.97′ N. lat., 123°48.14′ W. long.;
(170) 38°38.02′ N. lat., 123°45.85′ W. long.;
(171) 38°37.19′ N. lat., 123°44.08′ W. long.;
(172) 38°33.43′ N. lat., 123°41.82′ W. long.;
(173) 38°29.44′ N. lat., 123°38.49′ W. long.;
(174) 38°28.08′ N. lat., 123°38.33′ W. long.;
(175) 38°23.68′ N. lat., 123°35.47′ W. long.;
(176) 38°19.63′ N. lat., 123°34.05′ W. long.;
(177) 38°16.23′ N. lat., 123°31.90′ W. long.;
(178) 38°14.79′ N. lat., 123°29.98′ W. long.;
(179) 38°14.12′ N. lat., 123°26.36′ W. long.;

(180) 38°10.85′ N. lat., 123°25.84′ W. long.;
(181) 38°13.15′ N. lat., 123°28.25′ W. long.;
(182) 38°12.28′ N. lat., 123°29.88′ W. long.;
(183) 38°10.19′ N. lat., 123°29.11′ W. long.;
(184) 38°07.94′ N. lat., 123°28.52′ W. long.;
(185) 38°06.51′ N. lat., 123°30.96′ W. long.;
(186) 38°04.21′ N. lat., 123°32.03′ W. long.;
(187) 38°02.07′ N. lat., 123°31.37′ W. long.;
(188) 38°00.00′ N. lat., 123°29.62′ W. long.;
(189) 37°58.13′ N. lat., 123°27.28′ W. long.;
(190) 37°55.01′ N. lat., 123°27.53′ W. long.;
(191) 37°51.40′ N. lat., 123°25.25′ W. long.;
(192) 37°43.97′ N. lat., 123°11.56′ W. long.;
(193) 37°35.67′ N. lat., 123°02.32′ W. long.;
(194) 37°13.65′ N. lat., 122°54.25′ W. long.;
(195) 37°11.00′ N. lat., 122°50.97′ W. long.;
(196) 37°07.00′ N. lat., 122°45.90′ W. long.;
(197) 37°00.66′ N. lat., 122°37.91′ W. long.;
(198) 36°57.40′ N. lat., 122°28.32′ W. long.;
(199) 36°59.25′ N. lat., 122°25.61′ W. long.;
(200) 36°56.88′ N. lat., 122°25.49′ W. long.;
(201) 36°57.40′ N. lat., 122°22.69′ W. long.;
(202) 36°55.43′ N. lat., 122°22.49′ W. long.;
(203) 36°52.29′ N. lat., 122°13.25′ W. long.;
(204) 36°47.12′ N. lat., 122°07.62′ W. long.;
(205) 36°47.10′ N. lat., 122°02.17′ W. long.;
(206) 36°43.76′ N. lat., 121°59.17′ W. long.;
(207) 36°38.85′ N. lat., 122°02.26′ W. long.;
(208) 36°23.41′ N. lat., 122°00.17′ W. long.;
(209) 36°19.68′ N. lat., 122°06.99′ W. long.;
(210) 36°14.75′ N. lat., 122°01.57′ W. long.;
(211) 36°09.74′ N. lat., 121°45.06′ W. long.;
(212) 36°06.75′ N. lat., 121°40.79′ W. long.;
(213) 36°00.00′ N. lat., 121°35.98′ W. long.;
(214) 35°58.18′ N. lat., 121°34.69′ W. long.;
(215) 35°52.31′ N. lat., 121°32.51′ W. long.;
(216) 35°51.21′ N. lat., 121°30.97′ W. long.;
(217) 35°46.32′ N. lat., 121°30.36′ W. long.;
(218) 35°33.74′ N. lat., 121°20.16′ W. long.;
(219) 35°31.37′ N. lat., 121°15.29′ W. long.;
(220) 35°23.32′ N. lat., 121°11.50′ W. long.;
(221) 35°15.28′ N. lat., 121°04.51′ W. long.;
(222) 35°07.08′ N. lat., 121°00.36′ W. long.;
(223) 34°57.46′ N. lat., 120°58.29′ W. long.;
(224) 34°44.25′ N. lat., 120°58.35′ W. long.;
(225) 34°32.30′ N. lat., 120°50.28′ W. long.;
(226) 34°27.00′ N. lat., 120°42.61′ W. long.;
(227) 34°19.08′ N. lat., 120°31.27′ W. long.;
(228) 34°17.72′ N. lat., 120°19.32′ W. long.;
(229) 34°22.45′ N. lat., 120°12.87′ W. long.;
(230) 34°21.36′ N. lat., 119°54.94′ W. long.;
(231) 34°09.95′ N. lat., 119°46.24′ W. long.;
(232) 34°09.08′ N. lat., 119°57.59′ W. long.;
(233) 34°07.53′ N. lat., 120°06.41′ W. long.;
(234) 34°10.54′ N. lat., 120°19.13′ W. long.;
(235) 34°14.68′ N. lat., 120°29.54′ W. long.;
(236) 34°09.51′ N. lat., 120°38.38′ W. long.;
(237) 34°03.06′ N. lat., 120°35.60′ W. long.;

(238) 33°56.39′ N. lat., 120°28.53′ W. long.;
(239) 33°50.25′ N. lat., 120°09.49′ W. long.;
(240) 33°37.96′ N. lat., 120°00.14′ W. long.;
(241) 33°34.52′ N. lat., 119°51.90′ W. long.;
(242) 33°35.51′ N. lat., 119°48.55′ W. long.;
(243) 33°42.76′ N. lat., 119°47.83′ W. long.;
(244) 33°53.62′ N. lat., 119°53.34′ W. long.;
(245) 33°57.61′ N. lat., 119°31.32′ W. long.;
(246) 33°56.34′ N. lat., 119°26.46′ W. long.;
(247) 33°57.79′ N. lat., 119°26.91′ W. long.;
(248) 33°58.88′ N. lat., 119°20.12′ W. long.;
(249) 34°02.65′ N. lat., 119°15.17′ W. long.;
(250) 33°59.02′ N. lat., 119°03.05′ W. long.;
(251) 33°57.61′ N. lat., 118°42.13′ W. long.;
(252) 33°50.76′ N. lat., 118°38.03′ W. long.;
(253) 33°39.41′ N. lat., 118°18.74′ W. long.;
(254) 33°35.51′ N. lat., 118°18.08′ W. long.;
(255) 33°30.68′ N. lat., 118°10.40′ W. long.;
(256) 33°32.49′ N. lat., 117°51.90′ W. long.;
(257) 32°58.87′ N. lat., 117°20.41′ W. long.; and
(258) 32°35.53′ N. lat., 117°29.72′ W. long.

(h) The 200 fm (366 m) depth contour used around San Clemente Island is defined by straight lines connecting all of the following points in the order stated:
(1) 33°05.89′ N. lat., 118°39.45′ W. long.;
(2) 33°02.68′ N. lat., 118°33.14′ W. long.;
(3) 32°57.32′ N. lat., 118°29.12′ W. long.;
(4) 32°47.51′ N. lat., 118°17.88′ W. long.;
(5) 32°41.22′ N. lat., 118°23.78′ W. long.;
(6) 32°46.83′ N. lat., 118°32.10′ W. long.;
(7) 33°01.61′ N. lat., 118°40.64′ W. long.; and
(8) 33°5.89′ N. lat., 118°39.45′ W. long.

(i) The 200 fm (366 m) depth contour used around Santa Catalina Island off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 33°32.06′ N. lat., 118°44.52′ W. long.;
(2) 33°31.36′ N. lat., 118°35.28′ W. long.;
(3) 33°30.10′ N. lat., 118°30.82′ W. long.;
(4) 33°27.91′ N. lat., 118°26.83′ W. long.;
(5) 33°26.27′ N. lat., 118°21.35′ W. long.;
(6) 33°21.34′ N. lat., 118°15.24′ W. long.;
(7) 33°13.66′ N. lat., 118°08.98′ W. long.;
(8) 33°17.15′ N. lat., 118°28.35′ W. long.;
(9) 33°20.94′ N. lat., 118°34.34′ W. long.;
(10) 33°23.32′ N. lat., 118°32.60′ W. long.;
(11) 33°28.68′ N. lat., 118°44.93′ W. long.; and
(12) 33°32.06′ N. lat., 118°44.52′ W. long.

(j) The 200 fm (366 m) depth contour used around Lasuen Knoll off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 33°25.91′ N. lat., 117°59.44′ W. long.;
(2) 33°23.37′ N. lat., 117°56.97′ W. long.;
(3) 33°22.82′ N. lat., 117°59.50′ W. long.;
(4) 33°25.24′ N. lat., 118°01.68′ W. long.; and
(5) 33°25.91′ N. lat., 117°59.44′ W. long.

(k) The 200 fm (366 m) depth contour used around San Diego Rise off the state of California is defined by straight lines connecting all of the following points in the order stated:
(1) 32°50.30′ N. lat., 117°50.18′ W. long.;
(2) 32°44.01′ N. lat., 117°44.46′ W. long.;
(3) 32°41.34′ N. lat., 117°45.86′ W. long.;
(4) 32°45.45′ N. lat., 117°50.09′ W. long.;
(5) 32°50.10′ N. lat., 117°50.76′ W. long.; and
(6) 32°50.30′ N. lat., 117°50.18′ W. long.

(l) The 200–fm (366–m) depth contour used between the U.S. border with Canada and the U.S. border with Mexico, modified to allow fishing in petrale sole areas, is defined by straight lines connecting all of the following points in the order stated:
(1) 48°14.75′ N. lat., 125°41.73′ W. long.;
(2) 48°12.85′ N. lat., 125°38.06′ W. long.;
(3) 48°10.00′ N. lat., 125°41.82′ W. long.;
(4) 48°07.10′ N. lat., 125°45.65′ W. long.;
(5) 48°05.71′ N. lat., 125°44.69′ W. long.;
(6) 48°04.07′ N. lat., 125°36.96′ W. long.;
(7) 48°03.05′ N. lat., 125°36.38′ W. long.;
(8) 48°01.98′ N. lat., 125°37.41′ W. long.;
(9) 48°01.46′ N. lat., 125°39.61′ W. long.;
(10) 47°56.94′ N. lat., 125°36.65′ W. long.;
(11) 47°55.77′ N. lat., 125°30.13′ W. long.;
(12) 47°55.65′ N. lat., 125°28.46′ W. long.;
(13) 47°58.11′ N. lat., 125°26.60′ W. long.;
(14) 48°00.40′ N. lat., 125°24.83′ W. long.;

(15) 48°02.04′ N. lat., 125°22.90′ W. long.;
(16) 48°03.60′ N. lat., 125°21.84′ W. long.;
(17) 48°03.98′ N. lat., 125°20.65′ W. long.;
(18) 48°03.26′ N. lat., 125°19.76′ W. long.;
(19) 48°01.50′ N. lat., 125°18.80′ W. long.;
(20) 48°01.03′ N. lat., 125°20.12′ W. long.;
(21) 48°00.04′ N. lat., 125°20.26′ W. long.;
(22) 47°58.10′ N. lat., 125°18.91′ W. long.;
(23) 47°58.17′ N. lat., 125°17.50′ W. long.;
(24) 47°52.33′ N. lat., 125°15.78′ W. long.;
(25) 47°49.20′ N. lat., 125°10.67′ W. long.;
(26) 47°48.27′ N. lat., 125°07.38′ W. long.;
(27) 47°47.24′ N. lat., 125°05.38′ W. long.;
(28) 47°45.95′ N. lat., 125°04.61′ W. long.;
(29) 47°44.58′ N. lat., 125°07.12′ W. long.;
(30) 47°42.24′ N. lat., 125°05.15′ W. long.;
(31) 47°38.54′ N. lat., 125°06.76′ W. long.;
(32) 47°35.03′ N. lat., 125°04.28′ W. long.;
(33) 47°28.82′ N. lat., 124°56.24′ W. long.;
(34) 47°29.15′ N. lat., 124°54.10′ W. long.;
(35) 47°28.43′ N. lat., 124°51.58′ W. long.;
(36) 47°24.13′ N. lat., 124°47.50′ W. long.;
(37) 47°18.31′ N. lat., 124°46.17′ W. long.;
(38) 47°19.57′ N. lat., 124°51.00′ W. long.;
(39) 47°18.12′ N. lat., 124°53.66′ W. long.;
(40) 47°17.60′ N. lat., 124°52.94′ W. long.;
(41) 47°17.71′ N. lat., 124°51.63′ W. long.;
(42) 47°16.90′ N. lat., 124°51.23′ W. long.;
(43) 47°16.10′ N. lat., 124°53.67′ W. long.;
(44) 47°14.24′ N. lat., 124°53.02′ W. long.;
(45) 47°12.16′ N. lat., 124°56.77′ W. long.;
(46) 47°13.35′ N. lat., 124°58.70′ W. long.;
(47) 47°09.53′ N. lat., 124°58.32′ W. long.;
(48) 47°09.54′ N. lat., 124°59.50′ W. long.;
(49) 47°05.87′ N. lat., 124°59.30′ W. long.;
(50) 47°03.65′ N. lat., 124°56.26′ W. long.;
(51) 47°00.87′ N. lat., 124°59.52′ W. long.;
(52) 46°56.80′ N. lat., 125°00.00′ W. long.;
(53) 46°51.55′ N. lat., 125°00.00′ W. long.;
(54) 46°50.07′ N. lat., 124°53.90′ W. long.;
(55) 46°44.88′ N. lat., 124°51.97′ W. long.;
(56) 46°38.17′ N. lat., 124°42.66′ W. long.;
(57) 46°33.45′ N. lat., 124°36.11′ W. long.;
(58) 46°33.20′ N. lat., 124°30.64′ W. long.;
(59) 46°27.85′ N. lat., 124°31.95′ W. long.;
(60) 46°18.27′ N. lat., 124°39.28′ W. long.;
(61) 46°16.00′ N. lat., 124°24.88′ W. long.;
(62) 46°14.22′ N. lat., 124°26.28′ W. long.;
(63) 46°11.53′ N. lat., 124°39.58′ W. long.;
(64) 46°08.77′ N. lat., 124°41.71′ W. long.;
(65) 46°05.86′ N. lat., 124°42.27′ W. long.;
(66) 46°03.85′ N. lat., 124°48.20′ W. long.;
(67) 46°02.34′ N. lat., 124°48.51′ W. long.;
(68) 45°58.99′ N. lat., 124°44.42′ W. long.;
(69) 45°49.68′ N. lat., 124°42.37′ W. long.;
(70) 45°49.74′ N. lat., 124°43.69′ W. long.;
(71) 45°46.00′ N. lat., 124°41.82′ W. long.;
(72) 45°40.83′ N. lat., 124°40.90′ W. long.;
(73) 45°34.88′ N. lat., 124°32.58′ W. long.;
(74) 45°20.25′ N. lat., 124°25.47′ W. long.;
(75) 45°13.04′ N. lat., 124°21.92′ W. long.;
(76) 45°03.83′ N. lat., 124°27.13′ W. long.;
(77) 45°00.17′ N. lat., 124°29.28′ W. long.;
(78) 44°50.99′ N. lat., 124°35.40′ W. long.;
(79) 44°46.87′ N. lat., 124°38.20′ W. long.;
(80) 44°48.25′ N. lat., 124°40.61′ W. long.;
(81) 44°42.24′ N. lat., 124°48.05′ W. long.;
(82) 44°41.35′ N. lat., 124°48.03′ W. long.;
(83) 44°40.27′ N. lat., 124°49.11′ W. long.;
(84) 44°38.52′ N. lat., 124°49.11′ W. long.;
(85) 44°21.73′ N. lat., 124°49.82′ W. long.;
(86) 44°17.57′ N. lat., 124°55.04′ W. long.;
(87) 44°13.19′ N. lat., 124°58.66′ W. long.;
(88) 43°57.88′ N. lat., 124°58.25′ W. long.;
(89) 43°56.89′ N. lat., 124°57.33′ W. long.;
(90) 43°52.32′ N. lat., 124°49.43′ W. long.;
(91) 43°51.35′ N. lat., 124°37.94′ W. long.;
(92) 43°49.73′ N. lat., 124°40.26′ W. long.;
(93) 43°39.06′ N. lat., 124°38.55′ W. long.;
(94) 43°28.85′ N. lat., 124°39.99′ W. long.;
(95) 43°20.83′ N. lat., 124°42.89′ W. long.;
(96) 43°20.22′ N. lat., 124°43.05′ W. long.;
(97) 43°13.29′ N. lat., 124°47.00′ W. long.;
(98) 43°10.64′ N. lat., 124°49.95′ W. long.;
(99) 43°04.26′ N. lat., 124°53.05′ W. long.;
(100) 42°53.93′ N. lat., 124°54.60′ W. long.;
(101) 42°50.00′ N. lat., 124°50.60′ W. long.;
(102) 42°47.57′ N. lat., 124°48.12′ W. long.;
(103) 42°46.19′ N. lat., 124°44.52′ W. long.;
(104) 42°41.75′ N. lat., 124°44.69′ W. long.;
(105) 42°40.50′ N. lat., 124°44.02′ W. long.;
(106) 42°38.81′ N. lat., 124°43.09′ W. long.;
(107) 42°31.83′ N. lat., 124°46.23′ W. long.;
(108) 42°32.08′ N. lat., 124°43.58′ W. long.;
(109) 42°30.96′ N. lat., 124°43.84′ W. long.;
(110) 42°28.41′ N. lat., 124°49.17′ W. long.;
(111) 42°24.80′ N. lat., 124°45.93′ W. long.;
(112) 42°19.71′ N. lat., 124°41.60′ W. long.;
(113) 42°15.12′ N. lat., 124°38.34′ W. long.;
(114) 42°13.67′ N. lat., 124°38.28′ W. long.;
(115) 42°12.35′ N. lat., 124°38.09′ W. long.;
(116) 42°00.00′ N. lat., 124°36.83′ W. long.;

(117) 41°47.78′ N. lat., 124°29.55′ W. long.;
(118) 41°21.15′ N. lat., 124°29.04′ W. long.;
(119) 41°13.50′ N. lat., 124°24.40′ W. long.;
(120) 41°11.00′ N. lat., 124°22.99′ W. long.;
(121) 41°06.69′ N. lat., 124°23.30′ W. long.;
(122) 40°54.73′ N. lat., 124°28.15′ W. long.;
(123) 40°53.94′ N. lat., 124°26.11′ W. long.;
(124) 40°50.31′ N. lat., 124°26.15′ W. long.;
(125) 40°44.49′ N. lat., 124°30.89′ W. long.;
(126) 40°40.62′ N. lat., 124°32.16′ W. long.;
(127) 40°38.87′ N. lat., 124°30.15′ W. long.;
(128) 40°35.67′ N. lat., 124°30.43′ W. long.;
(129) 40°37.41′ N. lat., 124°37.06′ W. long.;
(130) 40°36.09′ N. lat., 124°40.11′ W. long.;
(131) 40°31.33′ N. lat., 124°41.01′ W. long.;
(132) 40°30.00′ N. lat., 124°38.15′ W. long.;
(133) 40°27.34′ N. lat., 124°37.28′ W. long.;
(134) 40°25.01′ N. lat., 124°36.36′ W. long.;
(135) 40°22.28′ N. lat., 124°31.35′ W. long.;
(136) 40°16.29′ N. lat., 124°34.50′ W. long.;
(137) 40°14.00′ N. lat., 124°33.02′ W. long.;
(138) 40°10.00′ N. lat., 124°24.55′ W. long.;
(139) 40°06.45′ N. lat., 124°19.24′ W. long.;
(140) 40°07.08′ N. lat., 124°17.80′ W. long.;
(141) 40°05.55′ N. lat., 124°18.11′ W. long.;
(142) 40°04.74′ N. lat., 124°18.11′ W. long.;
(143) 40°02.35′ N. lat., 124°16.54′ W. long.;
(144) 40°01.51′ N. lat., 124°09.89′ W. long.;
(145) 39°58.54′ N. lat., 124°12.43′ W. long.;
(146) 39°55.72′ N. lat., 124°09.86′ W. long.;
(147) 39°42.64′ N. lat., 124°02.52′ W. long.;
(148) 39°35.96′ N. lat., 123°59.47′ W. long.;
(149) 39°34.61′ N. lat., 123°59.59′ W. long.;
(150) 39°33.79′ N. lat., 123°56.77′ W. long.;
(151) 39°33.03′ N. lat., 123°57.06′ W. long.;
(152) 39°32.21′ N. lat., 123°59.12′ W. long.;
(153) 39°07.81′ N. lat., 123°59.06′ W. long.;
(154) 38°57.50′ N. lat., 123°57.32′ W. long.;
(155) 38°52.26′ N. lat., 123°56.18′ W. long.;
(156) 38°50.21′ N. lat., 123°55.48′ W. long.;
(157) 38°46.81′ N. lat., 123°51.49′ W. long.;
(158) 38°45.29′ N. lat., 123°51.55′ W. long.;
(159) 38°42.76′ N. lat., 123°49.73′ W. long.;
(160) 38°41.42′ N. lat., 123°47.45′ W. long.;
(161) 38°35.74′ N. lat., 123°43.82′ W. long.;
(162) 38°34.92′ N. lat., 123°42.53′ W. long.;
(163) 38°19.65′ N. lat., 123°31.95′ W. long.;
(164) 38°14.38′ N. lat., 123°25.51′ W. long.;
(165) 38°09.39′ N. lat., 123°24.40′ W. long.;
(166) 38°10.06′ N. lat., 123°26.84′ W. long.;
(167) 38°04.58′ N. lat., 123°31.91′ W. long.;
(168) 38°02.06′ N. lat., 123°31.26′ W. long.;
(169) 38°00.00′ N. lat., 123°29.56′ W. long.;
(170) 37°58.07′ N. lat., 123°27.21′ W. long.;
(171) 37°55.07′ N. lat., 123°27.20′ W. long.;
(172) 37°50.77′ N. lat., 123°24.52′ W. long.;
(173) 37°43.94′ N. lat., 123°11.49′ W. long.;
(174) 37°35.67′ N. lat., 123°02.23′ W. long.;

(175) 37°23.48′ N. lat., 122°57.77′ W. long.;
(176) 37°23.23′ N. lat., 122°53.85′ W. long.;
(177) 37°13.96′ N. lat., 122°49.97′ W. long.;
(178) 37°11.00′ N. lat., 122°45.68′ W. long.;
(179) 37°07.00′ N. lat., 122°43.37′ W. long.;
(180) 37°01.04′ N. lat., 122°37.94′ W. long.;
(181) 36°57.40′ N. lat., 122°28.36′ W. long.;
(182) 36°59.21′ N. lat., 122°25.64′ W. long.;
(183) 36°56.90′ N. lat., 122°25.42′ W. long.;
(184) 36°57.60′ N. lat., 122°21.95′ W. long.;
(185) 36°55.69′ N. lat., 122°22.32′ W. long.;
(186) 36°52.27′ N. lat., 122°13.17′ W. long.;
(187) 36°47.38′ N. lat., 122°07.62′ W. long.;
(188) 36°47.27′ N. lat., 122°03.77′ W. long.;
(189) 36°24.12′ N. lat., 121°59.74′ W. long.;
(190) 36°21.99′ N. lat., 122°01.01′ W. long.;
(191) 36°19.56′ N. lat., 122°05.88′ W. long.;
(192) 36°14.63′ N. lat., 122°01.10′ W. long.;
(193) 36°09.74′ N. lat., 121°45.01′ W. long.;
(194) 36°06.69′ N. lat., 121°40.77′ W. long.;
(195) 36°00.00′ N. lat., 121°36.01′ W. long.;
(196) 35°56.54′ N. lat., 121°33.27′ W. long.;
(197) 35°52.21′ N. lat., 121°32.46′ W. long.;
(198) 35°51.21′ N. lat., 121°30.94′ W. long.;
(199) 35°46.28′ N. lat., 121°30.29′ W. long.;
(200) 35°33.68′ N. lat., 121°20.09′ W. long.;
(201) 35°31.33′ N. lat., 121°15.22′ W. long.;
(202) 35°23.29′ N. lat., 121°11.41′ W. long.;
(203) 35°15.26′ N. lat., 121°04.49′ W. long.;
(204) 35°07.05′ N. lat., 121°00.26′ W. long.;
(205) 35°07.46′ N. lat., 120°57.10′ W. long.;
(206) 34°44.29′ N. lat., 120°54.28′ W. long.;
(207) 34°44.24′ N. lat., 120°57.69′ W. long.;
(208) 34°39.06′ N. lat., 120°55.01′ W. long.;
(209) 34°27.00′ N lat., 120°42.61′ W long.;
(210) 34°19.08′ N lat., 120°31.21′ W long.;
(211) 34°17.72′ N. lat., 120°19.26′ W. long.;
(212) 34°22.45′ N. lat., 120°12.81′ W. long.;
(213) 34°21.36′ N. lat., 119°54.88′ W. long.;
(214) 34°09.95′ N. lat., 119°46.18′ W. long.;
(215) 34°09.08′ N. lat., 119°57.53′ W. long.;
(216) 34°07.53′ N. lat., 120°06.35′ W. long.;
(217) 34°10.37′ N. lat., 120°18.40′ W. long.;
(218) 34°12.50′ N. lat., 120°18.40′ W. long.;
(219) 34°12.50′ N. lat., 120°24.96′ W. long.;
(220) 34°14.68′ N. lat., 120°29.48′ W. long.;
(221) 34°09.51′ N. lat., 120°38.32′ W. long.;
(222) 34°04.66′ N. lat., 120°36.29′ W. long.;
(223) 34°02.21′ N. lat., 120°36.29′ W. long.;
(224) 34°02.21′ N. lat., 120°34.65′ W. long.;
(225) 33°56.39′ N. lat., 120°28.47′ W. long.;
(226) 33°50.40′ N. lat., 120°10.00′ W. long.;
(227) 33°37.96′ N. lat., 120°00.08′ W. long.;
(228) 33°34.52′ N. lat., 119°51.84′ W. long.;
(229) 33°35.51′ N. lat., 119°48.49′ W. long.;
(230) 33°42.76′ N. lat., 119°47.77′ W. long.;
(231) 33°51.63′ N. lat., 119°53.00′ W. long.;
(232) 33°51.62′ N. lat., 119°48.00′ W. long.;
(233) 33°54.59′ N. lat., 119°48.00′ W. long.;

(234) 33°57.69′ N. lat., 119°31.00′ W. long.;
(235) 33°54.11′ N. lat., 119°31.00′ W. long.;
(236) 33°54.11′ N. lat., 119°26.00′ W. long.;
(237) 33°57.94′ N. lat., 119°26.00′ W. long.;
(238) 33°58.88′ N. lat., 119°20.06′ W. long.;
(239) 34°02.65′ N. lat., 119°15.11′ W. long.;
(240) 33°59.02′ N. lat., 119°02.99′ W. long.;
(241) 33°57.61′ N. lat., 118°42.07′ W. long.;
(242) 33°50.76′ N. lat., 118°37.98′ W. long.;
(243) 33°39.17′ N. lat., 118°18.47′ W. long.;
(244) 33°37.14′ N. lat., 118°18.39′ W. long.;
(245) 33°35.51′ N. lat., 118°18.03′ W. long.;
(246) 33°30.68′ N. lat., 118°10.35′ W. long.;
(247) 33°32.49′ N. lat., 117°51.85′ W. long.;
(248) 32°58.87′ N. lat., 117°20.36′ W. long.; and
(249) 32°35.56′ N. lat., 117°29.66′ W. long.

(m) The 250–fm (457–m) depth contour used between the U.S. border with Canada and the U.S. border with Mexico is defined by straight lines connecting all of the following points in the order stated:

(1) 48°14.71′ N. lat., 125°41.95′ W. long.;
(2) 48°13.00′ N. lat., 125°39.00′ W. long.;
(3) 48°10.00′ N. lat., 125°43.00′ W. long.;
(4) 48°08.50′ N. lat., 125°45.00′ W. long.;
(5) 48°06.00′ N. lat., 125°46.50′ W. long.;
(6) 48°03.50′ N. lat., 125°37.00′ W. long.;
(7) 48°01.50′ N. lat., 125°40.00′ W. long.;
(8) 47°57.00′ N. lat., 125°37.00′ W. long.;
(9) 47°55.20′ N. lat., 125°37.26′ W. long.;
(10) 47°54.02′ N. lat., 125°36.60′ W. long.;
(11) 47°53.70′ N. lat., 125°35.09′ W. long.;
(12) 47°54.16′ N. lat., 125°32.38′ W. long.;
(13) 47°55.50′ N. lat., 125°28.50′ W. long.;
(14) 47°58.00′ N. lat., 125°25.00′ W. long.;
(15) 48°00.50′ N. lat., 125°24.50′ W. long.;
(16) 48°03.50′ N. lat., 125°21.00′ W. long.;
(17) 48°02.00′ N. lat., 125°19.50′ W. long.;
(18) 48°00.00′ N. lat., 125°21.00′ W. long.;
(19) 47°58.00′ N. lat., 125°20.00′ W. long.;
(20) 47°58.00′ N. lat., 125°18.00′ W. long.;
(21) 47°52.00′ N. lat., 125°16.50′ W. long.;
(22) 47°46.00′ N. lat., 125°06.00′ W. long.;
(23) 47°44.50′ N. lat., 125°07.50′ W. long.;
(24) 47°42.00′ N. lat., 125°06.00′ W. long.;
(25) 47°37.96′ N. lat., 125°07.17′ W. long.;
(26) 47°28.00′ N. lat., 124°58.50′ W. long.;
(27) 47°28.88′ N. lat., 124°54.70′ W. long.;
(28) 47°27.70′ N. lat., 124°51.87′ W. long.;
(29) 47°24.84′ N. lat., 124°48.45′ W. long.;
(30) 47°21.76′ N. lat., 124°47.42′ W. long.;
(31) 47°18.84′ N. lat., 124°46.75′ W. long.;
(32) 47°19.82′ N. lat., 124°51.43′ W. long.;
(33) 47°18.13′ N. lat., 124°54.25′ W. long.;
(34) 47°13.50′ N. lat., 124°54.70′ W. long.;
(35) 47°15.00′ N. lat., 125°01.10′ W. long.;
(36) 47°08.77′ N. lat., 125°00.91′ W. long.;
(37) 47°05.80′ N. lat., 125°01.00′ W. long.;
(38) 47°03.34′ N. lat., 124°57.50′ W. long.;
(39) 47°01.00′ N. lat., 125°00.00′ W. long.;
(40) 46°55.00′ N. lat., 125°02.00′ W. long.;
(41) 46°53.32′ N. lat., 125°00.00′ W. long.;
(42) 46°51.55′ N. lat., 125°00.00′ W. long.;
(43) 46°50.80′ N. lat., 124°56.90′ W. long.;
(44) 46°47.00′ N. lat., 124°55.00′ W. long.;
(45) 46°38.17′ N. lat., 124°43.45′ W. long.;
(46) 46°34.00′ N. lat., 124°38.00′ W. long.;
(47) 46°30.50′ N. lat., 124°41.00′ W. long.;
(48) 46°33.00′ N. lat., 124°32.00′ W. long.;
(49) 46°29.00′ N. lat., 124°32.00′ W. long.;
(50) 46°20.00′ N. lat., 124°39.00′ W. long.;
(51) 46°18.16′ N. lat., 124°40.00′ W. long.;
(52) 46°16.00′ N. lat., 124°27.00′ W. long.;
(53) 46°16.00′ N. lat., 124°27.01′ W. long.;
(54) 46°15.00′ N. lat., 124°30.96′ W. long.;
(55) 46°13.17′ N. lat., 124°37.87′ W. long.;
(56) 46°13.17′ N. lat., 124°38.75′ W. long.;
(57) 46°10.50′ N. lat., 124°42.00′ W. long.;
(58) 46°06.21′ N. lat., 124°41.85′ W. long.;
(59) 46°03.02′ N. lat., 124°50.27′ W. long.;
(60) 45°57.00′ N. lat., 124°45.52′ W. long.;
(61) 45°46.85′ N. lat., 124°45.91′ W. long.;
(62) 45°46.00′ N. lat., 124°46.84′ W. long.;
(63) 45°45.81′ N. lat., 124°47.05′ W. long.;
(64) 45°44.87′ N. lat., 124°45.98′ W. long.;
(65) 45°43.44′ N. lat., 124°46.03′ W. long.;
(66) 45°35.82′ N. lat., 124°45.72′ W. long.;
(67) 45°35.70′ N. lat., 124°42.89′ W. long.;
(68) 45°24.45′ N. lat., 124°38.21′ W. long.;
(69) 45°11.68′ N. lat., 124°39.38′ W. long.;
(70) 45°03.83′ N. lat., 124°38.03′ W. long.;
(71) 44°57.94′ N. lat., 124°37.02′ W. long.;
(72) 44°44.28′ N. lat., 124°50.79′ W. long.;
(73) 44°32.63′ N. lat., 124°54.21′ W. long.;
(74) 44°23.36′ N. lat., 124°50.53′ W. long.;
(75) 44°13.30′ N. lat., 124°59.03′ W. long.;
(76) 43°57.85′ N. lat., 124°58.57′ W. long.;
(77) 43°50.12′ N. lat., 124°53.36′ W. long.;
(78) 43°49.53′ N. lat., 124°43.96′ W. long.;
(79) 43°42.76′ N. lat., 124°41.40′ W. long.;
(80) 43°24.00′ N. lat., 124°42.61′ W. long.;

(81) 43°20.83′ N. lat., 124°44.48′ W. long.;
(82) 43°19.74′ N. lat., 124°45.12′ W. long.;
(83) 43°19.62′ N. lat., 124°52.95′ W. long.;
(84) 43°17.41′ N. lat., 124°53.02′ W. long.;
(85) 42°56.41′ N. lat., 124°54.59′ W. long.;
(86) 42°53.82′ N. lat., 124°55.76′ W. long.;
(87) 42°53.54′ N. lat., 124°54.88′ W. long.;
(88) 42°50.00′ N. lat., 124°55.12′ W. long.;
(89) 42°49.26′ N. lat., 124°55.17′ W. long.;
(90) 42°46.74′ N. lat., 124°53.39′ W. long.;
(91) 42°43.76′ N. lat., 124°51.64′ W. long.;
(92) 42°45.41′ N. lat., 124°49.35′ W. long.;
(93) 42°43.92′ N. lat., 124°45.92′ W. long.;
(94) 42°40.50′ N. lat., 124°44.30′ W. long.;
(95) 42°38.84′ N. lat., 124°43.51′ W. long.;
(96) 42°34.78′ N. lat., 124°46.56′ W. long.;
(97) 42°31.47′ N. lat., 124°46.89′ W. long.;
(98) 42°31.59′ N. lat., 124°44.85′ W. long.;
(99) 42°31.12′ N. lat., 124°44.82′ W. long.;
(100) 42°28.48′ N. lat., 124°49.96′ W. long.;
(101) 42°26.28′ N. lat., 124°47.99′ W. long.;
(102) 42°19.58′ N. lat., 124°43.21′ W. long.;
(103) 42°13.75′ N. lat., 124°40.06′ W. long.;
(104) 42°05.12′ N. lat., 124°39.06′ W. long.;
(105) 42°00.00′ N. lat., 124°37.76′ W. long.;
(106) 41°47.93′ N. lat., 124°31.79′ W. long.;
(107) 41°21.35′ N. lat., 124°30.35′ W. long.;
(108) 41°07.11′ N. lat., 124°25.25′ W. long.;
(109) 40°57.37′ N. lat., 124°30.25′ W. long.;
(110) 40°48.77′ N. lat., 124°30.69′ W. long.;
(111) 40°41.03′ N. lat., 124°33.21′ W. long.;
(112) 40°37.40′ N. lat., 124°38.96′ W. long.;
(113) 40°33.70′ N. lat., 124°42.50′ W. long.;
(114) 40°31.31′ N. lat., 124°41.59′ W. long.;
(115) 40°30.00′ N. lat., 124°40.50′ W. long.;
(116) 40°25.00′ N. lat., 124°36.65′ W. long.;
(117) 40°22.42′ N. lat., 124°32.19′ W. long.;
(118) 40°17.17′ N. lat., 124°32.21′ W. long.;
(119) 40°18.68′ N. lat., 124°50.44′ W. long.;
(120) 40°13.55′ N. lat., 124°34.26′ W. long.;
(121) 40°10.00′ N. lat., 124°28.25′ W. long.;
(122) 40°06.72′ N. lat., 124°21.40′ W. long.;
(123) 40°01.63′ N. lat., 124°17.25′ W. long.;
(124) 40°00.68′ N. lat., 124°11.19′ W. long.;
(125) 39°59.09′ N. lat., 124°14.92′ W. long.;
(126) 39°56.44′ N. lat., 124°12.52′ W. long.;
(127) 39°54.98′ N. lat., 124°08.71′ W. long.;
(128) 39°52.60′ N. lat., 124°10.01′ W. long.;
(129) 39°37.37′ N. lat., 124°00.58′ W. long.;
(130) 39°32.41′ N. lat., 124°00.01′ W. long.;
(131) 39°05.40′ N. lat., 124°00.52′ W. long.;
(132) 39°04.32′ N. lat., 123°59.00′ W. long.;
(133) 38°58.02′ N. lat., 123°58.18′ W. long.;
(134) 38°57.50′ N. lat., 124°01.90′ W. long.;
(135) 38°50.27′ N. lat., 123°56.26′ W. long.;
(136) 38°46.73′ N. lat., 123°51.93′ W. long.;
(137) 38°44.64′ N. lat., 123°51.77′ W. long.;
(138) 38°32.97′ N. lat., 123°41.84′ W. long.;
(139) 38°14.56′ N. lat., 123°32.18′ W. long.;
(140) 38°13.85′ N. lat., 123°29.94′ W. long.;
(141) 38°11.88′ N. lat., 123°30.57′ W. long.;
(142) 38°08.72′ N. lat., 123°29.56′ W. long.;
(143) 38°05.62′ N. lat., 123°32.38′ W. long.;
(144) 38°01.90′ N. lat., 123°32.00′ W. long.;
(145) 38°00.00′ N. lat., 123°30.00′ W. long.;
(146) 37°58.07′ N. lat., 123°27.35′ W. long.;
(147) 37°54.97′ N. lat., 123°27.69′ W. long.;
(148) 37°51.32′ N. lat., 123°25.40′ W. long.;

(149) 37°43.82′ N. lat., 123°11.69′ W. long.;
(150) 37°35.67′ N. lat., 123°02.62′ W. long.;
(151) 37°11.00′ N. lat., 122°54.50′ W. long.;
(152) 37°07.00′ N. lat., 122°48.59′ W. long.;
(153) 36°59.99′ N. lat., 122°38.49′ W. long.;
(154) 36°56.64′ N. lat., 122°28.78′ W. long.;
(155) 36°58.93′ N. lat., 122°25.67′ W. long.;
(156) 36°56.19′ N. lat., 122°25.67′ W. long.;
(157) 36°57.09′ N. lat., 122°22.85′ W. long.;
(158) 36°54.95′ N. lat., 122°22.63′ W. long.;
(159) 36°52.25′ N. lat., 122°13.94′ W. long.;
(160) 36°46.94′ N. lat., 122°07.90′ W. long.;
(161) 36°46.86′ N. lat., 122°02.24′ W. long.;
(162) 36°43.73′ N. lat., 121°59.33′ W. long.;
(163) 36°38.93′ N. lat., 122°02.46′ W. long.;
(164) 36°30.77′ N. lat., 122°01.40′ W. long.;
(165) 36°23.78′ N. lat., 122°00.52′ W. long.;
(166) 36°19.98′ N. lat., 122°07.63′ W. long.;
(167) 36°15.36′ N. lat., 122°03.50′ W. long.;
(168) 36°09.47′ N. lat., 121°45.37′ W. long.;
(169) 36°06.42′ N. lat., 121°41.34′ W. long.;
(170) 36°00.00′ N. lat., 121°37.68′ W. long.;
(171) 35°52.25′ N. lat., 121°33.21′ W. long.;
(172) 35°51.09′ N. lat., 121°31.83′ W. long.;
(173) 35°46.47′ N. lat., 121°31.19′ W. long.;
(174) 35°33.97′ N. lat., 121°21.69′ W. long.;
(175) 35°30.94′ N. lat., 121°18.36′ W. long.;
(176) 35°23.08′ N. lat., 121°15.56′ W. long.;
(177) 35°13.67′ N. lat., 121°05.79′ W. long.;
(178) 35°06.77′ N. lat., 121°02.45′ W. long.;
(179) 34°53.32′ N. lat., 121°01.46′ W. long.;
(180) 34°49.36′ N. lat., 121°03.04′ W. long.;
(181) 34°44.12′ N. lat., 121°01.28′ W. long.;
(182) 34°32.38′ N. lat., 120°51.78′ W. long.;
(183) 34°27.00′ N. lat., 120°44.25′ W. long.;
(184) 34°17.93′ N. lat., 120°35.43′ W. long.;
(185) 34°16.02′ N. lat., 120°28.70′ W. long.;
(186) 34°09.84′ N. lat., 120°38.85′ W. long.;
(187) 34°03.22′ N. lat., 120°36.12′ W. long.;
(188) 33°55.98′ N. lat., 120°28.81′ W. long.;
(189) 33°49.88′ N. lat., 120°10.07′ W. long.;
(190) 33°37.75′ N. lat., 120°00.35′ W. long.;
(191) 33°33.91′ N. lat., 119°51.74′ W. long.;
(192) 33°35.07′ N. lat., 119°48.14′ W. long.;
(193) 33°42.60′ N. lat., 119°47.40′ W. long.;
(194) 33°53.25′ N. lat., 119°52.58′ W. long.;
(195) 33°57.48′ N. lat., 119°31.27′ W. long.;
(196) 33°55.47′ N. lat., 119°24.96′ W. long.;
(197) 33°57.60′ N. lat., 119°26.68′ W. long.;
(198) 33°58.68′ N. lat., 119°20.13′ W. long.;
(199) 34°02.02′ N. lat., 119°14.62′ W. long.;
(200) 33°58.73′ N. lat., 119°03.21′ W. long.;
(201) 33°57.33′ N. lat., 118°43.08′ W. long.;
(202) 33°50.71′ N. lat., 118°38.33′ W. long.;
(203) 33°39.27′ N. lat., 118°18.76′ W. long.;
(204) 33°35.16′ N. lat., 118°18.33′ W. long.;
(205) 33°28.82′ N. lat., 118°08.73′ W. long.;
(206) 33°31.44′ N. lat., 117°51.34′ W. long.;

(207) 32°58.76′ N. lat., 117°20.85′ W. long.; and

(208) 32°35.61′ N. lat., 117°30.15′ W. long.

(n) The 250–fm (457–m) depth contour used around San Clemente Island is defined by straight lines connecting all of the following points in the order stated:

(1) 33°06.10′ N. lat., 118°39.07′ W. long.;
(2) 33°05.31′ N. lat., 118°40.88′ W. long.;
(3) 33°03.03′ N. lat., 118°41.72′ W. long.;
(4) 32°46.62′ N. lat., 118°32.23′ W. long.;
(5) 32°40.81′ N. lat., 118°23.85′ W. long.;
(6) 32°47.55′ N. lat., 118°17.59′ W. long.;
(7) 32°57.35′ N. lat., 118°28.83′ W. long.;
(8) 33°02.79′ N. lat., 118°32.85′ W. long.; and
(9) 33°06.10′ N. lat., 118°39.07′ W. long.

(o) The 250–fm (457–m) depth contour used around Santa Catalina Island is defined by straight lines connecting all of the following points in the order stated:

(1) 33°13.37′ N. lat., 118°08.39′ W. long.;
(2) 33°20.86′ N. lat., 118°14.39′ W. long.;
(3) 33°26.49′ N. lat., 118°21.17′ W. long.;
(4) 33°28.14′ N. lat., 118°26.68′ W. long.;
(5) 33°30.36′ N. lat., 118°30.55′ W. long.;
(6) 33°31.65′ N. lat., 118°35.33′ W. long.;
(7) 33°32.89′ N. lat., 118°42.97′ W. long.;
(8) 33°32.64′ N. lat., 118°49.44′ W. long.;
(9) 33°38.02′ N. lat., 118°57.35′ W. long.;
(10) 33°37.08′ N. lat., 118°57.93′ W. long.;
(11) 33°30.76′ N. lat., 118°49.96′ W. long.;
(12) 33°23.24′ N. lat., 118°32.88′ W. long.;
(13) 33°20.91′ N. lat., 118°34.67′ W. long.;
(14) 33°17.04′ N. lat., 118°28.21′ W. long.; and
(15) 33°13.37′ N. lat., 118°08.39′ W. long.

(p) The 250–fm (457–m) depth contour used around Lasuen Knoll is defined by straight lines connecting all of the following points in the order stated:

(1) 33°26.76′ N. lat., 118°00.77′ W. long.;
(2) 33°25.30′ N. lat., 117°57.88′ W. long.;
(3) 33°23.37′ N. lat., 117°56.14′ W. long.;
(4) 33°22.06′ N. lat., 117°57.06′ W. long.;
(5) 33°22.85′ N. lat., 117°59.47′ W. long.;
(6) 33°23.97′ N. lat., 118°00.72′ W. long.;
(7) 33°25.98′ N. lat., 118°01.63′ W. long.; and
(8) 33°26.76′ N. lat., 118°00.77′ W. long.

(q) The 250–fm (457–m) depth contour used around San Diego Rise is defined by straight lines connecting all of the following points in the order stated:

(1) 32 °51.58′ N. lat., 117°51.00′ W. long.;
(2) 32°44.69′ N. lat., 117°44.55′ W. long.;
(3) 32°37.05′ N. lat., 117°42.02′ W. long.;
(4) 32°36.07′ N. lat., 117°44.29′ W. long.;
(5) 32°47.03′ N. lat., 117°50.97′ W. long.;
(6) 32°51.50′ N. lat., 117°51.47′ W. long.; and
(7) 32°51.58′ N. lat., 117°51.00′ W. long.

(r) The 250–fm (457–m) depth contour used between the U.S. border with Canada and the U.S. border with Mexico, modified to allow fishing in petrale sole areas, is defined by straight lines connecting all of the following points in the order stated:

(1) 48°14.71′ N. lat., 125°41.95′ W. long.;
(2) 48°13.00′ N. lat., 125°39.00′ W. long.;
(3) 48°10.00′ N. lat., 125°43.00′ W. long.;
(4) 48°08.50′ N. lat., 125°45.00′ W. long.;
(5) 48°06.00′ N. lat., 125°46.50′ W. long.;
(6) 48°03.50′ N. lat., 125°37.00′ W. long.;
(7) 48°01.50′ N. lat., 125°40.00′ W. long.;
(8) 47°57.00′ N. lat., 125°37.00′ W. long.;
(9) 47°55.50′ N. lat., 125°28.50′ W. long.;
(10) 47°58.00′ N. lat., 125°25.00′ W. long.;
(11) 48°00.50′ N. lat., 125°24.50′ W. long.;
(12) 48°03.50′ N. lat., 125°21.00′ W. long.;
(13) 48°02.00′ N. lat., 125°19.50′ W. long.;
(14) 48°00.00′ N. lat., 125°21.00′ W. long.;
(15) 47°58.00′ N. lat., 125°20.00′ W. long.;
(16) 47°58.00′ N. lat., 125°18.00′ W. long.;
(17) 47°52.00′ N. lat., 125°16.50′ W. long.;
(18) 47°46.00′ N. lat., 125°06.00′ W. long.;
(19) 47°44.50′ N. lat., 125°07.50′ W. long.;
(20) 47°42.00′ N. lat., 125°06.00′ W. long.;
(21) 47°37.96′ N. lat., 125°07.17′ W. long.;
(22) 47°28.00′ N. lat., 124°58.50′ W. long.;
(23) 47°28.88′ N. lat., 124°54.70′ W. long.;
(24) 47°27.70′ N. lat., 124°51.87′ W. long.;
(25) 47°24.84′ N. lat., 124°48.45′ W. long.;
(26) 47°21.76′ N. lat., 124°47.42′ W. long.;
(27) 47°18.84′ N. lat., 124°46.75′ W. long.;
(28) 47°19.82′ N. lat., 124°51.43′ W. long.;
(29) 47°18.13′ N. lat., 124°54.25′ W. long.;
(30) 47°13.50′ N. lat., 124°54.70′ W. long.;
(31) 47°15.00′ N. lat., 125°01.10′ W. long.;
(32) 47°08.77′ N. lat., 125°00.91′ W. long.;
(33) 47°05.80′ N. lat., 125°01.00′ W. long.;
(34) 47°03.34′ N. lat., 124°57.49′ W. long.;
(35) 47°01.00′ N. lat., 125°00.00′ W. long.;
(36) 46°55.00′ N. lat., 125°02.00′ W. long.;
(37) 46°53.32′ N. lat., 125°00.00′ W. long.;
(38) 46°51.55′ N. lat., 125°00.00′ W. long.;
(39) 46°50.80′ N. lat., 124°56.90′ W. long.;
(40) 46°47.00′ N. lat., 124°55.00′ W. long.;
(41) 46°38.17′ N. lat., 124°43.45′ W. long.;
(42) 46°34.00′ N. lat., 124°38.00′ W. long.;
(43) 46°30.50′ N. lat., 124°41.00′ W. long.;
(44) 46°33.00′ N. lat., 124°32.00′ W. long.;
(45) 46°29.00′ N. lat., 124°32.00′ W. long.;
(46) 46°20.00′ N. lat., 124°39.00′ W. long.;

(47) 46°18.16′ N. lat., 124°40.00′ W. long.;
(48) 46°16.00′ N. lat., 124°27.00′ W. long.;
(49) 46°15.00′ N. lat., 124°30.96′ W. long.;
(50) 46°13.17′ N. lat., 124°38.76′ W. long.;
(51) 46°10.51′ N. lat., 124°41.99′ W. long.;
(52) 46°06.24′ N. lat., 124°41.81′ W. long.;
(53) 46°03.04′ N. lat., 124°50.26′ W. long.;
(54) 45°56.99′ N. lat., 124°45.45′ W. long.;
(55) 45°49.94′ N. lat., 124°45.75′ W. long.;
(56) 45°49.94′ N. lat., 124°42.33′ W. long.;
(57) 45°46.00′ N. lat., 124°42.19′ W. long.;
(58) 45°45.73′ N. lat., 124°42.18′ W. long.;
(59) 45°45.73′ N. lat., 124°43.82′ W. long.;
(60) 45°41.94′ N. lat., 124°43.61′ W. long.;
(61) 45°41.58′ N. lat., 124°39.86′ W. long.;
(62) 45°38.45′ N. lat., 124°39.94′ W. long.;
(63) 45°35.75′ N. lat., 124°42.91′ W. long.;
(64) 45°24.49′ N. lat., 124°38.20′ W. long.;
(65) 45°14.43′ N. lat., 124°39.05′ W. long.;
(66) 45°14.30′ N. lat., 124°34.19′ W. long.;
(67) 45°08.98′ N. lat., 124°34.26′ W. long.;
(68) 45°09.02′ N. lat., 124°38.81′ W. long.;
(69) 45°03.83′ N. lat., 124°37.95′ W. long.;
(70) 44°57.98′ N. lat., 124°36.98′ W. long.;
(71) 44°56.62′ N. lat., 124°38.32′ W. long.;
(72) 44°50.82′ N. lat., 124°35.52′ W. long.;
(73) 44°46.89′ N. lat., 124°38.32′ W. long.;
(74) 44°50.78′ N. lat., 124°44.24′ W. long.;
(75) 44°44.27′ N. lat., 124°50.78′ W. long.;
(76) 44°32.63′ N. lat., 124°54.24′ W. long.;
(77) 44°23.25′ N. lat., 124°49.78′ W. long.;
(78) 44°13.16′ N. lat., 124°58.81′ W. long.;
(79) 43°57.88′ N. lat., 124°58.25′ W. long.;
(80) 43°56.89′ N. lat., 124°57.33′ W. long.;
(81) 43°53.41′ N. lat., 124°51.95′ W. long.;
(82) 43°51.56′ N. lat., 124°47.38′ W. long.;
(83) 43°51.49′ N. lat., 124°37.77′ W. long.;
(84) 43°48.02′ N. lat., 124°43.31′ W. long.;
(85) 43°42.77′ N. lat., 124°41.39′ W. long.;
(86) 43°24.09′ N. lat., 124°42.57′ W. long.;
(87) 43°20.83′ N. lat., 124°44.45′ W. long.;
(88) 43°19.73′ N. lat., 124°45.09′ W. long.;
(89) 43°15.98′ N. lat., 124°47.76′ W. long.;
(90) 43°04.14′ N. lat., 124°52.55′ W. long.;
(91) 43°04.00′ N. lat., 124°53.88′ W. long.;
(92) 42°54.69′ N. lat., 124°54.54′ W. long.;
(93) 42°50.00′ N. lat., 124°51.91′ W. long.;
(94) 42°45.46′ N. lat., 124°49.37′ W. long.;
(95) 42°43.91′ N. lat., 124°45.90′ W. long.;
(96) 42°40.50′ N. lat., 124°44.19′ W. long.;
(97) 42°38.84′ N. lat., 124°43.36′ W. long.;
(98) 42°34.82′ N. lat., 124°46.56′ W. long.;
(99) 42°31.57′ N. lat., 124°46.86′ W. long.;
(100) 42°30.98′ N. lat., 124°44.27′ W. long.;
(101) 42°29.21′ N. lat., 124°46.93′ W. long.;
(102) 42°28.52′ N. lat., 124°49.40′ W. long.;
(103) 42°26.06′ N. lat., 124°46.61′ W. long.;
(104) 42°21.82′ N. lat., 124°43.76′ W. long.;
(105) 42°17.47′ N. lat., 124°38.89′ W. long.;
(106) 42°13.67′ N. lat., 124°37.51′ W. long.;
(107) 42°13.76′ N. lat., 124°40.03′ W. long.;
(108) 42°05.12′ N. lat., 124°39.06′ W. long.;
(109) 42°02.67′ N. lat., 124°38.41′ W. long.;
(110) 42°02.67′ N. lat., 124°35.95′ W. long.;
(111) 42°00.00′ N. lat., 124°36.83′ W. long.;
(112) 41°47.79′ N. lat., 124°29.48′ W. long.;
(113) 41°21.01′ N. lat., 124°29.01′ W. long.;
(114) 41°13.50′ N. lat., 124°24.40′ W. long.;
(115) 41°11.00′ N. lat., 124°22.99′ W. long.;
(116) 41°06.69′ N. lat., 124°23.30′ W. long.;
(117) 40°54.73′ N. lat., 124°28.15′ W. long.;
(118) 40°53.95′ N. lat., 124°26.04′ W. long.;
(119) 40°50.27′ N. lat., 124°26.20′ W. long.;
(120) 40°44.49′ N. lat., 124°30.81′ W. long.;
(121) 40°40.63′ N. lat., 124°32.14′ W. long.;
(122) 40°38.96′ N. lat., 124°30.04′ W. long.;
(123) 40°35.67′ N. lat., 124°30.43′ W. long.;
(124) 40°37.41′ N. lat., 124°37.06′ W. long.;
(125) 40°36.09′ N. lat., 124°40.11′ W. long.;
(126) 40°31.35′ N. lat., 124°40.98′ W. long.;
(127) 40°30.00′ N. lat., 124°37.48′ W. long.;
(128) 40°27.34′ N. lat., 124°37.28′ W. long.;
(129) 40°25.01′ N. lat., 124°36.36′ W. long.;
(130) 40°22.28′ N. lat., 124°31.83′ W. long.;
(131) 40°13.68′ N. lat., 124°33.10′ W. long.;

(132) 40°10.00′ N. lat., 124°24.55′ W. long.;
(133) 40°06.45′ N. lat., 124°19.24′ W. long.;
(134) 40°07.08′ N. lat., 124°17.80′ W. long.;
(135) 40°05.55′ N. lat., 124°18.11′ W. long.;
(136) 40°04.74′ N. lat., 124°18.11′ W. long.;
(137) 40°02.35′ N. lat., 124°16.53′ W. long.;
(138) 40°01.13′ N. lat., 124°12.98′ W. long.;
(139) 40°01.52′ N. lat., 124°09.83′ W. long.;
(140) 39°58.54′ N. lat., 124°12.43′ W. long.;
(141) 39°55.72′ N. lat., 124°07.44′ W. long.;
(142) 39°42.64′ N. lat., 124°02.52′ W. long.;
(143) 39°35.96′ N. lat., 123°59.47′ W. long.;
(144) 39°34.61′ N. lat., 123°59.58′ W. long.;
(145) 39°33.79′ N. lat., 123°56.77′ W. long.;
(146) 39°33.03′ N. lat., 123°57.06′ W. long.;
(147) 39°32.21′ N. lat., 123°59.12′ W. long.;
(148) 39°07.81′ N. lat., 123°59.06′ W. long.;
(149) 38°57.50′ N. lat., 123°57.25′ W. long.;
(150) 38°52.26′ N. lat., 123°56.18′ W. long.;
(151) 38°50.21′ N. lat., 123°55.48′ W. long.;
(152) 38°46.81′ N. lat., 123°51.49′ W. long.;
(153) 38°45.29′ N. lat., 123°51.55′ W. long.;
(154) 38°42.76′ N. lat., 123°49.73′ W. long.;
(155) 38°41.26′ N. lat., 123°47.28′ W. long.;
(156) 38°35.75′ N. lat., 123°43.76′ W. long.;
(157) 38°34.93′ N. lat., 123°42.46′ W. long.;
(158) 38°19.95′ N. lat., 123°32.90′ W. long.;
(159) 38°14.38′ N. lat., 123°25.51′ W. long.;
(160) 38°09.39′ N. lat., 123°24.39′ W. long.;
(161) 38°10.18′ N. lat., 123°27.11′ W. long.;
(162) 38°04.64′ N. lat., 123°31.97′ W. long.;
(163) 38°02.06′ N. lat., 123°31.26′ W. long.;
(164) 38°00.00′ N. lat., 123°29.64′ W. long.;
(165) 37°58.19′ N. lat., 123°27.40′ W. long.;
(166) 37°50.62′ N. lat., 123°24.51′ W. long.;
(167) 37°43.82′ N. lat., 123°11.69′ W. long.;
(168) 37°35.67′ N. lat., 123°02.62′ W. long.;
(169) 37°23.53′ N. lat., 122°58.65′ W. long.;
(170) 37°23.23′ N. lat., 122°53.78′ W. long.;
(171) 37°13.97′ N. lat., 122°49.91′ W. long.;
(172) 37°11.00′ N. lat., 122°45.61′ W. long.;
(173) 37°07.00′ N. lat., 122°44.76′ W. long.;
(174) 36°59.99′ N. lat., 122°38.49′ W. long.;
(175) 36°56.64′ N. lat., 122°28.78′ W. long.;
(176) 36°58.93′ N. lat., 122°25.67′ W. long.;
(177) 36°56.19′ N. lat., 122°25.67′ W. long.;
(178) 36°57.09′ N. lat., 122°22.85′ W. long.;
(179) 36°54.95′ N. lat., 122°22.63′ W. long.;
(180) 36°52.25′ N. lat., 122°13.94′ W. long.;
(181) 36°46.94′ N. lat., 122°07.90′ W. long.;
(182) 36°47.12′ N. lat., 122°03.99′ W. long.;
(183) 36°23.87′ N. lat., 122°00.00′ W. long.;
(184) 36°22.17′ N. lat., 122°01.19′ W. long.;
(185) 36°19.61′ N. lat., 122°06.29′ W. long.;
(186) 36°14.73′ N. lat., 122°01.55′ W. long.;
(187) 36°09.47′ N. lat., 121°45.37′ W. long.;
(188) 36°06.42′ N. lat., 121°41.34′ W. long.;
(189) 36°00.07′ N. lat., 121°37.68′ W. long.;

(190) 36°00.00′ N. lat., 121°37.66′ W. long.;
(191) 35°52.25′ N. lat., 121°33.21′ W. long.;
(192) 35°51.09′ N. lat., 121°31.83′ W. long.;
(193) 35°46.47′ N. lat., 121°31.19′ W. long.;
(194) 35°33.97′ N. lat., 121°21.69′ W. long.;
(195) 35°30.94′ N. lat., 121°18.36′ W. long.;
(196) 35°23.08′ N. lat., 121°15.56′ W. long.;
(197) 35°13.67′ N. lat., 121°05.79′ W. long.;
(198) 35°06.77′ N. lat., 121°02.45′ W. long.;
(199) 35°07.46′ N. lat., 120°57.10′ W. long.;
(200) 34°44.29′ N. lat., 120°54.28′ W. long.;
(201) 34°44.24′ N. lat., 120°57.62′ W. long.;
(202) 34°41.65′ N. lat., 120°59.54′ W. long.;
(203) 34°27.00′ N. lat., 120°44.25′ W. long.;
(204) 34°17.97′ N. lat., 120°35.54′ W. long.;
(205) 34°16.02′ N. lat., 120°28.70′ W. long.;
(206) 34°09.84′ N. lat., 120°38.85′ W. long.;
(207) 34°02.21′ N. lat., 120°36.23′ W. long.;
(208) 33°55.98′ N. lat., 120°28.81′ W. long.;
(209) 33°49.88′ N. lat., 120°10.07′ W. long.;
(210) 33°37.75′ N. lat., 120°00.35′ W. long.;
(211) 33°33.91′ N. lat., 119°51.74′ W. long.;
(212) 33°35.07′ N. lat., 119°48.14′ W. long.;
(213) 33°42.60′ N. lat., 119°47.40′ W. long.;
(214) 33°51.63′ N. lat., 119°52.35′ W. long.;
(215) 33°51.62′ N. lat., 119°47.94′ W. long.;
(216) 33°54.29′ N. lat., 119°47.94′ W. long.;
(217) 33°57.52′ N. lat., 119°30.94′ W. long.;
(218) 33°54.11′ N. lat., 119°30.94′ W. long.;
(219) 33°54.11′ N. lat., 119°25.94′ W. long.;
(220) 33°57.74′ N. lat., 119°25.94′ W. long.;
(221) 33°58.68′ N. lat., 119°20.13′ W. long.;
(222) 34°02.02′ N. lat., 119°14.62′ W. long.;
(223) 33°58.73′ N. lat., 119°03.21′ W. long.;
(224) 33°57.33′ N. lat., 118°43.08′ W. long.;
(225) 33°50.71′ N. lat., 118°38.33′ W. long.;
(226) 33°39.27′ N. lat., 118°18.76′ W. long.;
(227) 33°35.16′ N. lat., 118°18.33′ W. long.;
(228) 33°28.82′ N. lat., 118°08.73′ W. long.;
(229) 33°31.44′ N. lat., 117°51.34′ W. long.;
(230) 32°58.76′ N. lat., 117°20.85′ W. long.; and
(231) 32°35.61′ N. lat., 117°30.15′ W. long.

[69 FR 77069, Dec. 23, 2004; 70 FR 13119, Mar. 18, 2005, as amended at 70 FR 16149, Mar. 30, 2005; 71 FR 78687, Dec. 29, 2006; 72 FR 13045, Mar. 20, 2007; 72 FR 53167, Sept. 18, 2007; 74 FR 9911, Mar. 6, 2009. Redesignated at 75 FR 60995, Oct. 1, 2010; 76 FR 27531, May 11, 2011; 76 FR 54714, Sept. 2, 2011; 78 FR 589, Jan. 3, 2013; 80 FR 12573, Mar. 10, 2015; 84 FR 63974, Nov. 19, 2019]

### § 660.75 Essential Fish Habitat (EFH).

Essential fish habitat (EFH) is defined as those waters and substrate necessary to fish for spawning, breeding, feeding or growth to maturity (16 U.S.C. 1802 (10)). EFH for Pacific Coast Groundfish includes all waters and substrate within areas with a depth less than or equal to 3,500 m (1,914 fm) shoreward to the mean higher high water level or the upriver extent of saltwater intrusion (defined as upstream and landward to where ocean-derived salts measure less than 0.5 parts per thousand during the period of average annual low flow). Seamounts in depths greater than 3,500 m (1,914 fm) are also included due to their ecological importance to groundfish. Geographically, EFH for Pacific Coast groundfish includes both a large band of marine waters that extends from the Northern edge of the EEZ at the U.S. border with Canada to the Southern

edge of the EEZ at the U.S. border with Mexico, and inland within bays and estuaries. The seaward extent of EFH is consistent with the westward edge of the EEZ for areas approximately north of Cape Mendocino. Approximately south of Cape Mendocino, the 3500 m depth contour and EFH is substantially shoreward of the seaward boundary of the EEZ. There are also numerous discrete areas seaward of the main 3500 m depth contour where the ocean floor rises to depths less than 3500 m and therefore are also EFH. The seaward boundary of EFH and additional areas of EFH are defined by straight lines connecting a series of latitude and longitude coordinates in §§ 660.76 through 660.79.

(a) The seaward boundary of EFH, with the exception of the areas in paragraphs (b) through (qq), is bounded by the EEZ combined with a straight line connecting all of the following points in the order stated:

(1) 40°18.17′ N. lat., 128°46.72′ W. long.;
(2) 40°17.33′ N. lat., 125°58.62′ W. long.;
(3) 39°59.10′ N. lat., 125°44.13′ W. long.;
(4) 39°44.99′ N. lat., 125°41.63′ W. long.;
(5) 39°29.98′ N. lat., 125°23.86′ W. long.;
(6) 39°08.46′ N. lat., 125°38.17′ W. long.;
(7) 38°58.71′ N. lat., 125°22.33′ W. long.;
(8) 38°33.22′ N. lat., 125°16.82′ W. long.;
(9) 38°50.47′ N. lat., 124°53.20′ W. long.;
(10) 38°51.66′ N. lat., 124°35.15′ W. long.;
(11) 37°48.74′ N. lat., 123°53.79′ W. long.;
(12) 37°45.53′ N. lat., 124°03.18′ W. long.;
(13) 37°05.55′ N. lat., 123°46.18′ W. long.;
(14) 36°41.37′ N. lat., 123°25.16′ W. long.;
(15) 36°24.44′ N. lat., 123°25.03′ W. long.;
(16) 36°10.47′ N. lat., 123°31.11′ W. long.;
(17) 35°57.97′ N. lat., 123°21.33′ W. long.;
(18) 36°05.20′ N. lat., 123°15.17′ W. long.;
(19) 36°01.23′ N. lat., 123°04.04′ W. long.;
(20) 35°29.75′ N. lat., 123°02.44′ W. long.;
(21) 35°22.25′ N. lat., 122°58.24′ W. long.;
(22) 35°21.91′ N. lat., 122°34.83′ W. long.;
(23) 35°34.35′ N. lat., 122°25.83′ W. long.;
(24) 34°57.35′ N. lat., 122°07.03′ W. long.;
(25) 34°20.19′ N. lat., 121°33.92′ W. long.;
(26) 33°55.10′ N. lat., 121°43.15′ W. long.;
(27) 33°39.65′ N. lat., 121°28.35′ W. long.;
(28) 33°40.68′ N. lat., 121°23.06′ W. long.;
(29) 33°26.19′ N. lat., 121°06.16′ W. long.;
(30) 33°03.77′ N. lat., 121°34.33′ W. long.;
(31) 32°46.38′ N. lat., 121°02.84′ W. long.;
(32) 33°05.45′ N. lat., 120°40.71′ W. long.;
(33) 32°12.70′ N. lat., 120°10.85′ W. long.;
(34) 32°11.36′ N. lat., 120°03.19′ W. long.;
(35) 32°00.77′ N. lat., 119°50.68′ W. long.;
(36) 31°52.47′ N. lat., 119°48.11′ W. long.;
(37) 31°45.43′ N. lat., 119°40.89′ W. long.;
(38) 31°41.96′ N. lat., 119°28.57′ W. long.;
(39) 31°35.10′ N. lat., 119°33.50′ W. long.;
(40) 31°24.37′ N. lat., 119°29.61′ W. long.;
(41) 31°26.74′ N. lat., 119°18.47′ W. long.;
(42) 31°03.75′ N. lat., 118°59.58′ W. long.

(b) This area of EFH is bounded by straight lines connecting all of the following points in the order stated:

(1) 31°11.94′ N. lat., 121°57.84′ W. long.;
(2) 31°06.87′ N. lat., 121°57.42′ W. long.;
(3) 31°06.29′ N. lat., 122°09.22′ W. long.;
(4) 31°11.39′ N. lat., 122°09.10′ W. long.;

and connecting back to 31°11.94′ N. lat., 121°57.84′ W. long.

(c) This area of EFH is bounded by straight lines connecting all of the following points in the order stated:

(1) 31°11.21′ N. lat., 122°10.24′ W. long.;
(2) 31°07.62′ N. lat., 122°09.62′ W. long.;
(3) 31°07.40′ N. lat., 122°19.34′ W. long.;
(4) 31°12.84′ N. lat., 122°18.82′ W. long.;

and connecting back to 31°11.21′ N. lat., 122°10.24′ W. long.

(d) This area of EFH is bounded by straight lines connecting all of the following points in the order stated:

(1) 31°06.87′ N. lat., 119°28.05′ W. long.;
(2) 30°58.83′ N. lat., 119°26.74′ W. long.;
(3) 30°55.41′ N. lat., 119°45.63′ W. long.;
(4) 31°05.90′ N. lat., 119°42.05′ W. long.;

and connecting back to 31°06.87′ N. lat., 119°28.05′ W. long.

(e) This area of EFH is bounded by straight lines connecting all of the following points in the order stated:

(1) 31°02.05′ N. lat., 119°08.97′ W. long.;
(2) 31°04.96′ N. lat., 119°09.96′ W. long.;
(3) 31°06.24′ N. lat., 119°07.45′ W. long.;
(4) 31°02.63′ N. lat., 119°05.77′ W. long.;

and connecting back to 31°02.05′ N. lat., 119°08.97′ W. long.

(f) This area of EFH is bounded by straight lines connecting all of the following points in the order stated:

(1) 31°23.41′ N. lat., 122°23.99′ W. long.;
(2) 31°25.98′ N. lat., 122°23.67′ W. long.;
(3) 31°25.52′ N. lat., 122°21.95′ W. long.;
(4) 31°23.51′ N. lat., 122°21.98′ W. long.;

and connecting back to 31°23.41′ N. lat., 122°23.99′ W. long.

(g) This area of EFH is bounded by straight lines connecting all of the following points in the order stated:

(1) 31°21.95′ N. lat., 122°25.05′ W. long.;
(2) 31°23.31′ N. lat., 122°27.73′ W. long.;
(3) 31°26.63′ N. lat., 122°27.64′ W. long.;

(4) 31°26.72′ N. lat., 122°25.23′ W. long.;
and connecting back to 31°21.95′ N. lat., 122°25.05′ W. long.

(h) This area of EFH is bounded by straight lines connecting all of the following points in the order stated:
(1) 31°21.36′ N. lat., 119°47.67′ W. long.;
(2) 31°29.17′ N. lat., 119°48.51′ W. long.;
(3) 31°29.48′ N. lat., 119°43.20′ W. long.;
(4) 31°21.92′ N. lat., 119°40.68′ W. long.;
and connecting back to 31°21.36′ N. lat., 119°47.67′ W. long.

(i) This area of EFH is bounded by straight lines connecting all of the following points in the order stated:
(1) 31°37.36′ N. lat., 122°20.86′ W. long.;
(2) 31°41.22′ N. lat., 122°21.35′ W. long.;
(3) 31°42.68′ N. lat., 122°18.80′ W. long.;
(4) 31°39.71′ N. lat., 122°15.99′ W. long.;
and connecting back to 31°37.36′ N. lat., 122°20.86′ W. long.

(j) This area of EFH is bounded by straight lines connecting all of the following points in the order stated:
(1) 31°45.92′ N. lat., 121°40.55′ W. long.;
(2) 31°48.79′ N. lat., 121°40.52′ W. long.;
(3) 31°48.61′ N. lat., 121°37.65′ W. long.;
(4) 31°45.93′ N. lat., 121°38.00′ W. long.;
and connecting back to 31°45.92′ N. lat., 121°40.55′ W. long.

(k) This area of EFH is bounded by straight lines connecting all of the following points in the order stated:
(1) 31°36.78′ N. lat., 120°54.41′ W. long.;
(2) 31°44.65′ N. lat., 120°58.01′ W. long.;
(3) 31°48.56′ N. lat., 120°43.25′ W. long.;
(4) 31°41.76′ N. lat., 120°41.50′ W. long.;
and connecting back to 31°36.78′ N. lat., 120°54.41′ W. long.

(l) This area of EFH is bounded by straight lines connecting all of the following points in the order stated:
(1) 31°45.66′ N. lat., 123°17.00′ W. long.;
(2) 31°49.43′ N. lat., 123°19.89′ W. long.;
(3) 31°54.54′ N. lat., 123°14.91′ W. long.;
(4) 31°50.88′ N. lat., 123°13.17′ W. long.;
and connecting back to 31°45.66′ N. lat., 123°17.00′ W. long.

(m) This area of EFH is bounded by straight lines connecting all of the following points in the order stated:
(1) 31°55.28′ N. lat., 121°02.98′ W. long.;
(2) 31°58.25′ N. lat., 121°05.08′ W. long.;
(3) 31°59.77′ N. lat., 121°00.37′ W. long.;
(4) 31°57.88′ N. lat., 120°57.23′ W. long.;
and connecting back to 31°55.28′ N. lat., 121°02.98′ W. long.

(n) This area of EFH is bounded by straight lines connecting all of the following points in the order stated:
(1) 32°06.04′ N. lat., 121°29.08′ W. long.;
(2) 31°59.52′ N. lat., 121°23.10′ W. long.;
(3) 31°54.55′ N. lat., 121°31.53′ W. long.;
(4) 32°01.66′ N. lat., 121°38.38′ W. long.;
and connecting back to 32°06.04′ N. lat., 121°29.08′ W. long.

(o) This area of EFH is bounded by straight lines connecting all of the following points in the order stated:
(1) 31°59.89′ N. lat., 119°54.82′ W. long.;
(2) 31°59.69′ N. lat., 120°03.96′ W. long.;
(3) 32°04.47′ N. lat., 120°00.09′ W. long.;
and connecting back to 31°59.89′ N. lat., 119°54.82′ W. long.

(p) This area of EFH is bounded by straight lines connecting all of the following points in the order stated:
(1) 31°59.49′ N. lat., 121°18.59′ W. long.;
(2) 32°08.15′ N. lat., 121°22.16′ W. long.;
(3) 32°12.16′ N. lat., 121°14.64′ W. long.;
(4) 32°04.15′ N. lat., 121°08.61′ W. long.;
and connecting back to 31°59.49′ N. lat., 121°18.59′ W. long.

(q) This area of EFH is bounded by straight lines connecting all of the following points in the order stated:
(1) 32°07.77′ N. lat., 121°46.26′ W. long.;
(2) 32°05.89′ N. lat., 121°38.01′ W. long.;
(3) 31°59.35′ N. lat., 121°52.10′ W. long.;
(4) 32°08.86′ N. lat., 121°52.13′ W. long.;
(5) 32°19.76′ N. lat., 121°43.70′ W. long.;
(6) 32°14.85′ N. lat., 121°37.16′ W. long.;
and connecting back to 32°07.77′ N. lat., 121°46.26′ W. long.

(r) This area of EFH is bounded by straight lines connecting all of the following points in the order stated:
(1) 32°17.08′ N. lat., 121°11.84′ W. long.;
(2) 32°18.96′ N. lat., 121°14.15′ W. long.;
(3) 32°23.03′ N. lat., 121°10.52′ W. long.;
(4) 32°21.23′ N. lat., 121°08.53′ W. long.;
and connecting back to 32°17.08′ N. lat., 121°11.84′ W. long.

(s) This area of EFH is bounded by straight lines connecting all of the following points in the order stated:
(1) 32°27.64′ N. lat., 121°27.83′ W. long.;
(2) 32°15.43′ N. lat., 121°23.89′ W. long.;
(3) 32°16.18′ N. lat., 121°30.67′ W. long.;
(4) 32°25.80′ N. lat., 121°33.08′ W. long.;
and connecting back to 32°27.64′ N. lat., 121°27.83′ W. long.

(t) This area of EFH is bounded by straight lines connecting all of the following points in the order stated:
(1) 32°28.05′ N. lat., 122°03.54′ W. long.;
(2) 32°30.64′ N. lat., 122°06.11′ W. long.;
(3) 32°35.90′ N. lat., 121°59.61′ W. long.;
(4) 32°32.05′ N. lat., 121°54.66′ W. long.;

and connecting back to 32°28.05′ N. lat., 122°03.54′ W. long.

(u) This area of EFH is bounded by straight lines connecting all of the following points in the order stated:

(1) 32°44.69′ N. lat., 121°39.99′ W. long.;
(2) 32°43.72′ N. lat., 121°43.03′ W. long.;
(3) 32°47.31′ N. lat., 121°43.91′ W. long.;
(4) 32°48.21′ N. lat., 121°40.74′ W. long.;

and connecting back to 32°44.69′ N. lat., 121°39.99′ W. long.

(v) This area of EFH is bounded by straight lines connecting all of the following points in the order stated:

(1) 32°48.07′ N. lat., 121°15.86′ W. long.;
(2) 32°36.99′ N. lat., 121°20.21′ W. long.;
(3) 32°25.33′ N. lat., 121°38.31′ W. long.;
(4) 32°34.03′ N. lat., 121°44.05′ W. long.;
(5) 32°43.19′ N. lat., 121°41.58′ W. long.;

and connecting back to 32°48.07′ N. lat., 121°15.86′ W. long.

(w) This area of EFH is bounded by straight lines connecting all of the following points in the order stated:

(1) 32°48.38′ N. lat., 120°47.95′ W. long.;
(2) 32°47.49′ N. lat., 120°41.50′ W. long.;
(3) 32°43.79′ N. lat., 120°42.01′ W. long.;
(4) 32°44.01′ N. lat., 120°48.79′ W. long.;

and connecting back to 32°48.38′ N. lat., 120°47.95′ W. long.

(x) This area of EFH is bounded by straight lines connecting all of the following points in the order stated:

(1) 33°08.71′ N. lat., 121°41.24′ W. long.;
(2) 33°00.10′ N. lat., 121°37.67′ W. long.;
(3) 33°01.01′ N. lat., 121°45.93′ W. long.;
(4) 33°07.71′ N. lat., 121°46.31′ W. long.;

and connecting back to 33°08.71′ N. lat., 121°41.24′ W. long.

(y) This area of EFH is bounded by straight lines connecting all of the following points in the order stated:

(1) 33°19.30′ N. lat., 121°54.69′ W. long.;
(2) 33°11.41′ N. lat., 121°47.26′ W. long.;
(3) 32°56.93′ N. lat., 121°54.41′ W. long.;
(4) 33°03.85′ N. lat., 122°03.52′ W. long.;
(5) 33°17.73′ N. lat., 122°00.05′ W. long.;

and connecting back to 33°19.30′ N. lat., 121°54.69′ W. long.

(z) This area of EFH is bounded by straight lines connecting all of the following points in the order stated:

(1) 33°23.67′ N. lat., 123°04.28′ W. long.;
(2) 33°22.88′ N. lat., 123°04.93′ W. long.;
(3) 33°23.66′ N. lat., 123°05.77′ W. long.;
(4) 33°24.30′ N. lat., 123°04.90′ W. long.;

and connecting back to 33°23.67′ N. lat., 123°04.28′ W. long.

(aa) This area of EFH is bounded by straight lines connecting all of the following points in the order stated:

(1) 33°26.06′ N. lat., 121°44.42′ W. long.;
(2) 33°32.00′ N. lat., 121°41.61′ W. long.;
(3) 33°28.80′ N. lat., 121°26.92′ W. long.;
(4) 33°23.50′ N. lat., 121°26.92′ W. long.;

and connecting back to 33°26.06′ N. lat., 121°44.42′ W. long.

(bb) This area of EFH is bounded by straight lines connecting all of the following points in the order stated:

(1) 33°38.22′ N. lat., 123°56.91′ W. long.;
(2) 33°39.58′ N. lat., 123°58.56′ W. long.;
(3) 33°41.37′ N. lat., 123°57.22′ W. long.;
(4) 33°40.08′ N. lat., 123°55.14′ W. long.;

and connecting back to 33°38.22′ N. lat., 123°56.91′ W. long.

(cc) This area of EFH is bounded by straight lines connecting all of the following points in the order stated:

(1) 33°46.86′ N. lat., 121°58.49′ W. long.;
(2) 33°41.28′ N. lat., 121°52.80′ W. long.;
(3) 33°36.95′ N. lat., 121°54.42′ W. long.;
(4) 33°42.05′ N. lat., 122°07.48′ W. long.;
(5) 33°47.07′ N. lat., 122°05.71′ W. long.;

and connecting back to 33°46.86′ N. lat., 121°58.49′ W. long.

(dd) This area of EFH is bounded by straight lines connecting all of the following points in the order stated:

(1) 34°17.70′ N. lat., 124°11.04′ W. long.;
(2) 34°19.41′ N. lat., 124°14.12′ W. long.;
(3) 34°21.61′ N. lat., 124°12.89′ W. long.;
(4) 34°20.35′ N. lat., 124°09.11′ W. long.;

and connecting back to 34°17.70′ N. lat., 124°11.04′ W. long.

(ee) This area of EFH is bounded by straight lines connecting all of the following points in the order stated:

(1) 34°13.39′ N. lat., 124°03.18′ W. long.;
(2) 34°19.45′ N. lat., 124°09.21′ W. long.;
(3) 34°23.12′ N. lat., 124°05.49′ W. long.;
(4) 34°17.93′ N. lat., 123°57.87′ W. long.;

and connecting back to 34°13.39′ N. lat., 124°03.18′ W. long.

(ff) This area of EFH is bounded by straight lines connecting all of the following points in the order stated:

(1) 35°19.23′ N. lat., 122°39.91′ W. long.;
(2) 35°08.76′ N. lat., 122°23.83′ W. long.;
(3) 35°06.22′ N. lat., 122°28.09′ W. long.;
(4) 35°15.81′ N. lat., 122°45.90′ W. long.;

and connecting back to 35°19.23′ N. lat., 122°39.91′ W. long.

(gg) This area of EFH is bounded by straight lines connecting all of the following points in the order stated:

(1) 35°25.81′ N. lat., 123°24.05′ W. long.;

(2) 35°21.76′ N. lat., 123°23.47′ W. long.;
(3) 35°21.05′ N. lat., 123°27.22′ W. long.;
(4) 35°24.89′ N. lat., 123°28.49′ W. long.;
and connecting back to 35°25.81′ N. lat., 123°24.05′ W. long.

(hh) This area of EFH is bounded by straight lines connecting all of the following points in the order stated:
(1) 35°27.15′ N. lat., 125°03.69′ W. long.;
(2) 35°28.68′ N. lat., 125°04.86′ W. long.;
(3) 35°30.23′ N. lat., 125°02.59′ W. long.;
(4) 35°28.85′ N. lat., 125°01.48′ W. long.;
and connecting back to 35°27.15′ N. lat., 125°03.69′ W. long.

(ii) This area of EFH is bounded by straight lines connecting all of the following points in the order stated:
(1) 35°31.14′ N. lat., 123°52.80′ W. long.;
(2) 35°31.38′ N. lat., 123°54.83′ W. long.;
(3) 35°32.98′ N. lat., 123°53.80′ W. long.;
and connecting back to 35°31.14′ N. lat., 123°52.80′ W. long.

(jj) This area of EFH is bounded by straight lines connecting all of the following points in the order stated:
(1) 35°24.08′ N. lat., 123°40.83′ W. long.;
(2) 35°24.76′ N. lat., 123°45.92′ W. long.;
(3) 35°33.04′ N. lat., 123°44.92′ W. long.;
(4) 35°32.24′ N. lat., 123°39.16′ W. long.;
and connecting back to 35°24.08′ N. lat., 123°40.83′ W. long.

(kk) This area of EFH is bounded by straight lines connecting all of the following points in the order stated:
(1) 36°08.72′ N. lat., 124°22.59′ W. long.;
(2) 36°07.91′ N. lat., 124°22.48′ W. long.;
(3) 36°07.90′ N. lat., 124°24.27′ W. long.;
(4) 36°08.75′ N. lat., 124°24.10′ W. long.;
and connecting back to 36°08.72′ N. lat., 124°22.59′ W. long.

(ll) This area of EFH is bounded by straight lines connecting all of the following points in the order stated:
(1) 36°07.33′ N. lat., 124°18.83′ W. long.;
(2) 36°08.21′ N. lat., 124°19.86′ W. long.;
(3) 36°09.64′ N. lat., 124°18.70′ W. long.;
(4) 36°08.62′ N. lat., 124°17.22′ W. long.;
and connecting back to 36°07.33′ N. lat., 124°18.83′ W. long.

(mm) This area of EFH is bounded by straight lines connecting all of the following points in the order stated:
(1) 36°47.33′ N. lat., 124°10.21′ W. long.;
(2) 36°50.85′ N. lat., 124°11.63′ W. long.;
(3) 36°52.22′ N. lat., 124°08.65′ W. long.;
(4) 36°49.93′ N. lat., 124°06.40′ W. long.;
and connecting back to 36°47.33′ N. lat., 124°10.21′ W. long.

(nn) This area of EFH is bounded by straight lines connecting all of the following points in the order stated:
(1) 36°56.03′ N. lat., 123°40.86′ W. long.;
(2) 36°56.37′ N. lat., 123°40.86′ W. long.;
(3) 36°56.42′ N. lat., 123°40.49′ W. long.;
(4) 36°56.18′ N. lat., 123°40.37′ W. long.;
and connecting back to 36°56.03′ N. lat., 123°40.86′ W. long.

(oo) This area of EFH is bounded by straight lines connecting all of the following points in the order stated:
(1) 36°32.58′ N. lat., 125°01.80′ W. long.;
(2) 36°50.38′ N. lat., 125°44.21′ W. long.;
(3) 37°00.91′ N. lat., 125°40.06′ W. long.;
(4) 36°41.26′ N. lat., 124°55.90′ W. long.;
and connecting back to 36°32.58′ N. lat., 125°01.80′ W. long.

(pp) This area of EFH is bounded by straight lines connecting all of the following points in the order stated:
(1) 37°45.73′ N. lat., 124°11.40′ W. long.;
(2) 37°47.91′ N. lat., 124°14.01′ W. long.;
(3) 37°50.99′ N. lat., 124°09.09′ W. long.;
(4) 37°47.97′ N. lat., 124°07.00′ W. long.;
and connecting back to 37°45.73′ N. lat., 124°11.40′ W. long.

(qq) This area of EFH is bounded by straight lines connecting all of the following points in the order stated:
(1) 38°08.53′ N. lat., 124°29.98′ W. long.;
(2) 38°10.65′ N. lat., 124°32.69′ W. long.;
(3) 38°12.81′ N. lat., 124°29.45′ W. long.;
(4) 38°10.86′ N. lat., 124°26.66′ W. long.;
and connecting back to 38°08.53′ N. lat., 124°29.98′ W. long.

[71 FR 27416, May 11, 2006. Redesignated at 75 FR 60995, Oct. 1, 2010; 76 FR 53836, Aug. 30, 2011]

### § 660.76 Coastwide EFHCAs.

(a) *General.* EFHCAs are defined at § 660.11. The boundaries of areas designated as EFHCAs are defined by straight lines connecting a series of latitude and longitude coordinates and other regulatory boundaries. This paragraph provides coordinates outlining the boundaries of the coastwide EFHCA. Coordinates outlining the boundaries of EFHCAs off the coasts of Washington, Oregon, and California are provided in §§ 660.77, 660.78, and 660.79, respectively. Fishing activity that is prohibited or permitted within a particular EFHCA is detailed at subparts C through G of this part.

(b) *Seaward of the 700-fm (1280-m) contour*. This area includes all waters designated as EFH within the West Coast EEZ west of a line approximating the 700-fm (1280-m) depth contour which is defined by straight lines connecting all of the following points in the order stated:

(1) 48°06.97′ N lat., 126°02.96′ W long.;
(2) 48°00.44′ N lat., 125°54.96′ W long.;
(3) 47°55.96′ N lat., 125°46.51′ W long.;
(4) 47°47.21′ N lat., 125°43.73′ W long.;
(5) 47°42.89′ N lat., 125°49.58′ W long.;
(6) 47°38.18′ N lat., 125°37.26′ W long.;
(7) 47°32.36′ N lat., 125°32.87′ W long.;
(8) 47°29.77′ N lat., 125°26.27′ W long.;
(9) 47°28.54′ N lat., 125°18.82′ W long.;
(10) 47°19.25′ N lat., 125°17.18′ W long.;
(11) 47°08.82′ N lat., 125°10.01′ W long.;
(12) 47°04.69′ N lat., 125°03.77′ W long.;
(13) 46°48.38′ N lat., 125°18.43′ W long.;
(14) 46°41.92′ N lat., 125°17.29′ W long.;
(15) 46°27.49′ N lat., 124°54.36′ W long.;
(16) 46°14.13′ N lat., 125°02.72′ W long.;
(17) 46°09.53′ N lat., 125°04.75′ W long.;
(18) 45°46.64′ N lat., 124°54.44′ W long.;
(19) 45°40.86′ N lat., 124°55.62′ W long.;
(20) 45°36.50′ N lat., 124°51.91′ W long.;
(21) 44°55.69′ N lat., 125°08.35′ W long.;
(22) 44°49.93′ N lat., 125°01.51′ W long.;
(23) 44°46.93′ N lat., 125°02.83′ W long.;
(24) 44°41.96′ N lat., 125°10.64′ W long.;
(25) 44°28.31′ N lat., 125°11.42′ W long.;
(26) 43°58.37′ N lat., 125°02.93′ W long.;
(27) 43°52.74′ N lat., 125°05.58′ W long.;
(28) 43°44.18′ N lat., 124°57.17′ W long.;
(29) 43°37.58′ N lat., 125°07.70′ W long.;
(30) 43°15.95′ N lat., 125°07.84′ W long.;
(31) 42°47.50′ N lat., 124°59.96′ W long.;
(32) 42°39.02′ N lat., 125°01.07′ W long.;
(33) 42°34.80′ N lat., 125°02.89′ W long.;
(34) 42°34.11′ N lat., 124°55.62′ W long.;
(35) 42°23.81′ N lat., 124°52.85′ W long.;
(36) 42°16.80′ N lat., 125°00.20′ W long.;
(37) 42°06.60′ N lat., 124°59.14′ W long.;
(38) 41°59.28′ N lat., 125°06.23′ W long.;
(39) 41°31.10′ N lat., 125°01.30′ W long.;
(40) 41°14.52′ N lat., 124°52.67′ W long.;
(41) 40°40.65′ N lat., 124°45.69′ W long.;
(42) 40°35.05′ N lat., 124°45.65′ W long.;
(43) 40°23.81′ N lat., 124°41.16′ W long.;
(44) 40°20.54′ N lat., 124°36.36′ W long.;
(45) 40°20.84′ N lat., 124°57.23′ W long.;
(46) 40°18.54′ N lat., 125°09.47′ W long.;
(47) 40°14.54′ N lat., 125°09.83′ W long.;
(48) 40°11.79′ N lat., 125°07.39′ W long.;
(49) 40°06.72′ N lat., 125°04.28′ W long.;
(50) 39°52.62′ N lat., 124°40.65′ W long.;
(51) 39°52.29′ N lat., 124°34.72′ W long.;
(52) 39°55.19′ N lat., 124°29.32′ W long.;
(53) 39°54.43′ N lat., 124°24.06′ W long.;
(54) 39°44.25′ N lat., 124°12.60′ W long.;
(55) 39°35.82′ N lat., 124°12.02′ W long.;
(56) 39°24.54′ N lat., 124°16.01′ W long.;
(57) 39°01.97′ N lat., 124°11.20′ W long.;
(58) 38°33.48′ N lat., 123°48.21′ W long.;
(59) 38°14.49′ N lat., 123°38.89′ W long.;
(60) 37°56.97′ N lat., 123°31.65′ W long.;
(61) 37°49.09′ N lat., 123°27.98′ W long.;
(62) 37°40.29′ N lat., 123°12.83′ W long.;
(63) 37°22.54′ N lat., 123°14.65′ W long.;
(64) 37°05.98′ N lat., 123°05.31′ W long.;
(65) 36°59.02′ N lat., 122°50.92′ W long.;
(66) 36°51.52′ N lat., 122°22.03′ W long.;
(67) 36°49.09′ N lat., 122°21.84′ W long.;
(68) 36°50.47′ N lat., 122°19.03′ W long.;
(69) 36°50.14′ N lat., 122°17.50′ W long.;
(70) 36°44.54′ N lat., 122°19.42′ W long.;
(71) 36°40.76′ N lat., 122°17.28′ W long.;
(72) 36°39.88′ N lat., 122°09.69′ W long.;
(73) 36°40.02′ N lat., 122°09.09′ W long.;
(74) 36°40.99′ N lat., 122°08.53′ W long.;
(75) 36°41.17′ N lat., 122°08.97′ W long.;
(76) 36°44.52′ N lat., 122°07.13′ W long.;
(77) 36°42.26′ N lat., 122°03.54′ W long.;
(78) 36°30.02′ N lat., 122°09.85′ W long.;
(79) 36°22.33′ N lat., 122°22.99′ W long.;
(80) 36°14.36′ N lat., 122°21.19′ W long.;
(81) 36°09.50′ N lat., 122°14.25′ W long.;
(82) 35°51.50′ N lat., 121°55.92′ W long.;
(83) 35°49.53′ N lat., 122°13.00′ W long.;
(84) 34°58.30′ N lat., 121°36.76′ W long.;
(85) 34°53.13′ N lat., 121°37.49′ W long.;
(86) 34°46.54′ N lat., 121°46.25′ W long.;
(87) 34°37.81′ N lat., 121°35.72′ W long.;
(88) 34°37.72′ N lat., 121°27.35′ W long.;
(89) 34°26.77′ N lat., 121°07.58′ W long.;
(90) 34°18.54′ N lat., 121°05.01′ W long.;
(91) 34°02.68′ N lat., 120°54.30′ W long.;
(92) 33°48.11′ N lat., 120°25.46′ W long.;
(93) 33°42.54′ N lat., 120°38.24′ W long.;
(94) 33°46.26′ N lat., 120°43.64′ W long.;
(95) 33°40.71′ N lat., 120°51.29′ W long.;
(96) 33°33.14′ N lat., 120°40.25′ W long.;
(97) 32°51.57′ N lat., 120°23.35′ W long.;
(98) 32°38.54′ N lat., 120°09.54′ W long.;
(99) 32°35.76′ N lat., 119°53.43′ W long.;
(100) 32°29.54′ N lat., 119°46.00′ W long.;
(101) 32°25.99′ N lat., 119°41.16′ W long.;
(102) 32°30.46′ N lat., 119°33.15′ W long.;
(103) 32°23.47′ N lat., 119°25.71′ W long.;
(104) 32°19.19′ N lat., 119°13.96′ W long.;
(105) 32°13.18′ N lat., 119°04.44′ W long.;
(106) 32°13.40′ N lat., 118°51.87′ W long.;
(107) 32°19.62′ N lat., 118°47.80′ W long.;
(108) 32°27.26′ N lat., 118°50.29′ W long.;
(109) 32°28.42′ N lat., 118°53.15′ W long.;
(110) 32°31.30′ N lat., 118°55.09′ W long.;

(111) 32°33.04′ N lat., 118°53.57′ W long.;
(112) 32°19.07′ N lat., 118°27.54′ W long.;
(113) 32°18.57′ N lat., 118°18.97′ W long.;
(114) 32°09.01′ N lat., 118°13.96′ W long.;
(115) 32°06.57′ N lat., 118°18.78′ W long.;
(116) 32°01.32′ N lat., 118°18.21′ W long.; and
(117) 31°57.89′ N lat., 118°10.51′ W long.

[84 FR 63974, Nov. 19, 2019]

### § 660.77 EFHCAs off the Coast of Washington.

(a) *General*. Boundary line coordinates for EFHCAs off Washington are provided in this section. Fishing activity that is prohibited or permitted within the EEZ in a particular area designated as a groundfish EFHCAs is detailed at §§ 660.12, 660.112, 660.130, 660.212, 660.230, 660.312, 660.330, and 660.360.

(b) *Olympic 2*. The boundary of the Olympic 2 EFHCA is defined by straight lines connecting all of the following points in the order stated and connecting back to 48°21.46′ N lat., 124°51.61′ W long.:
(1) 48°21.46′ N lat., 124°51.61′ W long.;
(2) 48°17.00′ N lat., 124°57.18′ W long.;
(3) 48°06.13′ N lat., 125°00.68′ W long.;
(4) 48°06.66′ N lat., 125°06.55′ W long.;
(5) 48°08.44′ N lat., 125°14.61′ W long.;
(6) 48°22.57′ N lat., 125°09.82′ W long.;
(7) 48°21.42′ N lat., 125°03.55′ W long.;
(8) 48°22.99′ N lat., 124°59.29′ W long.; and
(9) 48°23.89′ N lat., 124°54.37′ W long.

(c) *Biogenic 1*. The boundary of the Biogenic 1 EFHCA is defined by straight lines connecting all of the following points in the order stated and connecting back to 47°29.97′ N lat., 125°20.14′ W long.:
(1) 47°29.97′ N lat., 125°20.14′ W long.;
(2) 47°30.01′ N lat., 125°30.06′ W long.;
(3) 47°40.09′ N lat., 125°50.18′ W long.;
(4) 47°47.27′ N lat., 125°50.06′ W long.;
(5) 47°47.00′ N lat., 125°24.28′ W long.;
(6) 47°39.53′ N lat., 125°10.49′ W long.; and
(7) 47°30.31′ N lat., 125°08.81′ W long.

(d) *Biogenic 2*. The boundary of the Biogenic 2 EFHCA is defined by straight lines connecting all of the following points in the order stated and connecting back to 47°08.77′ N lat., 125°00.91′ W long.:
(1) 47°08.77′ N lat., 125°00.91′ W long.;
(2) 47°08.82′ N lat., 125°10.01′ W long.;
(3) 47°20.01′ N lat., 125°10.00′ W long.; and
(4) 47°20.00′ N lat., 125°01.25′ W long.

(e) *Quinault Canyon*. The boundary of the Quinault Canyon EFHCA is defined by straight lines connecting all of the following points in the order stated and connecting back to 47°17.00′ N lat., 125°15.63′ W long.:
(1) 47°17.00′ N lat., 125°15.63′ W long.;
(2) 47°17.00′ N lat., 125°10.00′ W long.; and
(3) 47°08.82′ N lat., 125°10.01′ W long.

(f) *Grays Canyon*. The Grays Canyon EFHCA consists of two adjacent polygons defined in this paragraph, combined.

(1) *Grays Canyon North*. The boundary of Grays Canyon North is defined by straight lines connecting all of the following points in the order stated and connecting back to 46°56.79′ N lat., 125°00.00′ W long.:
(i) 46°56.79′ N lat., 125°00.00′ W long.;
(ii) 46°58.30′ N lat., 125°00.21′ W long.;
(iii) 46°58.47′ N lat., 124°59.08′ W long.;
(iv) 47°01.04′ N lat., 124°59.54′ W long.;
(v) 47°03.63′ N lat., 124°56.00′ W long.,
(vi) 47°03.69′ N lat., 124°55.84′ W long.;
(vii) 47°02.69′ N lat., 124°54.35′ W long.;
(viii) 46°58.03′ N lat., 124°54.12′ W long.;
(ix) 46°55.91′ N lat., 124°54.40′ W long.; and
(x) 46°58.01′ N lat., 124°55.09′ W long.

(2) *Grays Canyon South-Central*. The boundary of Grays Canyon South-Central is defined by straight lines connecting all of the following points in the order stated and connecting back to 46°56.79′ N lat., 125°00.00′ W long.:
(i) 46°56.79′ N lat., 125°00.00′ W long.;
(ii) 46°58.01′ N lat., 124°55.09′ W long.;
(iii) 46°55.91′ N lat., 124°54.40′ W long.;
(iv) 46°55.07′ N lat., 124°54.14′ W long.;
(v) 46°59.60′ N lat., 124°49.79′ W long.;
(vi) 46°58.72′ N lat., 124°48.78′ W long.;
(vii) 46°54.45′ N lat., 124°48.36′ W long.;
(viii) 46°53.99′ N lat., 124°49.95′ W long.;
(ix) 46°54.38′ N lat., 124°52.73′ W long.;
(x) 46°53.30′ N lat., 124°52.35′ W long.;
(xi) 46°53.30′ N lat., 124°49.13′ W long.;
(xii) 46°50.40′ N lat., 124°49.06′ W long.;
(xiii) 46°48.12′ N lat., 124°47.94′ W long.;
(xiv) 46°47.48′ N lat., 124°50.86′ W long.;
(xv) 46°49.81′ N lat., 124°52.79′ W long.; and

(xvi) 46°51.55′ N lat., 125°00.00′ W long.

(g) *Biogenic 3*. The boundary of the Biogenic 3 EFHCA is defined by straight lines connecting all of the following points in the order stated and connecting back to 46°48.16′ N lat., 125°10.75′ W long.:

(1) 46°48.16′ N lat., 125°10.75′ W long.;

(2) 46°40.00′ N lat., 125°10.00′ W long.;

(3) 46°40.00′ N lat., 125°20.01′ W long.; and

(4) 46°50.00′ N lat., 125°20.00′ W long.

(h) *Willapa Canyonhead*. The boundary of the Willapa Canyonhead EFHCA is defined by straight lines connecting all of the following points in the order stated and connecting back to 46°33.50′ N lat., 124°28.77′ W long.:

(1) 46°33.50′ N lat., 124°28.77′ W long.;

(2) 46°33.50′ N lat., 124°29.50′ W long.;

(3) 46°33.85′ N lat., 124°36.99′ W long.;

(4) 46°36.50′ N lat., 124°38.00′ W long.;

(5) 46°37.50′ N lat., 124°41.00′ W long.;

(6) 46°37.64′ N lat., 124°41.11′ W long.;

(7) 46°39.43′ N lat., 124°38.69′ W long.; and

(8) 46°34.50′ N lat., 124°28.50′ W long.

(i) *Willapa Deep*. The boundary of the Willapa Deep EFHCA is defined by straight lines connecting all of the following points in the order stated and connecting back to 46°22.57′ N lat., 124°46.70′ W long.:

(1) 46°22.57′ N lat., 124°46.70′ W long.;

(2) 46°24.38′ N lat., 124°56.31′ W long.;

(3) 46°27.49′ N lat., 124°54.36′ W long.;

(4) 46°36.87′ N lat., 125°09.27′ W long.;

(5) 46°35.59′ N lat., 125°04.58′ W long.;

(6) 46°31.54′ N lat., 124°57.53′ W long.;

(7) 46°28.70′ N lat., 124°51.77′ W long.; and

(8) 46°23.78′ N lat., 124°43.30′ W long.

[84 FR 63975, Nov. 19, 2019]

### § 660.78 EFHCAs off the Coast of Oregon.

(a) *General*. Boundary line coordinates for EFHCAs off Oregon are provided in this section. Fishing activity that is prohibited or permitted within the EEZ in a particular area designated as a groundfish EFHCA is detailed at §§ 660.12, 660.112, 660.130, 660.212, 660.230, 660.312, 660.330, and 660.360.

(b) *Astoria Deep*. The boundary of the Astoria Deep EFHCA is defined by straight lines connecting all of the following points in the order stated and connecting back to 46°03.00′ N lat., 124°57.36′ W long.:

(1) 46°03.00′ N lat., 124°57.36′ W long.;

(2) 46°05.37′ N lat., 125°02.88′ W long.;

(3) 46°09.53′ N lat., 125°04.75′ W long.;

(4) 46°14.13′ N lat., 125°02.72′ W long.;

(5) 46°14.79′ N lat., 125°02.31′ W long.;

(6) 46°08.28′ N lat., 125°00.20′ W long.; and

(7) 46°05.74′ N lat., 124°55.32′ W long.

(c) *Thompson Seamount*. The boundary of the Thompson Seamount EFHCA is defined by straight lines connecting all of the following points in the order stated and connecting back to 46°06.93′ N lat., 128°39.77′ W long.:

(1) 46°06.93′ N lat., 128°39.77′ W long.;

(2) 46°06.76′ N lat., 128°39.60′ W long.;

(3) 46°07.80′ N lat., 128°39.43′ W long.;

(4) 46°08.50′ N lat., 128°34.39′ W long.;

(5) 46°06.76′ N lat., 128°29.36′ W long.;

(6) 46°03.64′ N lat., 128°28.67′ W long.;

(7) 45°59.64′ N lat., 128°31.62′ W long.;

(8) 45°56.87′ N lat., 128°33.18′ W long.;

(9) 45°53.92′ N lat., 128°39.25′ W long.;

(10) 45°54.26′ N lat., 128°43.42′ W long.;

(11) 45°56.87′ N lat., 128°45.85′ W long.;

(12) 46°00.86′ N lat., 128°46.02′ W long.;

(13) 46°03.29′ N lat., 128°44.81′ W long.; and

(14) 46°06.24′ N lat., 128°42.90′ W long.

(d) *Astoria Canyon*. The boundary of the Astoria Canyon EFHCA is defined by straight lines connecting all of the following points in the order stated and connecting back to 46°06.48′ N lat., 125°05.46′ W long.:

(1) 46°06.48′ N lat., 125°05.46′ W long.;

(2) 46°03.00′ N lat., 124°57.36′ W long.;

(3) 46°02.28′ N lat., 124°57.66′ W long.;

(4) 46°01.92′ N lat., 125°02.46′ W long.;

(5) 45°48.72′ N lat., 124°56.58′ W long.;

(6) 45°47.70′ N lat., 124°52.20′ W long.;

(7) 45°40.86′ N lat., 124°55.62′ W long.;

(8) 45°29.82′ N lat., 124°54.30′ W long.;

(9) 45°25.98′ N lat., 124°56.82′ W long.;

(10) 45°26.04′ N lat., 125°10.50′ W long.;

(11) 45°33.12′ N lat., 125°16.26′ W long.;

(12) 45°40.32′ N lat., 125°17.16′ W long.; and

(13) 46°03.00′ N lat., 125°14.94′ W long.

(e) *Nehalem Bank/Shale Pile*. The boundary of the Nehalem Bank/Shale Pile EFHCA is defined by straight lines connecting all of the following points in the order stated and connecting back to 45°51.53′ N lat., 124°31.15′ W long.:

(1) 45°51.53′ N lat., 124°31.15′ W long.;

(2) 45°47.95′ N lat., 124°31.70′ W long.;
(3) 45°52.75′ N lat., 124°39.20′ W long.;
(4) 45°58.02′ N lat., 124°38.99′ W long.;
(5) 46°00.83′ N lat., 124°36.78′ W long.;
(6) 45°59.94′ N lat., 124°34.63′ W long.;
(7) 45°58.90′ N lat., 124°33.47′ W long.;
(8) 45°54.27′ N lat., 124°30.73′ W long.;
(9) 45°53.62′ N lat., 124°30.83′ W long.;
(10) 45°52.90′ N lat., 124°30.67′ W long.;
(11) 45°52.03′ N lat., 124°30.60′ W long.; and
(12) 45°51.74′ N lat., 124°30.85′ W long.

(f) *Garibaldi Reef North*. The boundary of the Garibaldi Reef North EFHCA is defined by straight lines connecting all of the following points in the order stated and connecting back to 45°40.81′ N lat., 124°18.46′ W long.:
(1) 45°40.81′ N lat., 124°18.46′ W long.;
(2) 45°39.70′ N lat., 124°19.46′ W long.;
(3) 45°40.84′ N lat., 124°22.17′ W long.;
(4) 45°44.94′ N lat., 124°23.07′ W long.;
(5) 45°45.17′ N lat., 124°22.19′ W long.; and
(6) 45°43.49′ N lat., 124°18.94′ W long.

(g) *Garibaldi Reef South*. The boundary of the Garibaldi Reef South EFHCA is defined by straight lines connecting all of the following points in the order stated and connecting back to 45°34.53′ N lat., 124°15.47′ W long.:
(1) 45°34.53′ N lat., 124°15.47′ W long.;
(2) 45°33.46′ N lat., 124°13.59′ W long.;
(3) 45°32.53′ N lat., 124°14.39′ W long.; and
(4) 45°33.58′ N lat., 124°16.54′ W long.

(h) *Siletz Deepwater*. The boundary of the Siletz Deepwater EFHCA is defined by straight lines connecting all of the following points in the order stated and connecting back to 44°42.72′ N lat., 125°18.49′ W long.:
(1) 44°42.72′ N lat., 125°18.49′ W long.;
(2) 44°56.26′ N lat., 125°12.61′ W long.;
(3) 44°56.34′ N lat., 125°09.13′ W long.;
(4) 44°49.93′ N lat., 125°01.51′ W long.;
(5) 44°46.93′ N lat., 125°02.83′ W long.;
(6) 44°41.96′ N lat., 125°10.64′ W long.;
(7) 44°33.36′ N lat., 125°08.82′ W long.; and
(8) 44°33.38′ N lat., 125°17.08′ W long.

(i) *Daisy Bank/Nelson Island*. The boundary of the Daisy Bank/Nelson Island EFHCA is defined by straight lines connecting all of the following points in the order stated and connecting back to 44°39.24′ N lat., 124°38.65′ W long.:
(1) 44°39.24′ N lat., 124°38.65′ W long.;
(2) 44°37.17′ N lat., 124°38.60′ W long.;
(3) 44°35.55′ N lat., 124°39.27′ W long.;
(4) 44°37.57′ N lat., 124°41.70′ W long.;
(5) 44°36.90′ N lat., 124°42.91′ W long.;
(6) 44°38.25′ N lat., 124°46.28′ W long.;
(7) 44°38.52′ N lat., 124°49.11′ W long.;
(8) 44°40.27′ N lat., 124°49.11′ W long.;
(9) 44°41.35′ N lat., 124°48.03′ W long.; and
(10) 44°43.92′ N lat., 124°44.66′ W long.

(j) *Newport Rockpile/Stonewall Bank*. The boundary of the Newport Rockpile/Stonewall Bank EFHCA is defined by straight lines connecting all of the following points in the order stated and connecting back to 44°27.42′ N lat., 124°19.52′ W long.:
(1) 44°27.42′ N lat., 124°19.52′ W long.;
(2) 44°27.42′ N lat., 124°25.31′ W long.;
(3) 44°29.05′ N lat., 124°28.88′ W long.;
(4) 44°35.33′ N lat., 124°28.87′ W long.;
(5) 44°36.94′ N lat., 124°26.78′ W long.;
(6) 44°38.62′ N lat., 124°26.76′ W long.;
(7) 44°39.02′ N lat., 124°25.56′ W long.;
(8) 44°38.41′ N lat., 124°22.73′ W long.;
(9) 44°35.12′ N lat., 124°21.79′ W long.; and
(10) 44°28.82′ N lat., 124°18.80′ W long.

(k) *Hydrate Ridge*. The boundary of the Hydrate Ridge EFHCA is defined by straight lines connecting all of the following points in the order stated and connecting back to 44°28.31′ N lat., 125°11.42′ W long.:
(1) 44°28.31′ N lat., 125°11.42′ W long.;
(2) 44°33.37′ N lat., 125°11.13′ W long.;
(3) 44°33.36′ N lat., 125°08.82′ W long.;
(4) 44°35.36′ N lat., 125°09.24′ W long.;
(5) 44°35.36′ N lat., 125°07.79′ W long.; and
(6) 44°28.31′ N lat., 125°07.66′ W long.

(l) *Heceta Bank*. The boundary of the Heceta Bank EFHCA is defined by straight lines connecting all of the following points in the order stated and connecting back to 44°22.27′ N lat., 124°37.63′ W long.:
(1) 44°22.27′ N lat., 124°37.63′ W long.;
(2) 44°20.56′ N lat., 124°36.27′ W long.;
(3) 44°21.06′ N lat., 124°32.69′ W long.;
(4) 44°21.76′ N lat., 124°29.28′ W long.;
(5) 44°21.23′ N lat., 124°28.08′ W long.;
(6) 44°18.68′ N lat., 124°28.13′ W long.;
(7) 44°17.66′ N lat., 124°31.42′ W long.;
(8) 44°14.32′ N lat., 124°31.15′ W long.;
(9) 44°13.02′ N lat., 124°31.53′ W long.;
(10) 44°12.97′ N lat., 124°32.29′ W long.;
(11) 44°13.84′ N lat., 124°32.87′ W long.;
(12) 44°16.64′ N lat., 124°33.44′ W long.;

(13) 44°17.00′ N lat., 124°33.52′ W long.;
(14) 44°15.93′ N lat., 124°35.93′ W long.;
(15) 44°14.38′ N lat., 124°37.37′ W long.;
(16) 44°13.52′ N lat., 124°40.45′ W long.;
(17) 44°09.00′ N lat., 124°45.30′ W long.;
(18) 44°03.46′ N lat., 124°45.71′ W long.;
(19) 43°58.55′ N lat., 124°45.79′ W long.;
(20) 43°57.37′ N lat., 124°50.89′ W long.;
(21) 43°56.66′ N lat., 124°54.47′ W long.;
(22) 43°57.24′ N lat., 124°55.54′ W long.;
(23) 43°57.68′ N lat., 124°55.48′ W long.;
(24) 44°00.14′ N lat., 124°55.25′ W long.;
(25) 44°02.88′ N lat., 124°53.96′ W long.;
(26) 44°13.47′ N lat., 124°54.08′ W long.;
(27) 44°19.27′ N lat., 124°41.03′ W long.;
(28) 44°24.16′ N lat., 124°40.62′ W long.; and
(29) 44°24.10′ N lat., 124°38.10′ W long.

(m) *Deepwater off Coos Bay*. The boundary of the Deepwater off Coos Bay EFHCA is defined by straight lines connecting all of the following points in the order stated and connecting back to 43°29.32′ N lat., 125°20.11′ W long.:
(1) 43°29.32′ N lat., 125°20.11′ W long.;
(2) 43°38.96′ N lat., 125°18.75′ W long.;
(3) 43°37.88′ N lat., 125°08.26′ W long.;
(4) 43°36.58′ N lat., 125°06.56′ W long.;
(5) 43°33.04′ N lat., 125°08.41′ W long.;
(6) 43°27.74′ N lat., 125°07.25′ W long.;
(7) 43°15.95′ N lat., 125°07.84′ W long.;
(8) 43°15.38′ N lat., 125°10.47′ W long.; and
(9) 43°25.73′ N lat., 125°19.36′ W long.

(n) *Arago Reef*. The boundary of the Arago Reef EFHCA is defined as the areas within the West Coast EEZ shoreward (east) of a boundary line defined by connecting the following coordinates in the order stated:
(1) 43°08.49′ N lat., 124°30.78′ W long.;
(2) 43°08.55′ N lat., 124°30.79′ W long.;
(3) 43°10.22′ N lat., 124°37.82′ W long.;
(4) 43°16.91′ N lat., 124°37.50′ W long.;
(5) 43°16.51′ N lat., 124°28.97′ W long.; and
(6) 43°16.88′ N lat., 124°28.16′ W long.

(o) *Bandon High Spot*. The boundary of the Bandon High Spot EFHCA is defined by straight lines connecting all of the following points in the order stated and connecting back to 42°57.18′ N lat., 124°46.01′ W long.:
(1) 42°57.18′ N lat., 124°46.01′ W long.;
(2) 42°56.10′ N lat., 124°47.48′ W long.;
(3) 42°56.66′ N lat., 124°48.79′ W long.;
(4) 42°53.67′ N lat., 124°51.81′ W long.;
(5) 42°54.00′ N lat., 124°53.03′ W long.;
(6) 42°55.11′ N lat., 124°53.71′ W long.;
(7) 42°58.00′ N lat., 124°52.99′ W long.;
(8) 43°00.39′ N lat., 124°51.77′ W long.;
(9) 43°02.64′ N lat., 124°52.01′ W long.;
(10) 43°06.07′ N lat., 124°50.97′ W long.;
(11) 43°06.07′ N lat., 124°50.23′ W long.;
(12) 43°04.47′ N lat., 124°48.50′ W long.;
(13) 43°03.20′ N lat., 124°47.52′ W long.; and
(14) 43°00.94′ N lat., 124°46.57′ W long.

(p) *President Jackson Seamount*. The boundary of the President Jackson Seamount EFHCA is defined by straight lines connecting all of the following points in the order stated and connecting back to 42°21.41′ N lat., 127°42.91′ W long.:
(1) 42°21.41′ N lat., 127°42.91′ W long.;
(2) 42°21.96′ N lat., 127°43.73′ W long.;
(3) 42°23.78′ N lat., 127°46.09′ W long.;
(4) 42°26.05′ N lat., 127°48.64′ W long.;
(5) 42°28.60′ N lat., 127°52.10′ W long.;
(6) 42°31.06′ N lat., 127°55.02′ W long.;
(7) 42°34.61′ N lat., 127°58.84′ W long.;
(8) 42°37.34′ N lat., 128°01.48′ W long.;
(9) 42°39.62′ N lat., 128°05.12′ W long.;
(10) 42°41.81′ N lat., 128°08.13′ W long.;
(11) 42°43.44′ N lat., 128°10.04′ W long.;
(12) 42°44.99′ N lat., 128°12.04′ W long.;
(13) 42°48.27′ N lat., 128°15.05′ W long.;
(14) 42°51.28′ N lat., 128°15.05′ W long.;
(15) 42°53.64′ N lat., 128°12.23′ W long.;
(16) 42°52.64′ N lat., 128°08.49′ W long.;
(17) 42°51.64′ N lat., 128°06.94′ W long.;
(18) 42°50.27′ N lat., 128°05.76′ W long.;
(19) 42°48.18′ N lat., 128°03.76′ W long.;
(20) 42°45.45′ N lat., 128°01.94′ W long.;
(21) 42°42.17′ N lat., 127°57.57′ W long.;
(22) 42°41.17′ N lat., 127°53.92′ W long.;
(23) 42°38.80′ N lat., 127°49.92′ W long.;
(24) 42°36.43′ N lat., 127°44.82′ W long.;
(25) 42°33.52′ N lat., 127°41.36′ W long.;
(26) 42°31.24′ N lat., 127°39.63′ W long.;
(27) 42°28.33′ N lat., 127°36.53′ W long.;
(28) 42°23.96′ N lat., 127°35.89′ W long.;
(29) 42°21.96′ N lat., 127°37.72′ W long.; and
(30) 42°21.05′ N lat., 127°40.81′ W long.

(q) *Rogue Canyon*. The boundary of the Rogue Canyon EFHCA is defined by straight lines connecting all of the following points in the order stated and connecting back to 42°41.33′ N lat., 125°16.61′ W long.:
(1) 42°41.33′ N lat., 125°16.61′ W long.;
(2) 42°41.55′ N lat., 125°03.05′ W long.;
(3) 42°35.29′ N lat., 125°02.21′ W long.;
(4) 42°34.11′ N lat., 124°55.62′ W long.;
(5) 42°30.61′ N lat., 124°54.97′ W long.;

(6) 42°23.81′ N lat., 124°52.85′ W long.; and

(7) 42°17.94′ N lat., 125°10.17′ W long.

(r) *Rogue River Reef*. The boundary of the Rogue River Reef EFHCA is defined as the areas within the West Coast EEZ shoreward (east) of a boundary line defined by connecting the following coordinates in the order stated:

(1) 42°23.27′ N lat., 124°30.03′ W long.;

(2) 42°24.10′ N lat., 124°32.41′ W long.;

(3) 42°22.28′ N lat., 124°39.92′ W long.;

(4) 42°25.46′ N lat., 124°43.91′ W long.;

(5) 42°27.87′ N lat., 124°44.63′ W long.;

(6) 42°29.27′ N lat., 124°44.22′ W long.;

(7) 42°29.71′ N lat., 124°39.83′ W long.;

(8) 42°29.36′ N lat., 124°36.53′ W long.; and

(9) 42°28.16′ N lat., 124°34.05′ W long.

[84 FR 63976, Nov. 19, 2019; 84 FR 70905, Dec. 26, 2019]

### § 660.79 EFHCAs off the Coast of California.

(a) *General*. Boundary line coordinates for EFHCA off California are provided in this section. Fishing activity that is prohibited or permitted within the EEZ in a particular area designated as a groundfish EFHCA is detailed at §§ 660.12, 660.112, 660.130, 660.212, 660.230, 660.312, 660.330, and 660.360.

(b) *Brush Patch*. The boundary of the Brush Patch EFHCA is defined by straight lines connecting all of the following points in the order stated and connecting back to 41°51.03′ N lat., 124°48.65′ W long.:

(1) 41°51.03′ N lat., 124°48.65′ W long.;

(2) 41°51.98′ N lat., 124°51.00′ W long.;

(3) 41°53.63′ N lat., 124°53.12′ W long.;

(4) 41°55.22′ N lat., 124°54.50′ W long.;

(5) 41°57.16′ N lat., 124°54.87′ W long.;

(6) 41°59.16′ N lat., 124°52.89′ W long.;

(7) 41°58.93′ N lat., 124°51.25′ W long.;

(8) 41°57.98′ N lat., 124°50.42′ W long.;

(9) 41°54.50′ N lat., 124°49.72′ W long.;

(10) 41°52.66′ N lat., 124°47.85′ W long.; and

(11) 41°51.24′ N lat., 124°47.23′ W long.

(c) *Trinidad Canyon*. The boundary of the Trinidad Canyon EFHCA is defined by straight lines connecting all of the following points in the order stated and connecting back to 41°07.81′ N lat., 124°51.29′ W long.:

(1) 41°07.81′ N lat., 124°51.29′ W long.;

(2) 41°14.52′ N lat., 124°52.67′ W long.;

(3) 41°17.66′ N lat., 124°54.31′ W long.;

(4) 41°18.37′ N lat., 124°45.50′ W long.;

(5) 41°17.60′ N lat., 124°43.42′ W long.; and

(6) 41°09.44′ N lat., 124°43.11′ W long.

(d) *Mad River Rough Patch*. The boundary of the Mad River Rough Patch EFHCA is defined by straight lines connecting all of the following points in the order stated and connecting back to 40°53.66′ N lat., 124°26.68′ W long.:

(1) 40°53.66′ N lat., 124°26.68′ W long.;

(2) 40°54.49′ N lat., 124°28.22′ W long.;

(3) 40°54.88′ N lat., 124°28.54′ W long.;

(4) 40°57.27′ N lat., 124°29.10′ W long.;

(5) 40°57.37′ N lat., 124°28.96′ W long.;

(6) 40°57.27′ N lat., 124°28.34′ W long.;

(7) 40°54.56′ N lat., 124°26.25′ W long.; and

(8) 40°54.13′ N lat., 124°26.27′ W long.

(e) *Samoa Deepwater*. The boundary of the Samoa Deepwater EFHCA is defined by straight lines connecting all of the following points in the order stated and connecting back to 40°50.11′ N lat., 124°35.29′ W long.:

(1) 40°50.11′ N lat., 124°35.29′ W long.;

(2) 40°46.37′ N lat., 124°34.69′ W long.;

(3) 40°48.50′ N lat., 124°39.04′ W long.;

(4) 40°51.96′ N lat., 124°41.23′ W long.; and

(5) 40°52.04′ N lat., 124°38.08′ W long.

(f) *Eel River Canyon*. The boundary of the Eel River Canyon EFHCA is defined by straight lines connecting all of the following points in the order stated and connecting back to 40°40.33′ N lat., 124°41.82′ W long.:

(1) 40°40.33′ N lat., 124°41.82′ W long.;

(2) 40°39.69′ N lat., 124°33.36′ W long.;

(3) 40°40.13′ N lat., 124°32.61′ W long.;

(4) 40°39.84′ N lat., 124°31.21′ W long.;

(5) 40°39.36′ N lat., 124°30.48′ W long.;

(6) 40°39.42′ N lat., 124°29.40′ W long.;

(7) 40°38.91′ N lat., 124°28.42′ W long.;

(8) 40°38.57′ N lat., 124°28.49′ W long.;

(9) 40°37.56′ N lat., 124°28.78′ W long.;

(10) 40°37.08′ N lat., 124°28.42′ W long.;

(11) 40°35.79′ N lat., 124°29.21′ W long.;

(12) 40°37.52′ N lat., 124°33.41′ W long.;

(13) 40°37.51′ N lat., 124°34.46′ W long.;

(14) 40°38.22′ N lat., 124°35.72′ W long.;

(15) 40°38.27′ N lat., 124°39.11′ W long.;

(16) 40°37.47′ N lat., 124°40.46′ W long.;

(17) 40°35.47′ N lat., 124°42.97′ W long.;

(18) 40°32.78′ N lat., 124°44.79′ W long.;

(19) 40°24.32′ N lat., 124°39.97′ W long.;

(20) 40°23.26′ N lat., 124°42.45′ W long.;

(21) 40°27.34′ N lat., 124°51.21′ W long.;

(22) 40°32.68′ N lat., 125°05.63′ W long.;
(23) 40°49.12′ N lat., 124°47.41′ W long.;
(24) 40°44.32′ N lat., 124°46.48′ W long.; and
(25) 40°41.67′ N lat., 124°42.92′ W long.

(g) *Blunts Reef*. The Blunts Reef EFHCA consists of the two adjacent polygons defined in this paragraph, combined.

(1) *Blunts Reef North*. The boundary of Blunts Reef North is defined by straight lines connecting all of the following points in the order stated and connecting back to 40°30.21′ N lat., 124°26.85′ W long.:
(i) 40°30.21′ N lat., 124°26.85′ W long.;
(ii) 40°27.53′ N lat., 124°26.84′ W long.;
(iii) 40°24.66′ N lat., 124°29.49′ W long.;
(iv) 40°27.84′ N lat., 124°31.92′ W long.;
(v) 40°28.31′ N lat., 124°33.49′ W long.;
(vi) 40°29.99′ N lat., 124°33.49′ W long.; and
(vii) 40°30.46′ N lat., 124°32.23′ W long.

(2) *Blunts Reef South*. The boundary of Blunts Reef South is defined as the areas within the West Coast EEZ shoreward (east) of a boundary line defined by straight lines connecting the following coordinates in the order stated:
(i) 40°27.84′ N lat., 124°31.92′ W long.;
(ii) 40°28.31′ N lat., 124°33.49′ W long.;
(iii) 40°22.49′ N lat., 124°30.92′ W long.; and
(iv) 40°23.67′ N lat., 124°28.43′ W long.

(h) *Mendocino Ridge*. The Mendocino Ridge EFHCA consists of the two adjacent polygons defined in this paragraph, combined.

(1) *Mendocino Ridge North*. The boundary of Mendocino Ridge North is defined by straight lines connecting all of the following points in the order stated and connecting back to 40°25.23′ N lat., 124°24.06′ W long.:
(i) 40°25.23′ N lat., 124°24.06′ W long.;
(ii) 40°12.50′ N lat., 124°22.59′ W long.;
(iii) 40°13.84′ N lat., 124°31.89′ W long.;
(iv) 40°14.96′ N lat., 124°35.42′ W long.;
(v) 40°15.92′ N lat., 124°36.38′ W long.;
(vi) 40°15.81′ N lat., 124°38.37′ W long.;
(vii) 40°17.45′ N lat., 124°45.42′ W long.;
(viii) 40°18.39′ N lat., 124°48.55′ W long.;
(ix) 40°19.98′ N lat., 124°52.73′ W long.;
(x) 40°20.06′ N lat., 125°02.18′ W long.;
(xi) 40°11.79′ N lat., 125°07.39′ W long.;
(xii) 40°12.55′ N lat., 125°11.56′ W long.;
(xiii) 40°12.81′ N lat., 125°12.98′ W long.;
(xiv) 40°20.72′ N lat., 125°57.31′ W long.;
(xv) 40°23.96′ N lat., 125°56.83′ W long.;
(xvi) 40°24.04′ N lat., 125°56.82′ W long.;
(xvii) 40°25.68′ N lat., 125°09.77′ W long.;
(xviii) 40°21.03′ N lat., 124°33.96′ W long.; and
(xix) 40°25.72′ N lat., 124°24.15′ W long.

(2) *Mendocino Ridge South*. The boundary of Mendocino Ridge South is defined as the areas within the West Coast EEZ shoreward (east) of a boundary line defined by connecting the following coordinates in the order stated:
(i) 40°10.03′ N lat., 124°20.51′ W long.;
(ii) 40°10.42′ N lat., 124°22.26′ W long.;
(iii) 40°13.84′ N lat., 124°31.89′ W long.; and
(iv) 40°12.82′ N lat., 124°24.85′ W long.

(i) *Delgada Canyon*. The boundary of the Delgada Canyon EFHCA is defined as the areas of the state territorial sea, east of the West Coast EEZ and within a boundary line defined by connecting the following coordinates in the order stated:
(1) 40°06.58′ N lat., 124°07.39′ W long.;
(2) 40°01.37′ N lat., 124°08.79′ W long.;
(3) 40°04.35′ N lat., 124°10.89′ W long.;
(4) 40°05.71′ N lat., 124°09.42′ W long.;
(5) 40°07.18′ N lat., 124°09.61′ W long.; and
(6) 40°07.13′ N lat., 124°09.09′ W long.

(j) *Tolo Bank*. The boundary of the Tolo Bank EFHCA is defined by straight lines connecting all of the following points in the order stated and connecting back to 39°58.75′ N lat., 124°04.58′ W long.:
(1) 39°58.75′ N lat., 124°04.58′ W long.;
(2) 39°56.05′ N lat., 124°01.45′ W long.;
(3) 39°53.99′ N lat., 124°00.17′ W long.;
(4) 39°52.28′ N lat., 124°03.12′ W long.; and
(5) 39°57.90′ N lat., 124°07.07′ W long.

(k) *Navarro Canyon*. The boundary of the Navarro Canyon EFHCA is defined by straight lines connecting all of the following points in the order stated and connecting back to 39°04.76′ N lat., 124°11.80′ W long.:
(1) 39°04.76′ N lat., 124°11.80′ W long.;
(2) 39°11.84′ N lat., 124°13.30′ W long.;
(3) 39°11.39′ N lat., 124°10.38′ W long.;
(4) 39°08.73′ N lat., 124°10.38′ W long.;
(5) 39°07.16′ N lat., 124°08.98′ W long.; and
(6) 39°06.07′ N lat., 124°08.55′ W long.

(l) *Point Arena North.* The boundary of the Point Arena North EFHCA is defined by straight lines connecting all of the following points in the order stated and connecting back to 39°03.32′ N lat., 123°51.15′ W long.:

(1) 39°03.32′ N lat., 123°51.15′ W long.;
(2) 38°56.54′ N lat., 123°49.79′ W long.;
(3) 38°54.12′ N lat., 123°52.69′ W long.;
(4) 38°59.64′ N lat., 123°55.02′ W long.; and
(5) 39°02.83′ N lat., 123°55.21′ W long.

(m) *Point Arena South Biogenic Area.* The boundary of the Point Arena South Biogenic Area EFHCA is defined by straight lines connecting all of the following points in the order stated and connecting back to 38°33.24′ N lat., 123°35.18′ W long.:

(1) 38°33.24′ N lat., 123°35.18′ W long.;
(2) 38°32.01′ N lat., 123°35.78′ W long.;
(3) 38°33.19′ N lat., 123°40.30′ W long.;
(4) 38°34.62′ N lat., 123°42.32′ W long.;
(5) 38°35.98′ N lat., 123°44.22′ W long.;
(6) 38°38.27′ N lat., 123°46.57′ W long.;
(7) 38°41.11′ N lat., 123°48.69′ W long.;
(8) 38°41.95′ N lat., 123°45.41′ W long.;
(9) 38°36.02′ N lat., 123°41.30′ W long.; and
(10) 38°34.37′ N lat., 123°37.47′ W long.

(n) *The Football.* The boundary of The Football EFHCA is defined by straight lines connecting all of the following points in the order stated and connecting back to 38°24.36′ N lat., 123°32.10′ W long.:

(1) 38°24.36′ N lat., 123°32.10′ W long.;
(2) 38°23.58′ N lat., 123°33.96′ W long.;
(3) 38°29.10′ N lat., 123°37.32′ W long.; and
(4) 38°29.04′ N lat., 123°35.04′ W long.

(o) *Gobbler's Knob.* The boundary of the Gobbler's Knob EFHCA is defined by straight lines connecting all of the following points in the order stated and connecting back to 38°06.84′ N lat., 123°25.98′ W long.:

(1) 38°06.84′ N lat., 123°25.98′ W long.;
(2) 38°07.14′ N lat., 123°27.60′ W long.;
(3) 38°11.64′ N lat., 123°29.58′ W long.;
(4) 38°12.36′ N lat., 123°28.80′ W long.;
(5) 38°12.42′ N lat., 123°27.78′ W long.; and
(6) 38°08.70′ N lat., 123°25.98′ W long.

(p) *Point Reyes Reef.* The boundary of the Point Reyes Reef EFHCA is defined as the areas within the West Coast EEZ shoreward (east) of a boundary line defined by connecting the following coordinates in the order stated:

(1) 38°2.88′ N lat., 123°03.46′ W long.;
(2) 38°2.98′ N lat., 123°03.84′ W long.;
(3) 38°6.52′ N lat., 123°03.63′ W long.;
(4) 38°8.69′ N lat., 123°01.86′ W long.; and
(5) 38°8.92′ N lat., 123°00.90′ W long.

(q) *Cordell Bank/Biogenic Area.* The boundary of the Cordell Bank/Biogenic Area EFHCA is located offshore of California's Marin County defined by straight lines connecting all of the following points in the order stated and connecting back to 38°05.46′ N lat., 123°25.97′ W long.:

(1) 38°05.46′ N lat., 123°25.97′ W long.;
(2) 38°04.44′ N lat., 123°24.44′ W long.;
(3) 38°03.05′ N lat., 123°21.33′ W long.;
(4) 38°03.07′ N lat., 123°07.35′ W long.;
(5) 38°02.84′ N lat., 123°07.36′ W long.;
(6) 38°01.09′ N lat., 123°07.06′ W long.;
(7) 38°01.02′ N lat., 123°22.08′ W long.;
(8) 37°54.75′ N lat., 123°23.64′ W long.;
(9) 37°46.01′ N lat., 123°25.62′ W long.;
(10) 37°46.68′ N lat., 123°27.05′ W long.;
(11) 37°47.66′ N lat., 123°28.18′ W long.;
(12) 37°50.26′ N lat., 123°30.94′ W long.;
(13) 37°54.41′ N lat., 123°32.69′ W long.;
(14) 37°56.94′ N lat., 123°32.87′ W long.;
(15) 37°57.09′ N lat., 123°26.39′ W long.;
(16) 37°57.76′ N lat., 123°26.48′ W long.;
(17) 37°58.57′ N lat., 123°26.95′ W long.;
(18) 37°59.94′ N lat., 123°28.58′ W long.;
(19) 38°00.27′ N lat., 123°29.32′ W long.;
(20) 38°00.63′ N lat., 123°29.95′ W long.;
(21) 38°01.23′ N lat., 123°30.53′ W long.;
(22) 38°01.60′ N lat., 123°30.81′ W long.;
(23) 38°01.84′ N lat., 123°31.05′ W long.;
(24) 38°02.00′ N lat., 123°31.31′ W long.;
(25) 38°02.37′ N lat., 123°31.45′ W long.;
(26) 38°03.99′ N lat., 123°30.75′ W long.;
(27) 38°04.85′ N lat., 123°30.36′ W long.; and
(28) 38°05.73′ N lat., 123°28.46′ W long.

(r) *Cordell Bank (50-fm (91-m) isobath).* The boundary of the Cordell Bank (50-fm (91-m) isobath) EFHCA is located offshore of California's Marin County defined by straight lines connecting all of the following points in the order stated and connecting back to 37°57.62′ N lat., 123°24.22′ W long.:

(1) 37°57.62′ N lat., 123°24.22′ W long.;
(2) 37°57.70′ N lat., 123°25.25′ W long.;
(3) 37°59.47′ N lat., 123°26.63′ W long.;
(4) 38°00.24′ N lat., 123°27.87′ W long.;
(5) 38°00.98′ N lat., 123°27.65′ W long.;
(6) 38°02.81′ N lat., 123°28.75′ W long.;

(7) 38°04.26′ N lat., 123°29.25′ W long.;
(8) 38°04.55′ N lat., 123°28.32′ W long.;
(9) 38°03.87′ N lat., 123°27.69′ W long.;
(10) 38°04.27′ N lat., 123°26.68′ W long.;
(11) 38°02.67′ N lat., 123°24.17′ W long.;
(12) 38°00.87′ N lat., 123°23.15′ W long.;
(13) 37°59.32′ N lat., 123°22.52′ W long.; and
(14) 37°58.24′ N lat., 123°23.16′ W long.

(s) *Rittenburg Bank*. The boundary of the Rittenburg Bank EFHCA is defined by straight lines connecting all of the following points in the order stated and connecting back to 37°51.36′ N lat., 123°19.18′ W long.:
(1) 37°51.36′ N lat., 123°19.18′ W long.;
(2) 37°53.61′ N lat., 123°21.67′ W long.;
(3) 37°54.32′ N lat., 123°19.69′ W long.;
(4) 37°53.98′ N lat., 123°18.99′ W long.;
(5) 37°54.96′ N lat., 123°16.32′ W long.; and
(6) 37°53.32′ N lat., 123°15.00′ W long.

(t) *Farallon Islands/Fanny Shoal/Cochrane Bank*. The boundary of the Farallon Islands/Fanny Shoal/Cochrane Bank EFHCA is defined by straight lines connecting all of the following points in the order stated and connecting back to 37°51.58′ N lat., 123°14.07′ W long.:
(1) 37°51.58′ N lat., 123°14.07′ W long.;
(2) 37°44.51′ N lat., 123°01.50′ W long.;
(3) 37°41.71′ N lat., 122°58.38′ W long.;
(4) 37°40.80′ N lat., 122°58.54′ W long.;
(5) 37°39.87′ N lat., 122°59.64′ W long.;
(6) 37°42.05′ N lat., 123°03.72′ W long.;
(7) 37°43.73′ N lat., 123°04.45′ W long.;
(8) 37°46.94′ N lat., 123°11.65′ W long.;
(9) 37°46.51′ N lat., 123°14.14′ W long.;
(10) 37°47.87′ N lat., 123°16.94′ W long.; and
(11) 37°49.23′ N lat., 123°16.81′ W long.

(u) *Farallon Escarpment*. The boundary of the Farallon Escarpment EFHCA is defined by straight lines connecting all of the following points in the order stated and connecting back to 37°44.85′ N lat., 123°13.73′ W long.:
(1) 37°44.85′ N lat., 123°13.73′ W long.;
(2) 37°45.58′ N lat., 123°12.74′ W long.;
(3) 37°45.18′ N lat., 123°11.87′ W long.;
(4) 37°42.71′ N lat., 123°09.04′ W long.;
(5) 37°40.73′ N lat., 123°08.42′ W long.;
(6) 37°39.15′ N lat., 123°06.76′ W long.;
(7) 37°38.26′ N lat., 123°08.27′ W long.;
(8) 37°34.32′ N lat., 123°07.43′ W long.;
(9) 37°29.55′ N lat., 123°09.74′ W long.;
(10) 37°29.18′ N lat., 123°13.97′ W long.;
(11) 37°40.29′ N lat., 123°12.83′ W long.;
(12) 37°47.52′ N lat., 123°25.28′ W long.; and
(13) 37°50.65′ N lat., 123°24.57′ W long.

(v) *Half Moon Bay*. The boundary of the Half Moon Bay EFHCA is defined by straight lines connecting all of the following points in the order stated and connecting back to 37°18.14′ N lat., 122°31.15′ W long.:
(1) 37°18.14′ N lat., 122°31.15′ W long.;
(2) 37°19.80′ N lat., 122°34.70′ W long.;
(3) 37°19.28′ N lat., 122°38.76′ W long.;
(4) 37°23.54′ N lat., 122°40.75′ W long.;
(5) 37°25.41′ N lat., 122°33.20′ W long.; and
(6) 37°23.28′ N lat., 122°30.71′ W long.

(w) *Pescadero Reef*. The boundary of the Pescadero Reef EFHCA is defined as the areas within the West Coast EEZ shoreward (east) of a boundary line defined by connecting the following coordinates in the order stated:
(1) 37°17.18′ N lat., 122°28.34′ W long.;
(2) 37°17.76′ N lat., 122°29.59′ W long.;
(3) 37°19.38′ N lat., 122°29.63′ W long.; and
(4) 37°19.50′ N lat., 122°28.00′ W long.;

(x) *Pigeon Point Reef*. The boundary of the Pigeon Point EFHCA is defined by straight lines connecting all of the following points in the order stated and connecting back to 37°06.02′ N lat., 122°28.14′ W long.:
(1) 37°06.02′ N lat., 122°28.14′ W long.;
(2) 37°08.91′ N lat., 122°31.76′ W long.;
(3) 37°10.29′ N lat., 122°29.70′ W long.; and
(4) 37°07.20′ N lat., 122°26.82′ W long.

(y) *Ascension Canyonhead*. The boundary of the Ascension Canyonhead EFHCA is defined by straight lines connecting all of the following points in the order stated and connecting back to 36°56.88′ N lat., 122°24.84′ W long.:
(1) 36°56.88′ N lat., 122°24.84′ W long.;
(2) 36°57.30′ N lat., 122°26.36′ W long.;
(3) 36°56.65′ N lat., 122°27.06′ W long.;
(4) 37°01.55′ N lat., 122°24.73′ W long.;
(5) 37°01.40′ N lat., 122°24.37′ W long.;
(6) 37°01.00′ N lat., 122°24.35′ W long.;
(7) 37°00.61′ N lat., 122°24.03′ W long.; and
(8) 36°59.20′ N lat., 122°24.64′ W long.

(z) *South of Davenport*. The boundary of the South of Davenport EFHCA is defined by straight lines connecting all of the following points in the order stated and connecting back to 36°54.00′ N lat., 122°13.05′ W long.:

(1) 36°54.00′ N lat., 122°13.05′ W long.;
(2) 36°56.79′ N lat., 122°17.91′ W long.;
(3) 36°57.80′ N lat., 122°18.14′ W long.;
(4) 36°57.84′ N lat., 122°17.72′ W long.;
(5) 36°57.38′ N lat., 122°17.05′ W long.;
(6) 36°55.84′ N lat., 122°14.26′ W long.;
(7) 36°54.80′ N lat., 122°12.61′ W long.; and
(8) 36°54.49′ N lat., 122°12.48′ W long.

(aa) *Monterey Bay/Canyon*. The boundary of the Monterey Bay/Canyon EFHCA is defined by straight lines connecting all of the following points in the order stated and connecting back to 36°54.17′ N lat., 122°23.68′ W long.:
(1) 36°54.17′ N lat., 122°23.68′ W long.;
(2) 36°53.58′ N lat., 122°22.48′ W long.;
(3) 36°52.72′ N lat., 122°22.11′ W long.;
(4) 36°49.09′ N lat., 122°21.84′ W long.;
(5) 36°50.47′ N lat., 122°19.03′ W long.;
(6) 36°49.60′ N lat., 122°15.08′ W long.;
(7) 36°49.37′ N lat., 122°15.20′ W long.;
(8) 36°48.31′ N lat., 122°18.59′ W long.;
(9) 36°45.55′ N lat., 122°18.91′ W long.;
(10) 36°44.32′ N lat., 122°18.49′ W long.;
(11) 36°42.04′ N lat., 122°16.07′ W long.;
(12) 36°40.30′ N lat., 122°13.31′ W long.;
(13) 36°39.88′ N lat., 122°09.69′ W long.;
(14) 36°40.02′ N lat., 122°09.09′ W long.;
(15) 36°40.99′ N lat., 122°08.53′ W long.;
(16) 36°41.30′ N lat., 122°09.35′ W long.;
(17) 36°44.94′ N lat., 122°08.46′ W long.;
(18) 36°46.31′ N lat., 122°05.48′ W long.;
(19) 36°48.50′ N lat., 122°06.02′ W long.;
(20) 36°49.18′ N lat., 122°03.12′ W long.;
(21) 36°47.80′ N lat., 122°02.71′ W long.;
(22) 36°49.60′ N lat., 122°00.85′ W long.;
(23) 36°51.53′ N lat., 121°58.25′ W long.;
(24) 36°50.78′ N lat., 121°56.89′ W long.;
(25) 36°47.39′ N lat., 121°58.16′ W long.;
(26) 36°48.34′ N lat., 121°50.95′ W long.;
(27) 36°47.23′ N lat., 121°52.25′ W long.;
(28) 36°45.60′ N lat., 121°54.17′ W long.;
(29) 36°44.76′ N lat., 121°56.04′ W long.;
(30) 36°41.68′ N lat., 121°56.33′ W long.;
(31) 36°38.21′ N lat., 121°55.96′ W long.; extending along the mainland coast to
(32) 36°25.31′ N lat., 121°54.86′ W long.;
(33) 36°25.25′ N lat., 121°58.34′ W long.;
(34) 36°30.86′ N lat., 122°00.45′ W long.;
(35) 36°30.78′ N lat., 122°01.32′ W long.;
(36) 36°31.22′ N lat., 122°01.35′ W long.;
(37) 36°32.38′ N lat., 122°01.69′ W long.;
(38) 36°35.41′ N lat., 122°04.44′ W long.;
(39) 36°34.69′ N lat., 122°04.99′ W long.;
(40) 36°30.59′ N lat., 122°03.45′ W long.;
(41) 36°30.02′ N lat., 122°09.85′ W long.;
(42) 36°30.23′ N lat., 122°36.82′ W long.;
(43) 36°55.08′ N lat., 122°36.46′ W long.;
(44) 36°54.01′ N lat., 122°29.95′ W long.;
(45) 36°56.65′ N lat., 122°27.06′ W long.;
(46) 36°57.30′ N lat., 122°26.36′ W long.;
(47) 36°56.88′ N lat., 122°24.84′ W long.; and
(48) 36°56.53′ N lat., 122°23.58′ W long.

(bb) *West of Sobranes Point*. The boundary of the West of Sobranes Point EFHCA is defined by straight lines connecting all of the following points in the order stated and connecting back to 36°30.59′ N lat., 122°03.45′ W long.:
(1) 36°30.59′ N lat., 122°03.45′ W long.;
(2) 36°25.41′ N lat., 122°13.54′ W long.;
(3) 36°25.71′ N lat., 122°17.22′ W long.; and
(4) 36°30.02′ N lat., 122°09.85′ W long.

(cc) *Point Sur Deep*. The boundary of the Point Sur Deep EFHCA is defined by straight lines connecting all of the following points in the order stated and connecting back to 36°17.95′ N lat., 122°17.13′ W long.:
(1) 36°17.95′ N lat., 122°17.13′ W long.;
(2) 36°17.83′ N lat., 122°22.56′ W long.;
(3) 36°22.33′ N lat., 122°22.99′ W long.;
(4) 36°26.00′ N lat., 122°20.81′ W long.; and
(5) 36°25.41′ N lat., 122°13.54′ W long.

(dd) *Big Sur Coast/Port San Luis*. The Big Sur Coast/Port San Luis EFHCA consists of the three adjacent polygons defined in this paragraph, combined.

(1) *Main*. The main polygon covers Davidson Seamount, portions of Santa Lucia Bank and Sur Canyon, and is defined by straight lines connecting all of the following points in the order stated and connecting back to 36°15.74′ N lat., 121°56.75′ W long.:
(i) 36°15.74′ N lat., 121°56.75′ W long.;
(ii) 36°15.84′ N lat., 121°56.35′ W long.;
(iii) 36°14.27′ N lat., 121°53.89′ W long.;
(iv) 36°10.93′ N lat., 121°48.66′ W long.;
(v) 36°07.40′ N lat., 121°43.14′ W long.;
(vi) 36°07.36′ N lat., 121°43.26′ W long.;
(vii) 35°59.00′ N lat., 121°50.49′ W long.;
(viii) 35°55.70′ N lat., 121°50.02′ W long.;
(ix) 35°53.05′ N lat., 121°56.69′ W long.;
(x) 35°38.99′ N lat., 121°49.73′ W long.;
(xi) 35°20.06′ N lat., 121°27.00′ W long.;
(xii) 35°20.39′ N lat., 121°33.08′ W long.;
(xiii) 35°09.72′ N lat., 121°33.92′ W long.;
(xiv) 35°06.21′ N lat., 121°33.51′ W long.;
(xv) 35°04.09′ N lat., 121°32.19′ W long.;
(xvi) 35°02.65′ N lat., 121°30.63′ W long.;

(xvii) 35°02.79′ N lat., 121°26.30′ W long.;
(xviii) 34°58.71′ N lat., 121°24.21′ W long.;
(xix) 34°47.24′ N lat., 121°22.40′ W long.;
(xx) 34°35.70′ N lat., 121°45.99′ W long.;
(xxi) 35°47.36′ N lat., 122°30.25′ W long.;
(xxii) 35°27.26′ N lat., 122°45.15′ W long.;
(xxiii) 35°34.39′ N lat., 123°00.25′ W long.;
(xxiv) 36°01.64′ N lat., 122°40.76′ W long.;
(xxv) 36°17.41′ N lat., 122°41.22′ W long.;
(xxvi) 36°17.83′ N lat., 122°22.56′ W long.;
(xxvii) 36°17.95′ N lat., 122°17.13′ W long.;
(xxviii) 36°13.85′ N lat., 122°15.95′ W long.;
(xxix) 36°12.30′ N lat., 122°10.19′ W long.;
(xxx) 36°09.95′ N lat., 122°03.73′ W long.;
(xxxi) 36°09.93′ N lat., 121°56.57′ W long.;
(xxxii) 36°11.89′ N lat., 121°55.81′ W long.;
(xxxiii) 36°12.58′ N lat., 121°58.55′ W long.;
(xxxiv) 36°13.95′ N lat., 121°58.45′ W long.;
(xxxv) 36°14.84′ N lat., 122°00.28′ W long.; and
(xxxvi) 36°15.21′ N lat., 121°58.83′ W long.

(2) *North*. This area is a northern expansion in the vicinity of Point Sur Platform and is defined as the areas within the West Coast EEZ shoreward (east) of a boundary line defined by connecting the following coordinates in the order stated:
(i) 36°15.74′ N lat., 121°56.75′ W long.;
(ii) 36°15.21′ N lat., 121°58.83′ W long.;
(iii) 36°16.66′ N lat., 122°01.19′ W long.;
(iv) 36°17.95′ N lat., 122°02.25′ W long.;
(v) 36°18.56′ N lat., 122°01.53′ W long.; and
(vi) 36°17.65′ N lat., 121°57.85′ W long.

(3) *Northeast*. This area is a northeastern expansion in the vicinity of Partington Point and Lopez Point and is defined as the areas within the West Coast EEZ shoreward (east) of a boundary line defined by connecting the following coordinates in the order stated:
(i) 36°02.32′ N lat., 121°39.40′ W long.;
(ii) 35°58.89′ N lat., 121°45.38′ W long.;
(iii) 35°59.00′ N lat., 121°50.49′ W long.; and
(iv) 36°07.36′ N lat., 121°43.26′ W long.

(ee) *Davidson Seamount*. The boundary of the Davidson Seamount EFHCA is defined by straight lines connecting the following points in the order stated and connecting back to 35°54.00′ N lat., 123°00.00′ W long.:
(1) 35°54.00′ N lat., 123°00.00′ W long.;
(2) 35°54.00′ N lat., 122°30.00′ W long.;
(3) 35°30.00′ N lat., 122°30.00′ W long.; and
(4) 35°30.00′ N lat., 123°00.00′ W long.

(ff) *La Cruz Canyon*. The boundary of the La Cruz Canyon EFHCA is defined by straight lines connecting all of the following points in the order stated and connecting back to 35°42.85′ N lat., 121°25.92′ W long.:
(1) 35°42.85′ N lat., 121°25.92′ W long.;
(2) 35°42.83′ N lat., 121°26.31′ W long.;
(3) 35°43.63′ N lat., 121°26.92′ W long.;
(4) 35°45.14′ N lat., 121°27.61′ W long.;
(5) 35°46.88′ N lat., 121°27.80′ W long.;
(6) 35°49.15′ N lat., 121°29.43′ W long.;
(7) 35°49.53′ N lat., 121°28.71′ W long.;
(8) 35°49.15′ N lat., 121°27.84′ W long.;
(9) 35°48.68′ N lat., 121°27.58′ W long.;
(10) 35°47.84′ N lat., 121°27.75′ W long.;
(11) 35°46.50′ N lat., 121°26.57′ W long.;
(12) 35°45.40′ N lat., 121°25.99′ W long.;
(13) 35°44.19′ N lat., 121°24.69′ W long.; and
(14) 35°43.83′ N lat., 121°26.52′ W long.

(gg) *West of Piedras Blancas State Marine Conservation Area*. The boundary of the West of Piedras Blancas SMCA EFHCA is defined as the areas within the West Coast EEZ shoreward (east) of a boundary line defined by connecting the following coordinates in the order stated:
(1) 35°39.12′ N lat., 121°20.94′ W long.;
(2) 35°39.11′ N lat., 121°21.32′ W long.;
(3) 35°40.63′ N lat., 121°22.63′ W long.;
(4) 35°42.84′ N lat., 121°23.67′ W long.; and
(5) 35°42.85′ N lat., 121°22.81′ W long.

(hh) *East San Lucia Bank*. The boundary of the East San Lucia Bank EFHCA is defined by straight lines connecting all of the following points in the order stated and connecting back to 34°45.09′ N. lat., 121°05.73′ W. long.:
(1) 34°45.09′ N lat., 121°05.73′ W long.;
(2) 34°39.90′ N lat., 121°10.30′ W long.;
(3) 34°43.39′ N lat., 121°14.73′ W long.;

(4) 34°52.83′ N lat., 121°14.85′ W long.; and

(5) 34°52.82′ N lat., 121°05.90′ W long.

(ii) *Point Conception*. The boundary of the Point Conception EFHCA is defined by straight lines connecting all of the following points in the order stated and connecting back to 34°29.24′ N lat., 120°36.05′ W long.:

(1) 34°29.24′ N lat., 120°36.05′ W long.;

(2) 34°28.57′ N lat., 120°34.44′ W long.;

(3) 34°26.81′ N lat., 120°33.21′ W long.;

(4) 34°24.54′ N lat., 120°32.23′ W long.;

(5) 34°23.41′ N lat., 120°30.61′ W long.;

(6) 33°53.05′ N lat., 121°05.19′ W long.;

(7) 34°13.64′ N lat., 121°20.91′ W long.;

(8) 34°40.04′ N lat., 120°54.01′ W long.;

(9) 34°36.41′ N lat., 120°43.48′ W long.;

(10) 34°33.50′ N lat., 120°43.72′ W long.;

(11) 34°31.22′ N lat., 120°42.06′ W long.;

(12) 34°30.04′ N lat., 120°40.27′ W long.;

(13) 34°30.02′ N lat., 120°40.23′ W long.; and

(14) 34°29.26′ N lat., 120°37.89′ W long.

(jj) *Harris Point*. The boundary of the Harris Point EFHCA is defined by the mean high water line and straight lines connecting all of the following points in the order stated:

(1) 34°03.10′ N lat., 120°23.30′ W long.;

(2) 34°12.50′ N lat., 120°23.30′ W long.;

(3) 34°12.50′ N lat., 120°18.40′ W long.;

(4) 34°01.80′ N lat., 120°18.40′ W long.;

(5) 34°02.90′ N lat., 120°20.20′ W long.; and

(6) 34°03.50′ N lat., 120°21.30′ W long.

(kk) *Harris Point Exception*. An exemption to the Harris Point reserve, where commercial and recreational take of living marine resources is allowed, exists between the mean high water line in Cuyler Harbor and a straight line connecting all of the following points:

(1) 34°02.90′ N lat., 120°20.20′ W long.; and

(2) 34°03.50′ N lat., 120°21.30′ W long.

(ll) *Richardson Rock*. The boundary of the Richardson Rock EFHCA is defined by straight lines connecting all of the following points in the order stated and connecting back to 34°10.40′ N lat., 120°28.20′ W long.:

(1) 34°10.40′ N lat., 120°28.20′ W long.;

(2) 34°10.40′ N lat., 120°36.29′ W long.;

(3) 34°02.21′ N lat., 120°36.29′ W long.; and

(4) 34°02.21′ N lat., 120°28.20′ W long.

(mm) *Scorpion*. The boundary of the Scorpion EFHCA is defined by the mean high water line and a straight line connecting all of the following points in the order stated:

(1) 34°02.94′ N lat., 119°35.50′ W long.;

(2) 34°09.35′ N lat., 119°35.50′ W long.;

(3) 34°09.35′ N lat., 119°32.80′ W long.; and

(4) 34°02.80′ N lat., 119°32.80′ W long.

(nn) *Painted Cave*. The boundary of the Painted Cave EFHCA is defined by the mean high water line and a straight line connecting all of the following points in the order stated:

(1) 34°04.50′ N lat., 119°53.00′ W long.;

(2) 34°05.20′ N lat., 119°53.00′ W long.;

(3) 34°05.00′ N lat., 119°51.00′ W long.; and

(4) 34°04.00′ N lat., 119°51.00′ W long.

(oo) *Anacapa Island*. The boundary of the Anacapa Island EFHCA is defined by the mean high water line and straight lines connecting all of the following points in the order stated:

(1) 34°00.80′ N lat., 119°26.70′ W long.;

(2) 34°05.00′ N lat., 119°26.70′ W long.;

(3) 34°05.00′ N lat., 119°21.40′ W long.; and

(4) 34°01.00′ N lat., 119°21.40′ W long.

(pp) *Carrington Point*. The boundary of the Carrington Point EFHCA is defined by the mean high water line and straight lines connecting all of the following points:

(1) 34°01.30′ N lat., 120°05.20′ W long.;

(2) 34°04.00′ N lat., 120°05.20′ W long.;

(3) 34°04.00′ N lat., 120°01.00′ W long.;

(4) 34°00.50′ N lat., 120°01.00′ W long.; and

(5) 34°00.50′ N lat., 120°02.80′ W long.

(qq) *Judith Rock*. The boundary of the Judith Rock EFHCA is defined by the mean high water line and a straight line connecting all of the following points in the order stated:

(1) 34°01.80′ N lat., 120°26.60′ W long.;

(2) 33°58.50′ N lat., 120°26.60′ W long.;

(3) 33°58.50′ N lat., 120°25.30′ W long.; and

(4) 34°01.50′ N lat., 120°25.30′ W long.

(rr) *Skunk Point*. The boundary of the Skunk Point EFHCA is defined by the mean high water line and straight lines connecting all of the following points in the order stated:

(1) 33°59.00′ N lat., 119°58.80′ W long.;

(2) 33°59.00′ N lat., 119°58.02′ W long.;

(3) 33°57.10′ N lat., 119°58.00′ W long.; and

(4) 33°57.10′ N lat., 119°58.20′ W long.

(ss) *Footprint*. The boundary of the Footprint EFHCA is defined by straight lines connecting all of the following points in the order stated and connecting back to 33°59.00′ N lat., 119°26.00′ W long.:

(1) 33°59.00′ N lat., 119°26.00′ W long.;
(2) 33°59.00′ N lat., 119°31.00′ W long.;
(3) 33°54.11′ N lat., 119°31.00′ W long.; and
(4) 33°54.11′ N lat., 119°26.00′ W long.

(tt) *Gull Island*. The boundary of the Gull Island EFHCA is defined by the mean high water line and straight lines connecting all of the following points in the order stated:

(1) 33°58.02′ N lat., 119°51.00′ W long.;
(2) 33°58.02′ N lat., 119°53.00′ W long.;
(3) 33°51.63′ N lat., 119°53.00′ W long.;
(4) 33°51.62′ N lat., 119°48.00′ W long.; and
(5) 33°57.70′ N lat., 119°48.00′ W long.

(uu) *South Point*. The boundary of the South Point EFHCA is defined by the mean high water line and straight lines connecting all of the following points in the order stated:

(1) 33°55.00′ N lat., 120°10.00′ W long.;
(2) 33°50.40′ N lat., 120°10.00′ W long.;
(3) 33°50.40′ N lat., 120°06.50′ W long.; and
(4) 33°53.80′ N lat., 120°06.50′ W long.

(vv) *Hidden Reef/Kidney Bank*. The boundary of the Hidden Reef/Kidney Bank EFHCA is defined by straight lines connecting all of the following points in the order stated and connecting back to 33°48.00′ N lat., 119°15.06′ W long.:

(1) 33°48.00′ N lat., 119°15.06′ W long.;
(2) 33°48.00′ N lat., 118°57.06′ W long.;
(3) 33°33.00′ N lat., 118°57.06′ W long.; and
(4) 33°33.00′ N lat., 119°15.06′ W long.

(ww) *Catalina Island*. The boundary of the Catalina Island EFHCA is defined by straight lines connecting all of the following points in the order stated and connecting back to 33°34.71′ N lat., 118°11.40′ W long.:

(1) 33°34.71′ N lat., 118°11.40′ W long.;
(2) 33°25.88′ N lat., 118°03.76′ W long.;
(3) 33°11.69′ N lat., 118°09.21′ W long.;
(4) 33°19.73′ N lat., 118°35.41′ W long.;
(5) 33°23.90′ N lat., 118°35.11′ W long.;
(6) 33°25.68′ N lat., 118°41.66′ W long.;
(7) 33°30.25′ N lat., 118°42.25′ W long.;
(8) 33°32.73′ N lat., 118°38.38′ W long.; and
(9) 33°27.07′ N lat., 118°20.33′ W long.

(xx) *Santa Barbara*. The Santa Barbara EFHCA is defined by the mean high water line and straight lines connecting all of the following points in the order stated:

(1) 33°28.50′ N lat., 119°01.70′ W long.;
(2) 33°28.50′ N lat., 118°54.54′ W long.;
(3) 33°21.78′ N lat., 118°54.54′ W long.;
(4) 33°21.78′ N lat., 119°02.20′ W long.; and
(5) 33°27.90′ N lat., 119°02.20′ W long.

(yy) *Potato Bank*. Potato Bank is within the Western Cowcod Conservation Area, defined at § 660.70. The boundary of the Potato Bank EFHCA is defined by straight lines connecting all of the following points in the order stated and connecting back to 33°11.00' N lat., 119°55.67' W long.:

(1) 33°11.00′ N lat., 119°55.67′ W long.;
(2) 33°21.00′ N lat., 119°55.67′ W long.;
(3) 33°21.00′ N lat., 119°45.67′ W long.; and
(4) 33°11.00′ N lat., 119°45.67′ W long.

(zz) *Cherry Bank*. Cherry Bank is within the Cowcod Conservation Area West, an area south of Point Conception. The Cherry Bank EFH Conservation Area is defined by straight lines connecting all of the following points in the order stated and connecting back to 32°59.00′ N lat., 119°32.05′ W long.:

(1) 32°59.00′ N lat., 119°32.05′ W long.;
(2) 32°59.00′ N lat., 119°17.05′ W long.;
(3) 32°46.00′ N lat., 119°17.05′ W long.; and
(4) 32°46.00′ N lat., 119°32.05′ W long.

(aaa) *Cowcod EFHCA East*. The Cowcod EFHCA East is defined by straight lines connecting all of the following points in the order stated and connecting back to 32°41.15′ N lat., 118°02.00′ W long.:

(1) 32°41.15′ N lat., 118°02.00′ W long.;
(2) 32°42.00′ N lat., 118°02.00′ W long.;
(3) 32°42.00′ N lat., 117°50.00′ W long.;
(4) 32°36.70′ N lat., 117°50.00′ W long.;
(5) 32°30.00′ N lat., 117°53.50′ W long.;
(6) 32°30.00′ N lat., 118°02.00′ W long.; and
(7) 32°40.49′ N lat., 118°02.00′ W long.

(bbb) *Southern California Bight*. The boundary of the Southern California Bight EFHCA is defined as the area that includes all waters within the West Coast EEZ that is: south of a straight line connecting 34°02.65′ N lat.,

120°54.25′ W long. and 34°23.09′ N lat., 120°30.98′ W long.; shoreward (east and northeast) of the boundary line approximating the 700-fm (1280-m) depth contour, defined at §660.76(b) and seaward (south and southwest) of a line defined by the inner boundary of the West Coast EEZ and a series of straight lines connecting the coordinates listed below in the order stated. The straight line segments and coordinates defined below exclude nearshore portions of the West Coast EEZ from this EFHCA.

(1) *Northern Boundary*. The northern boundary of the Southern California Bight EFHCA is a straight line connecting the following points in the order stated.

(i) 34°02.68′ N lat., 120°54.30′ W long.; and

(ii) 34°23.09′ N lat., 120°30.98′ W long.

(2) *Santa Barbara Channel*. In the area of the Santa Barbara Channel, the EFHCA extends seaward/southwest of a boundary line defined by straight lines connecting the following points in the order stated:

(i) 34°02.68′ N lat., 120°54.30′ W long.;

(ii) 34°23.09′ N lat., 120°30.98′ W long.;

(iii) 34°21.64′ N lat., 120°25.32′ W long.;

(iv) 34°23.55′ N lat., 120°15.12′ W long.;

(v) 34°20.15′ N lat., 119°57.09′ W long.;

(vi) 34°16.84′ N lat., 119°49.14′ W long.;

(vii) 34°11.24′ N lat., 119°42.12′ W long.;

(viii) 34°11.30′ N lat., 119°37.11′ W long.;

(ix) 34°09.89′ N lat., 119°29.78′ W long.;

(x) 34°09.19′ N lat., 119°27.45′ W long.;

(xi) 34°04.70′ N lat., 119°15.38′ W long.;

(xii) 34°03.33′ N lat., 119°12.93′ W long.; and

(xiii) 34°02.84′ N lat., 119°07.92′ W long.

(3) *Santa Monica Bay*. In the area of Santa Monica bay, the EFHCA extends seaward/southwest of a boundary line defined by straight lines connecting the following points in the order stated:

(i) 33°58.64′ N lat., 118°44.34′ W long.;

(ii) 33°55.90′ N lat., 118°36.39′ W long.;

(iii) 33°53.54′ N lat., 118°39.81′ W long.;

(iv) 33°50.10′ N lat., 118°36.30′ W long.; and

(v) 33°46.75′ N lat., 118°29.33′ W long.

(4) *San Pedro Bay*. In the area between Long Beach, CA and Newport Beach, CA, the EFHCA extends seaward/southwest of a boundary line defined by straight lines connecting the following points in the order stated:

(i) 33°39.28′ N lat., 118°16.82′ W long.;

(ii) 33°35.78′ N lat., 118°17.28′ W long.;

(iii) 33°33.74′ N lat., 118°12.53′ W long.;

(iv) 33°34.71′ N lat., 118°11.40′ W long.;

(v) 33°32.69′ N lat., 118°09.66′ W long.; and

(vi) 33°33.70′ N lat., 117°57.43′ W long.

(5) *San Clemente*. In the area between Dana Point, CA and Oceanside, CA, the EFHCA extends seaward/southwest of a boundary line defined by straight lines connecting the following points in the order stated:

(i) 33°24.37′ N lat., 117°42.49′ W long.;

(ii) 33°16.07′ N lat., 117°34.74′ W long.; and

(iii) 33°09.00′ N lat., 117°25.27′ W long.

(6) *San Diego*. In the area west of San Diego, CA, the EFHCA extends seaward/west of a boundary line defined by straight lines connecting the following points in the order stated:

(i) 32°51.02′ N lat., 117°20.47′ W long.;

(ii) 32°46.31′ N lat., 117°23.44′ W long.;

(iii) 32°42.68′ N lat., 117°20.98′ W long.; and

(iv) 32°34.18′ N lat., 117°21.08′ W long.

[84 FR 63979, Nov. 19, 2019; 84 FR 70905, Dec. 26, 2019]

TABLE 1a TO PART 660, SUBPART C—2019, SPECIFICATIONS OF OFL, ABC, ACL, ACT AND FISHERY HG

[Weights in metric tons]

| Stocks/stock complexes | Area | OFL | ABC | ACL [a] | Fishery HG [b] |
|---|---|---|---|---|---|
| COWCOD [c] | S of 40°10′ N lat | 74 | 67 | 10 | 8 |
| COWCOD | (Conception) | 61 | 56 | NA | NA |
| COWCOD | (Monterey) | 13 | 11 | NA | NA |
| YELLOWEYE ROCKFISH [d]. | Coastwide | 82 | 74 | 48 | 42 |
| Arrowtooth Flounder [e] | Coastwide | 18,696 | 15,574 | 15,574 | 13,479 |

[Weights in metric tons]

| Stocks/stock complexes | Area | OFL | ABC | ACL [a] | Fishery HG [b] |
|---|---|---|---|---|---|
| Big Skate [f] | Coastwide | 541 | 494 | 494 | 452 |
| Black Rockfish [g] | California (S of 42° N lat.). | 344 | 329 | 329 | 328 |
| Black Rockfish [h] | Washington (N of 46°16′ N lat.). | 312 | 298 | 298 | 280 |
| Bocaccio [i] | S of 40°10′ N lat | 2,194 | 2,097 | 2,097 | 2,051 |
| Cabezonz [j] | California (S of 42° N lat). | 154 | 147 | 147 | 147 |
| California Scorpionfish [k] | S of 34°27′ N lat | 337 | 313 | 313 | 311 |
| Canary Rockfish [l] | Coastwide | 1,517 | 1,450 | 1,450 | 1,383 |
| Chilipepper Rockfish [m] | S. of 40°10′ N lat | 2,652 | 2,536 | 2,536 | 2,451 |
| Darkblotched Rockfish [n] | Coastwide | 800 | 765 | 765 | 731 |
| Dover Sole [o] | Coastwide | 91,102 | 87,094 | 50,000 | 48,404 |
| English Sole [p] | Coastwide | 11,052 | 10,090 | 10,090 | 9,874 |
| Lingcod [q] | N of 40°10′ N lat | 5,110 | 4,885 | 4,871 | 4,593 |
| Lingcod [r] | S of 40°10′ N lat | 1,143 | 1,093 | 1,039 | 1,028 |
| Longnose Skate [s] | Coastwide | 2,499 | 2,389 | 2,000 | 1,852 |
| Longspine Thornyhead [t] | N of 34°27′ N lat | 4,112 | 3,425 | 2,603 | 2,553 |
| Longspine Thornyhead [u] | S.of 34°27′ N lat | | | 822 | 821 |
| Pacific Cod [v] | Coastwide | 3,200 | 2,221 | 1,600 | 1,094 |
| Pacific Whiting [w] | Coastwide | ([w]) | ([w]) | ([w]) | ([w]) |
| Pacific Ocean Perch [x] | N of 40°10′ N lat | 4,753 | 4,340 | 4,340 | 4,318 |
| Petrale Sole [y] | Coastwide | 3,042 | 2,908 | 2,908 | 2,587 |
| Sablefish [z] | N of 36° N lat | 8,489 | 7,750 | 5,606 | * |
| Sablefish [aa] | S of 36° N lat | | | 1,990 | 1,986 |
| Shortbelly Rockfish [bb] | Coastwide | 6,950 | 5,789 | 500 | 483 |
| Shortspine Thornyhead [cc]. | N of 34°27′ N lat | 3,089 | 2,573 | 1,683 | 1,618 |
| Shortspine Thornyhead [dd]. | S of 34°27′ N lat | | | 890 | 889 |
| Spiny Dogfish [ee] | Coastwide | 2,486 | 2,071 | 2,071 | 1,738 |
| Splitnose Rockfish [ff] | S of 40°10′ N lat | 1,831 | 1,750 | 1,750 | 1,733 |
| Starry Flounder [gg] | Coastwide | 652 | 452 | 452 | 433 |
| Widow Rockfish [hh] | Coastwide | 12,375 | 11,831 | 11,831 | 11,583 |
| Yellowtail Rockfish [ii] | N. of 40°10′ N lat | 6,568 | 6,279. | 6,279 | 5,234 |
| Black Rockfish/Blue Rockfish/Deacon Rockfish [jj]. | Oregon (Between 46°16′ N lat. and 42° N lat.). | 677 | 617 | 617 | 616 |
| Cabezon/Kelp Greenling [kk]. | Oregon (Between 46°16′ N lat. and 42° N lat.). | 230 | 218 | 218 | 218 |
| Cabezon/Kelp Greenling [ll]. | Washington (N of 46°16′ N lat.). | 13 | 11 | 11 | 11 |
| Nearshore Rockfish [mm] | N of 40°10′ N lat | 91 | 81 | 81 | 79 |
| Shelf Rockfish [nn] | N of 40°10′ N lat | 2,309 | 2,054 | 2,054 | 1,977 |
| Slope Rockfish [oo] | N of 40°10′ N lat | 1,887 | 1,746 | 1,746 | 1,665 |
| Nearshore Rockfish [pp] | S of 40°10′ N lat | 1,300 | 1,145 | 1,142 | 1,138 |
| Shelf Rockfish [qq] | S of 40°10′ N lat | 1,919 | 1,625 | 1,625 | 1,546 |
| Slope Rockfish [rr] | S of 40°10′ N lat | 856 | 744 | 744 | 724 |
| Other Flatfish [ss] | Coastwide | 8,750 | 6,498 | 6,498 | 6,249 |
| Other Fish [tt] | Coastwide | 286 | 239 | 239 | 230 |

* See Table 1c.

[a] Annual catch limits (ACLs), annual catch targets (ACTs) and harvest guidelines (HGs) are specified as total catch values.

[b] Fishery HGs means the HG or quota after subtracting Pacific Coast treaty Indian tribes allocations and projected catch, projected research catch, deductions for fishing mortality in non-groundfish fisheries, and deductions for EFPs from the ACL or ACT.

[c] Cowcod south of 40°10′ N lat. 2 mt is deducted from the ACL to EFP fishing (less than 0.1 mt) and research activity (2 mt), resulting in a fishery HG of 8 mt. Any additional mortality in research activities will be deducted from the ACL. A single ACT of 6 mt is being set for the Conception and Monterey areas combined.

[d] Yelloweye rockfish. The 48 mt ACL is based on the current rebuilding plan with a target year to rebuild of 2029 and an SPR harvest rate of 65 percent. 6.1 mt is deducted from the ACL to accommodate the Tribal fishery (2.3 mt), the incidental open access fishery (0.62 mt), EFP catch (0.24 mt) and research catch (2.92 mt), resulting in a fishery HG of 42 mt. The non-trawl HG is 38.6 mt. The non-nearshore HG is 2.0 mt and the nearshore HG is 6.0 mt. Recreational HGs are: 10 mt (Washington); 8.9 mt (Oregon); and 11.6 mt (California). In addition, there are the following ACTs: Non-nearshore (1.6 mt), nearshore (4.7 mt), Washington recreational (7.8 mt), Oregon recreational (7.0 mt), and California recreational (9.1 mt).

[e] Arrowtooth flounder. 2,094.9 mt is deducted from the ACL to accommodate the Tribal fishery (2,041 mt), the incidental open access fishery (40.8 mt), EFP fishing (0.1 mt), and research catch (13 mt), resulting in a fishery HG of 13,479 mt.

[f] Big skate. 41.9 mt is deducted from the ACL to accommodate the Tribal fishery (15 mt), the incidental open access fishery (21.3 mt), EFP fishing (0.1 mt), and research catch (5.5 mt), resulting in a fishery HG of 452 mt.

[g] Black rockfish (California). 1.3 mt is deducted from the ACL to accommodate EFP fishing (1.0 mt) and incidental open access fishery (0.3 mt), resulting in a fishery HG of 328 mt.

[h] Black rockfish (Washington). 18.1 mt is deducted from the ACL to accommodate the Tribal fishery (18 mt) and research catch (0.1 mt), resulting in a fishery HG of 280 mt.

[i] Bocaccio south of 40°10′ N lat. The stock is managed with stock-specific harvest specifications south of 40°10′ N lat. and within the Minor Shelf Rockfish complex north of 40°10′ N lat. 46.1 mt is deducted from the ACL to accommodate the incidental open access fishery (0.5 mt), EFP catch (40 mt) and research catch (5.6 mt), resulting in a fishery HG of 2,051 mt. The California recreational fishery south of 40°10′ N lat. has an HG of 863.4 mt.

[j] Cabezon (California). 0.3 mt is deducted from the ACL to accommodate the incidental open access fishery, resulting in a fishery HG of 147 mt.

[k] California scorpionfish south of 34°27′ N lat. 2.4 mt is deducted from the ACL to accommodate the incidental open access fishery (2.2 mt) and research catch (0.2 mt), resulting in a fishery HG of 311 mt.

[l] Canary rockfish. 67.1 mt is deducted from the ACL to accommodate the Tribal fishery (50 mt), the incidental open access fishery (1.3 mt), EFP catch (8 mt), and research catch (7.8 mt), resulting in a fishery HG of 1,383 mt. Recreational HGs are: 47.1 mt (Washington); 70.7 mt (Oregon); and 127.3 mt (California).

[m] Chilipepper rockfish south of 40°10′ N lat. Chilipepper are managed with stock-specific harvest specifications south of 40°10′ N lat. and within the Minor Shelf Rockfish complex north of 40°10′ N lat. 84.9 mt is deducted from the ACL to accommodate the incidental open access fishery (11.5 mt), EFP fishing (60 mt), and research catch (13.4 mt), resulting in a fishery HG of 2,451 mt.

[n] Darkblotched rockfish. 33.8 mt is deducted from the ACL to accommodate the Tribal fishery (0.2 mt), the incidental open access fishery (24.5 mt), EFP catch (0.6 mt), and research catch (8.5 mt) resulting in a fishery HG of 731 mt.

[o] Dover sole. 1,595.6 mt is deducted from the ACL to accommodate the Tribal fishery (1,497 mt), the incidental open access fishery (49.3 mt), EFP fishing (0.1 mt), and research catch (49.2 mt), resulting in a fishery HG of 48,404 mt.

[p] English sole. 216.2 mt is deducted from the ACL to accommodate the Tribal fishery (200 mt), the incidental open access fishery (8.1 mt), EFP fishing (0.1 mt), and research catch (8 mt), resulting in a fishery HG of 9,874 mt.

[q] Lingcod north of 40°10′ N lat. 278 mt is deducted from the ACL for the Tribal fishery (250 mt), the incidental open access fishery (9.8 mt), EFP catch (1.6 mt) and research catch (16.6 mt), resulting in a fishery HG of 4,593 mt.

[r] Lingcod south of 40°10′ N lat. 11.3 mt is deducted from the ACL to accommodate the incidental open access fishery (8.1 mt) and research catch (3.2 mt), resulting in a fishery HG of 1,028 mt. On June 4, 2019 1 mt of research catch and 0.5 mt of incidental open access catch were redistributed to the deduction for EFP catch. This redistribution results in an incidental open access amount of 7.6 mt, a research catch amount of 2.2 mt, and an EFP catch amount of 1.5 mt.

[s] Longnose skate. 148.3 mt is deducted from the ACL to accommodate the Tribal fishery (130 mt), incidental open access fishery (5.7 mt), EFP catch (0.1 mt), and research catch (12.5 mt), resulting in a fishery HG of 1,852 mt.

[t] Longspine thornyhead north of 34°27′ N lat. 50.4 mt is deducted from the ACL to accommodate the Tribal fishery (30 mt), the incidental open access fishery (6.2 mt), and research catch (14.2 mt), resulting in a fishery HG of 2,553 mt.

[u] Longspine thornyhead south of 34°27′ N lat. 1.4 mt is deducted from the ACL to accommodate research catch, resulting in a fishery HG of 821 mt.

[v] Pacific cod. 506.2 mt is deducted from the ACL to accommodate the Tribal fishery (500 mt), research catch (5.5 mt), EFP fishing (0.1 mt), and the incidental open access fishery (0.6 mt), resulting in a fishery HG of 1,094 mt.

[w] Pacific whiting. Pacific whiting are assessed annually. The final specifications will be determined consistent with the U.S.-Canada Pacific Whiting Agreement and will be announced after the Council's April 2019 meeting.

[x] Pacific ocean perch north of 40°10′ N lat. 22.4 mt is deducted from the ACL to accommodate the Tribal fishery (9.2 mt), the incidental open access fishery (10 mt), EFP fishing (0.1 mt), and research catch (3.1 mt) resulting in a fishery HG of 4,318 mt.

[y] Petrale sole. 320.6 mt is deducted from the ACL to accommodate the Tribal fishery (290 mt), the incidental open access fishery (6.4 mt), EFP catch (0.1 mt), and research catch (24.1 mt), resulting in a fishery HG of 2,587 mt.

[z] Sablefish north of 36° N lat. The 40-10 adjustment is applied to the ABC to derive a coastwide ACL value because the stock is in the precautionary zone. This coastwide ACL value is not specified in regulations. The coastwide ACL value is apportioned north and south of 36° N lat., using the 2003–2014 average estimated swept area biomass from the NMFS NWFSC trawl survey, with 73.8 percent apportioned north of 36° N lat. and 26.2 percent apportioned south of 36° N lat. The northern ACL is 5,606 mt and is reduced by 561 mt for the Tribal allocation (10 percent of the ACL north of 36° N lat.). The 561 mt Tribal allocation is reduced by 1.5 percent to account for discard mortality. Detailed sablefish allocations are shown in Table 1c.

[aa] Sablefish south of 36° N lat. The ACL for the area south of 36° N lat. is 1,990 mt (26.2 percent of the calculated coastwide ACL value). 4.2 mt is deducted from the ACL to accommodate the incidental open access fishery (1.8 mt) and research catch (2.4 mt), resulting in a fishery HG of 1,986 mt.

[bb] Shortbelly rockfish. 17.2 mt is deducted from the ACL to accommodate the incidental open access fishery (8.9 mt), EFP catch (0.1 mt), and research catch (8.2 mt), resulting in a fishery HG of 483 mt.

[cc] Shortspine thornyhead north of 34°27′ N lat. 65.3 mt is deducted from the ACL to accommodate the Tribal fishery (50 mt), the incidental open access fishery (4.7 mt), EFP catch (0.1 mt), and research catch (10.5 mt), resulting in a fishery HG of 1,618 mt for the area north of 34°27′ N lat.

[dd] Shortspine thornyhead south of 34°27′ N lat. 1.2 mt is deducted from the ACL to accommodate the incidental open access fishery (0.5 mt) and research catch (0.7 mt), resulting in a fishery HG of 889 mt for the area south of 34°27′ N lat.

[ee] Spiny dogfish. 333 mt is deducted from the ACL to accommodate the Tribal fishery (275 mt), the incidental open access fishery (22.6 mt), EFP catch (1.1 mt), and research catch (34.3 mt), resulting in a fishery HG of 1,738 mt.

[ff] Splitnose rockfish south of 40°10′ N lat. Splitnose rockfish in the north is managed in the Slope Rockfish complex and with stock-specific harvest specifications south of 40°10′ N lat. 16.6 mt is deducted from the ACL to accommodate the incidental open access fishery (5.8 mt), research catch (9.3 mt) and EFP catch (1.5 mt), resulting in a fishery HG of 1,733 mt.

[gg] Starry flounder. 18.8 mt is deducted from the ACL to accommodate the Tribal fishery (2 mt), EFP catch (0.1 mt), research catch (0.6 mt), and the incidental open access fishery (16.1 mt), resulting in a fishery HG of 433 mt.

[hh] Widow rockfish. 248.4 mt is deducted from the ACL to accommodate the Tribal fishery (200 mt), the incidental open access fishery (3.1 mt), EFP catch (28 mt) and research catch (17.3 mt), resulting in a fishery HG of 11,583 mt.

[ii] Yellowtail rockfish north of 40°10′ N lat. 1,045.1 mt is deducted from the ACL to accommodate the Tribal fishery (1,000 mt), the incidental open access fishery (4.5 mt), EFP catch (20 mt) and research catch (20.6 mt), resulting in a fishery HG of 5,234 mt.

[jj] Black rockfish Blue rockfish Deacon rockfish (Oregon). 1.2 mt is deducted from the ACL to accommodate the incidental open access fishery (0.3 mt) and EFP catch (0.9 mt), resulting in a fishery HG of 616 mt.

[kk] Cabezon kelp greenling (Oregon). 0.2 mt is deducted from the ACL to accommodate EFP catch, resulting in a fishery HG of 218 mt.

[ll] Cabezon kelp greenling (Washington). There are no deductions from the ACL so the fishery HG is equal to the ACL of 11 mt.

[mm] Nearshore Rockfish north of 40°10′ N lat. 2.8 mt is deducted from the ACL to accommodate the Tribal fishery (1.5 mt), EFP fishing (0.1 mt), research catch (0.3 mt) and the incidental open access fishery (0.9 mt), resulting in a fishery HG of 79 mt.

[nn] Shelf Rockfish north of 40°10′ N lat. 76.9 mt is deducted from the ACL to accommodate the Tribal fishery (30 mt), the incidental open access fishery (17.7 mt), EFP catch (4.5 mt), and research catch (24.7 mt), resulting in a fishery HG of 1,977 mt.

[oo] Slope Rockfish north of 40°10′ N lat. 80.8 mt is deducted from the ACL to accommodate the Tribal fishery (36 mt), the incidental open access fishery (21.7 mt), EFP catch (1.5 mt), and research catch (21.6 mt), resulting in a fishery HG of 1,665 mt.

[pp] Nearshore Rockfish south of 40°10′ N lat. 4.1 mt is deducted from the ACL to accommodate the incidental open access fishery (1.4 mt) and research catch (2.7 mt), resulting in a fishery HG of 1,138 mt.

[qq] Shelf Rockfish south of 40°10′ N lat. 79.1 mt is deducted from the ACL to accommodate the incidental open access fishery (4.6 mt), EFP catch (60 mt), and research catch (14.5 mt), resulting in a fishery HG of 1,546 mt.

[rr] Slope Rockfish south of 40°10′ N lat. 20.2 mt is deducted from the ACL to accommodate the incidental open access fishery (16.9 mt), EFP catch (1 mt), and research catch (2.3 mt), resulting in a fishery HG of 724 mt. Blackgill rockfish has a stock-specific HG for the entire groundfish fishery south of 40°10′ N lat. set equal to the species' contribution to the 40-10-adjusted ACL. Harvest of blackgill rockfish in all groundfish fisheries south of 40°10′ N lat. counts against this HG of 159 mt.

[ss] Other Flatfish. The Other Flatfish complex is comprised of flatfish species managed in the PCGFMP that are not managed with stock-specific OFLs/ABCs/ACLs. Most of the species in the Other Flatfish complex are unassessed and include: Butter sole, curlfin sole, flathead sole, Pacific sanddab, rock sole, sand sole, and rex sole. 249.5 mt is deducted from the ACL to accommodate the Tribal fishery (60 mt), the incidental open access fishery (161.6 mt), EFP fishing (0.1 mt), and research catch (27.8 mt), resulting in a fishery HG of 6,249 mt.

[tt] Other Fish. The Other Fish complex is comprised of kelp greenling off California and leopard shark coastwide. 8.9 mt is deducted from the ACL to accommodate the incidental open access fishery (8.8 mt) and research catch (0.1 mt), resulting in a fishery HG of 230 mt.

[84 FR 25713, June 4, 2019]

TABLE 1b TO PART 660, SUBPART C—2019, ALLOCATIONS BY SPECIES OR SPECIES GROUP

[Weight in metric tons]

| Stocks/stock complexes | Area | Fishery HG or ACT [a b] | Trawl | | Non-trawl | |
|---|---|---|---|---|---|---|
| | | | % | Mt | % | Mt |
| Arrowtooth flounder | Coastwide | 13,479.1 | 95 | 12,805.1 | 5 | 674.0 |
| Big skate [a] | Coastwide | 452.1 | 95 | 429.5 | 5 | 22.6 |
| Bocaccio [a] | S of 40°10′ N lat | 2,050.9 | 39 | 800.7 | 61 | 1,250.2 |

[Weight in metric tons]

| Stocks/stock complexes | Area | Fishery HG or ACT [a b] | Trawl | | Non-trawl | |
|---|---|---|---|---|---|---|
| | | | % | Mt | % | Mt |
| Canary rockfish [a] | Coastwide | 1,382.9 | 72 | 999.6 | 28 | 383.3 |
| Chilipepper | S of 40°10′ N lat | 2,451.1 | 75 | 1,838.3 | 25 | 612.8 |
| COWCOD [a b] | S of 40°10′ N lat | 6.0 | 36 | 2.2 | 64 | 3.8 |
| Darkblotched rockfish. | Coastwide | 731.2 | 95 | 694.6 | 5 | 36.6 |
| Dover sole | Coastwide | 48,404.4 | 95 | 45,984.2 | 5 | 2,420.2 |
| English sole | Coastwide | 9,873.8 | 95 | 9,380.1 | 5 | 493.7 |
| Lingcod | N of 40′10° N lat | 4,593.0 | 45 | 2,066.9 | 55 | 2,526.2 |
| Lingcod | S of 40′10° N lat | 1,027.7 | 45 | 462.5 | 55 | 565.2 |
| Longnose skate [a] | Coastwide | 1,851.7 | 90 | 1,666.5 | 10 | 185.2 |
| Longspine thornyhead. | N of 34°27′ N lat | 2,552.6 | 95 | 2,425.0 | 5 | 127.6 |
| Pacific cod | Coastwide | 1,093.8 | 95 | 1,039.1 | 5 | 54.7 |
| Pacific whiting [c] | Coastwide | 362,682.0 | 100 | 362,682.0 | 0 | 0.0 |
| Pacific ocean perch | N of 40°10′ N lat | 4,317.6 | 95 | 4,101.7 | 5 | 215.9 |
| Petrale sole | Coastwide | 2,587.4 | 95 | 2,458.0 | 5 | 129.4 |
| Sablefish | N of 36° N lat | NA | See Table 1c | | | |
| Sablefish | S of 36° N lat | 1,985.8 | 42 | 834.0 | 58 | 1,151.8 |
| Shortspine thornyhead. | N of 34°27′ N lat | 1,617.7 | 95 | 1,536.8 | 5 | 80.9 |
| Shortspine thornyhead. | S of 34°27′ N lat | 888.8 | NA | 50.0 | NA | 838.8 |
| Splitnose rockfish | S of 40°10′ N lat | 1,733.4 | 95 | 1,646.7 | 5 | 86.7 |
| Starry flounder | Coastwide | 433.2 | 50 | 216.6 | 50 | 216.6 |
| Widow rockfish | Coastwide | 11,582.6 | 91 | 10,540.2 | 9 | 1,042.4 |
| YELLOWEYE ROCKFISH. | Coastwide | 41.9 | 8 | 3.4 | 92 | 38.6 |
| Yellowtail rockfish | N of 40°10′ N lat | 5,233.9 | 88 | 4,605.8 | 12 | 628.1 |
| Minor Shelf Rockfish North [a]. | N of 40°10′ N lat | 1,977.1 | 60.2 | 1,190.2 | 39.8 | 786.9 |
| Minor Shelf Rockfish South [a]. | S of 40°10′ N lat | 1,545.9 | 12.2 | 188.6 | 87.8 | 1,357.3 |
| Minor Slope Rockfish North. | N of 40°10′ N lat | 1665.2 | 81 | 1,348.8 | 19 | 316.4 |
| Minor Slope Rockfish South. | S of 40°10′ N lat | 723.8 | 63 | 456.0 | 37 | 267.8 |
| Other Flatfish | Coastwide | 6,248.5 | 90 | 5,623.7 | 10 | 624.9 |

[a] Allocations decided through the biennial specificaton process.
[b] The cowcod fishery harvest guideline is further reduced to an ACT of 6.0 mt.
[c] Consistent with regulations at § 660.55(i)(2), the commercial harvest guideline for Pacific whiting is allocated as follows: 34 percent (123,312 mt) for the C/P Coop Program; 24 percent (87,044 mt) for the MS Coop Program; and 42 percent (152,326.5 mt) for the Shorebased IFQ Program. No more than 5 percent of the Shorebased IFQ Program allocation (7,616 mt) may be taken and retained south of 42° N lat. before the start of the primary Pacific whiting season north of 42° N lat.

[84 FR 49961, Sept. 24, 2019, as amended at 84 FR 68806, Dec. 17, 2019]

TABLE 1c TO PART 660, SUBPART C—SABLEFISH NORTH OF 36° N LAT. ALLOCATIONS, 2019

| Year | ACL | Set-asides | | Recreational estimate | EFP | Commercial HG | Limited Entry HG | | Open Access HG | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | Tribal [a] | Research | | | | Percent | mt | Percent | mt [b] |
| 2019 ..... | 5,606 | 561 | 30.68 | 6 | 1.1 | 5,007 | 90.6 | 4,537 | 9.4 | 471 |

| Year | LE All | Limited entry trawl [c] | | | Limited entry fixed gear [d] | | |
|---|---|---|---|---|---|---|---|
| | | All trawl | At-sea whiting | Shorebased IFQ | All FG | Primary | DTL |
| 2019 ..... | 4,537 | 2,631 | 50 | 2,581 | 1,905 | 1,620 | 286 |

[a] The tribal allocation is further reduced by 1.5 percent for discard mortality resulting in 553 mt in 2019.
[b] The open access HG is taken by the incidental OA fishery and the directed OA fishery.
[c] The trawl allocation is 58 percent of the limited entry HG.
[d] The limited entry fixed gear allocation is 42 percent of the limited entry HG.

[83 FR 63994, Dec. 12, 2018]

TABLE 1d TO PART 660, SUBPART C—WHITING AND NON-WHITING INITIAL ISSUANCE ALLOCATION PERCENTAGE FOR IFQ DECIDED THROUGH THE HARVEST SPECIFICATIONS, 2011

| Species/Species Group/Area | Trawl Allocation (mt) | At-sea Whiting set asides | Shorebased IFQ | | | |
|---|---|---|---|---|---|---|
| | | | Non-Whiting | | Whiting | |
| | | | percent | mt | percent | mt |
| Pacific Ocean Perch | 137 | 17.4 (10.2 catcher/processor + 7.2 mothership) | 89.5% [Remaining] | 107 | 10.5% (Greater of 17% or 30 mt to shorebased + at-sea whiting) | 12.6 |
| Widow rockfish | 491 | 147.9 (86.7 catcher/processor + 61.2 mothership) | 68.7% (Remaining) | 235 | 31.3% (52% to shorebased + at-sea whiting) | 107.1 |
| Yellowtail rockfish North of 40°10' N. lat. | 3,401 | 300 | 90.3% (Remaining) | 2,801 | 9.7% (300 mt) | 300 |
| Darkblotched rockfish | 265 | 14.5 (8.5 catcher/ processors + 6 mothership) | 95.8% (Remaining) | 240 | 4.20% (Greater of 9% or 25 mt to shorebased + at-sea whiting) | 10.5 |
| Minor slope rockfish South of 40°10' N. lat. | 377 | na | 100% | 377 | 0.0% | 0 |
| Minor shelf rockfish North of 40°10' N. lat. | 557 | 35 | 82.6% | 431.2 | 17.4% | 90.8 |
| South of 40°10' N. lat. | 86 | na | 100% | 86 | 0.0% | 0 |
| Canary Rockfish | 34.1 | 8.2 (4.8 catcher/processor + 3.4 mothership) | 77.2% | 20 | 22.8% | 5.9 |
| Bocaccio | 60 | na | 100% | 60 | 0.0% | 0 |
| Cowcod | 1.8 | na | 100% | 1.8 | 0.0% | 0 |
| Yelloweye Rockfish | 0.6 | 0 | 100% | 0.6 | 0.0% | 0 |

[76 FR 27531, May 11, 2011. Redesignated at 84 FR 68806, Dec. 17, 2019]

TABLE 2a TO PART 660, SUBPART C—2020, AND BEYOND, SPECIFICATION OF OFL, ABC, ACL, ACT AND FISHERY HARVEST GUIDELINES

[Weights in metric tons]

| Stocks/stock complexes | Area | OFL | ABC | ACL [a] | Fishery HG [b] |
|---|---|---|---|---|---|
| COWCOD [c] | S of 40°10′ N lat | 76 | 68 | 10 | 9 |
| COWCOD | (Conception) | 62 | 57 | NA | NA |
| COWCOD | (Monterey) | 13 | 11 | NA | NA |
| YELLOWEYE ROCKFISH [d] | Coastwide | 84 | 77 | 49 | 43 |
| Arrowtooth Flounder [e] | Coastwide | 15,306 | 12,750 | 12,750 | 10,655 |
| Big Skate [f] | Coastwide | 541 | 494 | 494 | 452 |
| Black Rockfish [g] | California (S of 42° N lat.). | 341 | 326 | 326 | 325 |
| Black Rockfish [h] | Washington (N of 46°16′ N lat.). | 311 | 297 | 297 | 279 |
| Bocaccio [i] | S of 40°10′ N lat | 2,104 | 2,011 | 2,011 | 1,965 |
| Cabezon [j] | California (S of 42° N lat.). | 153 | 146 | 146 | 146 |
| California Scorpionfish [k] | S of 34°27′ N lat | 331 | 307 | 307 | 305 |
| Canary Rockfish [l] | Coastwide | 1,431 | 1,368 | 1,368 | 1,301 |
| Chilipepper Rockfish [m] | S of 40°10′ N lat | 2,521 | 2,410 | 2,410 | 2,325 |
| Darkblotched Rockfish [n] | Coastwide | 853 | 815 | 815 | 781 |
| Dover Sole [o] | Coastwide | 92,048 | 87,998 | 50,000 | 48,404 |
| English Sole [p] | Coastwide | 11,101 | 10,135 | 10,135 | 9,919 |
| Lingcod [q] | N of 40°10′ N lat | 4,768 | 4,558 | 4,541 | 4,263 |
| Lingcod [r] | S of 40°10′ N lat | 977 | 934 | 869 | 858 |
| Longnose Skate [s] | Coastwide | 2,474 | 2,365 | 2,000 | 1,852 |
| Longspine Thornyhead [t] | N of 34°27′ N lat | 3,901 | 3,250 | 2,470 | 2,420 |
| Longspine Thornyhead [u] | S of 34°27′ N lat | | | 780 | 779 |
| Pacific Cod [v] | Coastwide | 3,200 | 2,221 | 1,600 | 1,094 |
| Pacific Whiting [w] | Coastwide | 666,458 | (w) | (w) | 348,968 |
| Pacific Ocean Perch [x] | N of 40°10′ N lat | 4,632 | 4,229 | 4,229 | 4,207 |
| Petrale Sole [y] | Coastwide | 2,976 | 2,845 | 2,845 | 2,524 |
| Sablefish [z] | N of 36° N lat | 8,648 | 7,896 | 5,723 | See Table 2c |
| Sablefish [aa] | S of 36° N lat | | | 2,032 | 2,028 |
| Shortbelly Rockfish [bb] | Coastwide | 6,950 | 5,789 | 3,000 | 2,983 |
| Shortspine Thornyhead [cc] | N of 34°27′ N lat | 3,063 | 2,551 | 1,669 | 1,604 |
| Shortspine Thornyhead [dd] | S of 34°27′ N lat | | | 883 | 882 |
| Spiny Dogfish [ee] | Coastwide | 2,472 | 2,059 | 2,059 | 1,726 |
| Splitnose Rockfish [ff] | S of 40°10′ N lat | 1,810 | 1,731 | 1,731 | 1,714 |
| Starry Flounder [gg] | Coastwide | 652 | 452 | 452 | 433 |
| Widow Rockfish [hh] | Coastwide | 11,714 | 11,199 | 11,199 | 10,951 |
| Yellowtail Rockfish [ii] | N of 40°10′ N lat | 6,261 | 5,986 | 5,986 | 4,941 |
| Black Rockfish/Blue Rockfish/Deacon Rockfish [jj]. | Oregon (Between 46°16′ N lat. and 42° N lat.). | 670 | 611 | 611 | 609 |
| Cabezon/Kelp Greenling [kk] | Oregon (Between 46°16′ N lat. and 42° N lat.). | 216 | 204 | 204 | 204 |
| Cabezon/Kelp Greenling [ll] | Washington (N of 46°16′ N lat.). | 12 | 10 | 10 | 10 |
| Nearshore Rockfish [mm] | N of 40°10′ N lat | 92 | 82 | 82 | 79 |
| Shelf Rockfish [nn] | N of 40°10′ N lat | 2,302 | 2,048 | 2,048 | 1,971 |
| Slope Rockfish [oo] | N of 40°10′ N lat | 1,873 | 1,732 | 1,732 | 1,651 |
| Nearshore Rockfish [pp] | S of 40°10′ N lat | 1,322 | 1,165 | 1,163 | 1,159 |
| Shelf Rockfish [qq] | S of 40°10′ N lat | 1,919 | 1,626 | 1,625 | 1,546 |
| Slope Rockfish [rr] | S of 40°10′ N lat | 855 | 743 | 743 | 723 |
| Other Flatfish [ss] | Coastwide | 8,202 | 6,041 | 6,041 | 5,792 |
| Other Fish [tt] | Coastwide | 286 | 239 | 239 | 230 |

[a] Annual catch limits (ACLs), annual catch targets (ACTs) and harvest guidelines (HGs) are specified as total catch values.

[b] Fishery HGs means the HG or quota after subtracting Pacific Coast treaty Indian tribes allocations and projected catch, projected research catch, deductions for fishing mortality in non-groundfish fisheries, and deductions for EFPs from the ACL or ACT.

[c] Cowcod south of 40°10′ N lat. 1 mt is deducted from the ACL to accommodate EFP fishing (less than 0.1 mt) and research activity, resulting in a fishery HG of 9 mt. Any additional mortality in research activities will be deducted from the ACL.

[d] Yelloweye rockfish. The 49 mt ACL is based on the current rebuilding plan with a target year to rebuild of 2029 and an SPR harvest rate of 65 percent. 6.1 mt is deducted from the ACL to accommodate the Tribal fishery (2.3 mt), the incidental open access fishery (0.62 mt), EFP catch (0.24 mt) and research catch (2.92 mt), resulting in a fishery HG of 43 mt. The non-trawl HG is 39.5 mt. The non-nearshore HG is 2.1 mt and the nearshore HG is 6.2 mt. Recreational HGs are: 10.2 mt (Washington); 9.1 mt (Oregon); and 11.9 mt (California). In addition, there are the following ACTs: Non-nearshore (1.7 mt), nearshore (4.9 mt), Washington recreational (8.1 mt), Oregon recreational (7.2 mt), and California recreational (9.4 mt).

[e] Arrowtooth flounder. 2,094.9 mt is deducted from the ACL to accommodate the Tribal fishery (2,041 mt), the incidental open access fishery (40.8 mt), EFP fishing (0.1 mt), and research catch (13 mt), resulting in a fishery HG of 10,655 mt.

[f] Big skate. 41.9 mt is deducted from the ACL to accommodate the Tribal fishery (15 mt), the incidental open access fishery (21.3 mt), EFP fishing (0.1 mt), and research catch (5.5 mt), resulting in a fishery HG of 452 mt.

[g] Black rockfish (California). 1.3 mt is deducted from the ACL to accommodate EFP fishing (1.0 mt) and the incidental open access fishery (0.3 mt), resulting in a fishery HG of 325 mt.

[h] Black rockfish (Washington). 18.1 mt is deducted from the ACL to accommodate the Tribal fishery (18 mt) and research catch (0.1 mt), resulting in a fishery HG of 279 mt.

[i] Bocaccio south of 40°10′ N lat. The stock is managed with stock-specific harvest specifications south of 40°10′ N lat. and within the Minor Shelf Rockfish complex north of 40°10′ N lat. 46.1 mt is deducted from the ACL to accommodate the incidental open access fishery (0.5 mt), EFP catch (40 mt) and research catch (5.6 mt), resulting in a fishery HG of 1,965 mt. The California recreational fishery has an HG of 827.2 mt.

[j] Cabezon (California). 0.3 mt is deducted from the ACL to accommodate the incidental open access fishery, resulting in a fishery HG of 146 mt.

[k] California scorpionfish south of 34°27′ N lat. 2.4 mt is deducted from the ACL to accommodate the incidental open access fishery (2.2 mt) and research catch (0.2 mt), resulting in a fishery HG of 305 mt.

[l] Canary rockfish. 67.1 mt is deducted from the ACL to accommodate the Tribal fishery (50 mt), the incidental open access fishery (1.3 mt), EFP catch (8 mt), and research catch (7.8 mt), resulting in a fishery HG of 1,301 mt. Recreational HGs are: 44.3 mt (Washington); 66.5 mt (Oregon); and 119.7 mt (California).

[m] Chilipepper rockfish south of 40°10′ N lat. Chilipepper are managed with stock-specific harvest specifications south of 40°10′ N lat. and within the Minor Shelf Rockfish complex north of 40°10′ N lat. 84.9 mt is deducted from the ACL to accommodate the incidental open access fishery (11.5 mt), EFP fishing (60 mt), and research catch (13.4 mt), resulting in a fishery HG of 2,325 mt.

[n] Darkblotched rockfish. 33.8 mt is deducted from the ACL to accommodate the Tribal fishery (0.2 mt), the incidental open access fishery (24.5 mt), EFP catch (0.6 mt), and research catch (8.5 mt) resulting in a fishery HG of 781 mt.

[o] Dover sole. 1,595.6 mt is deducted from the ACL to accommodate the Tribal fishery (1,497 mt), the incidental open access fishery (49.3 mt), EFP fishing (0.1 mt), and research catch (49.2 mt), resulting in a fishery HG of 48,404 mt.

[p] English sole. 216.2 mt is deducted from the ACL to accommodate the Tribal fishery (200 mt), the incidental open access fishery (8.1 mt), EFP fishing (0.1 mt), and research catch (8 mt), resulting in a fishery HG of 9,919 mt.

[q] Lingcod north of 40°10′ N lat. 278 mt is deducted from the ACL for the Tribal fishery (250 mt), the incidental open access fishery (9.8 mt), EFP catch (1.6 mt) and research catch (16.6 mt), resulting in a fishery HG of 4,263 mt.

[r] Lingcod south of 40°10′ N lat. 11.3 mt is deducted from the ACL to accommodate the incidental open access fishery (8.1 mt) and research catch (3.2 mt), resulting in a fishery HG of 858 mt.

[s] Longnose skate. 148.3 mt is deducted from the ACL to accommodate the Tribal fishery (130 mt), incidental open access fishery (5.7 mt), EFP catch (0.1 mt), and research catch (12.5 mt), resulting in a fishery HG of 1,852 mt.

[t] Longspine thornyhead. 50.4 mt is deducted from the ACL to accommodate the Tribal fishery (30 mt), the incidental open access fishery (6.2 mt), and research catch (14.2 mt), resulting in a fishery HG of 2,420 mt.

[u] Longspine thornyhead south of 34°27′ N lat. 1.4 mt is deducted from the ACL to research catch, resulting in a fishery HG of 779 mt.

[v] Pacific cod. 506.2 mt is deducted from the ACL to accommodate the Tribal fishery (500 mt), EFP catch (0.1 mt), research catch (5.5 mt), and the incidental open access fishery (0.6 mt), resulting in a fishery HG of 1,094 mt.

[w] Pacific whiting. The 2020 OFL of 666,458 mt is based on the 2020 assessment with an F40% of FMSY proxy. The 2020 coastwide adjusted Total Allowable Catch (TAC) is 575,000 mt. The U.S. TAC is 73.88 percent of the coastwide TAC. The 2020 adjusted U.S. TAC is 424,810 mt (367,202 mt unadjusted TAC + 57,608 mt carryover adjustment). From the adjusted U.S. TAC, 74,342 mt is deducted to accommodate the Tribal fishery, and 1,500 mt is deducted to accommodate research and bycatch in other fisheries, resulting in a 2020 fishery HG of 348,968 mt. The TAC for Pacific whiting is established under the provisions of the Agreement with Canada on Pacific Hake/Whiting and the Pacific Whiting Act of 2006, 16 U.S.C. 7001–7010, and the international exception applies. Therefore, no ABC or ACL values are provided for Pacific whiting.

[x] Pacific ocean perch north of 40°10′ N lat. 22.4 mt is deducted from the ACL to accommodate the Tribal fishery (9.2 mt), the incidental open access fishery (10 mt), EFP fishing (0.1 mt), and research catch (3.1 mt)-resulting in a fishery HG of 4,207 mt.

[y] Petrale sole. 320.6 mt is deducted from the ACL to accommodate the Tribal fishery (290 mt), the incidental open access fishery (6.4 mt), EFP catch (0.1 mt), and research catch (24.1 mt), resulting in a fishery HG of 2,524 mt.

[z] Sablefish north of 36° N lat. The 40–10 adjustment is applied to the ABC to derive a coastwide ACL value because the stock is in the precautionary zone. This coastwide ACL value is not specified in regulations. The coastwide ACL value is apportioned north and south of 36° N lat., using the 2003–2014 average estimated swept area biomass from the NMFS NWFSC trawl survey, with 73.8 percent apportioned north of 36° N lat. and 26.2 percent apportioned south of 36° N lat. The northern ACL is 5,723 mt and is reduced by 572 mt for the Tribal allocation (10 perceN of the ACL north of 36° N lat.). The 572 mt Tribal allocation is reduced by 1.5 percent to account for discard mortality. Detailed sablefish allocations are shown in Table 2c.

[aa] Sablefish south of 36° N lat. The ACL for the area south of 36° N lat. is 2,032 mt (26.2 percent of the calculated coastwide ACL value). 4.2 mt is deducted from the ACL to accommodate the incidental open access fishery (1.8 mt) and research catch (2.4 mt), resulting in a fishery HG of 2,028 mt.

[bb] Shortbelly rockfish. 17.2 mt is deducted from the ACL to accommodate the incidental open access fishery (8.9 mt), EFP catch (0.1 mt), and research catch (8.2 mt), resulting in a fishery HG of 2,983 mt.

[cc] Shortspine thornyhead north of 34°27′ N lat. 65.3 mt is deducted from the ACL to accommodate the Tribal fishery (50 mt), the incidental open access fishery (4.7 mt), EFP catch (0.1 mt), and research catch (10.5 mt), resulting in a fishery HG of 1,604 mt for the area north of 34°27′ N lat.

[dd] Shortspine thornyhead south of 34°27′ N lat. 1.2 mt is deducted from the ACL to accommodate the incidental open access fishery (0.5 mt) and research catch (0.7 mt), resulting in a fishery HG of 882 mt for the area south of 34°27′ N lat.

[ee] Spiny dogfish. 333 mt is deducted from the ACL to accommodate the Tribal fishery (275 mt), the incidental open access fishery (22.6 mt), EFP catch (1.1 mt), and research catch (34.3 mt), resulting in a fishery HG of 1,726 mt.

[ff] Splitnose rockfish south of 40°10′ N lat. Splitnose rockfish in the north is managed in the Slope Rockfish complex and with stock-specific harvest specifications south of 40°10′ N lat. 16.6 mt is deducted from the ACL to accommodate the incidental open access fishery (5.8 mt), research catch (9.3 mt) and EFP catch (1.5 mt), resulting in a fishery HG of 1,714 mt.

[gg] Starry flounder. 18.8 mt is deducted from the ACL to accommodate the Tribal fishery (2 mt), EFP catch (0.1 mt), research catch (0.6 mt), and the incidental open access fishery (16.1 mt), resulting in a fishery HG of 433 mt.

[hh] Widow rockfish. 248.4 mt is deducted from the ACL to accommodate the Tribal fishery (200 mt), the incidental open access fishery (3.1 mt), EFP catch (28 mt) and research catch (17.3 mt), resulting in a fishery HG of 10,951 mt.

[ii] Yellowtail rockfish north of 40°10′ N lat. 1,045.1 mt is deducted from the ACL to accommodate the Tribal fishery (1,000 mt), the incidental open access fishery (4.5 mt), EFP catch (20 mt) and research catch (20.6 mt), resulting in a fishery HG of 4,941 mt.

[jj] Black rockfishBlue rockfishDeacon rockfish (Oregon). 1.2 mt is deducted from the ACL to accommodate the incidental open access fishery (0.3 mt) and EFP catch (0.9 mt), resulting in a fishery HG of 609 mt.

[kk] CabezonKelp greenling (Oregon). 0.2 mt is deducted from the ACL to accommodate EFP catch, resulting in a fishery HG of 204 mt.

[ll] CabezonKelp greenling (Washington). There are no deductions from the ACL so the fishery HG is equal to the ACL of 10 mt.

[mm] Nearshore Rockfish north of 40°10′ N lat. 2.8 mt is deducted from the ACL to accommodate the Tribal fishery (1.5 mt), EFP catch (0.1 mt), research catch (0.3), and the incidental open access fishery (0.9 mt), resulting in a fishery HG of 79 mt.

[nn] Shelf Rockfish north of 40°10′ N lat. 76.9 mt is deducted from the ACL to accommodate the Tribal fishery (30 mt), the incidental open access fishery (17.7 mt), EFP catch (4.5 mt), and research catch (24.7 mt), resulting in a fishery HG of 1,971 mt.

[oo] Slope Rockfish north of 40°10′ N lat. 80.8 mt is deducted from the ACL to accommodate the Tribal fishery (36 mt), the incidental open access fishery (21.7 mt), EFP catch (1.5 mt), and research catch (21.6 mt), resulting in a fishery HG of 1,651 mt.

[pp] Nearshore Rockfish south of 40°10′ N lat. 4.1 mt is deducted from the ACL to accommodate the incidental open access fishery (1.4 mt) and research catch (2.7 mt), resulting in a fishery HG of 1,159 mt.

[qq] Shelf Rockfish south of 40°10′ N lat. 79.1 mt is deducted from the ACL to accommodate the incidental open access fishery (4.6 mt), EFP catch (60 mt), and research catch (14.5 mt), resulting in a fishery HG of 1,546 mt.

[rr] Slope Rockfish south of 40°10′ N lat. 20.2 mt is deducted from the ACL to accommodate the incidental open access fishery (16.9 mt), EFP catch (1 mt), and research catch (2.3 mt), resulting in a fishery HG of 723 mt. Blackgill rockfish has a stock-specific HG for the entire groundfish fishery south of 40°10′ N lat. set equal to the species' contribution to the 40–10-adjusted ACL. Harvest of blackgill rockfish in all groundfish fisheries south of 40°10′ N lat. counts against this HG of 159 mt.

[ss] Other Flatfish. The Other Flatfish complex is comprised of flatfish species managed in the PCGFMP that are not managed with stock-specific OFLs/ABCs/ACLs. MoS of the species in the Other Flatfish complex are unassessed and include: Butter sole, curlfin sole, flathead sole, Pacific sanddab, rock sole, sand sole, and rex sole. 249.5 mt is deducted from the ACL to accommodate the Tribal fishery (60 mt), the incidental open access fishery (161.6 mt), EFP fishing (0.1 mt), and research catch (27.8 mt), resulting in a fishery HG of 5,792 mt.

[tt] Other Fish. The Other Fish complex is comprised of kelp greenling off California and leopard shark coastwide. 8.9 mt is deducted from the ACL to accommodate the incidental open access fishery (8.8 mt) and research catch (0.1 mt), resulting in a fishery HG of 230 mt.

[85 FR 36812, June 18, 2020]

## Table 2b to Part 660, Subpart C—2020, and Beyond, Allocations by Species or Species Group

[Weight in metric tons]

| Stocks/stock complexes | Area | Fishery HG or ACT [a] | Trawl | | Non-trawl | |
|---|---|---|---|---|---|---|
| | | | % | Mt | % | Mt |
| Arrowtooth flounder | Coastwide | 10,655.1 | 95 | 10,122.3 | 5 | 532.8 |
| Big skate [a] | Coastwide | 452.1 | 95 | 429.5 | 5 | 22.6 |
| Bocaccio [a] | S of 40°10′ N lat | 1,964.9 | 39 | 767.1 | 61 | 1,197.8 |
| Canary rockfish [a] | Coastwide | 1,300.9 | 72 | 940.3 | 28 | 360.6 |
| Chilipepper rockfish | S of 40°10′ N lat | 2,325.1 | 75 | 1,743.8 | 25 | 581.3 |
| COWCOD [a] | S of 40°10′ N lat | 9.0 | 36 | 3.2 | 64 | 5.8 |
| Darkblotched rockfish. | Coastwide | 781.2 | 95 | 742.1 | 5 | 39.1 |
| Dover sole | Coastwide | 48,404.4 | 95 | 45,984.2 | 5 | 2,420.2 |
| English sole | Coastwide | 9,918.8 | 95 | 9,422.9 | 5 | 495.9 |
| Lingcod | N of 40′10° N lat | 4,263.0 | 45 | 1,918.4 | 55 | 2,344.7 |
| Lingcod | S of 40′10° N lat | 857.7 | 45 | 386.0 | 55 | 471.7 |
| Longnose skate [a] | Coastwide | 1,851.7 | 90 | 1,666.5 | 10 | 185.2 |
| Longspine thornyhead. | N of 34°27′ N lat | 2,419.6 | 95 | 2,298.6 | 5 | 121.0 |
| Pacific cod | Coastwide | 1,093.8 | 95 | 1,039.1 | 5 | 54.7 |
| Pacific whiting [b] | Coastwide | 348,968 | 100 | 348,968 | 0 | 0 |
| Pacific ocean perch | N of 40°10′ N lat | 4,206.6 | 95 | 3,996.3 | 5 | 210.3 |
| Petrale sole | Coastwide | 2,524.4 | 95 | 2,398.2 | 5 | 126.2 |
| Sablefish | N of 36° N lat | NA | See Table 2c | | | |
| Sablefish | S of 36° N lat | 2,027.8 | 42 | 851.7 | 58 | 1,176.1 |
| Shortspine thornyhead. | N of 34°27′ N lat | 1,603.7 | 95 | 1,523.5 | 5 | 80.2 |
| Shortspine thornyhead. | S of 34°27′ N lat | 881.8 | NA | 50.0 | NA | 831.8 |
| Splitnose rockfish | S of 40°10′ N lat | 1,714.4 | 95 | 1,628.7 | 5 | 85.7 |
| Starry flounder | Coastwide | 433.2 | 50 | 216.6 | 50 | 216.6 |
| Widow rockfish | Coastwide | 10,950.6 | 91 | 9,965.0 | 9 | 985.6 |
| YELLOWEYE ROCKFISH. | Coastwide | 42.9 | 8 | 3.4 | 92 | 39.5 |
| Yellowtail rockfish | N of 40°10′ N lat | 4,940.9 | 88 | 4,348.0 | 12 | 592.9 |
| Minor Shelf Rockfish North. | N of 40°10′ N lat | 1,971.1 | 60.2 | 1,186.6 | 39.8 | 784.5 |
| Minor Shelf Rockfish South. | S of 40°10′ N lat | 1,545.9 | 12.2 | 188.6 | 87.8 | 1,357.3 |
| Minor Slope Rockfish North. | N of 40°10′ N lat | 1,651.2 | 81 | 1,337.5 | 19 | 313.7 |
| Minor Slope Rockfish South. | S of 40°10′ N lat | 722.8 | 63 | 455.4 | 37 | 267.4 |
| Other Flatfish | Coastwide | 5,791.5 | 90 | 5,212.4 | 10 | 579.2 |

[a] Allocations decided through the biennial specification process.

[b] Consistent with regulations at § 660.55(i)(2), the commercial harvest guideline for Pacific whiting is allocated as follows: 34 Percent (118,649 mt) for the C/P Coop Program; 24 percent (83,752 mt) for the MS Coop Program; and 42 percent (146,567 mt) for the Shorebased IFQ Program. No more than 5 percent of the Shorebased IFQ Program allocation (7,328 mt) may be taken and retained south of 42° N lat. before the start of the primary Pacific whiting season north of 42° N lat.

[85 FR 36814, June 18, 2020]

TABLE 2c TO PART 660, SUBPART C—SABLEFISH NORTH OF 36° N LAT. ALLOCATIONS, 2020 AND BEYOND

| Year | ACL | Set-asides | | Recreational estimate | EFP | Commercial HG | Limited entry HG | | Open access HG | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | Tribal [a] | Research | | | | Percent | mt | Percent | mt [b] |
| 2020 ..... | 5,723 | 572 | 30.68 | 6 | 1.1 | 5,113 | 90.6 | 4,632 | 9.4 | 481 |

| Year | LE All | Limited entry trawl [c] | | | Limited entry fixed gear [d] | | |
|---|---|---|---|---|---|---|---|
| | | All trawl | At-sea whiting | Shorebased IFQ | All FG | Primary | DTL |
| 2020 ..... | 4,632 | 2,687 | 50 | 2,637 | 1,946 | 1,654 | 292 |

[a] The tribal allocation is further reduced by 1.5 percent for discard mortality resulting in 563 mt in 2020.
[b] The open access HG is taken by the incidental OA fishery and the directed OA fishery.
[c] The trawl allocation is 58 percent of the limited entry HG.
[d] The limited entry fixed gear allocation is 42 percent of the limited entry HG.

[83 FR 63998, Dec. 12, 2018]

TABLE 3 TO PART 660, SUBPART C—VESSEL CAPACITY RATINGS FOR WEST COAST GROUNDFISH LIMITED ENTRY PERMITS

| Vessel length | Capacity rating |
|---|---|
| <20 | 1.00 |
| 21 | 1.13 |
| 22 | 1.27 |
| 23 | 1.42 |
| 24 | 1.58 |
| 25 | 1.75 |
| 26 | 1.93 |
| 27 | 2.12 |
| 28 | 2.32 |
| 29 | 2.53 |
| 30 | 2.76 |
| 31 | 2.99 |
| 32 | 3.24 |
| 33 | 3.50 |
| 34 | 3.77 |
| 35 | 4.05 |
| 36 | 4.35 |
| 37 | 4.66 |
| 38 | 4.98 |
| 39 | 5.31 |
| 40 | 5.66 |
| 41 | 6.02 |
| 42 | 6.39 |
| 43 | 6.78 |
| 44 | 7.18 |
| 45 | 7.59 |
| 46 | 8.02 |
| 47 | 8.47 |
| 48 | 8.92 |
| 49 | 9.40 |
| 50 | 9.88 |
| 51 | 10.38 |
| 52 | 10.90 |
| 53 | 11.43 |
| 54 | 11.98 |
| 55 | 12.54 |
| 56 | 13.12 |
| 57 | 13.71 |
| 58 | 14.32 |
| 59 | 14.95 |
| 60 | 15.59 |
| 61 | 16.25 |
| 62 | 16.92 |
| 63 | 17.61 |
| 64 | 18.32 |
| 65 | 19.04 |
| 66 | 19.78 |
| 67 | 20.54 |
| 68 | 21.32 |
| 69 | 22.11 |
| 70 | 22.92 |
| 71 | 23.74 |
| 72 | 24.59 |
| 73 | 25.45 |
| 74 | 26.33 |
| 75 | 27.23 |
| 76 | 28.15 |
| 77 | 29.08 |
| 78 | 30.04 |
| 79 | 31.01 |
| 80 | 32.00 |
| 81 | 33.01 |
| 82 | 34.04 |
| 83 | 35.08 |
| 84 | 36.15 |
| 85 | 37.24 |
| 86 | 38.34 |
| 87 | 39.47 |
| 88 | 40.61 |
| 89 | 41.77 |
| 90 | 42.96 |
| 91 | 44.16 |
| 92 | 45.38 |
| 93 | 46.63 |
| 94 | 47.89 |
| 95 | 49.17 |
| 96 | 50.48 |
| 97 | 51.80 |
| 98 | 53.15 |
| 99 | 54.51 |
| 100 | 55.90 |
| 101 | 57.31 |
| 102 | 58.74 |
| 103 | 60.19 |
| 104 | 61.66 |
| 105 | 63.15 |
| 106 | 64.67 |
| 107 | 66.20 |
| 108 | 67.76 |
| 109 | 69.34 |
| 110 | 70.94 |
| 111 | 72.57 |
| 112 | 74.21 |
| 113 | 75.88 |
| 114 | 77.57 |
| 115 | 79.28 |
| 116 | 81.02 |
| 117 | 82.77 |
| 118 | 84.55 |
| 119 | 86.36 |
| 120 | 88.18 |
| 121 | 90.03 |
| 122 | 91.90 |
| 123 | 93.80 |
| 124 | 95.72 |
| 125 | 97.66 |
| 126 | 99.62 |
| 127 | 101.61 |
| 128 | 103.62 |
| 129 | 105.66 |
| 130 | 107.72 |
| 131 | 109.80 |
| 132 | 111.91 |
| 133 | 114.04 |
| 134 | 116.20 |
| 135 | 118.38 |
| 136 | 120.58 |
| 137 | 122.81 |
| 138 | 125.06 |
| 139 | 127.34 |
| 140 | 129.64 |
| 141 | 131.97 |
| 142 | 134.32 |
| 143 | 136.70 |
| 144 | 139.10 |
| 145 | 141.53 |
| 146 | 143.98 |
| 147 | 146.46 |
| 148 | 148.96 |
| 149 | 151.49 |
| 150 | 154.05 |
| 151 | 154.68 |
| 152 | 155.31 |
| 153 | 155.94 |
| 154 | 156.57 |
| 155 | 157.20 |
| 156 | 157.83 |
| 157 | 158.46 |
| 158 | 159.10 |
| 159 | 159.73 |

| Vessel length | Capacity rating |
|---|---|
| 160 | 160.36 |
| 161 | 160.99 |
| 162 | 161.62 |
| 163 | 162.25 |
| 164 | 162.88 |
| 165 | 163.51 |
| 166 | 164.14 |
| 167 | 164.77 |
| 168 | 165.41 |
| 169 | 166.04 |
| 170 | 166.67 |
| 171 | 167.30 |
| 172 | 167.93 |
| 173 | 168.56 |
| 174 | 169.19 |
| 175 | 169.82 |
| 176 | 170.45 |
| 177 | 171.08 |
| 178 | 171.72 |
| 179 | 172.35 |
| 180 | 172.98 |
| 181 | 173.61 |
| 182 | 174.24 |
| 183 | 174.87 |
| 184 | 175.50 |
| 185 | 176.13 |
| 186 | 176.76 |
| 187 | 177.40 |
| 188 | 178.03 |
| 189 | 178.66 |
| 190 | 179.29 |
| 191 | 179.92 |
| 192 | 180.55 |
| 193 | 181.18 |
| 194 | 181.81 |
| 195 | 182.44 |
| 196 | 183.07 |
| 197 | 183.71 |
| 198 | 184.34 |
| 199 | 184.97 |
| 200 | 185.60 |
| 201 | 186.23 |
| 202 | 186.86 |
| 203 | 187.49 |
| 204 | 188.12 |
| 205 | 188.75 |
| 206 | 189.38 |
| 207 | 190.02 |
| 208 | 190.65 |
| 209 | 191.28 |
| 210 | 191.91 |
| 211 | 192.54 |
| 212 | 193.17 |
| 213 | 193.80 |
| 214 | 194.43 |
| 215 | 195.06 |
| 216 | 195.69 |
| 217 | 196.33 |
| 218 | 196.96 |
| 219 | 197.59 |
| 220 | 198.22 |
| 221 | 198.85 |
| 222 | 199.48 |
| 223 | 200.11 |
| 224 | 200.74 |
| 225 | 201.37 |
| 226 | 202.01 |
| 227 | 202.64 |
| 228 | 203.27 |
| 229 | 203.90 |
| 230 | 204.53 |
| 231 | 205.16 |
| 232 | 205.79 |
| 233 | 206.42 |
| 234 | 207.05 |
| 235 | 207.68 |
| 236 | 208.32 |
| 237 | 208.95 |
| 238 | 209.58 |
| 239 | 210.21 |
| 240 | 210.84 |
| 241 | 211.47 |
| 242 | 212.10 |
| 243 | 212.73 |
| 244 | 213.36 |
| 245 | 213.99 |
| 246 | 214.63 |
| 247 | 215.26 |
| 248 | 215.89 |
| 249 | 216.52 |
| 250 | 217.15 |
| 251 | 217.78 |
| 252 | 218.41 |
| 253 | 219.04 |
| 254 | 219.67 |
| 255 | 220.30 |
| 256 | 220.94 |
| 257 | 221.57 |
| 258 | 222.20 |
| 259 | 222.83 |
| 260 | 223.46 |
| 261 | 224.09 |
| 262 | 224.72 |
| 263 | 225.35 |
| 264 | 225.98 |
| 265 | 226.61 |
| 266 | 227.25 |
| 267 | 227.88 |
| 268 | 228.51 |
| 269 | 229.14 |
| 270 | 229.77 |
| 271 | 230.40 |
| 272 | 231.03 |
| 273 | 231.66 |
| 274 | 232.29 |
| 275 | 232.93 |
| 276 | 233.56 |
| 277 | 234.19 |
| 278 | 234.82 |
| 279 | 235.45 |
| 280 | 236.08 |
| 281 | 236.71 |
| 282 | 237.34 |
| 283 | 237.97 |
| 284 | 238.60 |
| 285 | 239.24 |
| 286 | 239.87 |
| 287 | 240.50 |
| 288 | 241.13 |
| 289 | 241.76 |
| 290 | 242.39 |
| 291 | 243.02 |
| 292 | 243.65 |
| 293 | 244.28 |
| 294 | 244.91 |
| 295 | 245.55 |
| 296 | 246.18 |
| 297 | 246.81 |
| 298 | 247.44 |
| 299 | 248.07 |
| 300 | 248.70 |
| 301 | 249.33 |
| 302 | 249.96 |
| 303 | 250.59 |
| 304 | 251.22 |
| 305 | 251.86 |

| Vessel length | Capacity rating |
|---|---|
| 306 | 252.49 |
| 307 | 253.12 |
| 308 | 253.75 |
| 309 | 254.38 |
| 310 | 255.01 |
| 311 | 255.64 |
| 312 | 256.27 |
| 313 | 256.90 |
| 314 | 257.54 |
| 315 | 258.17 |
| 316 | 258.80 |
| 317 | 259.43 |
| 318 | 260.06 |
| 319 | 260.69 |
| 320 | 261.32 |
| 321 | 261.95 |
| 322 | 262.58 |
| 323 | 263.21 |
| 324 | 263.85 |
| 325 | 264.48 |
| 326 | 265.11 |
| 327 | 265.74 |
| 328 | 266.37 |
| 329 | 267.00 |
| 330 | 267.63 |
| 331 | 268.26 |
| 332 | 268.89 |
| 333 | 269.52 |
| 334 | 270.16 |
| 335 | 270.79 |
| 336 | 271.42 |
| 337 | 272.05 |
| 338 | 272.68 |
| 339 | 273.31 |
| 340 | 273.94 |
| 341 | 274.57 |
| 342 | 275.20 |
| 343 | 275.83 |
| 344 | 276.47 |
| 345 | 277.10 |
| 346 | 277.73 |
| 347 | 278.36 |
| 348 | 278.99 |
| 349 | 279.62 |
| 350 | 280.25 |
| 351 | 280.88 |
| 352 | 281.51 |
| 353 | 282.14 |
| 354 | 282.78 |
| 355 | 283.41 |
| 356 | 284.04 |
| 357 | 284.67 |
| 358 | 285.30 |
| 359 | 285.93 |
| 360 | 286.56 |
| 361 | 287.19 |
| 362 | 287.82 |
| 363 | 288.46 |
| 364 | 289.09 |
| 365 | 289.72 |
| 366 | 290.35 |
| 367 | 290.98 |
| 368 | 291.61 |
| 369 | 292.24 |
| 370 | 292.87 |
| 371 | 293.50 |
| 372 | 294.13 |
| 373 | 294.77 |
| 374 | 295.40 |
| 375 | 296.03 |
| 376 | 296.66 |
| 377 | 297.29 |
| 378 | 297.92 |
| 379 | 298.55 |
| 380 | 299.18 |
| 381 | 299.81 |
| 382 | 300.44 |
| 383 | 301.08 |
| 384 | 301.71 |
| 385 | 302.34 |
| 386 | 302.97 |
| 387 | 303.60 |
| 388 | 304.23 |
| 389 | 304.86 |
| 390 | 305.49 |
| 391 | 306.12 |
| 392 | 306.75 |
| 393 | 307.39 |
| 394 | 308.02 |
| 395 | 308.65 |
| 396 | 309.28 |
| 397 | 309.91 |
| 398 | 310.54 |
| 399 | 311.17 |
| >400 | 311.80 |

[61 FR 34572, July 2, 1996. Redesignated at 75 FR 60995, Oct. 1, 2010]

## Subpart D—West Coast Groundfish—Limited Entry Trawl Fisheries

SOURCE: 75 FR 60897, Oct. 1, 2010, unless otherwise noted.

### § 660.100 Purpose and scope.

This subpart applies to the Pacific coast groundfish limited entry trawl fishery. Under the trawl rationalization program, the limited entry trawl fishery consists of the Shorebased IFQ Program, the MS Coop Program, and the C/P Coop Program. Nothing in these regulations shall be construed to modify, impair, or supersede the operation of any of the antitrust laws. The trawl rationalization program creates limited access privileges. These limited access privileges, including the QS or IBQ, QP or IBQ pounds, and catch history assignments, may be revoked, limited or modified at any time in accordance with the MSA—and do not create any right of compensation to the holder of the limited access privilege if it is revoked, limited, or modified. The trawl rationalization program does not create any right, title, or interest in or to any fish before the fish is harvested by the holder and shall be considered a grant of permission to the holder of the limited access privilege to engage in

activities permitted by the trawl rationalization program.

[75 FR 78383, Dec. 15, 2010, as amended at 80 FR 77271, Dec. 14, 2015]

### § 660.111 Trawl fishery—definitions.

These definitions are specific to the limited entry trawl fisheries covered in this subpart. General groundfish definitions are found at § 660.11.

*Accumulation limits* mean the maximum extent of permissible ownership, control or use of a privilege within the trawl rationalization program, and include the following:

(1) *Shorebased IFQ Program.* (i) *Control limits* means the maximum amount of QS or IBQ that a person may own or control, as described at § 660.140(d)(4).

(ii) *Vessel limits* means the maximum amount of QP a vessel can hold, acquire, and/or use during a calendar year, and specify the maximum amount of QP that may be registered to a single vessel during the year (QP Vessel Limit) and, for some species, the maximum amount of unused QP registered to a vessel account at any one time (Unused QP Vessel Limit), as described at § 660.140(e)(4). Compliance with the QP vessel limit (annual limit) is calculated as all QPs transferred in minus all QPs transferred out of the vessel account.

(2) *MS Coop Program.* (i) MS permit usage limit means the maximum amount of the annual mothership sector Pacific whiting allocation that a person owning an MS permit may cumulatively process, no more than 45 percent, as described at § 660.150(f)(3)(i).

(ii) MS/CV permit ownership limit means the maximum amount of catch history assignment that a person may own, no more than 20 percent of the MS sector's allocation of Pacific whiting, as described at § 660.150(g)(3)(i).

(iii) Catcher vessel usage limit means the maximum amount of the annual mothership sector Pacific whiting allocation that a vessel may catch, no more than 30 percent, as described at § 660.150(g)(3)(ii).

*Block area closures* or *BACs* are a type of groundfish conservation area, defined at § 660.11, bounded on the north and south by commonly used geographic coordinates, defined at § 660.11, and on the east and west by boundary lines approximating depth contours, defined with latitude and longitude coordinates at §§ 660.71 through 660.74. BACs may be implemented or modified, off Oregon and California, as routine management measures, per regulations at § 660.60(c). BACs may vary in their shape and duration. Their shape and effective dates will be announced in the FEDERAL REGISTER. BACs may have a specific re-opening date as described in the FEDERAL REGISTER, or may be in effect until modified. BACs that are in effect until modified by Council recommendation and subsequent NMFS action are set out in Tables 1 (North) and 1 (South) of this subpart.

*Catch history assignment or CHA* means a percentage of the mothership sector allocation of Pacific whiting based on a limited entry permit's qualifying history and which is specified on the MS/CV-endorsed limited entry permit.

*Catcher/processor coop or C/P coop* means a harvester group that includes all eligible catcher/processor at-sea Pacific whiting endorsed permit owners who voluntarily form a coop and who manage the catcher/processor-specified allocations through private agreements and contracts.

*Catcher/Processor (C/P) Coop Program or C/P sector*, refers to the fishery described at § 660.160, subpart D. The C/P Coop Program is composed of vessels registered to a limited entry permit with a C/P endorsement and a valid declaration for limited entry, midwater trawl, Pacific whiting catcher/processor sector.

*Charterer* means, for the purpose of economic data collection program, a person, other than the owner of the vessel, who: entered in to any agreement or commitment by which the possession or services of the vessel are secured for a period of time for the purposes of commercially harvesting or processing fish. A long-term or exclusive contract for the sale of all or a portion of the vessel's catch or processed products is not considered a charter.

*Columbia River Salmon Conservation Zone* means the ocean area surrounding the Columbia River mouth bounded by a line extending for 6 nm due west from North Head along 46°18′ N lat. to

124°13.30′ W long., then southerly along a line of 167 True to 46°11.10′ N lat. and 124°11′ W long. (Columbia River Buoy), then northeast along Red Buoy Line to the tip of the south jetty.

*Complete economic data collection (EDC) form* means that a response is supplied for each question, sub-question, and answer-table cell. If particular question or sub-question is not applicable, ''NA'', must be entered in the appropriate space on the form. The form must also be signed and dated to certify that the information is true and complete to the best of the signatory's knowledge.

*Coop agreement* means a private agreement between a group of MS/CV-endorsed limited entry permit owners or C/P-endorsed permit owners that contains all information specified at §§ 660.150 and 660.160, subpart D.

*Coop member* means a permit owner of an MS/CV-endorsed permit for the MS Coop Program that is a party to an MS coop agreement, or a permit owner of a C/P-endorsed permit for the C/P Coop Program that is legally obligated to the C/P coop.

*Coop permit* means a Federal permit required to participate as a Pacific whiting coop in the catcher/processor or mothership sectors.

*Designated coop manager* means an individual appointed by a permitted coop that is identified in the coop agreement and is responsible for actions described at §§ 660.150 (for an MS coop) or 660.160 (for a C/P coop), subpart D.

*Ex-vessel value* means, for the purposes of the cost recovery program specified at § 660.115, all compensation (based on an arm's length transaction between a buyer and seller) that a fish buyer pays to a fish seller in exchange for groundfish species (as defined in § 660.11), and includes the value of all in-kind compensation and all other goods or services exchanged in lieu of cash. Ex-vessel value shall be determined before any deductions are made for transferred or leased allocation, or for any goods or services.

(1) For the Shorebased IFQ Program, the value of all groundfish species (as defined in § 660.11) from IFQ landings.

(2) For the MS Coop Program, the value of all groundfish species (as defined in § 660.11) delivered by a catcher vessel to an MS-permitted vessel.

(3) For the C/P Coop Program, the value as determined by the aggregate pounds of all groundfish species catch (as defined in § 660.11) retained on board, by the vessel registered to a C/P-endorsed limited entry trawl permit, multiplied by the MS Coop Program average price per pound as announced pursuant to § 660.115(b)(2).

*Fish buyer* means, for the purposes of the cost recovery program specified at § 660.115,

(1) For the Shorebased IFQ Program, the IFQ first receiver as defined in § 660.111.

(2) For the MS Coop Program, the owner of a vessel registered to an MS permit, the operator of a vessel registered to an MS permit, and the owner of the MS permit registered to that vessel. All three parties shall be jointly and severally responsible for fulfilling the obligations of a fish buyer.

(3) For the C/P Coop Program, the owner of a vessel registered to a C/P-endorsed limited entry trawl permit, the operator of a vessel registered to a C/P-endorsed limited entry trawl permit, and the owner of the C/P-endorsed limited entry trawl permit registered to that vessel. All three parties shall be jointly and severally responsible for fulfilling the obligations of a fish buyer.

*Fish seller* means the party who harvests and first sells or otherwise delivers groundfish species (as defined in § 660.11) to a fish buyer.

*IBQ pounds* means the quotas, expressed in round weight of fish, that are issued annually to each QS permit owner in the Shorebased IFQ Program based on the amount of IBQ they own and the amount of allowable bycatch mortality allocated to the Shorebased IFQ Program. IBQ pounds have the same species/species group and area designations as the IBQ from which they are issued.

*IFQ first receivers* mean persons who first receive, purchase, or take custody, control, or possession of catch onshore directly from a vessel that harvested the catch while fishing under the Shorebased IFQ Program described at § 660.140, subpart D.

*IFQ landing* means an offload of fish harvested under the Shorebased IFQ Program described at § 660.140, subpart D.

*IFQ trip* means a trip in which the vessel has a valid fishing declaration for any of the following: Limited entry midwater trawl, non-whiting shorebased IFQ; Limited entry midwater trawl, Pacific whiting shorebased IFQ; Limited entry bottom trawl, shorebased IFQ, not including demersal trawl; Limited entry demersal trawl, shorebased IFQ; or Limited entry groundfish non-trawl, shorebased IFQ.

*Individual bycatch quota (IBQ)* means the amount of bycatch quota for an individual species/species group and area expressed as a percentage of the annual allocation of allowable bycatch mortality to the Shorebased IFQ Program. IBQ is used as the basis for the annual calculation and allocation of a QS permit owner's IBQ pounds in the Shorebased IFQ Program. Both IBQ and QS may be listed on a QS permit and in the associated QS account. Species for which IBQ will be issued for the Shorebased IFQ Program are listed at § 660.140, subpart D.

*Individual fishing quota (IFQ)* means a Federal permit to harvest a quantity of fish, expressed as a percentage of the total allowable catch of a fishery that may be received or held for exclusive use by a person. An IFQ is a harvest privilege that may be revoked at any time in accordance with the Magnuson-Stevens Act. IFQ species for the Shorebased IFQ Program are listed at § 660.140, subpart D.

*Inter-coop* means two or more permitted coops that have submitted an accepted inter-coop agreement to NMFS that specifies a coordinated strategy for harvesting pooled allocations of Pacific whiting and non-whiting groundfish.

*Inter-coop agreement* means a written agreement between two or more permitted mothership coops and which contains private contractual arrangements for sharing catch and/or bycatch with one another.

*Klamath River Salmon Conservation Zone* means the ocean area surrounding the Klamath River mouth bounded on the north by 41°38.80′ N lat. (approximately 6 nm north of the Klamath River mouth), on the west by 124°23′ W long. (approximately 12 nm from shore), and on the south by 41°26.80′ N lat. (approximately 6 nm south of the Klamath River mouth).

*Lessee* means, for the purpose of economic data collection program, a person, other than the owner of the vessel or facility, who: was identified as the leaseholder, in a written lease, of the vessel or facility, or paid expenses of the vessel or facility, or claimed expenses for the vessel or facility as a business expense on a federal income tax return, or on a state income tax return.

*Material change* means, for the purposes of a coop agreement, a change to any of the required components of the coop agreement, defined at §§ 660.150 and 660.160, subpart D, which was submitted to NMFS during the application process for the coop permit.

*Maximized retention* means a vessel retains all catch from a trip until landing, subject to the specifications of this subpart.

*Mothership coop or MS coop* means a group of MS/CV-endorsed limited entry permit owners that are authorized by means of a coop permit to jointly harvest and process from a single coop allocation.

*Mothership Coop Program or MS Coop Program* means the MS Coop Program described at § 660.150, subpart D, and includes both the coop and non-coop fisheries.

*Mothership (MS) Coop Program or MS sector* refers to the fishery described at § 660.150, subpart D, and includes both the coop and non-coop fisheries. The MS Coop Program is composed of motherships with MS permits and catcher vessels registered to a limited entry permit with an MS/CV endorsement and a valid declaration for limited entry, midwater trawl, Pacific whiting mothership sector. The MS Coop Program also includes vessels registered to a limited entry permit without an MS/CV endorsement if the vessel is authorized to harvest the MS sector's allocation and has a valid declaration for limited entry, midwater trawl, Pacific whiting mothership sector.

*Mutual agreement exception* means, for the purpose of § 660.150, subpart D, an agreement that allows the owner of an MS/CV-endorsed limited entry permit to withdraw the permit's obligation of its catch history assignment to a permitted mothership processor, when mutually agreed to with the mothership processor, and to obligate to a different permitted mothership processor.

*Net ex-vessel value* means, for the purposes of the cost recovery program specified at § 660.115, the ex-vessel value minus the cost recovery fee.

*Pacific halibut set-aside* means an amount of Pacific halibut annually set aside for the at-sea whiting fisheries (mothership and C/P sectors) and which is based on the trawl allocation of Pacific whiting.

*Pacific whiting fishery* refers to the Pacific whiting primary season fisheries described at § 660.131. The Pacific whiting fishery is composed of vessels participating in the C/P Coop Program, the MS Coop Program, or the Pacific whiting IFQ fishery.

*Pacific whiting IFQ fishery* is composed of vessels on Pacific whiting IFQ trips.

*Pacific whiting IFQ trip* means a trip in which a vessel uses midwater groundfish trawl gear during the dates of the Pacific whiting primary season to target Pacific whiting, and Pacific whiting constitutes 50 percent or more of the catch by weight at landing as reported on the state landing receipt. Vessels on Pacific whiting IFQ trips must have a valid declaration for limited entry midwater trawl, Pacific whiting shorebased IFQ.

*Processor obligation* means an annual requirement for an MS/CV-endorsed limited entry permit to assign the amount of catch available from the permit's catch history assignment to a particular MS permit.

*Quota pounds (QP)* means the quotas, expressed in round weight of fish, that are issued annually to each QS permit owner in the Shorebased IFQ Program based on the amount of QS they own and the amount of fish allocated to the Shorebased IFQ Program. QP have the same species/species group and area designations as the QS from which they are issued.

*Quota share (QS)* means the amount of fishing quota for an individual species/species group and area expressed as a percentage of the annual allocation of fish to the Shorebased IFQ Program. The QS is used as the basis for the annual calculation and allocation of a QS permit owner's QP in the Shorebased IFQ Program. Both QS and IBQ may be listed on a QS permit and in the associated QS account. Species for which QS will be issued for the Shorebased IFQ Program are listed at § 660.140, subpart D.

*Shorebased IFQ Program or Shorebased IFQ sector*, refers to the fishery described at § 660.140, subpart D, and includes all vessels on IFQ trips.

*Stow* or *stowed*, for the purposes of this subpart, means the subject trawl gear is either stored below deck; or, if the gear cannot readily be moved, must be stowed in a secured and covered manner detached from all towing lines so that it is rendered unusable for fishing; or, if remaining on deck uncovered, must be stowed disconnected from the trawl doors with the trawl doors hung from their stanchions.

*Vessel account* means an account held by the vessel owner where QP and IBQ pounds are registered for use by a vessel in the Shorebased IFQ Program.

[75 FR 60897, Oct. 1, 2010, as amended at 75 FR 78383, Dec. 15, 2010; 76 FR 74739, Dec. 1, 2011; 78 FR 68769, Nov. 15, 2013; 78 FR 75278, Dec. 11, 2013; 80 FR 77271, Dec. 14, 2015; 84 FR 63986, Nov. 19, 2019; 84 FR 68806, Dec. 17, 2019]

EDITORIAL NOTE: At 80 FR 77271, Dec. 14, 2015, § 660.111 was amended; however, a portion of the amendment could not be incorporated due to inaccurate amendatory instruction.

### § 660.112 Trawl fishery—prohibitions.

In addition to the general prohibitions specified in § 660.12 and § 600.725 of this chapter, it is unlawful for any person or vessel to:

(a) *General*—(1) *Trawl gear endorsement*. Fish with groundfish trawl gear, or carry groundfish trawl gear on board a vessel that also has groundfish on board, unless the vessel is registered for use with a valid limited entry permit with a trawl gear endorsement, with the following exception.

(i) The vessel is in continuous transit from outside the fishery management

area to a port in Washington, Oregon, or California;

(ii) The vessel is registered to a limited entry MS permit with a valid mothership fishery declaration, in which case trawl nets and doors must be stowed in a secured and covered manner, and detached from all towing lines, so as to be rendered unusable for fishing.

(2) *Sorting, retention, and disposition.* (i) Fail to sort, retain, discard, or dispose of catch consistent with the requirements specified at §§ 660.130(d), 660.140 (b)(2)(iii) and (viii), 660.140(g), and 660.140(j)(2).

(ii) Fail to sort, retain, discard, or dispose of prohibited and protected species from maximized retention landings consistent with the requirements specified at § 660.140(g)(3).

(iii) Retain for personal use or allow to reach commercial markets any part of any prohibited or protected species.

(3) *Recordkeeping and reporting.* (i) Fail to comply with all recordkeeping and reporting requirements at § 660.13, subpart C; including failure to submit information, or submission of inaccurate or false information on any report required at § 660.13(d), subpart C, and § 660.113.

(ii) Falsify or fail to make and/or file, retain or make available any and all reports of groundfish landings, containing all data, and in the exact manner, required by the regulation at § 660.13, subpart C, or § 660.113.

(iii) Failure to submit a complete EDC form to NMFS as required by § 660.113.

(4) *Observers.* (i) Fish in the Shorebased IFQ Program, the MS Coop Program, or the C/P Coop Program without observer coverage unless exempt from the observer coverage requirement for gear testing activity and have satisfied the declaration and notification requirements, as described in § 660.140(h), § 660.150(j), or § 660.160(g).

(ii) Fish in the Shorebased IFQ Program, the MS Coop Program, or the C/P Coop Program if the vessel is inadequate or unsafe for observer deployment as described at § 660.12(e).

(iii) Fail to maintain observer coverage in port as specified at § 660.140(h)(1)(i).

(5) *Fishing in conservation areas with trawl gear.* (i) Operate any vessel registered to a limited entry permit with a trawl endorsement in an applicable GCA (defined at §§ 660.11 and 660.130), except for purposes of continuous transiting (defined at § 660.11), unless all groundfish trawl gear on board is stowed (as defined at § 660.111), or unless otherwise authorized at § 660.130.

(ii) Fish with bottom trawl gear (defined at § 660.11) anywhere within EFH seaward of a line approximating the 700-fm (1,280-m) depth contour, as defined in § 660.76. For the purposes of regulation, EFH seaward of 700-fm (1,280-m) within the EEZ is described at § 660.75.

(iii) Fish with bottom trawl gear (defined at § 660.11) with a footrope diameter greater than 19 inches (48 cm) (including rollers, bobbins or other material encircling or tied along the length of the footrope) anywhere within EFH within the EEZ. For the purposes of regulation, EFH within the EEZ is described at § 660.75.

(iv) Fish with bottom trawl gear (defined at § 660.11) with a footrope diameter greater than 8 inches (20 cm) (including rollers, bobbins or other material encircling or tied along the length of the footrope) anywhere within the EEZ shoreward of a line approximating the 100-fm (183-m) depth contour (defined at § 660.73).

(v) Fish with bottom trawl gear (defined at § 660.11), within the EEZ in the following EFHCAs areas (defined at §§ 660.77 and 660.78): Olympic 2, Biogenic 1, Biogenic 2, Quinault Canyon, Grays Canyon, Willapa Canyonhead, Willapa Deep, Biogenic 3, Astoria Deep, Astoria Canyon, Nehalem Bank/Shale Pile, Garibaldi Reef North, Garibaldi Reef South, Siletz Deepwater, Daisy Bank/Nelson Island, Newport Rockpile/Stonewall Bank, Hydrate Ridge, Heceta Bank, Deepwater off Coos Bay, Arago Reef, Bandon High Spot, Rogue Canyon, and Rogue River Reef.

(vi) Fish with bottom trawl gear (defined at § 660.11), other than demersal seine, unless otherwise specified in this section or § 660.130, within the EEZ in the following EFHCAs areas (defined at § 660.79): Brush Patch, Trinidad Canyon, Mad River Rough Patch, Samoa Deepwater, Eel River Canyon, Blunts Reef,

Mendocino Ridge, Delgada Canyon, Tolo Bank, Navarro Canyon, Point Arena North, Point Arena South Biogenic Area, The Football, Gobbler's Knob, Point Reyes Reef, Cordell Bank/Biogenic Area, Rittenburg Bank, Farallon Islands/Fanny Shoal/Cochrane Bank, Farallon Escarpment, Half Moon Bay, Pescadero Reef, Pigeon Point Reef, Ascension Canyonhead, South of Davenport, Monterey Bay/Canyon, West of Sobranes Point, Point Sur Deep, Big Sur Coast/Port San Luis, La Cruz Canyon, West of Piedras Blancas State Marine Conservation Area, East San Lucia Bank, Point Conception, Hidden Reef/Kidney Bank (within Cowcod Conservation Area West), Catalina Island, Potato Bank (within Cowcod Conservation Area West), Cherry Bank (within Cowcod Conservation Area West), Cowcod EFHCA Conservation Area East, and Southern California Bight.

(vii) Fish with bottom contact gear (defined at § 660.11) within specific EFHCAs and the DECA, consistent with the prohibitions at § 660.12(a)(4), (16) through (18).

(6) *Cost recovery program.* (i) Fail to fully pay or collect any fee due under the cost recovery program specified at § 660.115 and/or otherwise avoid, decrease, interfere with, hinder, or delay any such payment or collection.

(ii) Convert, or otherwise use any paid or collected fee for any purpose other than the purposes specified in this subpart.

(iii) For the Shorebased IFQ Program and the MS Coop Program, fail to deposit on time the full amount of all fee revenue collected under the cost recovery program specified at § 660.115 into a deposit account, or fail to timely disburse the full amount of all deposit principal to the Fund.

(iv) Fail to maintain records as required by § 660.113 and/or fail to make reports to NMFS as required under § 660.113.

(v) Fail to advise NMFS of any fish buyer's failure to collect any fee due and payable under the cost recovery program specified at § 660.115.

(vi) Refuse to allow NMFS employees, agents, or contractors to review and audit all records and other information required to be maintained as set forth in § 660.113, and/or § 660.115.

(vii) Make any false statement to NMFS, including any NMFS employee, agent or contractor, concerning a matter related to the cost recovery program described in this subpart.

(viii) Obstruct, prevent, or delay, or attempt to obstruct, prevent, or delay, any audit or investigation NMFS employees, agents, or contractors conduct, or attempt to conduct, in connection with any of the matters in the cost recovery program described in this subpart.

(7) *Gear testing.* (i) Retain fish while gear testing.

(ii) Fish with a closed codend, use terminal gear (*i.e.*, hooks), or fish with open pot gear while gear testing.

(iii) Test gear in groundfish conservation areas described in § 660.70, or EFHCAs described in §§ 660.76 through 660.79.

(iv) Test experimental gear, or any other gear not currently approved for groundfish fishing.

(b) *Shorebased IFQ Program*—(1) *General.* (i) Own or control by any means whatsoever an amount of QS or IBQ that exceeds the Shorebased IFQ Program accumulation limits.

(ii) Fish in the Shorebased IFQ Program with a vessel that does not have a valid vessel account or that has a vessel account with a deficit (negative balance) for any species/species group.

(iii) Have any IFQ species/species group catch (landings and discards) from an IFQ trip not covered by QP for greater than 30 days from the date the deficit (negative balance) from that trip is documented, unless the deficit is within the limits of the carryover provision specified at § 660.140(e)(5), subpart D, in which case the vessel has 30 days after the QP for the following year are issued to eliminate the deficit.

(iv) Register the limited entry trawl endorsed permit to another vessel or sell the limited entry trawl endorsed permit to another owner if the vessel registered to the permit has a deficit (negative balance) in their vessel account, until the deficit is covered, regardless of the amount of the deficit.

(v) Use QP by vessels not registered to a limited entry trawl permit with a valid vessel account.

(vi) Use QP in an area or for species/species groups other than that for which it is designated.

(vii) For vessels fishing with multiple trawl gear types on a single trip, fail to keep catch from different trawl gears separate and land the catch separately by gear type.

(viii) Fish on a Pacific whiting IFQ trip with a gear other than midwater groundfish trawl gear.

(ix) Fish on a Pacific whiting IFQ trip without a valid declaration for limited entry midwater trawl, Pacific whiting shorebased IFQ.

(x) Use midwater groundfish trawl gear Pacific whiting IFQ fishery primary season dates as specified at § 660.131(b).

(xi) Mix catch from different hauls before all sampling and monitoring requirements for the hauls have been met.

(xii) Process groundfish at-sea (''at-sea processing'') by vessels in the Shorebased IFQ Program regardless of the type of gear used, with the following exceptions:

(A) A vessel that is 75-ft (23-m) or less LOA that harvests Pacific whiting and, in addition to heading and gutting, cuts the tail off and freezes the whiting, is not considered to be a C/P vessel nor is it considered to be processing fish, and

(B) A vessel that has a non-whiting at-sea processing exemption, described at § 660.25(b)(6)(ii) may process non-whiting groundfish at sea.

(xiii) Discard or attempt to discard IFQ species/species group at sea unless the observer has documented or estimated the discards.

(xiv) Begin a new fishing trip until all fish from an IFQ landing have been offloaded from the vessel, consistent with § 660.12(a)(11).

(xv) Fail to establish a new registered vessel account in the name of the current vessel owner, following a change in ownership of a vessel, prior to fishing in the Shorebased IFQ Program with that vessel.

(xvi) Land groundfish taken and retained during an IFQ trip, from the vessel that harvested the fish, to a first receiver that does not hold a valid first receiver site license for the physical location where the IFQ landing occurred.

(xvii) When declared into the limited entry groundfish non-trawl Shorebased IFQ fishery, retain fish caught with fixed gear in more than one IFQ management area, specified at § 660.140(c)(1), on the same trip.

(2) *IFQ first receivers.* (i) Receive, purchase, or take custody, control, or possession of an IFQ landing from a vessel that harvested the catch while fishing under the Shorebased IFQ Program without a valid first receiver site license.

(ii) Fail to sort or dispose of catch received from an IFQ trip in accordance with the requirements of §§ 660.130(d) and 660.140(g)(3).

(iii) Process, sell, or discard any groundfish received from an IFQ landing that has not been weighed on a scale that is in compliance with requirements at § 660.15, subpart C.

(iv) Transport catch away from the point of landing before that catch has been sorted and weighed by federal groundfish species or species group, and recorded for submission on an electronic fish ticket. (If fish will be transported to a different location for processing, all sorting and weighing to federal groundfish species groups must occur before transporting the catch away from the point of landing).

(v) Receive an IFQ landing without coverage by a catch monitor when one is required by regulations, unless NMFS has granted a written waiver exempting the IFQ first receiver from the catch monitor coverage requirements. On a case-by-case basis, a temporary written waiver may be granted by the Assistant Regional Administrator or designee if he/she determines that the failure to obtain coverage of a catch monitor was due to circumstances beyond the control of the first receiver. The duration of the waiver will be determined on a case-by-case basis.

(vi) Receive an IFQ landing without a NMFS-accepted catch monitoring plan or not in accordance with their NMFS-accepted catch monitoring plan.

(vii) Mix catch from more than one IFQ landing prior to the catch being sorted and weighed.

(viii) Fail to comply with the IFQ first receiver responsibilities specified at § 660.140(b)(2).

(ix) Process, sell, or discard any groundfish received from an IFQ landing that has not been accounted for on an electronic fish ticket with the identification number for the vessel that delivered the fish.

(x) Fail to submit, or submit incomplete or inaccurate information on any report, application, or statement required under this part.

(c) *MS and C/P Coop Programs.* (1) Process Pacific whiting in the fishery management area during times or in areas where at-sea processing is prohibited for the sector in which the vessel fishes, unless:

(i) The fish are received from a member of a Pacific Coast treaty Indian tribe fishing under § 660.50, subpart C;

(ii) The fish are processed by a waste-processing vessel according to § 660.131(g); or

(iii) The vessel is completing processing of Pacific whiting taken on board prior to the close of that vessel's primary season.

(2) During times or in areas where at-sea processing is prohibited, take and retain or receive Pacific whiting, except as cargo or fish waste, on a vessel in the fishery management area that already has processed Pacific whiting on board. An exception to this prohibition is provided if the fish are received within the tribal U&A fishing area, described at § 660.4, subpart A, from a member of a Pacific Coast treaty Indian tribe fishing under § 660.50, subpart C.

(3) Operate as a waste-processing vessel within 48 hours of a primary season for Pacific whiting in which that vessel operates as a catcher/processor or mothership, according to § 660.131(g).

(4) Catch, take, or harvest fish in the MS Coop Program with a vessel that does not have a valid VMS declaration for limited entry midwater trawl, Pacific whiting mothership sector, as specified at § 660.13(d)(4)(iv)(A), subpart C.

(5) Fail to weigh all fish taken and retained aboard the vessel on a scale that meets the performance and technical requirements specified at § 660.15(b).

(6) Weigh fish taken and retained aboard the vessel without operating and maintaining a video monitoring system that meets the performance and technical requirements specified at § 660.15(e).

(d) *MS Coop Program (coop and non-coop fisheries).* (1) Catch, take, or harvest fish in the mothership non-coop fishery with a vessel that is not registered to a current MS/CV-endorsed limited entry trawl permit.

(2) Receive catch, process catch, or otherwise fish as a mothership vessel if it is not registered to a current MS permit.

(3) Fish with a vessel in the mothership sector, if that vessel was used to fish in the C/P fishery in the same calendar year.

(i) Effective June 19, 2020, until December 16, 2020, notwithstanding any other section of these regulations, a vessel that was used to fish in the C/P fishery may be used to receive and process catch as mothership in the same calendar year, but not on the same fishing trip.

(ii) [Reserved]

(4) Catch, take, or harvest fish in the MS Coop Program with a vessel that does not have a valid VMS declaration for limited entry midwater trawl, Pacific whiting mothership sector, as specified at § 660.13(d)(5)(iv)(A), subpart C.

(5) Transfer catch to a vessel that is not registered to an MS permit. (*i.e.*, a tender vessel).

(6) Use a vessel registered to a limited entry permit with a trawl endorsement (with or without an MS/CV endorsement) to catch more than 30 percent of the Pacific whiting allocation for the mothership sector.

(7) Process more than 45 percent of the annual mothership sector's Pacific whiting allocation.

(8) Catch, take, or harvest fish before all catch from any previous haul has been transferred to a single vessel registered to an MS permit.

(9) Transfer catch from a single haul to more than one permitted MS vessel.

(10) Catch, take, or harvest fish for a MS coop with a vessel that has not been identified by the coop as a vessel authorized to harvest that coop's allocation.

(11) Catch, take, or harvest fish in the non-coop fishery with a vessel registered to an MS/CV-endorsed permit in

the same year the MS/CV-endorsed permit was registered to a vessel that fished as a member of a coop in the MS Coop Program.

(12) Sort or discard any portion of the catch taken by a catcher vessel in the MS Coop Program before the catcher vessel observer completes sampling of the catch, except for minor operational amounts of catch lost by a catcher vessel provided the observer has accounted for the discard (*i.e.*, a maximized retention fishery).

(13) Mix catch from more than one haul before the observer completes their collection of catch for sampling.

(14) Take deliveries without a valid scale inspection report signed by an authorized scale inspector on board the MS vessel.

(15) Sort, process, or discard catch delivered to MS vessels before the catch is weighed on a scale that meets the requirements of § 660.15(b), including the daily test requirements.

(16) Retain and process more than 1 mt of Shared EC Species other than squid species in any calendar year; or, retain and process more than 40 mt of any Shared EC squid species in any calendar year.

(e) *C/P Coop Program.* (1) Fish with a vessel in the catcher/processor sector that is not registered to a current C/P-endorsed limited entry trawl permit.

(2) Fish as a catcher/processor vessel in the same year that the vessel fishes as a catcher vessel in the mothership fishery.

(3) Fish as a catcher/processor vessel in the same year that the vessel operates as a mothership in the mothership fishery.

(i) Effective June 19, 2020, until December 16, 2020, notwithstanding any other section of these regulations, catcher-processor vessels and motherships are exempt from this prohibition.

(ii) [Reserved]

(4) Fish in the C/P Coop Program with a vessel that does not have a valid VMS declaration for limited entry midwater trawl, Pacific whiting catcher/processor sector, as specified at § 660.13(d)(4)(iv)(A).

(5) Fish in the C/P Coop Program with a vessel that is not identified in the C/P coop agreement.

(6) Fish in the C/P Coop Program without a valid scale inspection report signed by an authorized scale inspector on board the vessel.

(7) Sort, process, or discard catch before the catch is weighed on a scale that meets the requirements of § 660.15(b), including the daily test requirements.

(8) Discard any catch from the codend or net (*i.e.*, bleeding) before the observer has completed their data collection.

(9) Mix catch from more than one haul before the observer completes their collection of catch for sampling.

(10) Retain and process more than 1 mt of Shared EC Species other than squid species in any calendar year; or, retain and process more than 40 mt of any Shared EC squid species in any calendar year.

[75 FR 60897, Oct. 1, 2010, as amended at 75 FR 78384, Dec. 15, 2010; 76 FR 53837, Aug. 30, 2011; 76 FR 74739, Dec. 1, 2011; 77 FR 55155, Sept. 7, 2012; 78 FR 629, Jan. 3, 2013; 78 FR 68769, Nov. 15, 2013; 78 FR 75279, Dec. 11, 2013; 80 FR 22285, Apr. 21, 2015; 80 FR 77272, Dec. 14, 2015; 81 FR 19058, Apr. 4, 2016; 81 FR 27010, May 5, 2016; 81 FR 36808, June 8, 2016; 81 FR 84429, Nov. 23, 2016; 83 FR 62276, Dec. 3, 2018; 84 FR 63986, Nov. 19, 2019; 85 FR 37029, June 19, 2020; 85 FR 35601, June 11, 2020]

EFFECTIVE DATE NOTE: At 85 FR 37029, June 19, 2020, § 660.112 was amended by adding paragraphs (d)(3)(i) and (ii) and (e)(3)(i) and (ii), effective June 19, 2020, until Dec. 16, 2020.

### § 660.113 Trawl fishery—recordkeeping and reporting.

General groundfish recordkeeping and reporting requirements are defined at § 660.13, subpart C. The following recordkeeping and reporting requirements are in addition to those and are specific to the limited entry trawl fisheries.

(a) *General requirements.* (1) All records or reports required by this paragraph (a) must: be maintained in English, be accurate, be legible, be based on local time, and be submitted in a timely manner.

(2) All records used in the preparation of records or reports specified in this section or corrections to these reports must be maintained for a period of not less than three years after the

date of landing and must be immediately available upon request for inspection by NMFS or authorized officers or others as specifically authorized by NMFS. Records used in the preparation of required reports specified in this section or corrections to these reports that are required to be kept include, but are not limited to, any written, recorded, graphic, electronic, or digital materials as well as other information stored in or accessible through a computer or other information retrieval system; worksheets; weight slips; preliminary, interim, and final tally sheets; receipts; checks; ledgers; notebooks; diaries; spreadsheets; diagrams; graphs; charts; tapes; disks; or computer printouts. All relevant records used in the preparation of electronic fish ticket reports or corrections to these reports, including dock tickets, must be maintained for a period of not less than three years after the date of landing and must be immediately available upon request for inspection by NMFS or authorized officers or others as specifically authorized by NMFS.

(b) *Shorebased IFQ Program.* (1) *Economic data collection (EDC) program.* The following persons are required to submit an EDC form as specified at § 660.114:

(i) All owners, lessees, and charterers of a catcher vessel registered to a limited entry trawl endorsed permit.

(ii) All owners of a first receiver site license.

(iii) All owners and lessees of a shorebased processor.

(iv) All owners of a quota share (QS) permit as defined at § 660.25(c).

(2) *Electronic vessel logbook.* [Reserved]

(3) *Gear switching declaration.* Any person with a limited entry trawl permit participating in the Shorebased IFQ Program using groundfish nontrawl gear (*i.e.*, gear switching) must submit a valid gear declaration reporting such participation as specified in § 660.13(d)(4)(iv)(A).

(4) *Electronic fish ticket.* The IFQ first receiver is responsible for compliance with all reporting requirements described in this paragraph.

(i) *Required information.* All IFQ first receivers must provide the following types of information: Date of landing, vessel that made the delivery, vessel account number, name of the vessel operator, gear type used, catch area, first receiver, actual weights of species landed listed by species or species group including species with no value, condition landed, number of salmon by species, number of Pacific halibut, ex-vessel value of the landing by species, fish caught inside/outside 3 miles or both, and any other information deemed necessary by the Regional Administrator as specified on the appropriate electronic fish ticket form.

(ii) *Submissions.* The IFQ first receiver must:

(A) Include, as part of each electronic fish ticket submission, the actual scale weight for each groundfish species as specified by requirements at § 660.15(c), and the vessel identification number. Use, and maintain in good working order, hardware, software, and internet access as specified at § 660.15(d).

(B) Submit a completed electronic fish ticket for every IFQ landing no later than 24 hours after the date the fish are received, unless a waiver of this requirement has been granted under provisions specified at paragraph (b)(4)(iv) of this section.

(C) Follow these process and submittal requirements for offloading at a first receiver site where the fish will be processed at the offload site or if an electronic fish ticket will be recorded prior to transport:

(*1*) The IFQ first receiver must communicate the electronic fish ticket number to the catch monitor.

(*2*) After completing the offload, the electronic fish ticket information must be recorded immediately.

(*3*) Prior to submittal of the electronic fish ticket, the information recorded for the electronic fish ticket must be reviewed by the catch monitor and the vessel operator who delivered the fish.

(*4*) After review, the IFQ first receiver and the vessel operator must sign a printed hard copy of the electronic fish ticket or, if the delivery occurs outside of business hours, the original dock ticket.

(*5*) Prior to submittal, three copies of the printed, signed, electronic fish ticket must be produced by the IFQ

first receiver and a copy provided to each of the following:

(*i*) The vessel operator,

(*ii*) The state of origin if required by state regulations, and

(*iii*) The IFQ first receiver.

(*6*) After review and signature, the electronic fish ticket must be submitted within 24 hours of the completion of the offload, as specified in paragraph (b)(4)(ii)(B) of this section.

(D) Follow these process and submittal requirements for offloading at a first receiver site where the fish will be transported for processing at a different location if an electronic fish ticket is not recorded prior to transport:

(*1*) The IFQ first receiver must communicate the electronic fish ticket number to the catch monitor at the beginning of the offload.

(*2*) The vessel name and the electronic fish ticket number must be recorded on each dock ticket related to that delivery.

(*3*) Upon completion of the dock ticket, but prior to transfer of the offload to another location, the dock ticket information that will be used to complete the electronic fish ticket must be reviewed by the catch monitor and the vessel operator who delivered the fish.

(*4*) After review, the IFQ first receiver and the vessel operator must sign the original copy of each dock ticket related to that delivery.

(*5*) Prior to submittal of the electronic fish ticket, three copies of the signed dock ticket must be produced by the IFQ first receiver and a copy provided to each of the following:

(*i*) The vessel operator,

(*ii*) The state of origin if required by state regulations, and

(*iii*) The IFQ first receiver.

(*6*) Based on the information contained in the signed dock ticket, the electronic fish ticket must be completed and submitted within 24 hours of the completion of the offload, as specified in paragraph (b)(4)(ii)(D) of this section.

(*7*) Three copies of the electronic fish ticket must be produced by the IFQ first receiver and a copy provided to each of the following:

(*i*) The vessel operator,

(*ii*) The state of origin if required by state regulations, and

(*iii*) The IFQ first receiver.

(iii) *Revising a submission.* In the event that a data error is found, electronic fish ticket submissions must be revised by resubmitting the revised form electronically. Electronic fish tickets are to be used for the submission of final data. Preliminary data, including estimates of fish weights or species composition, shall not be submitted on electronic fish tickets.

(iv) *Waivers for submission.* On a case-by-case basis, a temporary written waiver of the requirement to submit electronic fish tickets may be granted by the Assistant Regional Administrator or designee if he/she determines that circumstances beyond the control of a first receiver would result in inadequate data submissions using the electronic fish ticket system. The duration of the waiver will be determined on a case-by-case basis.

(v) *Reporting requirements when a temporary waiver has been granted.* IFQ first receivers that have been granted a temporary waiver from the requirement to submit electronic fish tickets must submit on paper the same data as is required on electronic fish tickets within 24 hours of the date received during the period that the waiver is in effect. Paper fish tickets must be sent by facsimile to NMFS, West Coast Region, Sustainable Fisheries Division, 206–526–6736 or by delivering it in person to 7600 Sand Point Way NE., Seattle, WA 98115. The requirements for submissions of paper tickets in this paragraph are separate from, and in addition to existing state requirements for landing receipts or fish receiving tickets.

(5) *Cost recovery program.* In addition to the requirements at paragraph (a) of this section, the fish buyer, as defined at § 660.111 for the Shorebased IFQ Program, is required to comply with the following recordkeeping and reporting requirements:

(i) *Reporting.* The fish buyer must submit a cost recovery form at the time cost recovery fees are paid to NMFS as specified at § 660.115. The cost recovery form requires providing information that includes, but is not limited to, fish buyer's name, address,

phone number, first receiver site license number, month and year of landings, weight of landings, ex-vessel value, and fee due.

(ii) *Recordkeeping*. The fish buyer must maintain the following records:

(A) For all deliveries of groundfish that the fish buyer buys from each fish seller:

(*1*) The date of delivery,

(*2*) The fish seller's identity,

(*3*) The weight of each species of groundfish delivered,

(*4*) Information sufficient to specifically identify the fishing vessel which delivered the groundfish,

(*5*) The ex-vessel value of each species of groundfish,

(*6*) The net ex-vessel value of each species of groundfish,

(*7*) The identity of the payee to whom the net ex-vessel value is paid, if different than the fish seller,

(*8*) The date the net ex-vessel value was paid,

(*9*) The total fee amount collected as a result of all groundfish.

(B) For all fee collection deposits to and disbursements from the deposit account:

(*1*) The date of each deposit in to the deposit account required at § 660.115(d)(1)(ii)(A),

(*2*) The total amount deposited in to the deposit account,

(*3*) The date of each disbursement,

(*4*) The total amount disbursed,

(*5*) The dates and amounts of disbursements to the fish buyer, or other parties, of interest earned on deposits.

(c) *MS Coop Program (coop and non-coop fisheries)*—(1) *Economic data collection (EDC) program*. The following persons are required to submit a complete economic data collection form as specified at § 660.114.

(i) All owners, lessees, and charterers of a catcher vessel registered to a limited entry trawl MS/CV-endorsed permit.

(ii) All owners, lessees, and charterers of a vessel registered to an MS permit.

(2) *NMFS-approved scale*—(i) *Scale test report form*. Mothership vessel operators are responsible for conducting scale tests and for recording the scale test information on the scale test report form as specified at § 660.15(b), for mothership vessels.

(ii) *Printed scale reports*. Requirements pertaining to printed scale reports and scale weight printouts are specified at § 660.15(b), for mothership vessels.

(iii) *Retention of scale records and reports*. Vessels must maintain scale test report forms on board until the end of the fishing year during which the tests were conducted, and make the report forms available to observers, NMFS staff, or authorized officers. In addition, the scale test report forms must be maintained for 3 years after the end of the fishing year during which the tests were performed. All scale test report forms must be signed by the operator.

(3) *Annual coop report*. The designated coop manager for the mothership coop must submit an annual report to NMFS and the Council by March 31 each year, before a coop permit is issued for that year. The annual coop report will contain information about the previous year's fishery, including:

(i) The mothership sector's annual allocation of Pacific whiting and the permitted mothership coop allocation;

(ii) The mothership coop's actual retained and discarded catch of Pacific whiting, salmon, Pacific halibut, rockfish, groundfish, and other species on a vessel-by-vessel basis;

(iii) A description of the method used by the mothership coop to monitor performance of coop vessels that participated in the fishery;

(iv) A description of any actions taken by the mothership coop in response to any vessels that exceed their allowed catch and bycatch; and

(v) Plans for the current year's mothership coop fishery, including the companies participating in the cooperative, the harvest agreement, and catch monitoring and reporting requirements.

(4) *Cease fishing report*. If required, as specified at § 660.150(c)(4)(ii), the designated coop manager, or, in the case of an inter-coop agreement, all of the designated coop managers must submit a cease fishing report to NMFS indicating that harvesting has concluded for the year.

(5) *Cost recovery program.* In addition to the requirements at paragraph (a) of this section, the fish buyer, as defined at § 660.111 for the MS Coop Program, is required to comply with the following recordkeeping and reporting requirements:

(i) *Reporting.* (A) *Cost recovery form.* The fish buyer must submit a cost recovery form at the time cost recovery fees are paid to NMFS as specified at § 660.115. The cost recovery form requires providing information that includes, but is not limited to, fish buyer's name, address, phone number, MS permit number, vessel name, USCG vessel documentation number, month and year of deliveries, weight of deliveries, ex-vessel value, and fee due.

(B) *Annual report.* By March 31 each year, each fish buyer must submit to NMFS a report containing the following information from the preceding calendar year for all groundfish each fish buyer purchases from fish sellers:

(*1*) Total weight bought,

(*2*) Total ex-vessel value paid,

(*3*) Total fee amounts collected,

(*4*) Total fee collection amounts deposited by month,

(*5*) Dates and amounts of monthly disbursements to the Fund.

(ii) *Recordkeeping.* The fish buyer must maintain the following records:

(A) For all deliveries of groundfish that the fish buyer buys from each fish seller:

(*1*) The date of delivery,

(*2*) The fish seller's identity,

(*3*) The weight of each species of groundfish delivered,

(*4*) Information sufficient to specifically identify the fishing vessel which delivered the groundfish,

(*5*) The ex-vessel value of each species of groundfish,

(*6*) The net ex-vessel value of each species of groundfish,

(*7*) The identity of the payee to whom the net ex-vessel value is paid, if different than the fish seller,

(*8*) The date the net ex-vessel value was paid,

(*9*) The total fee amount collected as a result of all groundfish.

(B) For all fee collection deposits to and disbursements from the deposit account:

(*1*) The date of each deposit in to the deposit account required at § 660.115(d)(1)(ii)(A),

(*2*) The total amount deposited in to the deposit account,

(*3*) The date of each disbursement,

(*4*) The total amount disbursed,

(*5*) The dates and amounts of disbursements to the fish buyer, or other parties, of interest earned on deposits.

(d) *C/P Coop Program*—(1) *Economic data collection (EDC) program.* All owners, lessees, and charterers of a vessel registered to a C/P-endorsed limited entry trawl permit are required to submit a complete economic data collection form as specified at § 660.114.

(2) *NMFS-approved scales*—(i) *Scale test report form.* Catcher/processor vessel operators are responsible for conducting scale tests and for recording the scale test information on the scale test report form as specified at § 660.15(b), for catcher/processor vessels.

(ii) *Printed scale reports.* Specific requirements pertaining to printed scale reports and scale weight printouts are specified at § 660.15(b), for catcher/processor vessels.

(iii) *Retention of scale records and reports.* The vessel must maintain the scale test report form on board until the end of the fishing year during which the tests were conducted, and make the report forms available to observers, NMFS staff, or authorized officers. In addition, the scale test report forms must be maintained for 3 years after the end of the fishing year during which the tests were performed. All scale test report forms must be signed by the operator.

(3) *Annual coop report.* The designated coop manager for the C/P coop must submit an annual report to NMFS and the Council by March 31 each year, before a coop permit is issued for that year. The annual coop report will contain information about the previous year's fishery, including:

(i) The C/P sector's annual allocation of Pacific whiting;

(ii) The C/P coop's actual retained and discarded catch of Pacific whiting, salmon, Pacific halibut, rockfish, groundfish, and other species on a vessel-by-vessel basis;

(iii) A description of the method used by the C/P coop to monitor performance of cooperative vessels that participated in the fishery;

(iv) A description of any actions taken by the C/P coop in response to any vessels that exceed their allowed catch and bycatch; and

(v) Plans for the current year's C/P coop fishery, including the companies participating in the cooperative, the harvest agreement, and catch monitoring and reporting requirements.

(4) *Cease fishing report*. If required, as specified at § 660.160(c)(5), the designated coop manager must submit a cease fishing report to NMFS indicating that harvesting has concluded for the year.

(5) *Cost recovery program*. In addition to the requirements at paragraph (a) of this section, the fish buyer, as defined at § 660.111 for the C/P Coop Program, is required to comply with the following recordkeeping and reporting requirements:

(i) *Reporting*. The fish buyer must submit a cost recovery form at the time cost recovery fees are paid to NMFS as specified at § 660.115. The cost recovery form requires providing information that includes, but is not limited to, fish buyer's name, address, phone number, C/P-endorsed limited entry permit number, vessel name, USCG vessel documentation number, year of harvest, weight, ex-vessel value, and fee due.

(ii) *Recordkeeping*. The fish buyer must maintain the following records:

(A) For all groundfish:

(*1*) The date of harvest,

(*2*) The weight of each species of groundfish retained on board,

(*3*) Information sufficient to specifically identify the fishing vessel which harvested the groundfish,

(*4*) The ex-vessel value of each species of groundfish retained on board,

(*5*) The net ex-vessel value of each species of groundfish retained on board,

(*6*) The total fee amount collected as a result of all groundfish.

(B) For all disbursements to NMFS:

(*1*) The date of each disbursement,

(*2*) The total amount disbursed.

[75 FR 60897, Oct. 1, 2010, as amended at 75 FR 78385, Dec. 15, 2010; 76 FR 53837, Aug. 30, 2011; 76 FR 74740, Dec. 1, 2011; 78 FR 68769, Nov. 15, 2013; 78 FR 75279, Dec. 11, 2013; 80 FR 22285, Apr. 21, 2015; 81 FR 27010, May 5, 2016; 81 FR 84430, Nov. 23, 2016; 83 FR 62276, Dec. 3, 2018; 84 FR 68806, Dec. 17, 2019]

### § 660.114 Trawl fishery—economic data collection program.

(a) *General*. The economic data collection (EDC) program collects mandatory economic data from participants in the trawl rationalization program. NMFS requires submission of EDC forms to gather ongoing, annual economic data, including, but not limited to the following categories of information related to participation in the trawl rationalization program:

(1) Annual data related to QS permit owner activity and characteristics of participation in the fishery, costs and earnings from quota trades, and quota leasing.

(2) Annual data related to costs, earnings, value, labor, operations, physical characteristics, ownership and leasing information for vessels, first receiver sites, or shorebased processors.

(b) *Economic data collection program requirements*. The following fishery participants in the limited entry groundfish trawl fisheries are required to comply with the following EDC program requirements:

| Fishery participant | Economic data collection | Who is required to submit an EDC? | Consequence for failure to submit (In addition to consequences listed below, failure to submit an EDC may be a violation of the MSA.) |
|---|---|---|---|
| (1) Limited entry trawl catcher vessels. | (i) Annual/ongoing economic data. | (A) All owners, lessees, and charterers of a catcher vessel registered to a limited entry trawl endorsed permit. | (*1*) For permit owner, a limited entry trawl permit application (including MS/CV-endorsed limited entry trawl permit) will not be considered complete until the required EDC for that permit owner associated with that permit is submitted, as specified at § 660.25(b)(4)(i). |

| Fishery participant | Economic data collection | Who is required to submit an EDC? | Consequence for failure to submit (In addition to consequences listed below, failure to submit an EDC may be a violation of the MSA.) |
|---|---|---|---|
| | | | (*2*) For a vessel owner, participation in the groundfish fishery (including, but not limited to, changes in vessel registration, vessel account actions, or if own QS permit, issuance of annual QP or IBQ pounds) will not be authorized until the required EDC for that owner for that vessel is submitted, as specified, in part, at § 660.25(b)(4)(vi) and § 660.140(e).<br>(*3*) For a vessel lessee or charterer, participation in the groundfish fishery (including, but not limited to, issuance of annual QP or IBQ pounds if own QS or IBQ) will not be authorized, until the required EDC for their operation of that vessel is submitted. |
| (2) Motherships ..... | (i) Annual/ongoing economic data. | (B) [Reserved]<br>(A) All owners, lessees, and charterers of a mothership vessel registered to an MS permit. | (*1*) For permit owner, an MS permit application will not be considered complete until the required EDC for that permit owner associated with that permit is submitted, as specified at § 660.25(b)(4)(i).<br>(*2*) For a vessel owner, participation in the groundfish fishery (including, but not limited to, changes in vessel registration) will not be authorized until the required EDC for that owner for that vessel is submitted, as specified, in part, at § 660.25(b)(4)(vi).<br>(*3*) For a vessel lessee or charterer, participation in the groundfish fishery will not be authorized, until the required EDC for their operation of that vessel is submitted. |
| (3) Catcher processors. | (i) Annual/ongoing economic data. | (B) [Reserved]<br>(A) All owners, lessees, and charterers of a catcher processor vessel registered to a C/P-endorsed limited entry trawl permit. | (*1*) For permit owner, a C/P-endorsed limited entry trawl permit application will not be considered complete until the required EDC for that permit owner associated with that permit is submitted, as specified at § 660.25(b)(4)(i).<br>(*2*) For a vessel owner, participation in the groundfish fishery (including, but not limited to, changes in vessel registration) will not be authorized until the required EDC for that owner for that vessel is submitted, as specified, in part, at § 660.25(b)(4)(vi).<br>(*3*) For a vessel lessee or charterer, participation in the groundfish fishery will not be authorized, until the required EDC for their operation of that vessel is submitted. |

| Fishery participant | Economic data collection | Who is required to submit an EDC? | Consequence for failure to submit (In addition to consequences listed below, failure to submit an EDC may be a violation of the MSA.) |
|---|---|---|---|
| | | (B) [Reserved] | |
| (4) First receivers/ shorebased processors. | (i) Annual/ongoing economic data. | (A) All owners of a first receiver site license. | (*1*) A first receiver site license application will not be considered complete until the required EDC for that license owner associated with that license is submitted, as specified at § 660.140(f)(3). See paragraph (b)(4)(i)(A) of this table. |
| | | (B) All owners and lessees of a shorebased processor (as defined under "processor" at § 660.11, for purposes of EDC) that received round or headed-and-gutted IFQ species groundfish or whiting from a first receiver. | (*2*) [Reserved] |
| (5) Quota Share Permit Owners. | (i) Annual/ongoing economic data. | (A) All owners of a Quota Share permit and account (as defined under § 660.25 (c)). | (*1*) A Quota Share permit application or permit renewal package will not be considered complete until the required EDC for that permit is submitted, as specified at § 660.140, subpart D. |
| | | (B) [Reserved] | (*2*) [Reserved] |

(c) *Submission of the EDC forms, and deadline*—(1) *Submission of the EDC form.* The complete, certified EDC forms must contain valid responses for all data fields, and must be submitted either by paper or web form submission as follows:

(i) *Paper form submission.* Paper forms must be submitted to ATTN: Economic Data Collection Program (FRAM Division), NMFS, Northwest Fisheries Science Center, 2725 Montlake Boulevard East, Seattle, WA 98112.

(ii) *Web form submission.* Completed EDC web forms must be submitted electronically via the Economic Data Collection Program Web Form portal through *NOAA.gov/fisheries* and the signature page faxed, mailed, or hand-delivered to NWFSC.

(2) *Deadline.* Complete, certified EDC forms must be mailed and postmarked by or hand-delivered to NMFS NWFSC no later than September 1 each year for the prior year's data.

(3) *Quota Share Permit Owner Survey Submissions and Deadline.* Quota Share Permit Owner survey forms are submitted by webform only during the quota account application and renewal process specified at § 660.140 (d)(2). The complete certified Quota Share Permit Owner survey must be submitted no later than November 30 of each year.

(d) *Confidentiality of information.* Information received on an EDC form will be considered confidential under applicable law and guidance.

(e) *EDC audit procedures*—(1) NMFS reserves the right to conduct verification of economic data with the submitter of the form. NMFS may employ a third party agent to conduct the audits.

(2) The submitter of the EDC form must respond to any inquiry by NMFS or a NMFS agent within 20 days of the date of issuance of the inquiry, unless an extension is granted by NMFS.

(3) The submitter of the form must provide copies of additional data to facilitate verification by NMFS or NMFS' agent upon request. The NMFS auditor may review and request copies of additional data provided by the submitter, including but not limited to,

previously audited or reviewed financial statements, worksheets, tax returns, invoices, receipts, and other original documents substantiating the economic data submitted.

[75 FR 78387, Dec. 15, 2010, as amended at 77 FR 55155, Sept. 7, 2012; 81 FR 84430, Nov. 23, 2016; 84 FR 68806, Dec. 17, 2019]

### § 660.115 Trawl fishery—cost recovery program.

(a) *General*. The cost recovery program collects mandatory fees of up to three percent of the ex-vessel value of fish harvested by sector under the trawl rationalization program in accordance with the Magnuson-Stevens Act. NMFS collects the fees to recover the actual costs directly related to the management, data collection, and enforcement of the trawl rationalization program. In addition to the requirements of this section, the following groundfish regulations also apply:

(1) Regulations set out in the following sections of subpart C: § 660.11 Definitions and § 660.25 Permits.

(2) Regulations set out in the following sections of subpart D: § 660.111 Definitions, § 660.112 Trawl fishery prohibitions, § 660.113 Trawl fishery recordkeeping and reporting, § 660.140 Shorebased IFQ Program, § 660.150 MS Coop Program, and § 660.160 C/P Coop Program.

(b) *Fee percentage by sector*. The annual fee percentage by sector is calculated as described in paragraph (b)(1) of this section. NMFS will establish the fee percentage each year and will announce the fee percentage by sector in accordance with paragraph (b)(2) of this section. The fee percentage must not exceed three percent of the ex-vessel value of fish harvested by sector under the trawl rationalization program pursuant to the Magnuson-Stevens Act at 16 U.S.C. 1854(d)(2)(B).

(1) *Calculation*. In the last quarter of each calendar year, NMFS will calculate the fee percentage by sector based on information from the previous fiscal year (defined at § 660.11). The fee percentage will be rounded to the nearest 0.1 percent and must not exceed three percent for each sector (Shorebased IFQ Program, MS Coop Program, and C/P Coop Program). NMFS will use the following equation to annually determine the fee percentage by sector: Fee percentage = the lower of 3% or $(DPC/V) \times 100$, where:

(i) ''DPC,'' or direct program costs, are the actual incremental costs for the previous fiscal year directly related to the management, data collection, and enforcement of each sector (Shorebased IFQ Program, MS Coop Program, and C/P Coop Program). Actual incremental costs means those net costs that would not have been incurred but for the implementation of the trawl rationalization program, including additional costs for new requirements of the program and reduced trawl sector related costs resulting from efficiencies as a result of the program. If the amount of fees collected by NMFS is greater or less than the actual net incremental costs incurred, the DPC will be adjusted accordingly for calculation of the fee percentage in the following year.

(ii) ''V'' is, for each applicable sector, the total ex-vessel value, as defined at § 660.111, from the previous calendar year attributable to that sector of the trawl rationalization program (Shorebased IFQ Program, MS Coop Program, and C/P Coop Program).

(2) *Notification of the fee percentage and MS average pricing*. During the last quarter of each calendar year, NMFS will announce the following through a FEDERAL REGISTER notice:

(i) The fee percentage to be applied by fish buyers and fish sellers, for each sector, that will be in effect for the upcoming calendar year, and

(ii) The average MS price per pound from the previous fiscal year as reported for the MS Coop Program to be used in the C/P Coop Program to calculate the fee amount for the upcoming calendar year as specified in paragraph (c) of this section.

(iii) Information on how to pay in to the Fund subaccount as specified at paragraph (d) of this section.

(c) *Fee amount*. The fee amount is the ex-vessel value, as defined at § 660.111, for each sector multiplied by the fee percentage for that sector as announced in accordance with paragraph (b)(2) of this section.

(d) *Fee payment and collection*—(1) *Fee payment and collection in the Shorebased IFQ Program and MS Coop Program.*

Payment of fees at the fee percentage rate announced in paragraph (b)(2) of this section begins January 1 and continues without interruption through December 31 each year.

(i) *Between the fish seller and fish buyer*. Except as described below, the full fee is due and payable at the time of fish landing/delivery. Each fish buyer must collect the fee at the time of fish landing/delivery by deducting the fee from the ex-vessel value before paying the net ex-vessel value to the fish seller. Each fish seller must pay the fee at the time of fish landing/delivery by receiving from the fish buyer the net ex-vessel value, as defined at § 660.111.

(A) In the event of any post-delivery payment for fish, the fish seller must pay, and the fish buyer must collect, at the time the amount of such post-landing/delivery payment, the fee that would otherwise have been due and payable at the time of initial fish landing/delivery.

(B) When the fish buyer and fish seller are the same entity, that entity must comply with the requirements for both the fish seller and the fish buyer as specified in this section.

(ii) *Between the fish buyer and NMFS*—(A) *Deposit accounts*. Each fish buyer shall maintain a segregated account at a federally insured financial institution for the sole purpose of depositing collected fee revenue from the cost recovery program specified in this section and disbursing the deposit principal directly to NMFS in accordance with paragraph (d)(1)(ii)(C) of this section.

(B) *Fee collection deposits*. Each fish buyer, no less frequently than at the end of each month, shall deposit, in the deposit account established under paragraph (d)(1)(ii)(A) of this section, all fees collected, not previously deposited, that the fish buyer collects through a date not more than two calendar days before the date of deposit. The deposit principal may not be pledged, assigned, or used for any purpose other than aggregating collected fee revenue for disbursement to the Fund in accordance with paragraph (d)(1)(ii)(C) of this section. The fish buyer is entitled, at any time, to withdraw deposit interest, if any, but never deposit principal, from the deposit account for the fish buyer's own use and purposes. If the fish buyer has used a credit card to pay the cost recovery fee, the deposit principal may be used to reimburse the credit card in the same amount as the fee payment.

(C) *Deposit principal disbursement*. Not later than the 14th calendar day after the last calendar day of each month, or more frequently if the amount in the account exceeds the account limit for insurance purposes, the fish buyer shall disburse to NMFS the full deposit principal then in the deposit account. The fish buyer shall disburse deposit principal by electronic payment to the Fund subaccount to which the deposit principal relates. If the fish buyer has used a credit card to pay the cost recovery fee, the deposit principal may be used to reimburse the credit card in the same amount as the fee payment. NMFS will announce information about how to make an electronic payment to the Fund subaccount in the notification on fee percentage specified in paragraph (b)(2) of this section. Each disbursement must be accompanied by a cost recovery form provided by NMFS. Recordkeeping and reporting requirements are specified in paragraph (d)(4) of this section and at § 660.113(b)(5) for the Shorebased IFQ Program and § 660.113(c)(5) for the MS Coop Program. The cost recovery form will be available on the *pay.gov* website.

(2) *Fee payment and collection in the C/P Coop Program*. Payment of fees for the calendar year at the fee percentage rate announced in paragraph (b)(2) of this section is due in the last quarter of the calendar year and no later than December 31 each year. The fish buyer is responsible for fee payment to NMFS. The fish seller and the fish buyer, as defined at § 660.111, are considered the same entity in the C/P Coop Program. The fish buyer shall disburse to NMFS the full fee amount for the calendar year by electronic payment to the Fund subaccount. NMFS will announce information about how to make an electronic payment to the Fund subaccount in the notification on fee percentage specified in paragraph (b)(2) of this section. Each disbursement must be accompanied by a cost recovery

form provided by NMFS. Recordkeeping and reporting requirements are specified in paragraph (d)(4) of this section and at § 660.113(d)(5) for the C/P Coop Program. The cost recovery form will be available on the pay.gov Web site.

(3) *Failure to pay or collect*—(i) *Responsibility to notify NMFS.* (A) If a fish buyer fails to collect the fee in the amount and manner required by this section, the fish seller shall then advise the fish buyer of the fish seller's fee payment obligation and of the fish buyer's cost recovery fee collection obligation. If the fish buyer still fails to properly collect the fee, the fish seller, within the next 7 calendar days, shall forward the fee to NMFS. The fish seller at the same time shall also advise NMFS in writing at the address in paragraph (d)(3)(i)(C) of this section of the full particulars, including:

(*1*) The fish buyer's and fish seller's name, address, and telephone number,

(*2*) The name of the fishing vessel from which the fish seller made fish delivery and the date of doing so,

(*3*) The weight and ex-vessel value of each species of fish that the fish seller delivered, and

(*4*) The fish buyer's reason, if known, for failing or refusing to collect the fee in accordance with this subpart;

(B) Notifications must be mailed or faxed to: National Marine Fisheries Service, West Coast Region, Office of Management and Information, ATTN: Cost Recovery Notification, 7600 Sand Point Way NE., Seattle, WA 98115; Fax: 206–526–6426; or delivered to National Marine Fisheries Service at the same address.

(ii) *IAD, appeals, and final decision.* If NMFS determines the fish buyer or other responsible party has not submitted a complete cost recovery form and corresponding payment by the due date specified in paragraphs (d)(1) and (2) of this section, NMFS will at any time thereafter notify the fish buyer or other responsible party in writing via an initial administrative determination (IAD) letter.

(A) *IAD.* In the IAD, NMFS will state the discrepancy and provide the person 30 calendar days to either pay the specified amount due or appeal the IAD in writing.

(B) *Appeals.* If the fish buyer appeals an IAD, the appeal must be postmarked, faxed, or hand delivered to NMFS no later than 30 calendar days after the date on the IAD. If the last day of the time period is a Saturday, Sunday, or Federal holiday, the time period will extend to the close of business on the next business day. The appeal must be in writing, must allege credible facts or circumstances, and must include any relevant information or documentation to support the appeal. Appeals must be mailed, faxed, or hand-delivered to: National Marine Fisheries Service, West Coast Region, Office of Management and Information, ATTN: Cost Recovery Appeals, 7600 Sand Point Way NE., Seattle, WA 98115; Fax: 206–526–6426; or delivered to National Marine Fisheries Service at the same address.

(C) *Final decision*—(*1*) *Final decision on appeal.* For the appeal of an IAD, the Regional Administrator shall appoint an appeals officer. After determining there is sufficient information and that all procedural requirements have been met, the appeals officer will review the record and issue a recommendation on the appeal to the Regional Administrator, which shall be advisory only. The recommendation must be based solely on the record. Upon receiving the findings and recommendation, the Regional Administrator, acting on behalf of the Secretary of Commerce, will issue a written decision on the appeal which is the final decision of the Secretary of Commerce.

(*2*) *Final decision if there is no appeal.* If the fish buyer does not appeal the IAD within 30 calendar days, NMFS will notify the fish buyer or other responsible party in writing via a final decision letter. The final decision will be from the Regional Administrator acting on behalf of the Secretary of Commerce.

(*3*) *If the final decision determines that the fish buyer is out of compliance,* the final decision will require payment within 30 calendar days. If such payment is not received within 30 calendar days of issuance of the final decision, NMFS will refer the matter to the appropriate authorities for purposes of collection. As of the date of the final

decision if the fish buyer is out of compliance, NMFS will not approve a permit renewal for an MS permit or a C/P-endorsed limited entry trawl permit until all cost recovery fees due have been paid as specified at § 660.25(b)(4)(i)(G); or reissue an IFQ first receiver site license until all cost recovery fees due have been paid, as specified at § 660.140(f)(4).

(4) *Recordkeeping, reporting, and audits*—(i) *Recordkeeping*. Each fish buyer and fish seller shall retain records in accordance with § 660.113(a). In addition, fish buyers shall retain records in accordance with the following paragraphs: § 660.113(b)(5) for the Shorebased IFQ Program, § 660.113(c)(5) for the MS Coop Program, and § 660.113(d)(5) for the C/P Coop Program.

(ii) *Reporting, including annual report*. Each fish buyer shall submit reports in accordance with the following paragraphs: § 660.113(b)(5) for the Shorebased IFQ Program, § 660.113(c)(5) for the MS Coop Program, and § 660.113(d)(5) for the C/P Coop Program. The fish buyer must submit a cost recovery form along with fee payment to NMFS. By March 31 each year, fish buyers in the MS Coop Program must submit an annual report to NMFS containing information from the preceding calendar year as specified at § 660.113(c)(5).

(iii) *Audits*. NMFS or its agents may audit, in whatever manner NMFS determines reasonably necessary for the duly diligent administration of the cost recovery program, the financial records of fish buyers and fish sellers in order to ensure proper fee payment, collection, deposit, disbursement, accounting, recordkeeping, and reporting. Fish buyers and fish sellers must respond to any inquiry by NMFS or a NMFS agent within 20 calendar days of the date of issuance of the inquiry, unless an extension is granted by NMFS. Fish buyers and fish sellers shall make all relevant records available to NMFS or NMFS' agents at reasonable times and places and promptly provide all requested information reasonably related to these records. NMFS may employ a third party agent to conduct the audits. The NMFS auditor may review and request copies of additional data provided by the submitter, including but not limited to, previously audited or reviewed financial statements, worksheets, tax returns, invoices, receipts, and other original documents substantiating the data submitted.

[78 FR 75280, Dec. 11, 2013, as amended at 84 FR 68808, Dec. 17, 2019]

### § 660.120 Trawl fishery—crossover provisions.

The crossover provisions listed at § 660.60(h)(7), apply to vessels fishing in the limited entry trawl fishery.

[76 FR 74740, Dec. 1, 2011]

### § 660.130 Trawl fishery—management measures.

(a) *General*. This section applies to the limited entry trawl fishery. Most species taken in the limited entry trawl fishery will be managed with quotas (see § 660.140), allocations or set-asides (see § 660.150 or § 660.160), or cumulative trip limits (see trip limits in Tables 1 (North) and 1 (South) of this subpart), size limits (see § 660.60 (h)(5)), seasons (see Pacific whiting at § 660.131(b), subpart D), gear restrictions (see paragraphs (b) and (c) of this section) and closed areas (see paragraphs (c) and (e) of this section and §§ 660.70 through 660.79). The limited entry trawl fishery has gear requirements and harvest limits that differ by the type of groundfish trawl gear on board and the area fished. Groundfish vessels operating south of Point Conception must adhere to CCA restrictions (see paragraph (e)(1) of this section and § 660.70). The trip limits in Tables 1 (North) and 1 (South) of this subpart applies to vessels participating in the limited entry trawl fishery and may not be exceeded. Federal commercial groundfish regulations are not intended to supersede any more restrictive state commercial groundfish regulations relating to federally-managed groundfish.

(b) *Trawl gear requirements and restrictions*. Trawl nets may be fished with or without otter boards, and may use warps or cables to herd fish.

(1) *Bottom trawl gear*—(i) *Large footrope trawl gear*. Lines or ropes that run parallel to the footrope may not be augmented with material encircling or tied along their length such that they

have a diameter larger than 19 inches (48 cm). For enforcement purposes, the footrope will be measured in a straight line from the outside edge to the opposite outside edge at the widest part on any individual part, including any individual disk, roller, bobbin, or any other device.

(ii) *Small footrope trawl gear*. Lines or ropes that run parallel to the footrope may not be augmented with material encircling or tied along their length such that they have a diameter larger than 8 inches (20 cm). For enforcement purposes, the footrope will be measured in a straight line from the outside edge to the opposite outside edge at the widest part on any individual part, including any individual disk, roller, bobbin, or any other device.

(A) *Selective flatfish trawl gear*. Selective flatfish trawl gear is a type of small footrope trawl gear. The selective flatfish trawl net must be either a two-seamed or four-seamed net with no more than four riblines, excluding the codend. The breastline may not be longer than 3 ft (0.92 m) in length. There may be no floats along the center third of the headrope or attached to the top panel except on the riblines. The footrope must be less than 105 ft (32.26 m) in length. The headrope must be not less than 30 percent longer than the footrope. The headrope shall be measured along the length of the headrope from the outside edge to the opposite outside edge. An explanatory diagram of a selective flatfish trawl net is provided as Figure 1 of part 660, subpart D.

(B) [Reserved]

(2) *Midwater (pelagic or off-bottom) trawl gear*. Midwater trawl gear must have unprotected footropes at the trawl mouth, and must not have rollers, bobbins, tires, wheels, rubber discs, or any similar device anywhere on any part of the net. The footrope of midwater gear may not be enlarged by encircling it with chains or by any other means. Ropes or lines running parallel to the footrope of midwater trawl gear must be bare and may not be suspended with chains or any other materials. Sweep lines, including the bottom leg of the bridle, must be bare. For at least 20 ft (6.15 m) immediately behind the footrope or headrope, bare ropes or mesh of 16-inch (40.6-cm) minimum mesh size must completely encircle the net.

(c) *Restrictions by limited entry trawl gear type*. Management measures may vary depending on the type of trawl gear (*i.e.*, large footrope, small footrope, selective flatfish, or midwater trawl gear) used and/or on board a vessel during a fishing trip, cumulative limit period, and the area fished. Trawl nets may be used on and off the seabed. For some species or species groups, Table 1 (North) and Table 1 (South) of this subpart provide trip limits that are specific to different types of trawl gear: Large footrope, small footrope (including selective flatfish), selective flatfish, midwater, and multiple types. If Table 1 (North) and Table 1 (South) of this subpart provide gear specific limits or closed areas for a particular species or species group, prohibitions at §§ 660.12 and 660.112(a)(5) apply. Additional conservation areas applicable to vessels registered to limited entry permits with trawl endorsements are listed at paragraph (e) of this section.

(1) *Fishing with large footrope trawl gear*—(i) *North of 46°16′ N lat*. It is unlawful for any vessel using large footrope gear to fish for groundfish shoreward of the trawl RCA, defined at § 660.11 and with latitude and longitude coordinates at §§ 660.71 through 660.74. The use of large footrope gear is allowed where bottom trawling is allowed seaward of the trawl RCA.

(ii) *South of 46°16′ N lat*. It is unlawful for any vessel using large footrope gear to fish for groundfish shoreward of the boundary line approximating the 100 fm (183 m) depth contour defined with latitude and longitude coordinates at § 660.73. The use of large footrope gear is allowed where bottom trawling is allowed seaward of the boundary line approximating the 100 fm (183 m) depth contour.

(2) *Fishing with small footrope trawl gear*. The use of small footrope bottom trawl gear is allowed in all areas where bottom trawling is allowed with the following requirements:

(i) *Fishing with selective flatfish trawl gear*. The use of selective flatfish trawl gear, a type of small footrope trawl

gear, is allowed in all areas where bottom trawling is allowed. Selective flatfish trawl gear is required shoreward of the boundary line approximating the 100 fm (183 m) depth contour between 42° N lat. and 40°10′ N lat. and fishing with all other types of small footrope trawl gear is prohibited in this area.

(ii) *Salmon bycatch mitigation restrictions*. The use of small footrope trawl, other than selective flatfish trawl gear, is prohibited between 42° N lat. and 40°10′ N lat.

(iii) *Salmon conservation area restrictions*. The use of small footrope trawl, other than of selective flatfish trawl gear, is prohibited inside the Klamath River Salmon Conservation Zone and the Columbia River Salmon Conservation Zone (defined at § 660.131(e)(8)).

(3) *Fishing with limited entry midwater trawl gear*—(i) *North of 40°10′ N lat.*, limited entry midwater trawl gear is required for vessels declared into the Pacific whiting fishery; limited entry midwater trawl gear is allowed for vessels declared into the non-whiting Shorebased IFQ Program during the Pacific whiting primary season.

(ii) *South of 40°10′ N lat.*, vessels declared into limited entry midwater trawl are prohibited from operating, other than for the purpose of continuous transiting with prohibited gear stowed, shoreward of the boundary line approximating the 150 fm (274 m) depth contour, as defined with latitude and longitude coordinates at § 660.73. Vessels declared limited entry midwater trawl may operate seaward of a boundary line approximating the 150 fm (274 m) depth contour. See also paragraph (c)(4)(ii) of this section for additional restrictions.

(4) *More than one type of trawl gear on board*. The trip limits in Table 1 (North) or Table 1 (South) of this subpart must not be exceeded. A vessel may not have both groundfish trawl gear and non-groundfish trawl gear onboard simultaneously. A vessel may have more than one type of limited entry trawl gear on board (midwater, large or small footrope, including selective flatfish trawl), either simultaneously or successively, during a cumulative limit period except between 42° N lat. and 40°10′ N lat. as described in this section. If a vessel fishes both north and south of 40°10′ N lat. with any type of small or large footrope gear onboard the vessel at any time during the cumulative limit period, the most restrictive cumulative limit associated with the gear on board would apply for that trip and all catch would be counted toward that cumulative limit (See crossover provisions at § 660.60(h)(7)). When operating in an applicable GCA, all trawl gear must be stowed, consistent with prohibitions at § 660.112(a)(5)(i), unless authorized in this section.

(i) *Vessels operating north of 40°10′ N lat.*—(A) *Limited entry bottom trawl gears*. A vessel may have more than one type of limited entry bottom trawl gear on board (large or small footrope, including selective flatfish trawl), either simultaneously or successively, during a cumulative limit period with the following exception: between 42° N lat. and 40°10′ N lat. and shoreward of the boundary line approximating the 100 fm (183 m) depth contour defined with latitude and longitude coordinates at § 660.73. In this area, vessels may not have any type of small footrope trawl gear other than selective flatfish trawl gear on board when fishing, per prohibitions at § 660.112(a)(5)(i).

(B) *Limited entry midwater trawl gears*. A vessel may have more than one type of midwater groundfish trawl gear on board, either simultaneously or successively, during a cumulative limit period.

(C) *Limited entry selective flatfish trawl gear*. If a vessel fishes exclusively with selective flatfish trawl gear during an entire cumulative limit period, then the vessel is subject to the selective flatfish trawl gear-cumulative limits during that limit period, regardless of whether the vessel is fishing shoreward or seaward of the trawl RCA or the boundary line approximating the 100 fm (183 m) depth contour defined with latitude and longitude coordinates at § 660.73.

(D) *Cumulative limits*. If a vessel fishes exclusively with large or small footrope trawl gear during an entire cumulative limit period, the vessel is subject to the cumulative limits for that gear. If more than one type of

groundfish bottom trawl gear (selective flatfish, large footrope, or small footrope) is on board, either simultaneously or successively, at any time during a cumulative limit period, then the most restrictive cumulative limit associated with the groundfish bottom trawl gear on board during that cumulative limit period applies for the entire cumulative limit period.

(ii) *Vessels operating south of 40°10′ N lat.*—(A) *Limited entry bottom trawl gears.* A vessel may have more than one type of limited entry bottom trawl gear on board (large or small footrope, including selective flatfish trawl), either simultaneously or successively, during a cumulative limit period.

(B) *Limited entry midwater trawl gear.* Vessels may not operate, other than transiting through, with limited entry midwater trawl gear on board that is not stowed, consistent with § 660.112(a)(5), in the area shoreward of the boundary line approximating the 150 fm (274 m) depth contour defined with latitude and longitude coordinates at § 660.73. If a vessel fishes with limited entry bottom trawl gear in this area, vessels may have midwater trawl gear on board that is stowed, consistent with § 660.112(a)(5), and may fish seaward of the boundary line approximating the 150 fm (274 m) depth contour on the same trip with appropriate declaration changes. Vessels with groundfish on board harvested using limited entry midwater trawl gear may transit the area shoreward of the boundary line approximating the 150 fm (274 m) depth contour defined with latitude and longitude coordinates at § 660.73 if the midwater gear is stowed consistent with § 660.112(a)(5).

(d) *Sorting.* In addition to the requirements at § 660.12(a)(8), the States of Washington, Oregon, and California may also require that vessels record their landings as sorted on their state landing receipt. Sector-specific sorting requirements and exceptions are listed at paragraphs (d)(2) and (d)(3) of this section.

(1) *Species and areas*—(i) *Coastwide.* Widow rockfish, canary rockfish, darkblotched rockfish, yelloweye rockfish, shortbelly rockfish, black rockfish, blue/deacon rockfish, minor nearshore rockfish, minor shelf rockfish, minor slope rockfish, shortraker rockfish, rougheye/blackspotted rockfish, shortspine and longspine thornyhead, Dover sole, arrowtooth flounder, petrale sole, starry flounder, English sole, other flatfish, lingcod, sablefish, Pacific cod, spiny dogfish, other fish, longnose skate, Pacific whiting, and big skate.

(ii) *North of 40°10′ N lat.* POP, yellowtail rockfish, Washington cabezon/kelp greenling complex, Oregon cabezon/kelp greenling complex, cabezon off California; and

(iii) *South of 40°10′ N. lat.* Minor shallow nearshore rockfish, minor deeper nearshore rockfish, California scorpionfish, chilipepper, bocaccio, splitnose rockfish, Pacific sanddabs, cowcod, bronzespotted rockfish, blackgill rockfish and cabezon.

(2) *Sorting requirements for the Shorebased IFQ Program*—(i) *First receivers.* Fish landed at IFQ first receivers (including shoreside processing facilities and buying stations that intend to transport catch for processing elsewhere) must be sorted, prior to first weighing after offloading from the vessel and prior to transport away from the point of landing, with the following exception: Catch from a Pacific whiting IFQ trip may be sorted after weighing as specified at § 660.140(j)(2).

(ii) *Catcher vessels.* All catch must be sorted to the species groups specified in paragraph (d)(1) of this section for vessels with limited entry permits, except those engaged in maximized retention while declared into a Pacific whiting IFQ trip. The catch must not be discarded from the vessel and the vessel must not mix catch from hauls until the observer has sampled the catch, unless otherwise allowed under the EM Program requirements at § 660.604 of subpart J. Prohibited species must be sorted according to the following species groups: Dungeness crab, Pacific halibut, Chinook salmon, other salmon. Non-groundfish species must be sorted as required by the state of landing.

(3) *Sorting requirements for the MS Coop and the C/P Coop Programs.* (i) Processing vessels in the MS and C/P

Coop Programs may use a bulk weighing scale in compliance with the equipment requirement at § 660.15(b) to derive an accurate total catch weight prior to sorting. Immediately following weighing of the total catch, the catch must be sorted to the species groups specified in paragraph (d)(1) of this section and all catch of-groundfish and non-groundfish species must be accurately accounted for and the weight of all catch other than a single predominant species deducted from the total catch weight to derive the weight of a single predominant species.

(ii) If sorting occurs on a catcher vessel in the MS Co-op Program, the catch must not be discarded from the vessel and the vessel must not mix catch from hauls until the observer has sampled the catch, or unless otherwise allowed under the EM Program requirements at § 660.604 of subpart J.

(e) *Groundfish conservation areas (GCAs).* GCAs are closed areas, defined at § 660.11, and using latitude and longitude coordinates specified at §§ 660.70 through 660.74. This paragraph describes GCAs applicable to the limited entry trawl fishery, per prohibitions at § 660.112(a)(5), and exceptions to those closures. Vessels with trawl gear on board that is not stowed, as defined at § 660.111, may not operate within a GCA listed in this section, unless authorized in this section. Vessels may not take and retain, possess, or land groundfish taken within an applicable GCA, except as authorized in this paragraph. A vessel authorized to fish within an applicable GCA may simultaneously have other groundfish trawl gear on board the vessel that is unlawful to use for fishing within the applicable GCAs, but only if the prohibited gear is stowed, as defined at § 660.111. Continuous transit, with or without groundfish on board, is allowed within an applicable GCA, only when all prohibited trawl gear on board stowed, as defined at § 660.111. Additional closed areas that specifically apply to vessels using limited entry midwater trawl gear are described at § 660.131(c).

(1) *Cowcod conservation areas (CCAs).* This closure applies to vessels with limited entry trawl gear on board. Limited entry trawl vessels may transit through the Western CCA within the transit corridor, defined at § 660.70.

(2) *Farallon islands.* Under California law, commercial fishing for all groundfish is prohibited around the Farallon Islands, as defined at § 660.70. Vessels may transit through with all trawl gear stowed.

(3) *Cordell Banks.* Commercial fishing for groundfish is prohibited in waters of depths less than 100-fm (183-m) around Cordell Banks, defined at § 660.70. Vessels may transit through with all trawl gear stowed.

(4) *Trawl RCA.* This GCA is off the coast of Washington, between the US/Canada border and 46°16′ N lat. Boundaries for the trawl RCA applicable to groundfish trawl vessels throughout the year are provided in the header to Table 1 (North) of this subpart and may be modified by NMFS inseason pursuant to § 660.60(c). Prohibitions at § 660.112(a)(5) do not apply under the following conditions and when the vessel has a valid declaration for the allowed fishing:

(i) *Limited entry midwater trawl gear.* Limited entry midwater trawl gear may be used within the trawl RCA by vessels targeting Pacific whiting or non-whiting when it is an authorized gear type for the area and season. If a vessel fishes in the trawl RCA using midwater trawl gear, it may also fish outside the trawl RCA with limited entry trawl gear on the same trip with appropriate declaration changes.

(ii) *Transiting.* A vessel authorized to operate in the trawl RCA may continuously transit through the trawl RCA, with or without groundfish on board, with prohibited trawl gear stowed, as defined at § 660.111.

(5) *Block area closures or BACs.* BACs, defined at § 660.111, are applicable to vessels with groundfish bottom trawl gear on board that is not stowed, per the prohibitions in § 660.112(a)(5). When in effect, BACs are areas closed to bottom trawl fishing. A vessel operating, for any purpose other than continuous transiting, in the BAC must have prohibited trawl gear stowed, as defined at § 660.111. Nothing in these Federal regulations supersedes any state regulations that may prohibit trawling shoreward of the fishery management area, defined at § 660.11. Prohibitions at

§ 660.112(a)(5) do not apply under any of the following conditions and when the vessel has a valid declaration for the allowed fishing:

(i) *Limited entry midwater trawl.* Limited entry midwater trawl gear may be used within the BAC only when it is an authorized gear type for the area and season. If a vessel fishes in the BAC using midwater trawl gear, it may also fish outside the BAC with groundfish bottom trawl gear on the same trip with appropriate declaration changes.

(ii) *Transiting.* A vessel authorized to operate in a BAC may continuously transit through the BAC, with or without groundfish on board, with prohibited trawl gear stowed, as defined at § 660.111.

(iii) *Multiple gears.* If a vessel fishes in a BAC using midwater trawl gear, it may also fish outside the BAC with groundfish bottom trawl gear on the same trip with the appropriate declaration change.

(6) *Bycatch reduction areas or BRAs.* Vessels using midwater groundfish trawl gear during the applicable Pacific whiting primary season may be prohibited from fishing shoreward of a boundary line approximating the 75 fm (137 m), 100 fm (183 m), 150 fm (274 m), or 200 fm (366 m) depth contours.

(7) *Eureka management area midwater trawl trip limits.* No more than 10,000-lb (4,536 kg) of whiting may be taken and retained, possessed, or landed by a vessel that, at any time during a fishing trip, fished with midwater groundfish trawl gear in the fishery management area shoreward of the boundary line approximating the 100 fm (183 m) depth contour in the Eureka management area, defined at § 660.11. See also midwater trawl depth restrictions in paragraph (c) of this section.

(8) *Salmon conservation zones.* Fishing with midwater trawl gear and bottom trawl gear, other than selective flatfish trawl gear, is prohibited in the Klamath River Salmon Conservation Zone and the Columbia River Salmon Conservation Zone (defined at § 660.111).

(f) *Essential fish habitat conservation areas.* EFHCAs are defined at § 660.11 and at §§ 660.76 through 660.79. EFHCAs apply to vessels using bottom trawl gear or to vessels using bottom contact gear, defined at § 660.11. Vessels may transit through, with or without groundfish on board, with all prohibited gear stowed. EFHCAs closed to bottom trawl gear are listed at § 660.112(a)(5)(v). EFHCAs off California that are closed to bottom trawl gear, except vessels fishing with a valid declaration for demersal seine gear, are listed in § 660.112(a)(5)(vi). EFHCAs closed to bottom contact gear are listed at § 660.12(a)(4), (16) and (17).

[75 FR 60897, Oct. 1, 2010, as amended at 75 FR 78389, Dec. 15, 2010; 75 FR 82305, Dec. 30, 2010; 76 FR 27546, May 11, 2011; 76 FR 53837, Aug. 30, 2011; 76 FR 74741, Dec. 1, 2011; 78 FR 629, Jan. 3, 2013; 78 FR 68769, Nov. 15, 2013; 79 FR 71343, Dec. 2, 2014; 80 FR 12590, Mar. 10, 2015; 80 FR 31860, June 4, 2015; 80 FR 77272, Dec. 14, 2015; 82 FR 9658, Feb. 7, 2017; 83 FR 62277, Dec. 3, 2018; 83 FR 64002, Dec. 12, 2018; 83 FR 66638, Dec. 27, 2018; 84 FR 31159, June 28, 2019; 84 FR 49962, Sept. 24, 2019; 84 FR 63986, Nov. 19, 2019]

## § 660.131 Pacific whiting fishery management measures.

(a) *General.* This section applies to the MS sector, the C/P sector, the Pacific whiting IFQ fishery, and Shorebased IFQ vessels targeting Pacific whiting under trip limits outside the Pacific whiting primary season.

(b) *Pacific whiting primary seasons and Pacific whiting trip limits*—(1) *Pacific whiting fishery primary seasons.* (i) For the Pacific whiting IFQ fishery, the primary season is the period(s) of the large-scale Pacific whiting target fishery conducted after the primary season start date.

(ii) For the C/P sector, the primary season is the period(s) when catching and at-sea processing are allowed (after the season closes, at-sea processing of any fish already on board the processing vessel is allowed to continue).

(iii) For vessels delivering to motherships, the primary season is the period(s) when catching and at-sea processing is allowed for the MS sector (after the season closes, at-sea processing of any fish already on board the processing vessel is allowed to continue).

(2) *Different primary season start dates.* North of 40°30′ N. lat., different primary season starting dates may be established for the C/P Coop Program, the MS Coop Program, and the Pacific whiting IFQ fishery for vessels delivering to IFQ first receivers north of 42°

N. lat. and vessels delivering to IFQ first receivers between 42° and 40°30′ N. lat.

(i) *Procedures*. The Pacific whiting primary seasons north of 40°30′ N. lat. generally will be established according to the procedures of the PCGFMP for developing and implementing harvest specifications and apportionments. The season opening dates remain in effect unless changed.

(ii) *Criteria*. The start of a Pacific whiting primary season may be changed based on a recommendation from the Council and consideration of the following factors, if applicable: Size of the harvest guidelines for whiting and bycatch species; age/size structure of the whiting population; expected harvest of bycatch and prohibited species; availability and stock status of prohibited species; expected participation by catchers and processors; the period between when catcher vessels make annual processor obligations and the start of the fishery; environmental conditions; timing of alternate or competing fisheries; industry agreement; fishing or processing rates; and other relevant information.

(iii) *Primary whiting season start dates and duration*. After the start of a primary season for a sector of the Pacific whiting fishery, the primary season remains open for that sector until the sector allocation of whiting or non-whiting groundfish (with allocations) is reached or projected to be reached and the primary season for that sector is closed by NMFS. The starting dates for the primary seasons are as follows:

(A) Catcher/processor sector—May 15.

(B) Mothership sector—May 15.

(C) *Shorebased IFQ Program*. The start of the Shorebased IFQ Program primary whiting season is:

(*1*) North of 40°30′ N. lat.—May 15;

(*2*) South of 40°30′ N. lat.—April 15.

(3) *Pacific whiting trip limits*. For Shorebased IFQ Program vessels targeting Pacific whiting outside the primary season, the ''per trip'' limit for whiting is announced in Table 1 of this subpart. The per-trip limit is a routine management measure under § 660.60(c). This trip limit includes any whiting caught shoreward of 100 fm (183 m) in the Eureka management-area. The per-trip limit for other groundfish species are announced in Table 1 (North) and Table 1 (South) of this subpart and apply as follows:

(i) During the groundfish cumulative limit periods both before and after the primary whiting season, vessels may use either small and/or large footrope gear, but are subject to the more restrictive trip limits for those entire cumulative periods.

(ii) If a vessel on a Pacific whiting IFQ trip harvests a groundfish species other than whiting for which there is a midwater trip limit, then that vessel may also harvest up to another footrope-specific limit for that species during any cumulative limit period that overlaps the start or close of the primary season.

(c) *Closed areas*. The conservation areas described here are in addition to conservation areas applicable to vessels operating with midwater trawl gear on board described in § 660.130(c) and (e). Vessels fishing during the Pacific whiting primary seasons shall not target Pacific whiting with midwater groundfish trawl gear in the following portions of the fishery management area:

(1) *Klamath river salmon conservation zone*, defined at § 660.111.

(2) *Columbia river salmon conservation zone*, defined at § 660.111.

(3) *Bycatch reduction areas or BRAs*. Bycatch reduction area closures specified at § 660.130(e) may be implemented inseason through automatic action when NMFS projects that a Pacific whiting sector will exceed an allocation for a non-whiting groundfish species specified for that sector before the sector's whiting allocation is projected to be reached.

(d) *Eureka management area trip limits*. Trip landing or frequency limits may be established, modified, or removed under § 660.60 or this paragraph, specifying the amount of Pacific whiting that may be taken and retained, possessed, or landed by a vessel that, at any time during a fishing trip, fished in the fishery management area shoreward of the 100 fathom (183 m) contour in the Eureka management area. Unless otherwise specified, no more than 10,000-lb (4,536 kg) of whiting may be taken and retained, possessed, or landed by a vessel that, at any time during

a fishing trip, fished in the fishery management area shoreward of the 100 fm (183 m) contour in the Eureka management area.

(e) *At-sea processing*. Whiting may not be processed at sea south of 42°00′ N. lat. (Oregon-California border), unless by a waste-processing vessel as authorized under paragraph (g) of this section.

(f) *Time of day*. Vessels fishing in the Pacific whiting primary seasons for the Shorebased IFQ Program, MS Coop Program or C/P Coop Program shall not target Pacific whiting with midwater trawl gear in the fishery management area south of 42°00′ N. lat. between 0001 hours to one-half hour after official sunrise (local time). During this time south of 42°00′ N. lat., trawl doors must be on board any vessel used to fish for whiting and the trawl must be attached to the trawl doors. Official sunrise is determined, to the nearest 5° lat., in The Nautical Almanac issued annually by the Nautical Almanac Office, U.S. Naval Observatory, and available from the U.S. Government Printing Office.

(g) *Processing fish waste at sea*. A vessel that processes only fish waste (a ''waste-processing vessel'') is not considered a whiting processor and therefore is not subject to the allocations, seasons, or restrictions for catcher/processors or motherships while it operates as a waste-processing vessel. However, no vessel may operate as a waste-processing vessel 48 hours immediately before and after a primary season for whiting in which the vessel operates as a catcher/processor or mothership. A vessel must meet the following conditions to qualify as a waste-processing vessel:

(1) The vessel makes meal (ground dried fish), oil, or minced (ground flesh) product, but does not make, and does not have on board, surimi (fish paste with additives), fillets (meat from the side of the fish, behind the head and in front of the tail), or headed and gutted fish (head and viscera removed).

(2) The amount of whole whiting on board does not exceed the trip limit (if any) allowed under § 660.60(c), subpart C, or Tables 1 (North) or 1 (South) in subpart D.

(3) Any trawl net and doors on board are stowed in a secured and covered manner, and detached from all towing lines, so as to be rendered unusable for fishing.

(4) The vessel does not receive codends containing fish.

(5) The vessel's operations are consistent with applicable state and Federal law, including those governing disposal of fish waste at sea.

(h) *Reapportionment of Pacific whiting*. (1) Upon receipt of written notice to the Regional Administrator from the tribe(s) participating in the fishery that they do not intend to use a portion of the tribal allocation, the Regional Administrator may, no earlier than 7 days following notice to other treaty tribes with rights to whiting, reapportion any remainder to the other sectors of the trawl fishery as soon as practicable after receiving such notice. If no such reapportionment has occurred prior to September 15 of the fishing year, the Regional Administrator will, based on discussions with representatives of the tribes participating in the Pacific whiting fishery for that fishing year, consider the tribal harvests to date and catch projections for the remainder of the year relative to the tribal allocation of Pacific whiting, as specified at § 660.50. That portion of the tribal allocation that the Regional Administrator determines will not be used by the end of the fishing year may be reapportioned to the other sectors of the trawl fishery on September 15 or as soon as practicable thereafter. Subsequent reapportionments may be made based on subsequent determinations by the Regional Administrator based on the factors described above in order to ensure full utilization of the resource. However, no reapportionments will occur after December 1 of the fishing year.

(2) The reapportionment of surplus whiting will be made by actual notice under the automatic action authority provided at § 660.60(d)(1).

(3) The reapportionment of surplus whiting will be made effective immediately by actual notice under the automatic action authority provided at § 660.60(d)(1).

(4) Estimates of the portion of the tribal allocation that will not be used

by the end of the fishing year will be based on the best information available to the Regional Administrator.

(i) *Salmon bycatch*. This fishery may be closed through automatic action at § 660.60(d)(1)(v) and (vi).

(ii) [Reserved]

(5) Prior to reapportionment, NMFS will consider Chinook salmon take numbers and bycatch rates in each sector of the Pacific whiting fishery, in order to prevent a reapportionment that would limit Pacific Coast treaty Indian Tribes' access to the tribal allocation by triggering inseason closure of the Pacific whiting fishery as described at § 660.60(d)(1)(v).

(i) *Salmon bycatch*. This fishery may be closed through automatic action at § 660.60(d)(1)(v) and (vi).

[75 FR 60897, Oct. 1, 2010, as amended at 75 FR 75421, Dec. 3, 2010; 75 FR 78390, Dec. 15, 2010; 76 FR 27546, May 11, 2011; 76 FR 53837, Aug. 30, 2011; 77 FR 28516, May 15, 2012; 80 FR 27600, May 14, 2015; 80 FR 19036, Apr. 9, 2015; 80 FR 77273, Dec. 14, 2015; 83 FR 64002, Dec. 12, 2018; 84 FR 63988, Nov. 19, 2019; 84 FR 65926, Dec. 2, 2019]

### § 660.140 Shorebased IFQ Program.

(a) *General*. The regulations in this section apply to the Shorebased IFQ Program. The Shorebased IFQ Program includes a system of transferable QS for most groundfish species or species groups, IBQ for Pacific halibut, and trip limits or set-asides for the remaining groundfish species or species groups. NMFS will issue a QS permit to eligible participants and will establish a QS account for each QS permit owner to track the amount of QS or IBQ and QP or IBQ pounds owned by that owner. QS permit owners may own QS or IBQ for IFQ species, expressed as a percent of the allocation to the Shorebased IFQ Program for that species. NMFS will issue QP or IBQ pounds to QS permit owners, expressed in pounds, on an annual basis, to be deposited in the corresponding QS account. NMFS will establish a vessel account for each eligible vessel owner participating in the Shorebased IFQ Program, which is independent of the QS permit and QS account. In order to use QP or IBQ pounds, a QS permit owner must transfer the QP or IBQ pounds from the QS account into the vessel account for the vessel to which the QP or IBQ pounds is to be assigned. Harvests of IFQ species may only be delivered to an IFQ first receiver with a first receiver site license. In addition to the requirements of this section, the Shorebased IFQ Program is subject to the following groundfish regulations of subparts C and D:

(1) Regulations set out in the following sections of subpart C: § 660.11 Definitions, § 660.12 Prohibitions, § 660.13 Recordkeeping and reporting, § 660.14 VMS requirements, § 660.15 Equipment requirements, § 660.16 Groundfish observer program, § 660.20 Vessel and gear identification, § 660.25 Permits, § 660.55 Allocations, § 660.60 Specifications and management measures, § 660.65 Groundfish harvest specifications, and §§ 660.70 through 660.79 Closed areas.

(2) Regulations set out in the following sections of subpart D: § 660.111 Trawl fishery definitions, § 660.112 Trawl fishery prohibitions, § 660.113 Trawl fishery recordkeeping and reporting, § 660.115 Trawl fishery cost recovery program, § 660.120 Trawl fishery crossover provisions, § 660.130 Trawl fishery management measures, and § 660.131 Pacific whiting fishery management measures.

(3) The Shorebased IFQ Program may be restricted or closed as a result of projected overages within the Shorebased IFQ Program, the MS Coop Program, or the C/P Coop Program. As determined necessary by the Regional Administrator, area restrictions, season closures, or other measures will be used to prevent the trawl sector in aggregate or the individual trawl sectors (Shorebased IFQ, MS Coop, or C/P Coop) from exceeding an ACL, OY, ACT or formal allocation specified in the PCGFMP or regulation at § 660.55, subpart C, or §§ 660.140, 660.150, or 660.160, subpart D.

(b) *Participation requirements and responsibilities*—(1) *IFQ vessels*. (i) Vessels must be registered to a groundfish limited entry permit, endorsed for trawl gear with no C/P endorsement.

(ii) To start a fishing trip in the Shorebased IFQ Program, a vessel and its owner(s) (as described on the USCG documentation or state registration document) must be registered to the

same vessel account established by NMFS with no deficit (negative balance) for any species/species group.

(iii) All IFQ species/species group catch (landings and discards) must be covered by QP or IBQ pounds. Any deficit (negative balance in a vessel account) must be cured within 30 calendar days from the date the deficit from that trip is documented in the vessel account, unless the deficit is within the limits of the carryover provision at paragraph (e)(5) of this section, in which case the vessel account owner must declare out of the Shorebased IFQ Program, and must eliminate the deficit prior to re-entry into the fishery in the current year, or within 30 days after the issuance of QP or IBQ pounds for the following year.

(iv) Any vessel with a deficit (negative balance) in its vessel account is prohibited from fishing that is within the scope of the Shorebased IFQ Program until sufficient QP or IBQ pounds are transferred into the vessel account to remove any deficit, regardless of the amount of the deficit.

(v) A vessel account may not have QP or IBQ pounds (used and unused combined) in excess of the QP Vessel Limit in any year, and for species covered by Unused QP Vessel Limit, may not have QP or IBQ pounds in excess of the Unused QP Vessel Limit at any time. These amounts are specified at paragraph (e)(4) of this section.

(vi) Vessels must use either trawl gear as specified at § 660.130(b), or a legal non-trawl groundfish gear under the gear switching provisions as specified at § 660.140(k).

(vii) Vessels that are registered to MS/CV-endorsed permits may be used to fish in the Shorebased IFQ Program provided that the vessel is registered to a valid Shorebased IFQ Program vessel account.

(viii) In the same calendar year, a vessel registered to a trawl endorsed limited entry permit with no MS/CV or C/P endorsements may be used to fish in the Shorebased IFQ Program if the vessel has a valid vessel account, and to fish in the mothership sector for a permitted MS coop as authorized by the MS coop.

(ix) Vessels that are registered to C/P-endorsed permits may not be used to fish in the Shorebased IFQ Program.

(x) Fish sellers must pay cost recovery program fees, as specified at § 660.115.

(2) *IFQ first receivers*. The IFQ first receiver must:

(i) Ensure that all catch removed from a vessel making an IFQ delivery is weighed on a scale or scales meeting the requirements described in § 660.15(c).

(ii) Ensure that all catch is landed, sorted, and weighed in accordance with a valid catch monitoring plan as described in § 660.140(f)(3)(iii).

(iii) Ensure that all catch is sorted, prior to first weighing, as specified at § 660.130(d) and consistent with § 660.140(j)(2)(viii).

(iv) Provide unrestricted access to all areas where fish are or may be sorted or weighed to catch monitors, NMFS staff, NMFS-authorized personnel, or authorized officers at any time when a delivery of IFQ species, or the processing of those species, is taking place.

(v) Ensure that each scale produces a complete and accurate printed record of the weight of all catch in a delivery, unless exempted in the NMFS-accepted catch monitoring plan.

(vi) Retain and make available to catch monitors, NMFS staff, NMFS-authorized personnel, or authorized officers, all printed output from any scale used to weigh catch, and any hand tally sheets, worksheets, or notes used to determine the total weight of any species.

(vii) Ensure that each delivery of IFQ catch is monitored by a catch monitor and that the catch monitor is on site the entire time the delivery is being weighed or sorted.

(viii) Ensure that sorting and weighing is completed prior to catch leaving the area that can be monitored from the observation area described paragraph (i) of this section.

(ix) Collect and remit to NMFS cost recovery program fees, as specified at § 660.115.

(c) *IFQ species, management areas, and allocations*.

(1) *IFQ management areas*. IFQ management areas are as follows:

(i) Between the U.S./Canada border and 40°10′ N lat.,

(ii) Between 40°10′ N lat. and 36° N lat.,

(iii) Between 36° N lat. and 34°27′ N lat., and

(iv) Between 34°27′ N lat. and the U.S./Mexico border.

(2) *Moving pot or trap gear between multiple IFQ management areas.* A vessel using fixed gear declared into the limited entry groundfish non-trawl Shorebased IFQ fishery may deploy pot or trap gear in multiple IFQ management areas on a trip provided the vessel does not retrieve gear from more than one IFQ management area during a trip.

(3) *IFQ program allocations.* Allocations for the Shorebased IFQ Program are determined for IFQ species as follows:

(i) For Pacific whiting, the Shorebased IFQ Program allocation is specified at § 660.55(i)(2), subpart C, 42 percent.

(ii) For Sablefish N. of 36° N. lat., the Shorebased IFQ Program allocation is the limited entry trawl allocation specified at § 660.55(h), subpart C, minus any set-asides for the mothership and C/P sectors for that species.

(iii) For IFQ species listed in the trawl/nontrawl allocation table, specified at § 660.55(c), subpart C, allocations are determined by applying the trawl column percent to the fishery harvest guideline minus any set-asides for the mothership and C/P sectors for that species and minus allocations for darkblotched rockfish, POP, and widow rockfish.

(iv) The remaining IFQ species (canary rockfish, bocaccio, cowcod, yelloweye rockfish, minor shelf rockfish N. of 40°10′ N. lat., and minor shelf rockfish S. of 40°10′ N. lat., and minor slope rockfish S. of 40°10′ N. lat.) are allocated through the biennial specifications and management measures process minus any set-asides for the mothership and C/P sectors for that species.

(v) For Pacific halibut N. of 40°10′ N. lat., the Shorebased IFQ Program allocation is specified at 660.55(m).

(vi) For each IFQ species, NMFS will determine annual sub-allocations to individual QS accounts by multiplying the percent of QS or IBQ registered to the account by the amount of each respective IFQ species allocated to the Shorebased IFQ Program for that year. For each IFQ species, NMFS will deposit QP or IBQ pounds in the respective QS account in the amount of each sub-allocation determined.

(vii) *Reallocations*—(A) *Reallocation with changes in management areas.*

(*1*) *Area subdivision.* If at any time after the initial allocation, an IFQ species is geographically subdivided, those holding QS or IBQ for the IFQ species being subdivided will receive an amount of QS or IBQ for each newly created area that is equivalent to the amount they held for the area before it was subdivided.

(*2*) *Area recombination.* When two areas are combined for an IFQ species, the QS or IBQ held by individuals in each area will be adjusted proportionally such that:

(*i*) The total QS or IBQ for the area sums to 100 percent, and

(*ii*) A person holding QS or IBQ in the newly created area will receive the same amount of total QP or IBQ pounds as they would if the areas had not been combined.

(*3*) *Area line movement.* When a management area boundary line is moved for an IFQ species, the QS or IBQ held by individuals in each area will be adjusted proportionally such that they each maintain their same share of the trawl allocation on a coastwide basis (a fishing area may expand or decrease, but the individual's QP or IBQ pounds for both areas combined wouldn't change because of the change in areas). In order to achieve this end, the holders of QS or IBQ in the area being reduced will receive QS or IBQ for the area being expanded, such that the total QP or IBQ pounds they would be issued will not be reduced as a result of the area reduction. Those holding QS or IBQ in the area being expanded will have their QS or IBQ reduced such that the total QP or IBQ pounds they receive in the year of the line movement will not increase as a result of the expansion (nor will it be reduced).

(B) *Reallocation with subdivision of a species group.* If at any time after the initial allocation an IFQ species which is a species group is subdivided, each

species or species group resulting from the subdivision will be an IFQ species. QS owners for the species group being subdivided will receive an amount of QS for each newly created IFQ species that is equivalent to the amount they held for the species group before it was subdivided. For example, if a person holds one percent of a species group before the subdivision, that person will hold one percent of the QS for each IFQ species resulting from the subdivision.

(d) *QS permits and QS accounts*—(1) *General*. In order to obtain QS and/or IBQ, a person must apply for a QS permit. NMFS will determine if the applicant is eligible to own QS and/or IBQ in accordance with paragraph (d)(2) of this section. If eligible, NMFS will issue a QS permit, and will establish a QS account to track QS and IBQ balances for all IFQ species identified at § 660.140(c)(1). NMFS will issue initial allocations of QS and IBQ in accordance with paragraph (d)(8) of this section. Transfers of QS and IBQ, and of QP or IBQ pounds, are subject to provisions at paragraph (d)(3) of this section. QS permit owners can monitor the status of their QS and IBQ, and associated QP and IBQ pounds, throughout the year in their QS account.

(i) *Annual QS adjustments*. On or about January 1 each year, QS permit owners will be notified, via the IFQ Web site and their QS account, of any adjustments to their QS and/or IBQ allocations, for each of the IFQ species. Updated QS and/or IBQ values, if applicable, will reflect the results of: any recalculation of initial allocation formulas resulting from changes in provisional OYs used in the allocation formulas or appeals, any redistribution of QS and IBQ (e.g., resulting from permanent revocation of applicable permits, subject to accumulation limits), and any transfers of QS and/or IBQ made during the prior year.

(ii) *Annual QP and IBQ pound allocations*. QP and IBQ pounds will be deposited into QS accounts annually. QS permit owners will be notified of QP deposits via the IFQ website and their QS account. QP and IBQ pounds will be issued to the nearest whole pound using standard rounding rules (*i.e.*, decimal amounts less than 0.5 round down and 0.5 and greater round up). NMFS will distribute such allocations to the maximum extent practicable, not to exceed the total allocation. QS permit owners must transfer their QP and IBQ pounds from their QS account to a vessel account in order for those QP and IBQ pounds to be fished. QP and IBQ pounds must be transferred in whole pounds (*i.e.*, no fraction of a QP or IBQ pound can be transferred). All QP and IBQ pounds in a QS account must be transferred to a vessel account between January 1 and December 31 of the year for which they were issued in order to be fished.

(A) *Non-whiting QP annual sub-allocations*. NMFS will issue QP for IFQ species other than Pacific whiting and Pacific halibut annually by multiplying the QS permit owner's QS for each such IFQ species by that year's shorebased trawl allocation for that IFQ species. Deposits to QS accounts for IFQ species other than Pacific whiting and Pacific halibut will be made on or about January 1 each year. Until the implementation of any regulatory changes developed pursuant to the first program review for the trawl rationalization program, the resulting AMP QP will be issued to all QS permit owners in proportion to their non-whiting QS.

(*1*) In years where the groundfish harvest specifications are known by January 1, deposits to QS accounts for IFQ species will be made on or about January 1.

(*2*) In years where the groundfish harvest specifications are not known by January 1, NMFS will issue QP in two parts. On or about January 1, NMFS will deposit QP based on the shorebased trawl allocation multiplied by the lower end of the range of potential harvest specifications for that year. After the final harvest specifications are established later in the year, NMFS will deposit additional QP to the QS account.

(*3*) In years where the non-tribal deductions from the TAC, ACL, or ACT when specified, described at § 660.55(b), were too high and would go unharvested, NMFS may increase the shorebased trawl allocation, consistent with § 660.60(c), and issue additional QP to QS accounts.

(B) *Pacific whiting QP annual allocation*. NMFS will issue QP for Pacific

whiting annually by multiplying the QS permit owner's QS for Pacific whiting by that year's shorebased trawl allocation for Pacific whiting.

(*1*) In years where the Pacific whiting harvest specification is known by January 1, deposits to QS accounts for Pacific whiting will be made on or about January 1.

(*2*) In years where the Pacific whiting harvest specification is not known by January 1, NMFS will issue Pacific whiting QP in two parts. On or about January 1, NMFS will deposit Pacific whiting QP based on the shorebased trawl allocation multiplied by the lower end of the range of potential harvest specifications for Pacific whiting for that year. After the final Pacific whiting harvest specifications are established later in the year, NMFS will deposit additional QP to QS accounts.

(*3*) In years where the non-tribal deductions from the TAC, ACL, or ACT when specified, described at § 660.55(b), were too high and would go unharvested, NMFS may increase the shorebased trawl allocation, consistent with § 660.60(c), and issue additional QP to QS accounts.

(*4*) In years where there is reapportionment of Pacific whiting, specified at § 660.131(h), to the Shorebased IFQ Program, NMFS will increase the shorebased trawl allocation and issue additional QP to QS accounts as described at paragraph (d)(3)(ii)(B)(3) of this section.

(C) *Pacific halibut IBQ pounds annual allocation*. NMFS will issue IBQ pounds for Pacific halibut annually by multiplying the QS permit owner's IBQ percent by the Shorebased IFQ Program component of the trawl bycatch mortality limit for that year. Deposits to QS accounts for Pacific halibut IBQ pounds will be made on or about January 1 each year. Mortality of any size Pacific halibut count against IBQ pounds.

(*1*) In years where the Pacific halibut total constant exploitation yield is known by January 1, deposits to QS accounts will be made on or about January 1.

(*2*) In years where the Pacific halibut total constant exploitation yield is not known by January 1, NMFS will issue QP in two parts. On or about January 1, NMFS will deposit QP based on some portion of the International Pacific Halibut Commission's staff recommended total constant exploitation yield from their interim meeting. After the final Pacific halibut total constant exploitation yield is established from the International Pacific Halibut Commission's annual meeting, NMFS will deposit additional QP to the QS account.

(D) *Pacific whiting and non-whiting QP shorebased trawl allocations*. For the trawl fishery, NMFS will issue QP based on the following shorebased trawl allocations:

TABLE 1 TO PARAGRAPH (d)(1)(ii)(D)

| IFQ species | Area | 2019 Shorebased trawl allocation (mt) | 2020 Shorebased trawl allocation (mt) |
|---|---|---|---|
| Arrowtooth flounder | Coastwide | 12,735.1 | 10,052.3 |
| Bocaccio | South of 40°10′ N lat | 800.7 | 767.1 |
| Canary rockfish | Coastwide | 953.6 | 894.3 |
| Chilipepper | South of 40°10′ N lat | 1,838.3 | 1,743.8 |
| COWCOD | South of 40°10′ N lat | 2.2 | 3.2 |
| Darkblotched rockfish | Coastwide | 658.4 | 703.4 |
| Dover sole | Coastwide | 45,979.2 | 45,979.2 |
| English sole | Coastwide | 9,375.1 | 9,417.9 |
| Lingcod | North of 40°10′ N lat | 2,051.9 | 1,903.4 |
| Lingcod | South of 40°10′ N lat | 462.5 | 386.0 |
| Longspine thornyhead | North of 34°27′ N lat | 2,420.0 | 2,293.6 |
| Minor Shelf Rockfish complex | North of 40°10′ N lat | 1,155.2 | 1,151.6 |
| Minor Shelf Rockfish complex | South of 40°10′ N lat | 188.6 | 188.6 |
| Minor Slope Rockfish complex | North of 40°10′ N lat | 1,248.8 | 1,237.5 |
| Minor Slope Rockfish complex | South of 40°10′ N lat | 456.0 | 455.4 |
| Other Flatfish complex | Coastwide | 5,603.7 | 5,192.4 |
| Pacific cod | Coastwide | 1,034.1 | 1,034.1 |
| Pacific ocean perch | North of 40°10′ N lat | 3,697.3 | 3,602.2 |
| Pacific whiting | Coastwide | 152,326.5 | 146,567 |
| Petrale sole | Coastwide | 2,453.0 | 2,393.2 |

TABLE 1 TO PARAGRAPH (d)(1)(ii)(D)—Continued

| IFQ species | Area | 2019 Shorebased trawl allocation (mt) | 2020 Shorebased trawl allocation (mt) |
|---|---|---|---|
| Sablefish | North of 36° N lat | 2,581.3 | 2,636.8 |
| Sablefish | South of 36° N lat | 834.0 | 851.7 |
| Shortspine thornyhead | North of 34°27′ N lat | 1,506.8 | 1,493.5 |
| Shortspine thornyhead | South of 34°27′ N lat | 50.0 | 50.0 |
| Splitnose rockfish | South of 40°10′ N lat | 1,646.7 | 1,628.7 |
| Starry flounder | Coastwide | 211.6 | 211.6 |
| Widow rockfish | Coastwide | 9,928.8 | 9,387.1 |
| YELLOWEYE ROCKFISH | Coastwide | 3.4 | 3.4 |
| Yellowtail rockfish | North of 40°10′ N lat | 4,305.8 | 4,048.0 |

(2) *Eligibility and registration*—(i) *Eligibility*. Only the following persons are eligible to own QS permits:

(A) A United States citizen, that is eligible to own and control a U.S. fishing vessel with a fishery endorsement pursuant to 46 U.S.C. 12113 (general fishery endorsement requirements and 75 percent citizenship requirement for entities);

(B) A permanent resident alien, that is eligible to own and control a U.S. fishing vessel with a fishery endorsement pursuant to 46 U.S.C. 12113 (general fishery endorsement requirements and 75 percent citizenship requirement for entities); or

(C) A corporation, partnership, or other entity established under the laws of the United States or any State, that is eligible to own and control a U.S. fishing vessel with a fishery endorsement pursuant to 46 U.S.C. 12113 (general fishery endorsement requirements and 75 percent citizenship requirement for entities). However, there is an exception for any entity that owns a mothership that participated in the west coast groundfish fishery during the allocation period and is eligible to own or control that U.S. fishing vessel with a fishery endorsement pursuant to sections 203(g) and 213(g) of the AFA.

(ii) *Registration*. A QS account will be established by NMFS with the issuance of a QS permit. The administrative functions associated with the Shorebased IFQ Program (e.g., account registration, landing transactions, and transfers) are designed to be accomplished online; therefore, a participant must have access to a computer with Internet access and must set up online access to their QS account to participate. The computer must have Internet browser software installed (e.g., Internet Explorer, Netscape, Mozilla Firefox); as well as the Adobe Flash Player software version 9.0 or greater. NMFS will mail initial QS permit owners instructions to set up online access to their QS account. NMFS will use the QS account to send messages to QS permit owners; it is important for QS permit owners to monitor their online QS account and all associated messages.

(iii) *QS permit application process*. NMFS will accept a QS permit application from January 1 to November 30 of each calendar year. QS permit applications received between December 1 and December 31 will be processed by NMFS in the following calendar year. NMFS will issue only one QS permit to each unique person, as defined at § 660.11 subject to the eligibility requirements at paragraph (d)(2)(i) of this section. Each applicant must submit a complete application. A complete application includes a QS permit application form, payment of required fees, complete documentation of QS permit ownership on the Trawl Identification of Ownership Interest Form as required under paragraph (d)(4)(iv) of this section, and a complete economic data collection form as required under § 660.114. NMFS may require additional documentation as it deems necessary to make a determination on the application. The QS permit application will be considered incomplete until the required information is submitted.

(A) *Initial administrative determination*. For all complete applications, NMFS will issue an IAD that either approves or disapproves the application.

If approved, the QS permit serves as the IAD. If disapproved, the IAD will provide the reasons for this determination. If the applicant does not appeal the IAD within 30 calendar days, the IAD becomes the final decision of the Regional Administrator acting on behalf of the Secretary of Commerce.

(B) *Effective date.* The QS permit is effective on the date given on the permit and remains effective until the end of the calendar year.

(C) *Appeals.* If NMFS does not accept the QS permit application, the applicant may appeal the IAD consistent with the general permit appeals process defined at § 660.25(g).

(3) *Renewal, change of permit ownership, and transfers*—(i) *Renewal.* (A) QS permits expire at the end of each calendar year, and must be renewed between October 1 and November 30 of each year in order to remain in effect the following year. A complete QS permit renewal package must be received by NMFS no later than November 30 to be accepted by NMFS. A QS permit owner may submit a paper renewal package after January 1 of the following year as described in paragraph (d)(3)(i)(C) of this section.

(B) Notification to renew QS permits will be sent by SFD by September 15 each year to the QS permit owner's most recent address in the SFD record. The QS permit owner shall provide SFD with notice of any address change within 15 days of the change.

(C) A complete QS permit renewal package must be received by November 30 of each calendar year. If a complete QS permit renewal package is not received by November 30, NMFS will not renew the QS permit, the associated QS account will not be activated in the following calendar year, and QS may not be transferred. NMFS will not issue QP or IBQ pounds associated with the non-renewed QS permit for that year. Any QP or IBQ pounds derived from the QS or IBQ in the inactive QS account will be distributed to the active QS accounts in proportion to the QS or IBQ for each IFQ species given on the renewed QS permit. If a QS permit is not renewed during the October 1 through November 30 renewal period, the QS permit owner may renew after January 1 in the following year by submission of a paper renewal application, or may renew the QS permit during the next October 1 through November 30 renewal period. For renewals submitted after January 1, QPs allocated as specified at paragraph (d)(1) of this section will not be allocated to the QS account in that year. The QS permit owner will be able to transfer QS percentages from the time the QS account is activated until November 30 of that calendar year.

(D) QS permits will not be renewed until SFD has received a complete application for a QS permit renewal, which includes payment of required fees, complete documentation of QS permit ownership on the Trawl Identification of Ownership Interest Form as required under paragraph (d)(4)(iv) of this section, a complete economic data collection form as required under § 660.114. The QS permit renewal will be considered incomplete until the required information is submitted.

(E) *Effective Date.* A QS permit is effective on the date given on the permit and remains effective until the end of the calendar year.

(F) *IAD and appeals.* QS permit renewals are subject to the permit appeals process specified at § 660.25(g), subpart C.

(ii) *Change of permit ownership and transfer restrictions*—(A) *Change in QS permit ownership.* Ownership of a QS permit cannot be registered to another individual or entity. The QS permit owner cannot change or add additional individuals or entities as owners of the permit (*i.e.*, cannot change the legal name of the permit owner(s) as given on the permit). Any change in ownership of the QS permit requires the new owner(s) to apply for a QS permit, and is subject to accumulation limits and approval by NMFS.

(B) *Transfers of QS or IBQ or QP or IBQ pounds.* (*1*) *General.* Transfers of QS or IBQ from one QS account to another QS account and transfers of QP or IBQ pounds from a QS account to a vessel account must be accomplished via the online QS account. During the year there may be situations where NMFS deems it necessary to prohibit transfers (*i.e.*, account reconciliation, system maintenance, or for emergency fishery management reasons). To make

a transfer, a QS permit owner must initiate a transfer request by logging onto the online QS account. Following the instructions provided on the Web site, the QS permit owner must enter pertinent information regarding the transfer request including, but not limited to: IFQ species, amount of QS, IBQ, QP, or IBQ pounds to be transferred for each IFQ species; name and any other identifier of the eligible transferee (e.g., QS permit number, vessel account number); and the value of the transferred QS, IBQ, QP, or IBQ pounds for each IFQ species. The online system will verify whether all information has been entered and whether the transfer complies with ownership limits or vessel limits, as applicable. If the information is not accepted, an electronic message will record as much in the transferor's QS account explaining the reason(s). If the information is accepted, the online system will record the pending transfer in both the transferor's QS account and the transferee's QS account or vessel account. The transferee must approve the transfer by electronic signature in order for the transfer to be completed. If the transferee accepts the transfer, the online system will record the transfer and confirm the transaction in both the transferor's QS account and the transferee's QS account or vessel account through a transaction confirmation notice. Once the transferee accepts the transaction, the transaction is final and permanent.

(*2*) *Transfer of QS or IBQ between QS accounts.* QS permit owners may transfer QS or IBQ to another owner of a QS permit, subject to accumulation limits and approval by NMFS. QS or IBQ is transferred as a percent, divisible to one-thousandth of a percent (*i.e.*, greater than or equal to 0.001 percent). QS or IBQ cannot be transferred to a vessel account. Owners of non-renewed QS permits may not transfer QS. QP in QS accounts cannot be transferred between QS accounts. NMFS will allocate QP based on the QS percentages as listed on a QS permit that was renewed during the previous October 1 through November 30 renewal period. QS transfers will be recorded in the QS account but will not become effective for purposes of allocating QPs until the following year. QS or IBQ may not be transferred between December 1 through December 31 each year. Any QS transaction that is pending as of December 1 will be administratively retracted. NMFS will allocate QP for the following year based on the QS percentages as of December 1 of each year.

(*3*) *Transfer of QP or IBQ pounds from a QS account to a vessel account.* QP or IBQ pounds must be transferred in whole pounds (*i.e.*, no fraction of a QP can be transferred). QP or IBQ pounds must be transferred to a vessel account in order to be used. Transfers of QP or IBQ pounds from a QS account to a vessel account are subject to annual vessel accumulation limits and NMFS' approval. Once QP or IBQ pounds are transferred from a QS account to a vessel account (accepted by the transferee/vessel owner), they cannot be transferred back to a QS account and may only be transferred to another vessel account. QP or IBQ pounds may not be transferred from one QS account to another QS account. All QP or IBQ pounds from a QS account must be transferred to one or more vessel accounts by December 31 each year in order to be fished. All QP or IBQ pounds expire at the end of the post-season transfer period of the year after which they were issued. If, in any year, the Regional Administrator makes a decision to reapportion Pacific whiting from the tribal to the non-tribal fishery or NMFS releases additional QP consistent with § 660.60(c) and paragraph (d)(1)(ii) of this section, NMFS will credit QS accounts with additional QP proportionally, based on the QS percent for a particular QS permit owner and the increase in the shorebased trawl allocation specified at paragraph (d)(1)(ii)(D) of this section.

(C) *Effective date*—(*1*) Transfer of QS or IBQ between QS accounts is effective on the date approved by NMFS.

(*2*) Transfer of QP or IBQ pounds from a QS account to a vessel account is effective on the date approved by NMFS.

(D) *IAD and appeals.* Transfers are subject to the permit appeals process specified at § 660.25 (g), subpart C.

(4) *Accumulation limits*—(i) *QS and IBQ control limits.* QS and IBQ control limits are accumulation limits and are

the amount of QS and IBQ that a person, individually or collectively, may own or control. QS and IBQ control limits are expressed as a percentage of the Shorebased IFQ Program's allocation.

(A) *Control limits for individual species.* No person may own or control, or have a controlling influence over, by any means whatsoever an amount of QS or IBQ for any individual species that exceeds the Shorebased IFQ Program accumulation limits.

(B) *Control limit for aggregate nonwhiting QS holdings.* To determine how much aggregate nonwhiting QS a person holds, NMFS will convert the person's QS to pounds. This conversion will always be conducted using the trawl allocations applied to the 2010 OYs, until such time as the Council recommends otherwise. Specifically, NMFS will multiply each person's QS for each species by the shoreside trawl allocation for that species. The person's pounds for all nonwhiting species will be summed and divided by the shoreside trawl allocation of all nonwhiting species to calculate the person's share of the aggregate nonwhiting trawl quota. To determine the shoreside trawl allocation for the purpose of determining compliance with the aggregate nonwhiting control limit, for species that have specific trawl allocation percentages in Amendment 21, NMFS will apply the Amendment 21 trawl allocation percentages to (set forth at § 660.55) the 2010 OYs, and where applicable, will deduct the preliminary set-asides for the at-sea sectors from Amendment 21. For species that do not have specific trawl allocation percentages in Amendment 21, NMFS will apply a percentage based on the Northwest Fishery Science Center final report on 2010 estimated total fishing mortality of groundfish by sector, or, if the final report for 2010 is not available, based on the most recent report available.

(C) The Shorebased IFQ Program accumulation limits are as follows:

ACCUMULATION LIMITS

| Species category | QS and IBQ control limit (in percent) |
|---|---|
| Arrowtooth flounder | 10 |

ACCUMULATION LIMITS—Continued

| Species category | QS and IBQ control limit (in percent) |
|---|---|
| Bocaccio S. of 40°10′ N. lat. | 13.2 |
| Canary rockfish | 4.4 |
| Chilipepper S. of 40°10′ N. lat. | 10 |
| Cowcod S. of 40°10′ N. lat. | 17.7 |
| Darkblotched rockfish | 4.5 |
| Dover sole | 2.6 |
| English sole | 5 |
| Lingcod: | |
| N. of 40°10′ N. lat. | 2.5 |
| S. of 40°10′ N. lat. | 2.5 |
| Longspine thornyhead: | |
| N. of 34°27′ N. lat. | 6 |
| Minor rockfish complex N. of 40°10′ N. lat.: | |
| Shelf species | 5 |
| Slope species | 5 |
| Minor rockfish complex S. of 40°10′ N. lat.: | |
| Shelf species | 9 |
| Slope species | 6 |
| Other flatfish stock complex | 10 |
| Pacific cod | 12 |
| Pacific halibut (IBQ) N. of 40°10′ N. lat. | 5.4 |
| Pacific ocean perch N. of 40°10′ N. lat. | 4 |
| Pacific whiting (shoreside) | 10 |
| Petrale sole | 3 |
| Sablefish: | |
| N. of 36° N. lat. (Monterey north) | 3 |
| S. of 36° N. lat. (Conception area) | 10 |
| Shortspine thornyhead: | |
| N. of 34°27′ N. lat. | 6 |
| S. of 34°27′ N. lat. | 6 |
| Splitnose rockfish S. of 40°10′ N. lat. | 10 |
| Starry flounder | 10 |
| Widow rockfish | 5.1 |
| Yelloweye rockfish | 5.7 |
| Yellowtail rockfish N. of 40°10′ N. lat. | 5 |
| Non-whiting groundfish species | 2.7 |

(ii) *Ownership—individual and collective rule.* The QS or IBQ that counts toward a person's accumulation limit will include:

(A) The QS or IBQ owned by that person, and

(B) That portion of the QS or IBQ owned by an entity in which that person has an economic or financial interest, where the person's share of interest in that entity will determine the portion of that entity's QS or IBQ that counts toward the person's limit.

(iii) *Control.* Control means, but is not limited to, the following:

(A) The person has the right to direct, or does direct, in whole or in part, the business of the entity to which the QS or IBQ are registered, with the exception of those activities allowed under paragraphs (d)(4)(iii)(C) and (G) of this section;

(B) The person has the right to limit the actions of or replace, or does limit the actions of or replace, the chief executive officer, a majority of the board

of directors, any general partner, or any person serving in a management capacity of the entity to which the QS or IBQ are registered, with the exception of those activities allowed under paragraphs (d)(4)(iii)(C) and (G) of this section;

(C) The person, excluding banks and other financial institutions that rely on QS or IBQ as collateral for loans as described under paragraph (d)(4)(iii)(G) of this section, has the right to direct, or does direct, and/or the right to prevent or delay, or does prevent or delay, the transfer of QS or IBQ, or the resulting QP or IBQ pounds;

(D) The person, through loan covenants or any other means, has the right to restrict, or does restrict, and/or has a controlling influence over the day to day business activities or management policies of the entity to which the QS or IBQ are registered, with the exception of those activities allowed under paragraphs (d)(4)(iii)(C) and (G) of this section;

(E) The person, has the right to restrict, or does restrict, any activity related to QS or IBQ or QP or IBQ pounds, including, but not limited to, use of QS or IBQ, or the resulting QP or IBQ pounds, or disposition of fish harvested under the resulting QP or IBQ pounds, with the exception of those activities allowed under paragraphs (d)(4)(iii)(C) and (G) of this section;

(F) The person has the right to control, or does control, the management of, or to be a controlling factor in, the entity to which the QS or IBQ, or the resulting QP or IBQ pounds, are registered, with the exception of those activities allowed under paragraphs (d)(4)(iii)(C) and (G) of this section;

(G) The person, excluding banks and other financial institutions that rely on QS or IBQ as collateral for loans, has the right to cause or prevent, or does cause or prevent, the sale, lease or other disposition of QS or IBQ, or the resulting QP or IBQ pounds; and

(*1*) To qualify for this exception, a bank or other financial institution must be regularly or primarily engaged in the business of lending and not engaged in or controlled by entities whose primary business is the harvesting, processing, or distribution of fish or fish products.

(*2*) Any state or federally chartered bank or financial institution that meets the requirement of paragraph (d)(4)(iii)(G)(*1*) of this section does not need to submit additional information to NMFS.

(*3*) Any entity that is not a state or federally chartered bank or financial institution, must submit a letter requesting the exception and disclose the identity and interest share of any shareholder with a 2% or more ownership interest in the lender through submission of the Trawl Identification of Ownership Interest Form (see paragraph (d)(4)(iv) of this section). The lender must make subsequent annual submissions of the letter and Trawl Identification of Ownership Interest Form to maintain the exception. Letters requesting the exception and complete Trawl Identification of Ownership Interest Forms may be submitted to NMFS, West Coast Region, Permits Office, ATTN: Fisheries Permit Office, Bldg. 1, 7600 Sand Point Way NE., Seattle, WA 98115. NMFS will only accept complete applications.

(H) The person has the ability through any means whatsoever to control or have a controlling influence over the entity to which QS or IBQ is registered, with the exception of those activities allowed under paragraphs (d)(4)(iii)(C) and (G) of this section.

(iv) *Trawl identification of ownership interest form.* Any person that owns a limited entry trawl permit and that is applying for or renewing a QS permit shall document those persons that have an ownership interest in the limited entry trawl or QS permit greater than or equal to 2 percent. This ownership interest must be documented with the SFD via the Trawl Identification of Ownership Interest Form. For renewal, if the limited entry trawl permit and QS permit have identical ownership interest, only one form need be submitted attesting to such ownership. SFD will not issue a QS permit unless the Trawl Identification of Ownership Interest Form has been completed. Further, if SFD discovers through review of the Trawl Identification of Ownership Interest Form that a person owns or controls more than the accumulation limits and is not authorized to do so under paragraph (d)(4)(v) of

this section, the person will be notified and the QS permit will be issued up to the accumulation limit specified in the QS or IBQ control limit table from paragraph (d)(4)(i) of this section. NMFS may request additional information of the applicant as necessary to verify compliance with accumulation limits.

(v) *Divestiture.* Accumulation limits will be calculated by first calculating the aggregate nonwhiting QS limit and then the individual species QS or IBQ control limits. For QS permit owners (including any person who has ownership interest in the owner named on the permit) that are found to exceed the accumulation limits during the reallocation of widow rockfish QS, an adjustment period will be provided during which they will have to completely divest their QS or IBQ in excess of the accumulation limits. If NMFS identifies that a QS permit owner exceeds the accumulation limits in 2016 or beyond, the QS permit owner must divest of the QS or IBQ in excess of the accumulation limits according to the procedure provided under paragraph (d)(4)(v)(A) or (B) of this section. Owners of QS or IBQ in excess of the control limits may receive and use the QP or IBQ pounds associated with that excess, up to the time their divestiture is completed.

(A) *Divestiture and redistribution process in 2016 and beyond.* Any person owning or controlling QS or IBQ must comply with the accumulation limits, even if that control is not reflected in the ownership records available to NMFS as specified under paragraphs (d)(4)(i) and (iii) of this section. If NMFS identifies that a QS permit owner exceeds an accumulation limit in 2016 or beyond for a reason other than the reallocation of widow rockfish, NMFS will notify the QS permit owner that he or she has 90 days to divest of the excess QS or IBQ. In the case that a QS permit owner exceeds the control limit for aggregate nonwhiting QS holdings, the QS permit owner may abandon QS to NMFS within 60 days of the notification by NMFS, using the procedure provided under paragraph (d)(4)(v)(C) of this section. After the 90-day divestiture period, NMFS will revoke all QS or IBQ held by a person (including any person who has ownership interest in the owner names on the permit) in excess of the accumulation limits following the procedures specified under paragraphs (d)(4)(v)(D) through (G) of this section. All abandoned or revoked shares will be redistributed to all other QS permit owners in proportion to their QS or IBQ holdings on or about January 1 of the following calendar year, based on current ownership records, except that no person will be allocated an amount of QS or IBQ that would put that person over an accumulation limit.

(B) *Divestiture and redistribution process for the reallocation of widow rockfish.* Any person owning or controlling QS or IBQ must comply with the accumulation limits, even if that control is not reflected in the ownership records available to NMFS as specified under paragraphs (d)(4)(i) and (iii) of this section. If the reallocation of widow rockfish puts any QS permit owner over an accumulation limit, the QS permit owner will have until November 30 of the year widow rockfish becomes transferrable to divest of their excess widow rockfish QS. In the case that a QS permit owner exceeds the control limit for aggregate nonwhiting QS holdings as the result of the reallocation of widow rockfish, the permit owner may abandon QS to NMFS by November 15 of the year widow rockfish becomes transferrable, using the procedure provided under paragraph (d)(4)(v)(C) of this section. NMFS will announce the QS transfer date for widow rockfish, the divestiture deadline, and the abandonment deadline after the widow reallocation IAD appeal deadline. After the widow rockfish reallocation divestiture period, NMFS will revoke all QS and IBQ held by a person (including any person who has ownership interest in the owner names on the permit) in excess of the accumulation limits following the procedures specified under paragraphs (d)(4)(v)(D) through (G) of this section. All abandoned or revoked shares will be redistributed to all other QS permit owners in proportion to their QS or IBQ holdings on or about January 1 of the following calendar year, based on current ownership records, except that no person will be allocated an amount of QS

or IBQ that would put that person over an accumulation limit.

(C) *Abandonment of QS.* QS permit owners that are over the control limit for aggregate nonwhiting QS holdings may voluntarily abandon QS if they notify NMFS in writing by the applicable deadline specified under paragraph (d)(4)(v)(A) or (B) of this section. The written abandonment request must include the following information: QS permit number, IFQ species, and the QS percentage to be abandoned. Either the QS permit owner or an authorized representative of the QS permit owner must sign the request. QS permit owners choosing to utilize the abandonment option will permanently relinquish to NMFS any right to the abandoned QS, and the QS will be redistributed as described under paragraph (d)(4)(v)(A) or (B) of this section. No compensation will be due for any abandoned shares.

(D) *Revocation.* NMFS will revoke QS from any QS permit owner who exceeds an accumulation limit after the divestiture deadline specified under paragraph (d)(4)(v)(A) or (B) of this section. NMFS will follow the revocation approach summarized in the following table and explained under paragraphs (d)(4)(v)(E) through (G) of this section:

| If, after the divestiture deadline, a QS permit owner exceeds | Then |
|---|---|
| An individual species control limit in *one* QS permit. | NMFS will revoke excess QS at the species level. |
| An individual species control limit across *multiple* QS permits. | NMFS will revoke QS at the species level in proportion to the amount the QS percentage from each permit contributes to the total QS percentage owned. |
| The control limit for aggregate nonwhiting QS holdings. | NMFS will revoke QS at the species level in proportion to the amount of the aggregate overage divided by the aggregate total owned. |

(E) *Revocation of excess QS or IBQ from one QS permit.* In cases where a person has not divested to the control limits for individual species in one QS permit by the deadline specified under paragraph (d)(4)(v)(A) or (B) of this section, NMFS will revoke excess QS at the species level in order to get that person to the limits. NMFS will redistribute the revoked QS following the process specified in paragraph (d)(4)(v)(A) or (B) of this section. No compensation will be due for any revoked shares.

(F) *Revocation of excess QS or IBQ from multiple QS permits.* In cases where a person has not divested to the control limits for individual species across QS permits by the deadline specified under paragraph (d)(4)(v)(A) or (B) of this section, NMFS will revoke QS at the species level in proportion to the amount the QS percentage from each permit contributes to the total QS percentage owned. NMFS will redistribute the revoked QS following the process specified in paragraph (d)(4)(v)(A) or (B) of this section. No compensation will be due for any revoked shares.

(G) *Revocation of QS in excess of the control limit for aggregate nonwhiting QS holdings.* In cases where a QS permit owner has not divested to the control limit for aggregate nonwhiting QS holdings by the deadline specified under paragraph (d)(4)(v)(A) or (B) of this section, NMFS will revoke QS at the species level in proportion to the amount of the aggregate overage divided by the aggregate total owned. NMFS will redistribute the revoked QS following the process in paragraph (d)(4)(v)(A) or (B) of this section. No compensation will be due for any revoked shares.

(5) *Appeals.* An appeal to a QS permit or QS account action follows the same process as the general permit appeals process as defined at § 660.25(g), subpart C.

(6) *Fees.* The Regional Administrator is authorized to charge fees for administrative costs associated with the issuance of a QS permit consistent with the provisions given at § 660.25(f), subpart C.

(7) [Reserved]

(8) *Application requirements and initial issuance for QS permit and QS/IBQ*—(i) *Additional definitions.* The following definitions are applicable to paragraph (d)(8) of this section and apply to terms

used for the purposes of application requirements and initial issuance of QS permits and QS/IBQ:

(A) *Nonwhiting trip* means a fishing trip where less than 50 percent by weight of all fish reported on the state landing receipt is whiting.

(B) *PacFIN* means the Pacific Fisheries Information Network of the Pacific States Marine Fisheries Commission.

(C) *Relative history* means the landings history of a permit for a species, year, and area subdivision, divided by the total fleet history of the sector for that species, year, and area subdivision, as appropriate, or, in the case of shoreside processors, the annual sum of the shoreside processor's whiting receipts divided by the aggregate annual sum of whiting received by all shoreside processors in that year. Relative history is expressed as a percent.

(D) *Shoreside processor* means an operation, working on U.S. soil, that takes delivery of trawl caught groundfish that has not been processed; and that thereafter engages that fish in shoreside processing. Entities that received fish that have not undergone at-sea processing or shoreside processing and sell that fish directly to consumers shall not be considered a processor for purposes of QS allocations. Shoreside processing is defined as either of the following:

(*1*) Any activity that takes place shoreside; and that involves: Cutting groundfish into smaller portions; or freezing, cooking, smoking, drying groundfish; or packaging that groundfish for resale into 100 pound units or smaller for sale or distribution into a wholesale or retail market.

(*2*) The purchase and redistribution in to a wholesale or retail market of live groundfish from a harvesting vessel.

(E) *Whiting trip* means a fishing trip where greater than or equal to 50 percent by weight of all fish reported on the state landing receipt is whiting.

(ii) *Eligibility criteria for QS permit and QS/IBQ*. Only the following persons are eligible to receive a QS permit or QS/IBQ:

(A) The owner of a valid trawl limited entry permit is eligible to receive a QS permit and its associated QS or IBQ amount. Any past landings history associated with the current limited entry trawl permit accrues to the current permit owner. NMFS will not recognize any person as the limited entry permit owner other than the person listed as limited entry permit owner in NMFS permit database. If a limited entry permit has history on state landing receipts and has been combined with a permit that has received or will receive a C/P endorsement, the trawl limited entry permit does not qualify for QS or IBQ.

(B) Shoreside processors that meet the recent participation requirement of having received deliveries of 1 mt or more of whiting from whiting trips in each of any two years from 1998 through 2004 are eligible for an initial issuance of whiting QS. NMFS will initially identify shoreside processors by reference to Pacific whiting shoreside first receivers recorded on fish tickets in the relevant PacFIN dataset on July 1, 2010, subject to correction as described in paragraph (d)(8)(iv)(G) of this section.

(iii) *Steps for QS and IBQ allocation formulas*. The QS and IBQ allocation formulas are applied in the following steps:

(A) First, for each limited entry trawl permit owner, NMFS will determine a preliminary QS allocation for non-whiting trips.

(B) Second, for each limited entry trawl permit owner, NMFS will determine a preliminary QS allocation for whiting trips.

(C) Third, for each limited entry trawl permit owner, NMFS will combine the amounts resulting from paragraphs (d)(8)(iii)(A) and (B) of this section.

(D) Fourth, NMFS will reduce the results for limited entry trawl permit owners by 10 percent of non-whiting species as a set aside for Adaptive Management Program (AMP) and by 20 percent of whiting for the initial issuance of QS allocated to qualifying shoreside processors.

(E) Fifth, NMFS will determine the whiting QS allocation for qualifying shoreside processors from the 20 percent of whiting QS allocated to qualifying shoreside processors at initial issuance of QS.

(F) Sixth, for each limited entry trawl permit owner, NMFS will determine the Pacific halibut IBQ allocation.

(G) Seventh, for limited entry trawl permits transferred after November 8, 2008, or if transferred earlier, not registered with NMFS by November 30, 2008, for which NMFS determines the owners of such permits would exceed the accumulation limits specified at paragraph (d)(4) of this section based on the previous steps, NMFS will redistribute the excess QS or IBQ to other qualified QS permit owners within the accumulation limits.

(iv) *Allocation formula for specific QS and IBQ amounts*—(A) *Allocation formula rules.* Unless otherwise specified, the following rules will be applied to data for the purpose of calculating an initial allocation of QS and IBQ:

(*1*) For limited entry trawl permit owners, a permit will be assigned catch history or relative history based on the landing history of the vessel(s) associated with the permit at the time the landings were made.

(*2*) The relevant PacFIN dataset includes species compositions based on port sampled data and applied to data at the vessel level.

(*3*) Only landings of IFQ species which are caught in the exclusive economic zone or adjacent state waters off Washington, Oregon and California will be used for calculation of allocation formulas. For the purpose of allocation of IFQ species for which the QS or IBQ will be subdivided by area, catch areas have been assigned to landings of IFQ species reported on state landing receipts based on port of landing.

(*4*) History from limited entry permits that have been combined with a permit that may qualify for a C/P endorsement and which has shorebased permit history will not be included in the preliminary QS and IBQ allocation formula, other than in the determination of fleet history used in the calculation of relative history for permits that do not have a C/P endorsement.

(*5*) History of illegal landings and landings made under non-whiting EFPs that are in excess of the cumulative limits in place for the non-EFP fishery will not count toward the allocation of QS or IBQ.

(*6*) The limited entry permit's landings history includes the landings history of permits that have been previously combined with that permit.

(*7*) If two or more limited entry trawl permits have been simultaneously registered to the same vessel, NMFS will split the landing history evenly between all such limited entry trawl-endorsed permits during the time they were simultaneously registered to the vessel.

(*8*) Unless otherwise noted, the calculation for QS or IBQ allocation under paragraph (d)(8) of this section will be based on state landing receipts (fish tickets) as recorded in the relevant PacFIN dataset on July 1, 2010.

(*9*) For limited entry trawl permits, landings under provisional ''A'' permits that did not become ''A'' permits and ''B'' permits will not count toward the allocation of QS or IBQ, other than in the determination of fleet history used in the calculation of relative history for permits that do not have a C/P endorsement.

(*10*) For limited entry trawl permits, NMFS will calculate initial issuance of QS separately based on whiting trips and non-whiting trips, and will weigh each calculation according to initial issuance allocations between whiting trips and non-whiting trips, which are one-time allocations necessary for the formulas used during the initial issuance of QS to create a single Shorebased IFQ Program. The initial issuance allocations between whiting and non-whiting trips for canary rockfish, bocaccio, cowcod, yelloweye rockfish, minor shelf rockfish N. of 40°10′, minor shelf rockfish S. of 40°10′, and minor slope rockfish S. of 40°10′ will be determined through the biennial specifications process. The initial issuance allocations for the remaining IFQ species are as follows:

| Species | Initial issuance allocation percentage | |
|---|---|---|
| | Non-whiting | Whiting |
| Lingcod | 99.7% | 0.3% |

| Species | Initial issuance allocation percentage | |
|---|---|---|
| | Non-whiting | Whiting |
| Pacific Cod | 99.9% | 0.1% |
| Pacific Whiting | 0.1% | 99.9% |
| Sablefish N. of 36° N. lat. | 98.2% | 1.8% |
| Sablefish S. of 36° N. lat. | 100.0% | 0.0% |
| PACIFIC OCEAN PERCH | remaining | 17% or 30 mt, whichever is greater, to shorebased + at-sea whiting. If under rebuilding, 52% to shorebased + at-sea whiting. |
| WIDOW | remaining | If stock rebuilt, 10% or 500 mt, whichever is greater, to shorebased + at-sea whiting. |
| Chilipepper S. of 40°10′ N. lat. | 100.0% | 0.0% |
| Splitnose S. of 40°10′ N. lat. | 100.0% | 0.0% |
| Yellowtail N. of 40°10′ N. lat. | remaining | 300 mt. |
| Shortspine N. of 34°27′ N. lat. | 99.9% | 0.1% |
| Shortspine S. of 34°27′ N. lat. | 100.0% | 0.0% |
| Longspine N. of 34°27′ N. lat. | 100.0% | 0.0% |
| DARKBLOTCHED | remaining | 9% or 25 mt, whichever is greater, to shorebased + at-sea whiting. |
| Minor Slope Rockfish N. of 40°10′ N. lat | 98.6% | 1.4% |
| Dover Sole | 100.0% | 0.0% |
| English Sole | 99.9% | 0.1% |
| Petrale Sole | 100.0% | 0.0% |
| Arrowtooth Flounder | 100.0% | 0.0% |
| Starry Flounder | 100.0% | 0.0% |
| Other Flatfish | 99.9% | 0.1% |

(B) *Preliminary QS allocation for non-whiting trips*. NMFS will calculate the non-whiting preliminary QS allocation differently for different species groups, Groups 1 through 3.

(*1*) *Allocation formula species groups*. For the purposes of preliminary QS allocation, IFQ species will be grouped as follows:

(*i*) Group 1 includes lingcod, Pacific cod, Pacific whiting, sablefish north of 36° N. lat., sablefish south of 36° N. lat., Dover sole, English sole, petrale sole, arrowtooth flounder, starry flounder, other flatfish stock complex, chilipepper rockfish, splitnose rockfish, yellowtail rockfish, shortspine thornyhead north of 34°27′ N. lat., shortspine thornyhead south of 34°27′ N. lat., longspine thornyhead north of 34°27′ N. lat., minor rockfish north slope species complex, minor rockfish south slope species complex, minor rockfish north shelf species complex, and minor rockfish south shelf species complex.

(*ii*) Group 2 includes bocaccio, cowcod, darkblotched rockfish, Pacific ocean perch, widow rockfish, and yelloweye rockfish.

(*iii*) Group 3 includes canary rockfish.

(*2*) *Group 1 species:* The preliminary QS allocation process indicated in paragraph (d)(8)(iii)(A) of this section for Group 1 species follows a two-step process, one to allocate a pool of QS equally among all eligible limited entry permits and the other to allocate the remainder of the preliminary QS based on permit history. Through these two processes, preliminary QS totaling 100 percent for each Group 1 species will be allocated. In later steps this amount will be adjusted and reduced as indicated in paragraph (d)(8)(iii)(C) and (D), to determine the QS allocation.

(*i*) *QS to be allocated equally*. The pool of QS for equal allocation will be determined using the landings history from Federal limited entry groundfish permits that were retired through the Federal buyback program (*i.e.*, buyback permit) (70 FR 45695, August 8, 2005). The QS pool associated with the buyback permits will be the buyback permit history as a percent of the total fleet history for the allocation period. The calculation will be based on total absolute pounds with no dropped years and no other adjustments. The QS pool will be divided equally among qualifying limited entry permits for all QS species/species groups and areas in Group 1.

(*ii*) *QS to be allocated based on each permit's history*. The pool for QS allocation based on limited entry trawl permit history will be the QS remaining after subtracting out the QS allocated equally. This pool will be allocated to each qualifying limited entry trawl permit based on the permit's relative

history from 1994 through 2003. For each limited entry trawl permit, NMFS will calculate a set of relative histories using the following methodology. First, NMFS will sum the permit's landings by each year for each Group 1 species/species group and area subdivision. Second, NMFS will divide each permit's annual sum for a particular species/species group and area subdivision by the shoreside limited entry trawl fleet's annual sum for the same species/species group and area subdivision. NMFS will then calculate a total relative history for each permit by species/species group and area subdivision by adding all relative histories for the permit together and subtracting the three years with the lowest relative history for the permit. The result for each permit by species/species group and areas subdivision will be divided by the aggregate sum of all total relative histories of all qualifying limited entry trawl permits for that species/species group and area subdivision. NMFS will then multiply the result from this calculation by the amount of QS in the pool to be allocated based on each permit's history.

(*3*) *Group 2 species:* The preliminary QS allocation step indicated in paragraph (d)(8)(iii)(A) of this section will be calculated for each limited entry trawl permit using a formula based on QS allocations for each limited entry trawl permit for 11 target species, areas of distribution of fishing effort as determined from 2003–2006 target species catch data from the PacFIN Coastwide Trawl Logbook Database, average bycatch ratios for each area as derived from West Coast Groundfish Observer Program (WCGOP) data from 2003 through 2006, and the non-whiting initial issuance allocation of the limited entry trawl allocation amounts for 2011 for each of the 11 target species. These data are used in a series of sequential steps to estimate the allocation of Group 2 species to each limited entry trawl permit. Paragraphs (d)(8)(iv)(B)(*3*)(*iii*) to (*vi*) of this section estimate the permit's total 2003–2006 target species by area. Paragraphs (d)(8)(iv)(B)(*3*)(*vii*) to (*xii*) of this section project Group 2 species bycatch amounts using 2003–2006 WCGOP observer ratios and the initial issuance allocation applied to the 2011 limited entry trawl allocation. Paragraphs (d)(8)(iv)(B)(*3*)(*xiv*) to (*xvii*) of this section convert these amounts into QS. As with Group 1 species, preliminary QS totaling 100 percent for each Group 2 species unit will be allocated and the amount of the allocations will be adjusted and reduced as indicated in paragraph (d)(8)(iii)(C) and (D) of this section to determine the QS allocation.

(*i*) The 11 target species are arrowtooth flounder, starry flounder, other flatfish, Dover sole, English sole, petrale sole, minor slope rockfish, shortspine thornyheads, longspine thornyheads, sablefish, and Pacific cod.

(*ii*) The 8 areas of distribution of fishing effort are defined latitudinally and by depth. The latitudinal areas are (a) north of 47°40 N. lat.; (b) between 47°40 N. lat. and 43°55′ N. lat.; (c) 43°55′ N. lat. and 40°10′ N. lat.; and (d) south of 40°10′ N. lat. Each latitudinal area is further divided by depth into areas shoreward and seaward of the trawl Rockfish Conservation Area as defined at § 660.130(e)(4) of this subpart.

(*iii*) For each limited entry trawl permit, NMFS will review the permit logbook data for that permit and sum target species catch recorded for the years 2003–2006, resulting in total target species catch in each area for each permit for the years 2003 through 2006 for all 11 target species in aggregate.

(*iv*) For each limited entry trawl permit, NMFS will also sum target species catch by area into total coastwide target species catch for each permit for the years 2003 through 2006 for all 11 target species in aggregate. For practicability, seaward or shoreward of the RCA as identified in the logbook data is defined as being deeper than or shallower than 115 fathoms, respectively.

(*v*) For each limited entry trawl permit, NMFS will divide logbook aggregate target species catch in each area (paragraph (d)(8)(iv)(B)(*3*)(*iii*) of this section) by the permit's total coastwide target species catch (paragraph (d)(8)(iv)(B)(*3*)(*iv*) of this section) to create a set of 8 area catch ratios for each permit. (Note: The sum of all area catch ratios equals 1 for each permit).

(*vi*) For limited entry trawl permits where the vessel registered to the permit did not submit logbooks showing any catch of the 11 target species for any of the years 2003 through 2006, NMFS will use the following formula to calculate area target catch ratios: (a) NMFS will sum by area all limited entry trawl permits' total logbook area target catches from paragraph (d)(8)(iv)(B)(*3*)(*iii*) of this section, (b) NMFS will sum coastwide all limited entry trawl permits' total logbook target catches across all areas from paragraph (d)(8)(iv)(B)(*3*)(*iv*) of this section, and (c) NMFS will divide these sums (*i.e.*, a/b) to create average permit logbook area target catch ratios.

(*vii*) NMFS will calculate the 2011 non-whiting short term allocation amount for each of the 11 target species by multiplying the limited entry trawl allocation amounts for 2011 for each by the corresponding initial issuance allocation percentage for the non-whiting sector given in paragraph (d)(8)(iii)(A)(*10*) of this section or determined through the biennial specifications process, as applicable.

(*viii*) For each limited entry trawl permit, NMFS will obtain the percentage of the limited entry trawl permit initial QS allocation for each of the 11 target species resulting from paragraph (d)(8)(iv)(B)(*2*) of this section.

(*ix*) NMFS will calculate each limited entry trawl permit's projected non-whiting sector quota pounds for 2011 by multiplying the 2011 non-whiting sector initial issuance allocation amounts for each of the 11 target species from paragraph (d)(8)(iv)(B)(*3*)(*vii*) of this section by each permit's target species QS allocation percentage from paragraph (d)(8)(iv)(B)(*3*)(*viii*) of this section.

(*x*) For each limited entry trawl permit, NMFS will sum the projected quota pounds for the 11 target species from paragraph (d)(8)(iv)(B)(*3*)(*ix*) of this section to get a total projected weight of all 11 target species for the limited entry trawl permit.

(*xi*) For each limited entry trawl permit, NMFS will estimate the permit's total incidental catch of Group 2 species by area by multiplying the projected 2011 total weight of all 11 target species by the applicable area catch ratio for each area as calculated in either paragraph (d)(8)(iv)(B)(*3*)(*v*) of this section (permits with logbook data) or paragraph (d)(8)(iv)(B)(*3*)(*vi*) of this section (permits without logbook data).

(*xii*) NMFS will apply WCGOP average bycatch ratios for each Group 2 species (observed Group 2 species catch/total target species catch) by area. The WCGOP average bycatch ratios are as follows:

| Area | Shoreward | Seaward |
|---|---|---|
| **Bocaccio** | | |
| N. of 47°40′ N. lat. | ..... | ..... |
| 43°55′ N. lat. to 47°40′ N. lat. | ..... | ..... |
| 40°10′ N. lat. to 43°55′ N. lat. | ..... | ..... |
| S. of 40°10′ N. lat. | 0.019013759 | 0.001794203 |
| **Cowcod** | | |
| N. of 47°40′ N. lat. | ..... | ..... |
| 43°55′ N. lat. to 47°40′ N. lat. | ..... | ..... |
| 40°10′ N. lat. to 43°55′ N. lat. | ..... | ..... |
| S. of 40°10′ N. lat. | 0.001285088 | 0.000050510 |
| **Darkblotched** | | |
| N. of 47°40′ N. lat. | 0.001560461 | 0.009950330 |
| 43°55′ N. lat. to 47°40′ N. lat. | 0.002238054 | 0.018835786 |
| 40°10′ N. lat. to 43°55′ N. lat. | 0.002184788 | 0.015025697 |
| S. of 40°10′ N. lat. | 0.000006951 | 0.004783988 |
| **Pacific ocean perch** | | |
| N. of 47°40′ N. lat. | 0.001069954 | 0.019848047 |
| 43°55′ N. lat. to 47°40′ N. lat. | 0.000110802 | 0.015831815 |
| 40°10′ N. lat. to 43°55′ N. lat. | 0.000148715 | 0.001367645 |
| S. of 40°10′ N. lat. | ..... | ..... |
| **Widow** | | |
| N. of 47°40′ N. lat. | 0.000132332 | 0.000065291 |
| 43°55′ N. lat. to 47°40′ N. lat. | 0.000387346 | 0.000755163 |
| 40°10′ N. lat. to 43°55′ N. lat. | 0.000175128 | 0.000008118 |
| S. of 40°10′ N. lat. | 0.001049485 | 0.000676828 |
| **Yelloweye** | | |
| N. of 47°40′ N. lat. | 0.000334697 | 0.000006363 |
| 43°55′ N. lat. to 47°40′ N. lat. | 0.000083951 | 0.000010980 |
| 40°10′ N. lat. to 43°55′ N. lat. | 0.000128942 | 0.000006300 |
| S. of 40°10′ N. lat. | 0.000094029 | ..... |

(*xiii*) For each limited entry trawl permit, NMFS will calculate projected Group 2 species amounts by area by multiplying the limited entry trawl permit's projected 2011 total weight of all target species by area from paragraph (d)(8)(iv)(B)(*3*)(*xi*) of this section by the applicable average bycatch ratio for each Group 2 species and corresponding area of paragraph (d)(8)(iv)(B)(*3*)(*xii*) of this section.

(*xiv*) For each limited entry trawl permit, NMFS will sum all area amounts for each Group 2 species from

paragraph (d)(8)(iv)(B)(*3*)(*xiii*) of this section to calculate the total projected amounts of each Group 2 species for each limited entry trawl permit.

(*xv*) NMFS will sum all limited entry trawl permits' projected Group 2 species amounts from paragraph (d)(8)(iv)(B)(*3*)(*xiv*) of this section to calculate coastwide total projected amounts for each Group 2 species.

(*xvi*) NMFS will estimate preliminary QS for each limited entry trawl permit for each Group 2 species by dividing each limited entry trawl permit's total projected amount of each Group 2 species from paragraph (d)(8)(iv)(B)(*3*)(*xiv*) of this section by the coastwide total projected amount for that species from paragraph (d)(8)(iv)(B)(*3*)(*xv*) of this section.

(*4*) *Group 3 Species:* (*i*) The preliminary QS allocation step indicated in paragraph (d)(8)(iii)(A) of this section will be performed in two calculations that result in the division of preliminary QS allocation into two pools, one to allocate QS equally among all eligible limited entry permits, using the approach identified for Group 1 species in paragraph (d)(8)(iv)(B)(*2*)(*i*) of this section, and the other to allocate QS using a formula based on QS allocations for target species and areas fished, using the approach identified for Group 2 species in paragraph (d)(8)(iv)(B)(*3*) of this section, using the following WCGOP average bycatch rates:

CANARY

| Area | Shoreward | Seaward |
|---|---|---|
| N. of 47°40′ N. lat. | 0.008041898 | 0.000030522 |
| 43°55′ N. lat. to 47°40′ N. lat. | 0.003081830 | 0.000142136 |
| 40°10′ N. lat. to 43°55′ N. lat. | 0.008716148 | 0.000021431 |
| S. of 40°10′ N. lat. | 0.001581194 | 0.000009132 |

(*ii*) Through these two processes, preliminary QS totaling 100 percent for each species will be allocated. In later steps, this amount will be adjusted and reduced as indicated in paragraphs (d)(8)(iii)(C) and (D) of this section to determine the QS allocation. In combining the two QS pools for each permit, the equal allocation portion is weighted according to the process in paragraph (d)(8)(iv)(B)(*2*)(*i*) of this section, and the portion calculated based on allocations for target species and areas fished is weighted according to the process in (d)(8)(iv)(B)(*2*)(*ii*) of this section.

(C) *Preliminary QS allocation for whiting trips*. The preliminary QS allocation based on whiting trips as indicated in paragraph (d)(8)(iii)(B) of this section for limited entry trawl permits follows a two step process, one to allocate a pool of QS equally among all eligible limited entry permits and the other to allocate the remainder of the preliminary QS based on permit history. Through these two processes, preliminary QS totaling 100 percent for each species will be allocated. In later steps, this amount will be adjusted and reduced, as indicated in paragraphs (d)(8)(iii)(C) and (D) of this section, to determine the QS allocation.

(*1*) *QS to be allocated equally*. The pool of QS for equal allocation will be determined using the whiting trip landings history from Federal limited entry groundfish permits that were retired through the Federal buyback program (*i.e.*, buyback permit) (70 FR 45695, August 8, 2005). For each species, the whiting trip QS pool associated with the buyback permits will be the buyback permit history as a percent of the total fleet history for the allocation period. The calculation will be based on total absolute pounds with no dropped years and no other adjustments. The whiting trip QS pool associated with the buyback permits will be divided equally among all qualifying limited entry permits for each species.

(*2*) *QS to be allocated based on each permit's history*. The pool for QS allocation based on each limited entry trawl permit's history will be the QS remaining after subtracting out the QS associated with the buyback permits allocated equally.

(*i*) *Whiting QS allocated based on each permit's history*. Whiting QS based on each limited entry trawl permit's history will be allocated based on the permit's relative history from 1994 through 2003. For each limited entry trawl permit, NMFS will calculate a whiting relative history for each qualifying year, as follows. First, NMFS will sum the permit's history of landings of whiting from whiting trips for each year. Second, NMFS will divide each permit's annual sum of whiting from

whiting trips by the shoreside limited entry trawl fleet's annual sum of whiting. NMFS will then calculate a total relative history for each permit by adding all relative histories for the permit together and subtracting the two years with the lowest relative history. NMFS will then divide the result for each permit by the total relative history for whiting of all qualifying limited entry trawl permits. The result from this calculation will then be multiplied by the amount of whiting QS in the pool to be allocated based on each permit's history.

(*ii*) *Other incidentally caught species QS allocation for eligible limited entry trawl permit owners.* Other incidentally caught species from the QS remaining after subtracting out the QS associated with the buyback permits will be allocated pro-rata based on each limited entry trawl permit's whiting QS from whiting trips. Pro-rata means a percent that is equal to the percent of whiting QS.

(D) *QS from limited entry permits calculated separately for non-whiting trips and whiting trips.* NMFS will calculate the portion of QS for each species which a permit receives based on non-whiting trips and whiting trips separately and will weight each preliminary QS in proportion to the initial issuance allocation percentage between whiting trips and non-whiting trips for that species in paragraph (d)(8)(iv)(A)(*10*) of this section or determined through the biennial specifications process, as applicable.

(*1*) *Nonwhiting trips.* To determine the amount of QS of each species for non-whiting trips for each limited entry trawl permit, NMFS will multiply the preliminary QS for the permit from paragraph (d)(8)(iii)(A) of this section for each species by the initial issuance allocation percentage for that species for non-whiting trips.

(*2*) *Whiting trips.* To determine the amount of QS of each species for whiting trips for each limited entry trawl permit, NMFS will multiply the preliminary QS from paragraph (d)(8)(iii)(B) of this section for each species by the initial issuance allocation percentage for that species for whiting trips.

(E) *QS for each limited entry trawl permit.* For each limited entry trawl permit, NMFS will add the results for the permit from paragraphs (d)(8)(iv)(D)(*1*) and (D)(*2*) of this section in order to determine the total QS for each species on that permit.

(F) *Adjustment for AMP set-aside and shoreside processor initial issuance allocations.* NMFS will reduce the non-whiting QS allocation to each limited entry trawl permit by 10 percent, for a QS set-aside to AMP. NMFS will reduce the whiting QS allocation to each limited entry trawl permit by 20 percent for the initial QS allocation to shoreside processors.

(G) *Allocation of initial issuance of whiting QS for shoreside processors.* NMFS will calculate the amount of whiting QS available to shoreside processors from the 20 percent adjustment of whiting QS allocations in paragraph (d)(8)(iv)(F) of this section. For each eligible shoreside processor, whiting QS will be allocated based on the eligible shoreside processor's relative history from 1998 through 2004. Only the deliveries for which the shoreside processor is the first processor of the fish will be used in the calculation of whiting relative history.

(*1*) For each shoreside processor which has received deliveries of at least 1 mt of whiting from whiting trips in each of any two years from 1998 through 2004, NMFS will calculate a whiting relative history for each qualifying year, as follows. First, NMFS will sum the shoreside processor's receipts of whiting for each year. Second, NMFS will calculate the relative history for each year by dividing each shoreside processor's annual sum of whiting receipts by the aggregate annual sum of whiting received by all shoreside processors in that year. NMFS will then calculate a total relative history for each shoreside processor by adding all relative histories for the shoreside processor together and subtracting the two years with the lowest relative history. NMFS will then divide the result for each shoreside processor by the aggregate sum of all total relative histories for whiting by all qualifying shoreside processors. The result from this calculation will

then be multiplied by 20 percent to determine the shoreside processor's whiting QS.

(*2*) For purposes of making an initial issuance of whiting QS to a shoreside processor, NMFS will attribute landing history to the Pacific whiting shoreside first receiver reported on the landing receipt (the entity responsible for filling out the state landing receipt) as recorded in the relevant PacFIN dataset on July 1, 2010. History may be reassigned to a shoreside processor not on the state landings receipt as described at paragraph (d)(8)(vi)(B) of this section.

(H) *Allocation of Pacific halibut IBQ for each limited entry trawl permit.* For each eligible limited entry trawl permit owner, NMFS will calculate Pacific halibut individual bycatch quota (IBQ) for the area north of 40°10′ N. lat. using a formula based on (a) QS allocations for each limited entry trawl permit for two target species, (b) areas of distribution of fishing effort as determined from 2003–2006 target species catch data from the PacFIN Coastwide Trawl Logbook Database, (c) average bycatch ratios for each area as derived from WCGOP data from 2003 through 2006, and (d) the non-whiting initial issuance allocation of the limited entry trawl allocation amounts for 2011 for arrowtooth and petrale sole. These data are used in a series of sequential steps to determine the allocation of IBQ to each limited entry trawl permit. Paragraphs (d)(8)(iv)(H)(*3*) to (*6*) of this section estimate the permit's total 2003–2006 target species by area. Paragraphs (d)(8)(iv)(H)(*7*) to (*13*) of this section project Pacific halibut bycatch amounts using 2003–2006 WCGOP observer ratios and the 2011 non-whiting initial issuance allocation of the limited entry trawl allocation amounts. Paragraphs (d)(8)(iv)(H)(*14*) to (*16*) of this section convert these amounts into QS.

(*1*) The target species are arrowtooth flounder and petrale sole.

(*2*) The four bycatch areas are defined latitudinally and by depth. The latitudinal areas are (a) north of 47°30′ N. lat., and (b) between 40°10′ N. lat. and 47°30′ N. lat. Each latitudinal area is further divided by depth into areas shoreward and seaward of the trawl Rockfish Conservation Area as defined at § 660.130(e)(4), subpart D.

(*3*) For each limited entry trawl permit, NMFS will review the permit logbook data for that permit and sum target species catch recorded for the years 2003–2006, resulting in total target species catch in each of the four areas for each permit for the years 2003 through 2006 for both target species in aggregate. For practicability, seaward or shoreward of the RCA as identified in the logbook data is defined as being deeper than or shallower than 115 fathoms, respectively.

(*4*) For each limited entry trawl permit, NMFS will also sum the target species catch by area into total aggregate target species catch for each permit for the years 2003 through 2006.

(*5*) For each limited entry trawl permit, NMFS will divide logbook aggregate target species catch in each area (paragraph (d)(8)(iv)(H)(*3*) of this section) by the sum of the permit's catch of each target species in all four bycatch areas (paragraph (d)(8)(iv)(H)(*4*) of this section) to create a set of area catch ratios for each permit. (Note: The sum of all four area catch ratios in aggregate equals 1 for each permit).

(*6*) For limited entry trawl permits where the vessel registered to the permit did not submit logbooks showing any catch of either of the two target species for any of the years 2003 through 2006, NMFS will use the following formula to calculate area target catch ratios: NMFS will sum by area all limited entry trawl permits' total logbook area target catches from paragraph (d)(8)(iv)(H)(*3*) of this section, and sum all limited entry trawl permits' total logbook target catches across all four areas from paragraph (d)(8)(iv)(H)(*4*) of this section; and divide these sums to create average permit logbook area target catch ratios.

(*7*) NMFS will calculate the 2011 non-whiting initial issuance allocation amount for each of the two target species by multiplying the limited entry trawl allocation amounts for 2011 for each by the corresponding initial issuance allocation percentage for the non-whiting sector given in paragraph (d)(8)(iv)(A)(*10*) of this section.

(*8*) For each limited entry trawl permit, NMFS will obtain the non-whiting

portion of each limited entry trawl permit's initial QS allocations for each of the two target species resulting from paragraph (d)(8)(iv)(B)(*2*) of this section.

(*9*) NMFS will calculate each limited entry trawl permit's projected non-whiting sector quota pounds for the two target species for 2011 by multiplying the 2011 non-whiting sector short term allocation amounts for each of the target species by the permit's QS allocation percentage for the species from paragraph (d)(8)(iv)(H)(*8*) of this section.

(*10*) For each limited entry trawl permit, NMFS will sum the projected quota pounds for the two target species from paragraph (d)(8)(iv)(H)(*9*) of this section to get a total projected weight of the two target species for the limited entry trawl permit.

(*11*) For each limited entry trawl permit, NMFS will multiply the projected 2011 total weight of the two target species by the applicable area catch ratio for each area as calculated in either paragraph (d)(8)(iv)(H)(*5*) of this section (permits with logbook data) or paragraph (d)(8)(iv)(H)(*6*) of this section (permits without logbook data).

(*12*) NMFS will apply WCGOP average halibut bycatch ratios (observed halibut catch/total of two target species catch) by area. The WCGOP average halibut bycatch ratios are as follows:

PACIFIC HALIBUT

| Area | Shoreward | Seaward |
|---|---|---|
| N. of 47°30′ N. lat. ..... | 0.225737162 | 0.084214162 |
| 40°10′ N. lat. to 47°30′ N. lat. | 0.086250913 | 0.033887839 |

(*13*) For each limited entry trawl permit, NMFS will calculate projected Pacific halibut amounts by area by multiplying the limited entry trawl permit's projected 2011 total weight of the two target species by area from paragraph (d)(8)(iv)(H)(*11*) of this section by the average bycatch ratio for the corresponding area of paragraph (d)(8)(iv)(H)(*12*) of this section.

(*14*) For each limited entry trawl permit, NMFS will sum all area amounts from paragraph (d)(8)(iv)(H)(*13*) of this section to calculate the total projected Pacific halibut amount for each limited entry trawl permit.

(*15*) NMFS will sum all limited entry trawl permits' projected Pacific halibut amounts from paragraph (d)(8)(iv)(H)(*14*) of this section to calculate aggregate total amounts of Pacific halibut.

(*16*) NMFS will estimate preliminary Pacific halibut IBQ for each limited entry trawl permit by dividing each limited entry trawl permit's total projected Pacific halibut amount from paragraph (d)(8)(iv)(H)(*14*) of this section by the aggregate total amounts of Pacific halibut from paragraph (d)(8)(iv)(H)(*15*) of this section.

(I) *Redistribution of QS and IBQ*. For each limited entry trawl permit transferred after November 8, 2008, or if transferred earlier, not registered with NMFS by November 30, 2008, for which NMFS determines that the owner of such permit would exceed the accumulation limits specified at paragraph (d)(4)(i) of this section based on calculation of the preceding allocation formulas for all limited entry trawl permits owned by such owner using the individual and collective rule described at § 660.140(d)(4)(ii), NMFS will redistribute the excess QS or IBQ to other qualified QS permit owners within the accumulation limits.

(v) *QS application*. Persons may apply for an initial issuance of QS and IBQ and a QS permit in one of two ways: Complete and submit a prequalified application received from NMFS, or complete and submit an application package. The completed application must be either postmarked or hand-delivered within normal business hours no later than November 1, 2010. If an applicant fails to submit a completed application by the deadline date, they forgo the opportunity to receive consideration for initial issuance of QS and IBQ and a QS permit.

(A) *Prequalified application*. A ''prequalified application'' is a partially pre-filled application where NMFS has preliminarily determined the landings history that may qualify the applicant for an initial issuance of QS and IBQ. The application package will include a prequalified application (with landings history), a Trawl Identification of Ownership Interest form, and any other documents NMFS believes are necessary to aid the limited

entry permit owner in completing the QS application.

(*1*) For current trawl limited entry permit owners, NMFS will mail a prequalified application to all owners, as listed in the NMFS permit database at the time applications are mailed, that NMFS determines may qualify for QS or IBQ. NMFS will mail the application by certified mail to the current address of record in the NMFS permit database. The application will contain the basis of NMFS' calculation of the permit owner's QS and IBQ for each species/species group or area.

(*2*) For shoreside processors, NMFS will mail a prequalified application to those Pacific whiting shoreside first receivers with receipts of 1 mt or more of whiting from whiting trips in each of any two years from 1998 through 2004, as documented on fish tickets in the relevant PacFIN dataset on July 1, 2010. NMFS will mail the prequalified application by certified mail to the current address of record given by the state in which the entity is registered. For all qualified entities who meet the eligibility requirement at paragraph (d)(8)(ii)(B) of this section, the application will provide the basis of NMFS' calculation of the initial issuance of Pacific whiting QS.

(B) *Request for an application*. An owner of a current limited entry trawl permit or a Pacific whiting first receiver or shoreside processor that believes it is qualified for an initial issuance of QS and IBQ and does not receive a prequalified application, must complete an application package and submit the completed application to NMFS by the application deadline. Application packages are available on NMFS' Web site (*http://www.nwr.noaa.gov/Groundfish-Halibut/Groundfish-Permits/index.cfm*) or by contacting SFD. An application must include valid PacFIN data or other credible information that substantiates the applicant's qualification for an initial issuance of QS and IBQ.

(vi) *Corrections to the application*. If an applicant does not accept NMFS' calculation in the prequalified application either in part or whole, the applicant must identify in writing to NMFS which parts the applicant believes to be inaccurate, and must provide specific credible information to substantiate any requested corrections. The completed application and specific credible information must be provided to NMFS in writing by the application deadline. Written communication must either be post-marked or hand-delivered within normal business hours no later than November 1, 2010. Requests for corrections may only be granted for the following reasons:

(A) Errors in NMFS' use or application of data, including:

(*1*) Errors in NMFS' use or application of landings data from PacFIN;

(*2*) Errors in NMFS' use or application of state logbook data from PacFIN;

(*3*) Errors in NMFS' application of the QS or IBQ allocation formula;

(*4*) Errors in identification of the permit owner, permit combinations, or vessel registration as listed in NMFS permit database;

(*5*) Errors in identification of ownership information for the first receiver or the processor that first processed the fish; and

(*6*) Errors in NMFS' use or application of ownership interest information.

(B) *Reassignment of Pacific whiting landings history for shoreside processors*. For shoreside processors, the landing history may be reassigned from the Pacific whiting shoreside first receive identified in the relevant PacFIN database to a shoreside processor that was in fact the first processor of the fish. In order for an applicant to request that landing history be reassigned, an authorized representative for the Pacific whiting shoreside first receiver identified on the state landing receipt must submit, by the application deadline date specified in paragraph (d)(8)(vii)(B) of this section for initial issuance of QS, a written request that the whiting landings history from the qualifying years be conveyed to a shoreside processor. The letter must be signed and dated by the authorized representative of the Pacific whiting shoreside first receiver named on the state landing receipt and signed and dated by the authorized representative of the shoreside processor to which the Pacific whiting landing history is requested to be reassigned. The letter must identify the dates of the landings

history and the associated amounts that are requested to be reassigned, and include the legal name of the shoreside processor to which the Pacific whiting landing history is requested to be reassigned, their date of birth or tax identification number, business address, business phone number, fax number, and e-mail address. If any document exists that demonstrates that the shoreside processor to which the Pacific whiting landing history is requested to be reassigned was in fact the first processor of the fish, such documentation must be provided to NMFS. NMFS will review the information submitted and will make a determination as part of the IAD.

(vii) *Submission of the application and application deadline*—(A) *Submission of the application*. Submission of the complete, certified application includes, but is not limited to, the following:

(*1*) The applicant is required to sign and date the application and have the document notarized by a licensed Notary Public.

(*2*) The applicant must certify that they qualify to own QS and IBQ.

(*3*) The applicant must indicate they accept NMFS' calculation of initial issuance of QS and IBQ provided in the prequalified application, or provide credible information that demonstrates their qualification for QS and IBQ.

(*4*) The applicant is required to provide a complete Trawl Identification of Ownership Interest Form as specified at paragraph (d)(4)(iv) of this section.

(*5*) Business entities may be required to submit a corporate resolution or other credible documentation as proof that the representative of the entity is authorized to act on behalf of the entity; and

(*6*) NMFS may request additional information of the applicant as necessary to make an IAD on initial issuance of QS or IBQ.

(B) *Application deadline*. A complete, certified application must be either postmarked or hand-delivered within normal business hours to NMFS, Northwest Region, Permits Office, Bldg. 1, 7600 Sand Point Way, NE., Seattle, WA 98115, no later than November 1, 2010. NMFS will not accept or review any applications received or postmarked after the application deadline. There are no hardship exemptions for this deadline.

(viii) *Permit transfer during application period*. NMFS will not review or approve any request for a change in limited entry trawl permit owner at any time after either November 1, 2010 or the date upon which the application is received by NMFS, whichever occurs first, until a final decision is made by the Regional Administrator on behalf of the Secretary of Commerce regarding the QS and IBQ to be issued for that permit.

(ix) *Initial Administrative Determination (IAD)*. NMFS will issue an IAD for all complete, certified applications received by the application deadline date. If NMFS approves an application for initial issuance of QS and IBQ, the applicant will receive a QS permit specifying the amounts of QS and IBQ for which the applicant has qualified and the applicant will be registered to a QS account. If NMFS disapproves or partially disapproves an application, the IAD will provide the reasons. As part of the IAD, NMFS will indicate whether the QS permit owner qualifies for QS or IBQ in amounts that exceed the accumulation limits and are subject to divestiture provisions given at paragraph (d)(4)(v) of this section, or whether the QS permit owner qualifies for QS or IBQ that exceed the accumulation limits and does not qualify to receive the excess under paragraph (d)(4)(v) of this section. If the applicant does not appeal the IAD within 60 calendar days of the date on the IAD, the IAD becomes the final decision of the Regional Administrator acting on behalf of the Secretary of Commerce.

(x) *Appeals*. For QS permits and QS/IBQ issued under this section, the appeals process and timelines are specified at § 660.25(g), subpart C. For the initial issuance of QS/IBQ and the QS permits, the bases for appeal are described in paragraph (d)(8)(vi) of this section. An additional basis for appeal for whiting QS based on shoreside processing is an allegation that the shoreside processor or Pacific whiting shoreside first receiver to which a QS permit and whiting QS have been assigned was not in fact the first processor of the fish included in the qualifying landings

history. The appellant must submit credible information supporting the allegation that they were in fact the first shoreside processor for the fish in question. Items not subject to appeal include, but are not limited to, the accuracy of permit landings data or Pacific whiting shoreside first receiver landings data in the relevant PacFIN dataset on July 1, 2010.

(9) *Reallocation of widow rockfish QS.* (i) *Additional definitions.* The following definitions are applicable to paragraph (d)(9) of this section and apply only to terms used for the purposes of reallocation of widow rockfish QS:

(A) *Nonwhiting trip* means a fishing trip where less than 50 percent by weight of all fish reported on the state landing receipt is whiting.

(B) *PacFIN* means the Pacific Fisheries Information Network of the Pacific States Marine Fisheries Commission.

(C) *Relative history* means the landings history of a limited entry trawl permit for a species, year, and area subdivision, divided by the total fleet history of the sector for that species, year, and area subdivision, as appropriate.

(D) *Whiting trip* means a fishing trip where greater than or equal to 50 percent by weight of all fish reported on the state landing receipt is whiting.

(ii) *Eligibility criteria for receiving reallocated widow rockfish QS.* Only the owner of an original QS permit (nonshoreside processor) to which QS was initially allocated in 2011 is eligible to receive reallocated widow rockfish QS based on the history of the limited entry trawl permit(s) that accrued to that QS permit, regardless of current limited entry permit ownership. For those new QS permits to which widow rockfish was administratively transferred by NMFS under U.S. court order, NMFS will reallocate widow rockfish QS directly to the new QS permit. Any limited entry trawl permit owners who did not submit an initial application for a QS permit will not be eligible to receive reallocated widow rockfish QS.

(iii) *Steps for widow rockfish QS reallocation formula.* The widow rockfish QS reallocation formula is applied in the following steps:

(A) First, for each limited entry trawl permit, NMFS will determine a preliminary QS allocation for nonwhiting trips.

(B) Second, for each limited entry trawl permit, NMFS will determine a preliminary QS allocation for whiting trips.

(C) Third, for each limited entry trawl permit, NMFS will combine the amounts resulting from paragraphs (d)(9)(iii)(A) and (B) of this section.

(D) Fourth, NMFS will reduce the total widow rockfish QS reallocated to QS permit owners by 10 percent as a set aside for AMP.

(iv) *Reallocation formula for specific widow rockfish QS amounts*—(A) *Reallocation formula rules.* The following rules will be applied to data for the purpose of calculating the initial reallocation of widow rockfish QS:

(*1*) Limited entry trawl permits will be assigned catch history or relative history based on the landing history of the vessel(s) associated with the permit at the time the landings were made.

(*2*) The relevant PacFIN dataset includes species compositions based on port sampled data and applied to data at the vessel level.

(*3*) Only landings of widow rockfish that were caught in the exclusive economic zone or adjacent state waters off Washington, Oregon, and California will be used for calculating the reallocation of widow rockfish QS.

(*4*) History from limited entry trawl permits that have been combined with a limited entry trawl permit that qualified for a C/P endorsement and which has shorebased permit history will not be included in the preliminary QS and IBQ allocation formula, other than in the determination of fleet history used in the calculation of relative history for limited entry trawl permits that do not have a C/P endorsement.

(*5*) History of illegal landings and landings made under nonwhiting EFPs that are in excess of the cumulative limits in place for the non-EFP fishery will not count toward the allocation of QS.

(*6*) The limited entry trawl permit's landings history includes the landings history of limited entry trawl permits that have been previously combined with that limited entry trawl permit.

(*7*) If two or more limited entry trawl permits have been simultaneously registered to the same vessel, NMFS will split the landing history evenly between all such limited entry trawl permits during the time they were simultaneously registered to the vessel.

(*8*) Unless otherwise noted, the calculation for the reallocation of widow rockfish QS under paragraph (d)(9) will be based on state landing receipts (fish tickets) as recorded in the relevant PacFIN dataset on July 27, 2016.

(*9*) For limited entry trawl permits, landings under provisional ''A'' permits that did not become ''A'' permits and ''B'' permits will not count toward the reallocation of widow rockfish QS, other than in the determination of fleet history used in the calculation of relative history for permits that do not have a C/P endorsement.

(*10*) For limited entry trawl permits, NMFS will calculate the reallocation of widow rockfish QS separately based on whiting trips and nonwhiting trips, and will weigh each calculation according to a split between whiting trips and nonwhiting trips of 10.833 percent for whiting trips and 89.167 percent for nonwhiting trips, which is a one-time proportion necessary for the reallocation formula.

(B) *Preliminary widow rockfish QS reallocation for nonwhiting trips.* The preliminary reallocation process in paragraph (d)(9)(iii)(A) of this section follows a two-step process, one to allocate a pool of QS equally among all eligible limited entry permits and the other to allocate the remainder of the preliminary QS based on limited entry trawl permit history. Through these two processes, preliminary QS totaling 100 percent will be allocated. In later steps, this will be adjusted and reduced as indicated in paragraph (d)(9)(iii)(C) and (D) to determine the QS allocation.

(*1*) *QS to be allocated equally.* The pool of QS for equal allocation will be determined using the nonwhiting trip landings history from Federal limited entry groundfish permits that were retired through the Federal buyback program (*i.e.,* buyback program) (68 FR 42613, July 18, 2003). The nonwhiting trip QS pool associated with the buyback permits will be the buyback permit history as a percent of the total fleet history for the 1994 to 2003 nonwhiting trip reallocation period. The calculation will be based on total absolute pounds with no dropped years and no other adjustments. The QS pool associated with the buyback permits will be divided equally among all qualifying limited entry permits.

(*2*) *QS to be allocated based on each permit's history.* The pool of QS for allocation based on limited entry trawl permit nonwhiting trip history will be the QS remaining after subtracting out the QS allocated equally. This pool will be allocated to each qualifying limited entry trawl permit based on the permit's relative nonwhiting trip history from 1994 through 2002, dropping the three lowest years. For each limited entry trawl permit, NMFS will calculate relative history using the following methodology. First, NMFS will sum the permit's widow rockfish landings on nonwhiting trips for each year in the reallocation period. Second, NMFS will divide each permit's annual sum by the shoreside limited entry trawl fleet's annual sum. NMFS will then calculate a total relative history for each permit by adding all relative histories for the permit together and subtracting the three years with the lowest relative history for the permit. The result for each permit will be divided by the aggregate sum of all total relative histories of all qualifying limited entry trawl permits. NMFS will then multiply the result from this calculation by the amount of QS in the pool to be allocated based on each permit's history.

(C) *Preliminary widow rockfish QS reallocation for whiting trips.* The preliminary reallocation process in paragraph (d)(9)(iii)(B) of this section follows a two-step process, one to allocate a pool of QS equally among all eligible limited entry permits and the other to allocate the remainder of the preliminary QS based on permit history. Through these two processes, preliminary QS totaling 100 percent will be allocated. In later steps, this will be adjusted and reduced as indicated in paragraph (d)(9)(iii)(C) and (D) to determine the QS allocation.

(*1*) *QS to be allocated equally*. The pool of QS for equal allocation will be determined using whiting trip landings history from Federal limited entry groundfish permits that were retired through the Federal buyback program (*i.e.*, buyback program) (68 FR 42613, July 18, 2003). The whiting trip QS pool associated with the buyback permits will be the buyback permit history as a percent of the total fleet history for the 1994 to 2003 whiting trip reallocation period. The calculation will be based on total absolute pounds with no dropped years and no other adjustments. The QS pool associated with the buyback permits will be divided equally among all qualifying limited entry permits.

(*2*) *QS to be allocated based on each permit's history*. The pool of QS for allocation based on each limited entry trawl permit's whiting trip history will be the QS remaining after subtracting out the QS allocated equally. Widow rockfish QS for this pool will be allocated pro-rata based on each limited entry trawl permit's whiting QS from whiting trips that was established in 2010 and used to allocate the whiting trip portion of whiting QS at the time of initial implementation in 2011. Pro-rata means a percent that is equal to the percent of whiting QS from whiting trips.

(D) *QS from limited entry permits calculated separately for nonwhiting trips and whiting trips*. NMFS will calculate the portion of widow QS a limited entry trawl permit receives based on nonwhiting trips and whiting trips separately, and will weight each preliminary QS in proportion to the one-time reallocation percentage between whiting trips and nonwhiting trips of 10.833 percent and 89.167 percent, respectively.

(*1*) *Nonwhiting trips*. To determine the amount of widow QS for nonwhiting trips for each limited entry trawl permit, NMFS will multiply the preliminary QS for the permit from paragraph (d)(9)(iii)(A) of this section by the one-time reallocation percentage of 89.167 percent for nonwhiting trips.

(*2*) *Whiting trips*. To determine the amount of widow QS for whiting trips for each limited entry trawl permit, NMFS will multiply the preliminary QS for the permit from paragraph (d)(9)(iii)(B) of this section by the one-time reallocation percentage of 10.833 percent for whiting trips.

(E) *QS for each limited entry trawl permit*. For each limited entry trawl permit, NMFS will add the results for the permit from paragraphs (d)(9)(iv)(D)(*1*) and (D)(*2*) of this section in order to determine the total QS widow for that permit.

(F) *Adjustment for AMP set-aside*. NMFS will reduce the widow QS reallocated to each permit owner by a proportional amount that is equivalent to a reduction of 10 percent across all widow reallocation recipients' holdings as a set aside for AMP.

(v) *Widow rockfish QS reallocation application*. Persons may apply for issuance of reallocated widow rockfish QS by completing and submitting a prequalified application. A ''prequalified application'' is a partially pre-filled application where NMFS has preliminarily determined the landings history for each limited entry trawl permit that qualifies the applicant for a reallocation of widow QS. The application package will include a prequalified application with landings history. The completed application must be either postmarked or hand-delivered to NMFS within normal business hours no later than December 26, 2017. If an applicant fails to submit a completed application by the deadline date, they forgo the opportunity to receive reallocated widow rockfish QS and their percentage will be redistributed to other QS permit owners who submitted complete widow rockfish reallocation applications in proportion to their reallocated widow QS amount.

(vi) *Corrections to the application*. If an applicant does not accept NMFS's calculation in the prequalified application either in part or whole, the applicant must identify in writing to NMFS which parts the applicant believes to be inaccurate, and must provide specific credible information to substantiate any requested corrections. The completed application and specific credible information must be provided to NMFS in writing by the application deadline. Written communication must either be post-marked or hand-delivered to NMFS within normal business

hours no later than December 26, 2017. Requests for corrections may only be granted for the following reasons:

(A) Errors in NMFS's use or application of data, including:

(*1*) Errors in NMFS's use or application of landings data from PacFIN;

(*2*) Errors in NMFS's application of the reallocation formula; and

(*3*) Errors in identification of the QS permit owner, permit combinations, or vessel registration as listed in NMFS permit database.

(B) [Reserved]

(vii) *Submission of the application and application deadline*—(A) *Submission of the application*. Submission of the complete, certified application includes, but is not limited to, the following:

(*1*) The applicant is required to sign and date the application and declare that the contents are true, correct and complete.

(*2*) The applicant must certify that they qualify to own reallocated widow rockfish QS.

(*3*) The applicant must indicate they accept NMFS's calculation of reallocated widow rockfish QS provided in the prequalified application, or provide a written statement and credible information if they do not accept NMFS's calculation.

(*4*) NMFS may request additional information of the applicant as necessary to make an IAD on reallocated widow rockfish QS.

(B) *Application deadline*. A complete, certified application must be either postmarked or hand-delivered within normal business hours to NMFS, West Coast Region, Permits Office, Bldg. 1, 7600 Sand Point Way NE., Seattle, WA 98115, no later than December 26, 2017. NMFS will not accept or review any applications received or postmarked after the application deadline. There are no hardship exemptions for this deadline.

(viii) *Initial Administrative Determination (IAD)*. NMFS will issue an IAD for all complete, certified applications received by the application deadline date. If NMFS approves an application for reallocated widow rockfish QS, the IAD will say so, and the applicant will receive a 2018 QS permit specifying the reallocated amount of widow rockfish QS the applicant has qualified for. If NMFS disapproves or partially disapproves an application, the IAD will provide the reasons. As part of the IAD, NMFS will indicate to the best of its knowledge whether the QS permit owner qualifies for QS or IBQ in amounts that exceed the accumulation limits and are subject to divestiture provisions given at paragraph (d)(4)(v) of this section. If the applicant does not appeal the IAD within 60 calendar days of the date on the IAD, the IAD becomes the final decision of the Regional Administrator acting on behalf of the Secretary of Commerce.

(ix) *Appeals*. For reallocated widow rockfish QS issued under this section, the appeals process and timelines are specified at § 660.25(g), subpart C. For the reallocation of widow rockfish QS, the bases for appeal are described in paragraph (d)(9)(vi) of this section. Items not subject to appeal include, but are not limited to, the accuracy of permit landings data in the relevant PacFIN dataset on July 27, 2016.

(e) *Vessel accounts*—(1) *General*. In order to participate in the Shorebased IFQ Program, a vessel must be registered to an eligible limited entry trawl permit. A vessel account will be established on request for an owner of a vessel registered to an eligible limited entry trawl permit in order to track QP and IBQ pounds. QP or IBQ pounds will have the same species/species groups and area designations as the QS or IBQ from which it was issued. Annually, QS or IBQ (expressed as a percent) are converted to QP or IBQ pounds (expressed as a weight) in a QS account. QP or IBQ pounds may be transferred from a QS account to a vessel account or from one vessel account to another vessel account. QP or IBQ pounds are required to cover catch (landings and discards) by limited entry trawl vessels of all IFQ species/species groups, except for:

(i) *Gear exception*. Vessels registered to a limited entry trawl permit using the following gears would not be required to cover groundfish catch with QP or Pacific halibut catch with IBQ pounds: Non-groundfish trawl, gear types defined in the coastal pelagic species FMP, gear types defined in the highly migratory species FMP, salmon troll, crab pot, and limited entry fixed

gear when the vessel also has a limited entry permit endorsed for fixed gear and has declared that it is fishing in the limited entry fixed gear fishery. Vessels using gears falling under this exception are subject to the open access fishery restrictions and limits when declared in to an open access fishery.

(ii) *Species exception*. QP are not required for the following species: Longspine thornyheads south of 34°27′ N. lat., minor nearshore rockfish (north and south), black rockfish (coastwide), California scorpionfish, cabezon, kelp greenling, shortbelly rockfish, and ''other fish'' (as defined at § 660.11, subpart C, under the definition of ''groundfish''). For these species, trip limits remain in place as specified in the trip limit tables at Table 1 (North) and Table 1 (South) of this subpart.

(2) *Eligibility and registration*—(i) *Eligibility*. To establish a registered vessel account, a person must own a vessel and that vessel must be registered to a groundfish limited entry permit endorsed for trawl gear.

(ii) *Registration*. A vessel account must be registered with the NMFS SFD Permits Office. A vessel account may be established at any time during the year. An eligible vessel owner must submit a request in writing to NMFS to establish a vessel account. The request must include the vessel name; USCG vessel registration number (as given on USCG Form 1270) or state registration number, if no USCG documentation; all vessel owner names (as given on USCG Form 1270, or on state registration, as applicable); and business contact information, including: Address, phone number, fax number, and email. Requests for a vessel account must also include the following information: A complete economic data collection form as required under § 660.113(b), (c) and (d), and a complete Trawl Identification of Ownership Interest Form as required under paragraph (e)(4)(ii) of this section. The request for a vessel account will be considered incomplete until the required information is submitted. Any change specified at paragraph (e)(3)(ii) of this section, including a change in the legal name of the vessel owner(s), will require the new owner to register with NMFS for a vessel account. A participant must have access to a computer with Internet access and must set up online access to their vessel account to participate. The computer must have Internet browser software installed (e.g., Internet Explorer, Netscape, Mozilla Firefox); as well as the Adobe Flash Player software version 9.0 or greater. NMFS will mail vessel account owners instructions to set up online access to their vessel account. NMFS will use the vessel account to send messages to vessel owners in the Shorebased IFQ Program; it is important for vessel owners to monitor their online vessel account and all associated messages.

(3) *Renewal, change of account ownership, and transfer of QP or IBQ pounds*—(i) *Renewal*. (A) Vessel accounts expire at the end of each calendar year, and must be renewed between October 1 and November 30 of each year in order to ensure the vessel account is active on January 1 of the following year. A complete vessel account renewal package must be received by SFD no later than November 30 to be accepted by NMFS.

(B) Notification to renew vessel accounts will be issued by SFD by September 15 each year to the vessel account owner's most recent address in the SFD record. The vessel account owner shall provide SFD with notice of any address change within 15 days of the change.

(C) Any vessel account for which SFD does not receive a vessel account renewal request by November 30 will have its vessel account inactivated by NMFS at the end of the calendar year. NMFS will not issue QP or IBQ pounds to the inactivated vessel account. Any QP or IBQ pounds in the vessel account will expire and surplus QP or IBQ pounds will not be available for carryover. A non-renewed vessel account may be renewed in a subsequent year by submission of a complete vessel account renewal package.

(D) Vessel accounts will not be renewed until SFD has received a complete application for a vessel account renewal, which includes payment of required fees, a complete documentation of permit ownership on the Trawl Identification of Ownership Interest Form

as required under paragraph (e)(4)(ii) of this section, and a complete economic data collection form as required under § 660.114. The vessel account renewal will be considered incomplete until the required information is submitted.

(E) *Effective Date*. A vessel account is effective on the date issued by NMFS and remains effective until the end of the calendar year.

(F) *IAD and appeals*. Vessel account renewals are subject to the appeals process specified at § 660.25(g), subpart C.

(ii) *Change in vessel account ownership*. Vessel accounts are non-transferable and ownership of a vessel account cannot change (*i.e.*, cannot change the legal name of the owner(s) as given on the vessel account). If the ownership of a vessel changes (as given on a USCG or state vessel registration documentation), then a new vessel account must be opened by the new owner in order for the vessel to participate in the Shorebased IFQ Program.

(iii) *Transfer of QP or IBQ pounds*—(A) *General*. QP or IBQ pounds may only be transferred from a QS account to a vessel account or between vessel accounts. QP or IBQ pounds cannot be transferred from a vessel account to a QS account. Transfers of QP or IBQ pounds are subject to annual vessel accumulation limits. QP or IBQ pounds must be transferred in whole pounds (*i.e.*, no fraction of a QP or IBQ pound can be transferred). During the year there may be situations where NMFS deems it necessary to prohibit transfers (*i.e.*, account reconciliation, system maintenance, or for emergency fishery management reasons).

(B) *Transfer procedures*. QP or IBQ pound transfers from one vessel account to another vessel account must be accomplished via the online vessel account. To make a transfer, a vessel account owner must initiate a transfer request by logging onto the online vessel account. Following the instructions provided on the website, the vessel account owner must enter pertinent information regarding the transfer request including, but not limited to: IFQ species, amount of QP or IBQ pounds to be transferred for each IFQ species (in whole pound increments); name and any other identifier of the eligible transferee (*e.g.*, USCG documentation number or state registration number, as applicable) of the eligible vessel account receiving the transfer; and the value of the transferred QP or IBQ pounds. The online system will verify whether all information has been entered and whether the transfer complies with vessel limits, as applicable. If the information is not accepted, an electronic message will record as much in the transferor's vessel account explaining the reason(s). If the information is accepted, the online system will record the pending transfer in both the transferor's and the transferee's vessel accounts. The transferee must approve the transfer by electronic signature. If the transferee accepts the transfer, the online system will record the transfer and confirm the transaction in both accounts through a transaction confirmation notice. Once the transferee accepts the transaction, the transaction is final and permanent. QP or IBQ pounds may be transferred between vessel accounts at any time during January 1 through December 31 each year unless otherwise notified by NMFS. Unused QP from the previous fishing year (base year) may be transferred for the purpose of covering end-of-the-year vessel account deficits through the end of the post-season transfer period described at paragraph (e)(5)(iv) of this section.

(4) *Accumulation limits*—(i) *Vessel limits*. For each IFQ species or species group specified in this paragraph, vessel accounts may not have QP or IBQ pounds in excess of the annual QP vessel limit in any year, except as allowed by paragraph (e)(5)(iii) of this section. The annual QP vessel limit is calculated as all QPs transferred in minus all QPs transferred out of the vessel account.

| Species category | Annual QP vessel limit (in percent) |
|---|---|
| Arrowtooth flounder | 20 |
| Bocaccio S of 40°10′ N lat | 15.4 |
| Canary rockfish | 10 |

| Species category | Annual QP vessel limit (in percent) |
|---|---|
| Chilipepper S of 40°10′ N lat | 15 |
| Cowcod S of 40°10′ N lat | 17.7 |
| Darkblotched rockfish | 6.8 |
| Dover sole | 3.9 |
| English sole | 7.5 |
| Lingcod: | |
| N of 40°10′ N lat | 5.3 |
| S of 40°10′ N lat | 13.3 |
| Longspine thornyhead: | |
| N of 34°27′ N lat | 9 |
| Minor rockfish complex N of 40°10′ N lat.: | |
| Shelf species | 7.5 |
| Slope species | 7.5 |
| Minor rockfish complex S of 40°10′ N lat.: | |
| Shelf species | 13.5 |
| Slope species | 9 |
| Other Flatfish complex | 15 |
| Pacific cod | 20 |
| Pacific halibut (IBQ) N of 40°10′ N lat | 14.4 |
| Pacific ocean perch N of 40°10′ N lat | 6 |
| Pacific whiting (shoreside) | 15 |
| Petrale sole | 4.5 |
| Sablefish: | |
| N of 36° N lat. (Monterey north) | 4.5 |
| S of 36° N lat. (Conception area) | 15 |
| Shortspine thornyhead: | |
| N of 34°27′ N lat | 9 |
| S of 34°27′ N lat | 9 |
| Splitnose rockfish S of 40°10′ N lat | 15 |
| Starry flounder | 20 |
| Widow rockfish | 8.5 |
| Yelloweye rockfish | 11.4 |
| Yellowtail rockfish N of 40°10′ N lat | 7.5 |
| Non-whiting groundfish species | 3.2 |

(ii) *Trawl identification of ownership interest form.* Any person that owns a vessel registered to a limited entry trawl permit and that is applying for or renewing a vessel account shall document those persons that have an ownership interest in the vessel greater than or equal to 2 percent. This ownership interest must be documented with the SFD via the Trawl Identification of Ownership Interest Form. SFD will not generate and issue a vessel account unless the Trawl Identification of Ownership Interest Form has been completed. NMFS may request additional information of the applicant as necessary to verify compliance with accumulation limits.

(5) *Carryover of Surplus and Deficit QP or IBQ.* The carryover provision allows a limited amount of surplus QP or IBQ pounds in a vessel account to be carried over from one year (the base year) to the next immediately following year or allows a deficit in a vessel account from fishing during the base year to be covered in the immediately following year with QP or IBQ pounds from the base year or the a immediately following year, up to a carryover limit without violating the provisions of this section.

(i) *Surplus QP or IBQ pounds.* A vessel account with a surplus of QP or IBQ (unused QP or IBQ pounds) for any IFQ species following the post-season transfer period specified at paragraph (e)(5)(iv) of this section, may carryover for use in the year immediately following the base year amounts of unused QP or IBQ pounds up to its carryover limit specified at (e)(5)(ii) of this section, and subject to the limitations of this paragraph. After the post-season transfer period is concluded, NMFS will complete determination of surplus QP or IBQ pound amounts that may be carried over into the following year up to the surplus carryover limit specified at paragraph (e)(5)(ii) of this section. The amount of surplus QP or IBQ pounds issued as carryover will be reduced in proportion to any reduction in the ACL-between the base year and the

immediately following year. At the end of the post-season transfer period, any base year QP or IBQ pounds remaining in vessel accounts will be suspended from use while NMFS calculates annual surplus carryover amounts. NMFS will consult with the Council in making its final determination of the IFQ species and total QP or IBQ amounts to be issued as annual surplus carryover. After NMFS completes determination of the annual surplus carryover amounts for each vessel account, suspended QP or IBQ pounds in excess of the annual surplus carryover amount will expire. NMFS will subsequently release any remaining suspended QP or IBQ pounds for issuance as surplus carryover to vessel accounts from which they were suspended, and notify vessel account owners of the issuance. Surplus carryover QP or IBQ pounds are valid for the year in which they are issued (*i.e.*, the year immediately following the base year). Surplus carryover amounts that would place a vessel above the annual QP vessel limits for the immediately following year (specified at paragraph (e)(4) of this section) will not be issued. Amounts issued as surplus QP or IBQ pounds do not change the shorebased trawl allocation in the year in which the carryover was issued. Surplus QP or IBQ pounds may not be carried over for more than one year.

(ii) *Surplus Carryover Limit*. The limit for the surplus carryover is calculated by multiplying 10 percent by the cumulative total QP or IBQ pounds (used and unused) transferred into a vessel account for the base year, less any transfers out of the vessel account, QP resulting from reapportionment of whiting specified at § 660.60(d), additional QP issued to the account during the year (as specified at § 660.60(c)(3)(ii)), and previous carryover amounts. The percentage used for the carryover surplus limit may be changed by Council recommendation during the biennial specifications and management measures process or by routine management measures as specified in § 660.60(c).

(iii) *Deficit QP or IBQ pounds*. After the end of the base year, a vessel account may cover the full amount of any deficit (negative balance) of QP or IBQ pounds using QP or IBQ from the following year, base year QP or IBQ pounds, through the post-season transfer period, or a combination, without restriction by annual QP vessel limits. A vessel account acquiring QP or IBQ after the base year to cover a deficit resulting from catch in excess of the base year annual QP vessel limits may still be in violation of annual vessel QP limit provisions specified at paragraph (e)(4)(i) of this section, or other provisions of this section, if the deficit exceeds the deficit carryover limit specified at paragraph (e)(5)(iii)(B) of this section. If an IFQ species is reallocated between the base year and the following year due to changes in management areas or subdivision of a species group as specified at paragraph (c)(3)(vii) of this section, a vessel account will not carryover the deficit for that IFQ species into the following year. A vessel account with a deficit for any IFQ species in the base year may cover that deficit during the post-season transfer period or with QP or IBQ pounds from the following year without violating the provisions of this section if all of the following conditions are met:

(A) The vessel account owner declares out of the Shorebased IFQ Program for the remainder of the year in which the deficit occurred. The vessel account owner must submit a signed, dated, and notarized letter to OLE, declaring out of the Shorebased IFQ Program for the remainder of the year and invoking the carryover provision to cover the deficit. Signed, dated, and notarized letters may be submitted to NMFS, West Coast Region, Office of Law Enforcement, ATTN VMS, Bldg. 1, 7600 Sand Point Way NE, Seattle, WA 98115. If the vessel account owner covers the deficit later within the same calendar year, the vessel may re-enter the Shorebased IFQ Program. If the deficit is documented less than 30 days before the end of the calendar year, exiting out of the Shorebased IFQ Program for the remainder of the year is not required.

(B) The amount of QP or IBQ pounds required to cover the deficit from the current fishing year is less than or equal to the vessel's carryover limit for

a deficit. The carryover limit for a deficit is calculated as 10 percent of the total cumulative QP or IBQ pounds (used and unused, less any transfers out of the vessel account, and any previous carryover amounts) in the vessel account 30 days after the date the deficit is documented;

(C) Sufficient QP or IBQ pounds are transferred into the vessel account to cure the deficit within 30 days of NMFS' issuance of QP or IBQ pounds to QS accounts in the following year or the date the deficit is documented (whichever is later) but not later than the end of the post-season transfer period; and

(D) The total QP required to cover the vessel's total catch from the base year is not greater than the annual QP vessel limit for the base year.

(iv) *Post-Season QP or IBQ transfers.* A vessel account with a deficit (negative balance) of QP or IBQ pounds after December 31 for any IFQ species may conduct post-season transfers to cure the deficit by obtaining available unused QP or IBQ pounds remaining in other vessel accounts from the base fishing year. Vessel account owners may conduct post-season transfers of QP and IBQ pounds according to transfer procedures specified in paragraph (e)(3)(iii) of this section, and subject to the following conditions:

(A) Post-season transfers may be conducted during a period starting January 1 and ending 14 calendar days after NMFS has completed its determination of the total base year IFQ catch for all vessels for end-of-the-year account reconciliation. NMFS will issue a public notice when end-of-the-year account reconciliation has been completed, on or about March 1 of each year.

(B) QP or IBQ pounds from the base fishing year transferred during the post-season transfer period may not be fished in any way, and may only be transferred for the purpose of covering deficits carried into the immediately following fishing year from the base fishing year.

(C) After the post-season transfer period, remaining QP and IBQ pounds surplus and deficits from the base fishing year are subject to carryover provisions specified at paragraphs (e)(5)(ii) and (e)(5)(iii) of this section.

(6) *Appeals.* An appeal to a vessel account action follows the appeals process defined at § 660.25(g), subpart C.

(7) *Fees.* The Regional Administrator is authorized to charge fees for administrative costs associated with the vessel accounts consistent with the provisions given at § 660.25(f), subpart C.

(8) *Cost recovery.* The fish seller, as defined at § 660.111, is subject to the cost recovery program specified at § 660.115.

(f) *First receiver site license*—(1) *General.* The first receiver site license authorizes the holder to receive, purchase, or take custody, control, or possession of an IFQ landing at a specific physical site onshore directly from a vessel. Each buyer of groundfish from a vessel making an IFQ landing must have a first receiver site license for each physical location where the IFQ landing is offloaded.

(2) *Issuance.* (i) First receiver site licenses will only be issued to a person registered to a valid license issued by the state of Washington, Oregon, or California, and that authorizes the person to receive fish from a catcher vessel.

(ii) An IFQ first receiver must have a separate first receiver site license for each unique physical location where the IFQ first receiver will receive, purchase or take custody, control, or take possession of an IFQ landing from a vessel.

(iii) An IFQ first receiver may apply for a first receiver site license at any time during the calendar year.

(iv) IFQ first receivers must reapply for a first receiver site license as specified at paragraphs (f)(6) and (7) of this section:

(3) *Application process.* Persons interested in being licensed as an IFQ first receiver for a specific physical location must submit a complete application for a first receiver site license to NMFS, West Coast Region, ATTN: Fisheries Permit Office, Bldg. 1, 7600 Sand Point Way NE., Seattle, WA 98115. NMFS will only consider complete applications for approval. A complete application includes:

(i) *State license.* The license owner must provide a copy of a valid license

issued by the state in which they operate that allows the person to receive fish from a catcher vessel.

(ii) *Application form.* A completed IFQ first receiver application form provided by NMFS, signed and dated by an authorized representative of the first receiver. To be considered complete, the form must also be notarized.

(iii) *A catch monitoring plan.* All IFQ first receivers must prepare and operate under a NMFS-accepted catch monitoring plan for each specific physical location. A proposed catch monitoring plan detailing how the IFQ first receiver will meet each of the performance standards in paragraph (f)(3)(iii)(C) of this section must be included with the application. NMFS will not issue a first receiver site license to a person that does not have a current, NMFS-accepted catch monitoring plan.

(A) *Catch monitoring plan review process.* NMFS will accept a catch monitoring plan if it includes all the required elements specified in paragraph (f)(3)(iii)(C) of this section and conforms with the actual operations and layout at the site. A site inspection is required for new first receiver site licenses. For re-registration of an existing first receiver site license, the site must be inspected at least once every three years or more frequently, as deemed necessary by NMFS, or by a NMFS designated representative. If NMFS does not accept a catch monitoring plan for any reason, a new or revised catch monitoring plan may be required of the first receiver.

(B) *Arranging a site inspection.* After receiving a complete application for a first receiver site license, if a site inspection is required, NMFS will contact the applicant to schedule a site inspection. A complete application for a first receiver site license must include the proposed catch monitoring plan. NMFS may request a representative of the first receiver to be at the site at the time of inspection. If the requested representative of the first receiver is not made available for the inspection, the site inspection may be postponed until the requested representative of the first receiver is made available.

(C) *Contents of a catch monitoring plan.* The catch monitoring plan must:

(*1*) *Catch sorting.* Describe the amount and location of all space used for sorting catch, the number of staff assigned to catch sorting, and the maximum rate that catch will flow through the sorting area.

(*2*) *Monitoring for complete sorting.* Detail how IFQ first receiver staff will ensure that sorting is complete; what steps will be taken to prevent unsorted catch from entering the factory or other areas beyond the location where catch sorting and weighing can be monitored from the observation area; and what steps will be taken if unsorted catch enters the factory or other areas beyond the location where catch sorting and weighing can be monitored from the observation area.

(*3*) *Scales used for weighing IFQ landings.* Identify each scale that will be used to weigh IFQ landings by the type and capacity and describe where it is located and what it will be used for. Each scale must be appropriate for its intended use.

(*4*) *Printed record.* Identify all scales that will be used to weigh IFQ landings that cannot produce a complete printed record as specified at § 660.15(c), subpart C. State how the scale will be used, and how the plant intends to produce a complete and accurate record of the total weight of each delivery.

(*5*) *Weight monitoring.* Detail how the IFQ first receiver will ensure that all catch is weighed and the process used to meet the catch weighing requirements specified at paragraph (j) of this section. If a catch monitoring plan proposes the use of totes in which IFQ species will be weighed, or a deduction for the weight of ice, the catch monitoring plan must detail how the process will accurately account for the weight of ice and/or totes.

(*6*) *Delivery points.* Identify specific delivery points where catch is removed from an IFQ vessel. The delivery point is the first location where fish removed from a delivering catcher vessel can be sorted or diverted to more than one location. If the catch is pumped from the hold of a catcher vessel or a codend, the delivery point will be the location where the pump first discharges the catch. If catch is removed from a vessel

by brailing, the delivery point normally will be the bin or belt where the brailer discharges the catch.

(*7*) *Observation area*. Designate and describe the observation area. The observation area is a location where a catch monitor may monitor the flow of fish during a delivery, including: Access to the observation area, the flow of fish, and lighting used during periods of limited visibility. Standards for the observation area are specified at paragraph (i)(4)(ii) of this section.

(*8*) *Lockable cabinet*. Identify the location of a secure, dry, and lockable cabinet or locker with the minimum interior dimensions of two feet wide by two feet tall by two feet deep for the exclusive use of the catch monitor, NMFS staff, or authorized officers.

(*9*) *Plant liaison*. Identify the designated plant liaison. The plant liaison responsibilities are specified at paragraph (i)(6) of this section.

(*10*) *First receiver diagram*. The catch monitoring plan must be accompanied by a diagram of the plant showing:

(*i*) The delivery point(s);

(*ii*) The observation area;

(*iii*) The lockable cabinet;

(*iv*) The location of each scale used to weigh catch; and

(*v*) Each location where catch is sorted.

(*11*) *Electronic fish ticket submittal*. Describe how the electronic fish ticket submittal requirements specified at § 660.113(b)(4)(ii) will be met.

(*12*) *Applicant contact*. Print the name of the first receiver, physical location of the first receiver, name and phone number of the applicant, and the date of the application. The applicant must sign the catch monitoring plan.

(D) *Catch monitoring plan acceptance period and changes*. NMFS will accept a catch monitoring plan if it includes the required elements specified in paragraph (f)(3)(iii)(C) of this section and conforms with the actual operations and layout at the site. For the first receiver site license to remain in effect, the owner or manager must notify NMFS in writing of any and all changes made in IFQ first receiver operations or layout that do not conform to the catch monitoring plan.

(E) *Changing a NMFS-accepted catch monitoring plan*. An owner and manager may change an accepted catch monitoring plan by submitting a plan addendum to NMFS. NMFS will accept the modified catch monitoring plan if it continues to meet the performance standards specified in paragraph (f)(3)(iii)(C) of this section. Depending on the nature and magnitude of the change requested, NMFS may require an additional catch monitoring plan inspection. A catch monitoring plan addendum must contain:

(*1*) Name and signature of the person submitting the addendum;

(*2*) Address, telephone number, fax number and email address (if available) of the person submitting the addendum;

(*3*) A complete description of the proposed catch monitoring plan change.

(iv) *Completed EDC form*. A first receiver site license application must include a complete economic data collection form as required under § 660.113(b), subpart D. The application for a first receiver site license will be marked incomplete until the required information is submitted.

(4) *Initial administrative determination*. For all complete applications, NMFS will issue an IAD that either approves or disapproves the application. If approved, the IAD will include a first receiver site license. If disapproved, the IAD will provide the reasons for this determination. NMFS will not reissue a first receiver site license until the required cost recovery program fees, as specified at § 660.115, have been paid. The IAD, appeals, and final decision process for the cost recovery program is specified at § 660.115(d)(3)(ii).

(5) *Effective dates*. The first receiver site license is valid from the effective date identified on the license until June 30, or until the state license required by paragraph (f)(2)(i) of this section is no longer effective, whichever occurs first. A first receiver site license may not be valid for more than 365 days.

(6) *Re-registration of FRSL in subsequent years*. Existing first receiver site license holders must reapply annually by following the application process specified in paragraph (f)(3) of this section. If the existing license holder fails

to reapply, the first receiver site license will expire as specified in paragraph (f)(5) of this section. NMFS will not reissue a first receiver site license until all required cost recovery program fees, as specified at § 660.115, associated with that license have been paid. For existing first receiver site license holders to continue to receive IFQ landings without a lapse in the effectiveness of their first receiver site license, the following re-registration deadlines apply:

(i) NMFS will mail a first receiver site license application to existing license holders on or about February 1 each year.

(ii) Applicants who want to have their new license effective for July 1 must submit their complete re-registration application to NMFS by April 15. For those first receiver site license holders who do not submit a complete re-registration application by April 15, NMFS may not be able to issue the new license by July 1 of that calendar year, and will issue the new license as soon as practicable.

(7) *Change in ownership of an IFQ first receiver*. If there are any changes to the owner of a first receiver registered to a first receiver site license during a calendar year, the first receiver site license is void. The new owner of the first receiver must apply to NMFS for a first receiver site license. A first receiver site license may not be registered to any other person.

(8) *Fees*. The Regional Administrator is authorized to charge fees for administrative costs associated with processing the application consistent with the provisions given at § 660.25(f), subpart C.

(9) *Appeals*. If NMFS does not accept the first receiver site license application through an IAD, the applicant may appeal the IAD consistent with the general permit appeals process defined at § 660.25(g), subpart C.

(10) *Cost recovery*. The first receiver site license holder is considered the fish buyer as defined at § 660.111, and must comply with the cost recovery program specified at § 660.115.

(g) *Retention and disposition requirements*—(1) *General*. Shorebased IFQ Program vessels may discard IFQ species/species groups, provided such discards are accounted for and deducted from QP in the vessel account. With the exception of vessels on a declared Pacific whiting IFQ trip and engaged in maximized retention, and vessels fishing under a valid EM Authorization in accordance with § 660.604 of subpart J, prohibited and protected species (except short-tailed albatross as directed by § 660.21(c)(1)(v)) must be discarded at sea; Pacific halibut must be discarded as soon as practicable and the discard mortality must be accounted for and deducted from IBQ pounds in the vessel account. Non-IFQ species and non-groundfish species may be discarded at sea, unless otherwise required by EM Program requirements at § 660.604 of subpart J. The sorting of catch, the weighing and discarding of any IBQ and IFQ species, and the retention of IFQ species must be monitored by the observer or EM system.

(2) *Maximized retention for Pacific whiting IFQ trips*. Vessels on Pacific whiting IFQ trips may engage in maximized retention. Maximized retention allows for the discard minor operational amounts of catch at sea if the observer has accounted for the discard. Vessels engaged in maximized retention must retain prohibited species until landing. Protected species may be retained until landing except as provided under paragraph (g)(3) of this section. Pacific halibut must be accounted for and deducted from IBQ pounds in the vessel account.

(3) *Disposition of prohibited species and protected species in maximized retention landings*—(i) *Prohibited species handling and disposition*. To ensure compliance with fishery regulations at 50 CFR part 300, subparts E and F, and part 600, subpart H; with the Pacific Salmon Fishery Management Plan; and with the Pacific Halibut Catch Share Plan; the handling and disposition of all prohibited species in maximized retention landings are the responsibility of the first receiver and must be consistent with the following requirements:

(A) Any prohibited species landed at first receivers must not be transferred, processed, or mixed with another landing until the catch monitor has: recorded the number and weight of salmon by species; inspected all prohibited

species for tags or marks; and, collected biological data, specimens, and genetic samples.

(B) No part of any prohibited species may be retained for personal use by a vessel owner or crew member, or by a first receiver or processing crew member. No part of any prohibited species may be allowed to reach commercial markets.

(C) Prohibited species suitable for human consumption at landing must be handled and stored to preserve the quality. Priority in disposition must be given to the donation to surplus food collection and distribution system operated and established to assist in bringing donated food to nonprofit charitable organizations and individuals for the purpose of reducing hunger and meeting nutritional needs.

(D) The first receiver must report all prohibited species landings on the electronic fish ticket and is responsible for maintaining records verifying the disposition of prohibited species. Records on catch disposition may include, but are not limited to: Receipts from charitable organizations that include the organization's name and amount of catch donated; cargo manifests setting forth the origin, weight, and destination of all prohibited species; or disposal receipts identifying the recipient organization and amount disposed. Any such records must be maintained for a period not less than three years after the date of disposal and such records must be provided to OLE upon request.

(ii) *Protected Species handling and disposition.* All protected species must be abandoned to NMFS or the US Fish and Wildlife Service or disposed of consistent with paragraphs (g)(3)(ii)(A) and (B) of this section. No part of any protected species may be retained for personal use by a vessel owner or crew member, or by a first receiver or processing crew member. No part of any protected species may be allowed to reach commercial markets.

(A) *Eulachon and green sturgeon.* Must be sorted and reported by species on electronic fish tickets and state landing receipts and may not be reported in unspecified categories. Whole body specimens of green sturgeon must be retained, frozen, stored separately by delivery, and labeled with the vessel name, electronic fish ticket number, and date of landing. Arrangements for transferring the specimens must be made by contacting NMFS Southwest Fisheries Science Center at 831–420–3903 within 72 hours after the completion of the offload.

(B) *Seabirds, marine mammals, and sea turtles.* Short-tailed albatross must be reported as soon as possible and directions for surrendering must be followed as directed by § 660.21(c)(1)(v). Marine mammals and sea turtles must be reported to NMFS as soon as possible (206–526–6550) and directions for surrendering or disposal must be followed. Whole body specimens must be labeled with the vessel name, electronic fish ticket number, and date of landing. Whole body specimens must be kept frozen or on ice until arrangements for surrendering or disposing are completed. Unless directed otherwise, after reporting is completed, seabirds, marine mammals, and sea turtles may be disposed by incinerating, rendering, composting, or returning the carcasses to sea.

(h) *Observer requirements*—(1) *Observer coverage requirements*—(i) *Coverage.* The following observer coverage pertains to certified observers obtained from an observer provider permitted by NMFS.

(A) Any vessel participating in the Shorebased IFQ Program:

(*1*) Must carry a certified observer on any fishing trip from the time the vessel leaves port and until the completion of landing (until all catch from that fishing trip has been offloaded—see landing at §§ 660.11 and 660.60(h)(2)).

(*2*) Must carry an observer at any time the vessel is underway in port, including transit between delivery points when fish is offloaded at more than one IFQ first receiver.

(*3*) Is exempt from the requirement to maintain observer coverage as specified in this paragraph (h) while remaining docked in port when the observer makes available to the catch monitor an Observer Program reporting form documenting the weight and number of any overfished species listed under a rebuilding plan at § 660.40 retained during that trip and which documents any discrepancy the vessel operator and observer may have in the weights and

number of the overfished species, unless modified inseason under routine management measures at § 660.60(c)(1).

(*4*) Is exempt from the requirement to carry an observer if the vessel has a valid EM Authorization and is fishing with EM under § 660.604 of subpart J.

(*5*) Is exempt from the requirement to maintain observer coverage as specified in this paragraph (h) while gear testing as defined in § 660.11. The vessel operator must submit a valid declaration for gear/equipment testing, as required by § 660.13(d)(4)(iv)(A), and must notify the Observer Program of the gear testing activity at least 48 hours prior to departing on a trip to test gear/equipment.

(B) Any vessel 125 ft (38.1 m) LOA or longer that is engaged in at-sea processing must carry two certified observers, and any vessel shorter than 125 ft (38.1 m) LOA that is engaged in at-sea processing must carry one certified observer, each day that the vessel is used to take, retain, receive, land, process, or transport groundfish.

(ii) *Observer deployment limitations and workload*. If an observer is unable to perform their duties for any reason, the vessel is required to be in port within 36 hours of the last haul sampled by the observer. An observer must not be deployed for more than 22 calendar days in a calendar month, except for when a waiver has been issued by the Observer Program. The Observer Program may issue waivers to the observer provider to allow observers to work more than 22 calendar days per month in the following circumstances:

(A) When it's anticipated that one trip will last over 20 days.

(B) When a replacement observer is not available due to injury or illness.

(C) When the Observer Program has predetermined that the extended deployment is not likely to result in data delays or otherwise impact the overall duties and obligations of the observer.

(iii) *Refusal to board*. Any boarding refusal on the part of the observer or vessel must be immediately reported to the Observer Program and OLE by the observer provider. The observer must be available for an interview with the Observer Program or OLE if necessary.

(2) *Vessel responsibilities*. As specified at § 660.140(h)(1)(ii), if an observer is unable to perform their duties for any reason, the vessel is required to be in port within 36 hours of the last haul sampled by the observer. An operator and/or crew of a vessel required to carry an observer must provide:

(i) *Accommodations and food*. (A) Accommodations and food for trips less than 24 hours must be equivalent to those provided for the crew.

(B) Accommodations and food for trips of 24 hours or more must be equivalent to those provided for the crew and must include berthing space, a space that is intended to be used for sleeping and is provided with installed bunks and mattresses. A mattress or futon on the floor or a cot is not acceptable if a regular bunk is provided to any crew member, unless other arrangements are approved in advance by the Regional Administrator or designee.

(ii) *Safe conditions*. (A) Maintain safe conditions on the vessel for the protection of observers including adherence to all U.S. Coast Guard and other applicable rules, regulations, statutes, and guidelines pertaining to safe operation of the vessel, including, but not limited to rules of the road, vessel stability, emergency drills, emergency equipment, vessel maintenance, vessel general condition and port bar crossings. An observer may refuse boarding or reboarding a vessel and may request a vessel to return to port if operated in an unsafe manner or if unsafe conditions are identified.

(B) Have on board a valid Commercial Fishing Vessel Safety Decal that certifies compliance with regulations found in 33 CFR chapter I and 46 CFR chapter I, a certificate of compliance issued pursuant to 46 CFR 28.710 or a valid certificate of inspection pursuant to 46 U.S.C. 3311. Maintain safe conditions on the vessel for the protection of observer(s) including adherence to all USCG and other applicable rules, regulations, or statutes pertaining to safe operation of the vessel, and provisions at §§ 600.725 and 600.746 of this chapter.

(iii) *Computer hardware and software*. [Reserved]

(iv) *Vessel position*. Allow observer(s) access to the vessel's navigation equipment and personnel, on request, to determine the vessel's position.

(v) *Access*. Allow observer(s) free and unobstructed access to the vessel's bridge, trawl or working deck, holding bins, sorting areas, cargo hold, and any other space that may be used to hold, process, weigh, or store fish at any time.

(vi) *Prior notification*. Notify observer(s) at least 15 minutes before fish are brought on board to allow sampling the catch.

(vii) *Records*. Allow observer(s) to inspect and copy any state or Federal logbook maintained voluntarily or as required by regulation.

(viii) [Reserved]

(ix) *Sampling station*. To allow the observer to carry out the required duties, the vessel owner must provide an observer sampling station that is:

(A) *Accessible*. The observer sampling station must be available to the observer at all times.

(B) *Limits hazards*. To the extent possible, the area should be free and clear of hazards including, but not limited to, moving fishing gear, stored fishing gear, inclement weather conditions, and open hatches.

(x) *Transfers at sea*. Transfers at-sea are prohibited.

(xi) *Housing on vessel in port*. During all periods an observer is housed on a vessel, the vessel operator must ensure that at least one crew member is aboard.

(3) *Procurement of observer services*. Owners of vessels required to carry observers under paragraph (h)(1) of this section must arrange for observer services from an observer provider, except that:

(i) Vessels are required to procure observer services directly from the Observer Program when NMFS has determined and given notification that the vessel must carry NMFS staff or an individual authorized by NMFS in lieu of an observer provided by an observer provider.

(ii) Vessels are required to procure observer services directly from the Observer Program and an observer provider when NMFS has determined and given notification that the vessel must carry NMFS staff and/or individuals authorized by NMFS, in addition to an observer provided by an observer provider.

(4) *Application to become an observer provider*. See § 660.18.

(5) *Observer provider responsibilities*.

(i) *Provide qualified candidates to serve as observers*. Observer providers must provide qualified candidates to serve as observers. To be qualified, a candidate must have:

(A) A Bachelor's degree or higher from an accredited college or university with a major in one of the natural sciences;

(B) Successfully completed a minimum of 30 semester hours or equivalent in applicable biological sciences with extensive use of dichotomous keys in at least one course;

(C) Successfully completed at least one undergraduate course each in math and statistics with a minimum of 5 semester hours total for both; and

(D) Computer skills that enable the candidate to work competently with standard database software and computer hardware.

(ii) *Hiring an observer candidate*—(A) The observer provider must provide the candidate a copy of NMFS-provided pamphlets, information and other literature describing observer duties, for example, the West Coast Groundfish Observer Program's sampling manual. Observer job information is available from the Observer Program Office's web site at *http://www.nwfsc.noaa.gov/research/ divisions/fram/observer/index.cfm*.

(B) *Observer contracts*. The observer provider must have a written contract or a written contract addendum signed by the observer and observer provider prior to the observer's deployment with the following clauses:

(*1*) That the observer will return all phone calls, emails, text messages, or other forms of communication within the time specified by the Observer Program;

(*2*) That the observer inform the observer provider prior to the time of embarkation if he or she is experiencing any new mental illness or physical ailments or injury since submission of the physician's statement as required as a qualified observer candidate that would prevent him or her from performing their assigned duties; and

(*3*) That every observer successfully completes a Red Cross (or equivalent)

basic cardiopulmonary resuscitation/first aid certification course prior to the end of the West Coast Groundfish Observer Training class.

(iii) *Ensure that observers complete duties in a timely manner.* An observer provider must ensure that observers employed by that observer provider do the following in a complete and timely manner:

(A) Submit to NMFS all data, logbooks and reports and biological samples as required under the observer program policy deadlines.

(B) Report for his or her scheduled debriefing and complete all debriefing responsibilities; and

(C) Return all sampling and safety gear to the Observer Program Office at the termination of their contract.

(D) Immediately report to the Observer Program Office and the OLE any refusal to board an assigned vessel.

(iv) *Observers provided to vessel.* (A) Must have a valid West Coast Groundfish observer certification with the required endorsements;

(B) Must not have informed the observer provider prior to the time of embarkation that he or she is experiencing a mental illness or a physical ailment or injury developed since submission of the physician's statement, as required in paragraph (h)(5)(xi)(B) of this section that would prevent him or her from performing his or her assigned duties; and

(C) Must have successfully completed all NMFS required training and briefing before deployment.

(v) *Respond to industry requests for observers.* An observer provider must provide an observer for deployment pursuant to the terms of the contractual relationship with the vessel to fulfill vessel requirements for observer coverage under paragraphs (h)(5)(xi)(D) of this section. An alternate observer must be supplied in each case where injury or illness prevents an observer from performing his or her duties or where an observer resigns prior to completion of his or her duties. If the observer provider is unable to respond to an industry request for observer coverage from a vessel for whom the observer provider is in a contractual relationship due to the lack of available observers by the estimated embarking time of the vessel, the observer provider must report it to NMFS at least four hours prior to the vessel's estimated embarking time, unless the vessel provides less than four hour notice to the provider, in which case the provider is to notify NMFS as soon as practical after the situation arises.

(vi) *Provide observer salaries and benefits.* An observer provider must provide to its observer employees salaries and any other benefits and personnel services in accordance with the terms of each observer's contract.

(vii) *Provide observer deployment logistics.* (A) An observer provider must ensure each of its observers under contract:

(*1*) Has an individually assigned mobile or cell phones, in working order, for all necessary communication. An observer provider may alternatively compensate observers for the use of the observer's personal cell phone or pager for communications made in support of, or necessary for, the observer's duties.

(*2*) Has a check-in system in which the observer is required to contact the observer provider each time they depart and return to port on a vessels.

(*3*) Remains available to OLE and the Observer Program until the conclusion of debriefing.

(*4*) Receives all necessary transportation, including arrangements and logistics to the initial location of deployment, to all subsequent vessel assignments during that deployment, and to and from the location designated for an observer to be interviewed by the Observer Program; and

(*5*) Receives lodging, per diem, and any other services necessary to observers assigned to fishing vessels.

(*i*) An observer under contract may be housed on a vessel to which he or she is assigned: Prior to their vessel's initial departure from port; for a period not to exceed 24 hours following the completion of an offload when the observer has duties and is scheduled to disembark; or for a period not to exceed 24 hours following the vessel's arrival in port when the observer is scheduled to disembark.

(*ii*) Otherwise, each observer between vessels, while still under contract with an observer provider, shall be provided

with accommodations in accordance with the contract between the observer and the observer provider. If the observer provider is responsible for providing accommodations under the contract with the observer, the accommodation must be at a licensed hotel, motel, bed and breakfast, or other shoreside accommodations that has an assigned bed for each observer that no other person may be assigned to for the duration of that observer's stay. Additionally, no more than four beds may be in any room housing observers at accommodations meeting the requirements of this section.

(viii) *Observer deployment limitations and workload.* (A) Not deploy an observer on the same vessel more than 90 calendar days in a 12-month period, unless otherwise authorized by NMFS.

(B) Not exceed observer deployment limitations and workload as outlined in paragraph (h)(1)(ii) of this section.

(ix) *Verify vessel's Commercial Fishing Vessel Safety Decal.* An observer provider must ensure that the observer completes a current observer vessel safety checklist, and verify that a vessel has a valid USCG Commercial Fishing Vessel Safety Decal as required under paragraph (h)(2)(ii)(B) of this section prior to the observer embarking on the first trip and before an observer may get underway aboard the vessel. The provider must submit all vessel safety checklists to the Observer Program, as specified by Observer Program. One of the following acceptable means of verification must be used to verify the decal validity:

(A) An employee of the observer provider, including the observer, visually inspects the decal aboard the vessel and confirms that the decal is valid according to the decal date of issuance; or

(B) The observer provider receives a hard copy of the USCG documentation of the decal issuance from the vessel owner or operator.

(x) *Maintain communications with observers.* An observer provider must have an employee responsible for observer activities on call 24 hours a day to handle emergencies involving observers or problems concerning observer logistics, whenever observers are at sea, in transit, or in port awaiting vessel reassignment.

(xi) *Maintain communications with the Observer Program Office.* An observer provider must provide all of the following information by electronic transmission (email), fax, or other method specified by NMFS.

(A) *Observer training, briefing, and debriefing registration materials.* This information must be submitted to the Observer Program Office at least 10 business days prior to the beginning of a scheduled West Coast groundfish observer certification training or briefing session. Submissions received less than 10 business days prior to a West Coast groundfish observer certification training or briefing session will be approved by the Observer Program on a case-by-case basis.

(*1*) Training registration materials consist of the following:

(*i*) Date of requested training;

(*ii*) A list of observer candidates that includes each candidate's full name (*i.e.*, first, middle and last names), date of birth, and gender;

(*iii*) A copy of each candidate's academic transcripts and resume;

(*iv*) A statement signed by the candidate under penalty of perjury which discloses the candidate's criminal convictions;

(*v*) Length of each observer's contract.

(*2*) Briefing registration materials consist of the following:

(*i*) Date and type of requested briefing session;

(*ii*) List of observers to attend the briefing session, that includes each observer's full name (first, middle, and last names);

(*iii*) Length of each observer's contract.

(*3*) *Debriefing.* The Observer Program will notify the observer provider which observers require debriefing and the specific time period the observer provider has to schedule a date, time, and location for debriefing. The observer provider must contact the Observer Program within 5 business days by telephone to schedule debriefings.

(*i*) Observer providers must immediately notify the observer program when observers end their contract earlier than anticipated.

(*ii*) [Reserved]

(B) *Physical examination*. A signed and dated statement from a licensed physician that he or she has physically examined an observer or observer candidate. The statement must confirm that, based on that physical examination, the observer or observer candidate does not have any health problems or conditions that would jeopardize that individual's safety or the safety of others while deployed, or prevent the observer or observer candidate from performing his or her duties satisfactorily. The statement must declare that, prior to the examination, the physician was made aware of the duties of the observer and the dangerous, remote, and rigorous nature of the work by reading the NMFS-prepared information. The physician's statement must be submitted to the Observer Program Office prior to certification of an observer. The physical exam must have occurred during the 12 months prior to the observer's or observer candidate's deployment. The physician's statement expires 12 months after the physical exam occurred and a new physical exam must be performed, and accompanying statement submitted, prior to any deployment occurring after the expiration of the statement.

(C) *Certificates of insurance*. Copies of ''certificates of insurance,'' that name the Northwest Fisheries Science Center Observer Program manager as the ''certificate holder,'' shall be submitted to the Observer Program Office by February 1 of each year. The certificates of insurance shall verify the following coverage provisions and state that the insurance company will notify the certificate holder if insurance coverage is changed or canceled.

(*1*) Maritime Liability to cover ''seamen's'' claims under the Merchant Marine Act (Jones Act) and General Maritime Law ($1 million minimum).

(*2*) Coverage under the U.S. Longshore and Harbor Workers' Compensation Act ($1 million minimum).

(*3*) States Worker's Compensation as required.

(*4*) Commercial General Liability.

(D) *Observer provider contracts*. If requested, observer providers must submit to the Observer Program Office a completed and unaltered copy of each type of signed and valid contract (including all attachments, appendices, addendums, and exhibits incorporated into the contract) between the observer provider and those entities requiring observer services under paragraph (h)(1)(i) of this section. Observer providers must also submit to the Observer Program Office, upon request, a completed and unaltered copy of the current or most recent signed and valid contract (including all attachments, appendices, addendums, and exhibits incorporated into the contract and any agreements or policies with regard to observer compensation or salary levels) between the observer provider and the particular entity identified by the Observer Program or with specific observers. The copies must be submitted to the Observer Program Office via email, fax, or mail within 5 business days of the request. Signed and valid contracts include the contracts an observer provider has with:

(*1*) Vessels required to have observer coverage as specified at paragraph (h)(1)(i) of this section; and

(*2*) Observers.

(E) *Change in observer provider management and contact information*. An observer provider must submit to the Observer Program Office any change of management or contact information as required at § 660.18(h).

(F) *Biological samples*. The observer provider must ensure that biological samples are stored/handled properly prior to delivery/transport to NMFS.

(G) *Observer status report*. Observer providers must provide NMFS with an updated list of observer trips per Observer Program protocol. Trip information includes observer provider name, observer last name, observer first name, trip start date, trip end date, status of observer, vessel name, and vessel identification number.

(H) *Other information*. Observer providers must submit to NMFS, if requested, copies of any information developed and used by the observer providers distributed to vessels, such as informational pamphlets, payment notification, description of observer duties, etc.

(I) *Other reports*. Reports of the following must be submitted in writing to

the Observer Program Office by the observer provider via fax or email address designated by the Observer Program Office within 24 hours after the observer provider becomes aware of the information:

(*1*) Any information regarding possible observer harassment;

(*2*) Any information regarding any action prohibited under § 660.12(e); § 660.112(a)(4); or § 600.725(o), (t) and (u) of this chapter;

(*3*) Any concerns about vessel safety or marine casualty under 46 CFR 4.05–1(a)(1) through (7);

(*4*) Any observer illness or injury that prevents the observer from completing any of his or her duties described in the observer manual; and

(*5*) Any information, allegations or reports regarding observer conflict of interest or breach of the standards of behavior described in observer provider policy.

(xii) *Replace lost or damaged gear*. Lost or damaged gear issued to an observer by NMFS must be replaced by the observer provider. All replacements must be provided to NMFS and be in accordance with requirements and procedures identified in writing by the Observer Program Office.

(xiii) *Maintain confidentiality of information*. An observer provider must ensure that all records on individual observer performance received from NMFS under the routine use provision of the Privacy Act U.S.C. 552a or as otherwise required by law remain confidential and are not further released to any person outside the employ of the observer provider company to whom the observer was contracted except with written permission of the observer.

(xiv) *Limitations on conflict of interest*. Observer providers:

(A) Must not have a direct financial interest, other than the provision of observer, catch monitor or other biological sampling services, in any federal or state managed fisheries, including, but not limited to:

(*1*) Any ownership, mortgage holder, or other secured interest in a vessel or shoreside processor facility involved in the catching, taking, harvesting or processing of fish;

(*2*) Any business involved with selling supplies or services to any vessel or shoreside processors participating in a fishery managed pursuant to an FMP in the waters off the coasts of Alaska, California, Oregon, and Washington, or

(*3*) Any business involved with purchasing raw or processed products from any vessel or shoreside processor participating in a fishery managed pursuant to an FMP in the waters off the coasts of Alaska, California, Oregon, and Washington.

(B) Must assign observers without regard to any preference by representatives of vessels other than when an observer will be deployed.

(C) Must not solicit or accept, directly or indirectly, any gratuity, gift, favor, entertainment, loan, or anything of monetary value except for compensation for providing observer services from any person who conducts fishing or fish processing activities that are regulated by NMFS, or who has interests that may be substantially affected by the performance or nonperformance of the official duties of observer providers.

(xv) *Observer conduct and behavior*. An observer provider must develop and maintain a policy addressing observer conduct and behavior for their employees that serve as observers.

(A) The policy shall address the following behavior and conduct regarding:

(*1*) Observer use of alcohol;

(*2*) Observer use, possession, or distribution of illegal drugs in violation of applicable law; and;

(*3*) Sexual contact with personnel of the vessel or processing facility to which the observer is assigned, or with any vessel or processing plant personnel who may be substantially affected by the performance or non-performance of the observer's official duties.

(B) An observer provider shall provide a copy of its conduct and behavior policy by February 1 of each year, to: observers, observer candidates and the Observer Program Office.

(xvi) *Refusal to deploy an observer*. Observer providers may refuse to deploy an observer on a requesting vessel if the observer provider has determined

that the requesting vessel is inadequate or unsafe pursuant to those described at § 600.746 or U.S. Coast Guard and other applicable rules, regulations, statutes, or guidelines pertaining to safe operation of the vessel.

(6) *Observer certification and responsibilities*—(i) *Applicability*. Observer certification authorizes an individual to fulfill duties as specified in writing by the Observer Program Office while under the employ of an observer provider and according to certification requirements as designated under paragraph (h)(6)(iii) of this section.

(ii) *Observer certification official*. The Regional Administrator will designate a NMFS observer certification official who will make decisions for the Observer Program Office on whether to issue or deny observer certification.

(iii) *Certification requirements*—(A) *Initial certification*. NMFS may certify individuals who, in addition to any other relevant considerations:

(*1*) Are employed by an permitted observer provider at the time of the of the certification is issued;

(*2*) Have provided, through their observer provider:

(*i*) Information identified by NMFS at § 679.52 (b) of this chapter regarding an observer candidate's health and physical fitness for the job;

(*ii*) Meet all observer candidate education and health standards as specified in § 679.52 (b) of this chapter; and

(*iii*) Have successfully completed NMFS-approved training as prescribed by the Observer Program. Successful completion of training by an observer applicant consists of meeting all attendance and conduct standards issued in writing at the start of training; meeting all performance standards issued in writing at the start of training for assignments, tests, and other evaluation tools; and completing all other training requirements established by the Observer Program.

(*iv*) Have not been decertified under paragraph (h)(6)(ix) of this section, or pursuant to § 679.53(c) of this chapter.

(B) [Reserved]

(iv) *Denial of a certification*. The NMFS observer certification official will issue a written determination denying observer certification if the candidate fails to successfully complete training, or does not meet the qualifications for certification for any other relevant reason.

(v) *Issuance of an observer certification*. An observer certification may be issued upon determination by the observer certification official that the candidate has successfully met all requirements for certification as specified at paragraph (h)(6)(iii) of this section. The following endorsements as prescribed by the Observer Program must be obtained in addition to observer certification.

(A) *West Coast Groundfish Observer Program training endorsement*. A training endorsement signifies the successful completion of the training course required to obtain observer certification. This endorsement expires when the observer has not been deployed and performed sampling duties as required by the Observer Program Office for a period of time, specified by the Observer Program, after his or her most recent debriefing. The Observer can renew the endorsement by successfully completing training once more.

(B) *West Coast Groundfish Observer Program annual general endorsement*. Each observer must obtain an annual general endorsement to their certification prior to his or her first deployment within any calendar year subsequent to a year in which a training endorsement is obtained. To obtain an annual general endorsement, an observer must successfully complete the annual briefing, as specified by the Observer Program. All briefing attendance, performance, and conduct standards required by the Observer Program must be met.

(C) *West Coast Groundfish Observer Program deployment endorsement*. Each observer who has completed an initial deployment, as defined by the Observer Program, after receiving a training endorsement or annual general endorsement, must complete all applicable debriefing requirements specified by the Observer Program. A deployment endorsement is issued to observers who

meet the performance standards specified by the Observer Program. A deployment endorsement must be obtained prior to any subsequent deployments for the remainder of that calendar year. If a deployment endorsement is not issued, certification training must be repeated.

(vi) *Maintaining the validity of an observer certification.* After initial issuance, an observer must keep their certification valid by meeting all of the following requirements specified below:

(A) Successfully perform their assigned duties as described in the observer manual or other written instructions from the Observer Program.

(B) Accurately record their sampling data, write complete reports, and report accurately any observations of suspected violations of regulations relevant to conservation of marine resources or their environment.

(C) Not disclose collected data and observations made on board the vessel or in the processing facility to any person except the owner or operator of the observed vessel or an authorized officer or NMFS.

(D) Successfully complete any required trainings or briefings as prescribed by the Observer Program.

(E) Successful completion of briefing by an observer applicant consists of meeting all attendance and conduct standards issued in writing at the start of training; meeting all performance standards issued in writing at the start of briefing for assignments, tests, and other evaluation tools; and completing all other briefing requirements established by the Observer Program.

(F) Hold a Red Cross (or equivalent) basic cardiopulmonary resuscitation/first aid certification.

(G) Successfully meet Observer Program performance standards reporting for assigned debriefings or interviews.

(H) Submit all data and information required by the Observer Program within the program's stated guidelines.

(I) Meet the minimum annual deployment period of 45 days every 12 months. On a case-by case basis, the Observer Program may consider waiving the 45 day requirement.

(vii) *Limitations on conflict of interest.* Observers:

(A) Must not have a direct financial interest, other than the provision of observer services or catch monitor services, in a North Pacific fishery managed pursuant to an FMP for the waters off the coast of Alaska, Alaska state waters, or in a Pacific Coast fishery managed by either the state or Federal Governments in waters off Washington, Oregon, or California, including but not limited to:

(*1*) Any ownership, mortgage holder, or other secured interest in a vessel, shore-based or floating stationary processor facility involved in the catching, taking, harvesting or processing of fish,

(*2*) Any business involved with selling supplies or services to any vessel, shore-based or floating stationary processing facility; or

(*3*) Any business involved with purchasing raw or processed products from any vessel, shore-based or floating stationary processing facilities.

(B) Must not solicit or accept, directly or indirectly, any gratuity, gift, favor, entertainment, loan, or anything of monetary value from any person who either conducts activities that are regulated by NMFS in the Pacific coast or North Pacific regions or has interests that may be substantially affected by the performance or nonperformance of the observers' official duties.

(C) May not serve as observers on any vessel or at any shore-based or floating stationary processor owned or operated by a person who employed the observer in the last two years.

(D) May not solicit or accept employment as a crew member or an employee of a vessel or shore-based or floating stationary processor while employed by an observer provider.

(E) Provisions for remuneration of observers under this section do not constitute a conflict of interest.

(viii) *Standards of behavior.* Observers must:

(A) Perform their duties as described in the observer manual or other written instructions from the Observer Program Office.

(B) Accurately record their sampling data, write complete reports, and report accurately any observations of

suspected violations of regulations relevant to the conservation of marine resources of their environment.

(C) Not disclose collected data and observations made on board the vessel to any person except the owner or operator of the observed vessel, an authorized officer, or NMFS.

(ix) *Suspension and decertification*—(A) *Suspension and decertification review official*. The Regional Administrator (or a designee) will designate an observer suspension and decertification review official(s), who will have the authority to review observer certifications and issue IAD of observer certification suspension and/or decertification.

(B) *Causes for suspension or decertification*. In addition to any other supported basis connected to an observer's job performance, the suspension and decertification official may initiate suspension or decertification proceedings against an observer:

(*1*) When it is alleged that the observer has not met applicable standards, including any of the following:

(*i*) Failed to satisfactorily perform duties as described or directed by the Observer Program; or

(*ii*) Failed to abide by the standards of conduct for observers, including conflicts of interest;

(*2*) Upon conviction of a crime or upon entry of a civil judgment for:

(*i*) Commission of fraud or other violation in connection with obtaining or attempting to obtain certification, or in performing the duties as specified in writing by the NMFS Observer Program;

(*ii*) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(*iii*) Commission of any other offense indicating a lack of integrity or honesty that seriously and directly affects the fitness of observers.

(C) *Issuance of an IAD*. Upon determination that suspension or decertification is warranted, the suspension/decertification official will issue a written IAD to the observer via certified mail at the observer's most current address provided to NMFS. The IAD will identify whether a certification is suspended or revoked and will identify the specific reasons for the action taken. Decertification is effective 30 calendar days after the date on the IAD, unless there is an appeal.

(D) *Appeals*. A certified observer who receives an IAD that suspends or revokes his or her observer certification may appeal the determination within 30 calendar days after the date on the IAD to the Office of Administrative Appeals pursuant to § 660.19.

(i) *Catch monitor requirements for IFQ first receivers*—(1) *Catch monitor coverage requirements*. A catch monitor is required be present at each IFQ first receiver whenever an IFQ landing is received, unless the first receiver has been granted a written waiver from the catch monitor requirements by NMFS.

(2) *Procurement of catch monitor services*. Owners or managers of each IFQ first receiver must arrange for catch monitor services from a catch monitor provider prior to accepting IFQ landings.

(3) *Catch monitor safety*. (i) Each IFQ first receiver must adhere to all applicable rules, regulations, or statutes pertaining to safe operation and maintenance of a processing and/or receiving facility.

(ii) Unless alternative arrangements are approved by the Catch Monitor Program Office, the working hours of each individual catch monitor will be limited as follows: the time required for a catch monitor to conduct monitoring duties must not exceed 14 consecutive hours in a calendar day. Following a monitoring shift of more than 10 hours, each catch monitor must be provided with a minimum 8 hours break before they may resume monitoring.

(4) *Catch monitor access*. (i) Each IFQ first receiver must allow catch monitors free and unobstructed access to the catch throughout the sorting process and the weighing process.

(ii) The IFQ first receiver must ensure that there is an observation area available to the catch monitor that meets the following standards:

(A) *Access to the observation area*. The observation area must be freely accessible to NMFS staff, NMFS-authorized personnel, or authorized officers at any time a valid catch monitoring plan is required.

(B) *Monitoring the flow of fish.* The catch monitor must have an unobstructed view or otherwise be able to monitor the entire flow of fish between the delivery point and a location where all sorting has takes place and each species has been weighed.

(C) *Adequate lighting.* Adequate lighting must be provided during periods of limited visibility.

(iii) Each IFQ first receiver must allow catch monitors free and unobstructed access to any documentation required by regulation including fish tickets, scale printouts and scale test results.

(5) *Lockable cabinet.* Each IFQ first receiver must provide a secure, dry, and lockable cabinet or locker with the minimum interior dimensions of two feet wide by two feet tall by two feet deep for the exclusive use the catch monitor and NMFS staff or NMFS-authorized agents.

(6) *Plant liaison for the catch monitor.* Each IFQ first receiver must designate a plant liaison. The plant liaison is responsible for:

(i) Orienting new catch monitors to the facility;

(ii) Assisting in the resolution of catch monitoring concerns; and

(iii) Informing NMFS if changes must be made to the catch monitoring plan.

(7) *Reasonable assistance.* Each IFQ first receiver must provide reasonable assistance to the catch monitors to enable each catch monitor to carry out his or her duties. Reasonable assistance includes, but is not limited to: informing the monitor when bycatch species will be weighed, and providing a secure place to store equipment and gear.

(j) *Catch weighing requirements*—(1) *Catch monitoring plan.* All IFQ first receivers must operate under a NMFS-accepted catch monitoring plan for each specific physical location where IFQ landings will be received, purchased, or taken custody, control, or possession of.

(2) *Sorting and weighing IFQ landings*—(i) *Approved scales.* The IFQ first receiver must ensure that all IFQ species received from a vessel making an IFQ landing are weighed on a scale(s) that meets the requirements specified at § 660.15(c).

(ii) *Printed record.* All scales identified in the catch monitoring plan accepted by NMFS during the first receiver site license application process, must produce a printed record as specified at § 660.15(c).

(iii) *Scales that may be exempt from printed report.* An IFQ first receiver that receives no more than 200,000 pounds of groundfish in any calendar month will be exempt from the requirement to produce a printed record provided that:

(A) The first receiver has not previously operated under a catch monitoring plan where a printed record was required;

(B) The first receiver ensures that all catch is weighed; and

(C) The catch monitor, NMFS staff, or authorized officer can verify that all catch is weighed.

(iv) *Retention of printed records.* An IFQ first receiver must maintain printouts on site until the end of the fishing year during which the printouts were made consistent with § 660.113(a)(2).

(v) *Weight monitoring.* An IFQ first receiver must ensure that it is possible for the catch monitor, NMFS staff, or authorized officer to verify the weighing of all catch.

(vi) *Catch sorting.* All fish delivered to the plant must be sorted and weighed by species as specified at § 660.130(d).

(vii) *Complete sorting.* Sorting and weighing must be completed prior to catch leaving the area that can be monitored from the catch monitor's observation area.

(viii) *Pacific whiting IFQ trips.* Immediately following weighing of the total catch and prior to processing or transport away from the point of landing, the catch must be sorted to the species groups specified at § 660.130(d) and all catch other than the target species (groundfish and non groundfish species) must be accurately weighed and the weight of non-target species deducted from the total catch weight to derive the weight of a single predominant species. Catch from a Pacific whiting IFQ trip may be sorted after weighing and the weight of a single predominant species determined by deducting the weight of all other species from the total weight of the landing, provided that:

(A) The unsorted catch is weighed on a bulk weighing scale in compliance with equipment requirements at § 660.15(c);

(B) All catch (groundfish and non-groundfish species) in the landing other than the single predominant species is reweighed on a scale in compliance with equipment requirements at § 660.15(c) and the reweighed catch is deducted from the total weight of the landing;

(C) The catch is sorted to the species groups specified at § 660.130(d) prior to processing or transport away from the point of landing; and

(D) Prohibited species are sorted by species, counted, and weighed.

(ix) For all other IFQ landings the following weighing standards apply:

(A) A belt or automatic hopper scale may be used to weigh all of the catch prior to sorting. All but a single predominant species must then be reweighed.

(B) An in-line conveyor or automatic hopper scale may be used to weigh the single predominant species after catch has been sorted. Other species must be weighed in a manner that facilitates tracking of the weights of those species.

(C) IFQ species or species group may be weighed in totes on a platform scale capable of printing a label or tag and recording the label or tag information to memory for printing a report as specified at § 660.15. The label or tag must remain affixed to the tote until the tote is emptied. The label or tag must show the following information:

(*1*) The species or species group;

(*2*) The weight of the fish in the tote;

(*3*) The date the label or tag was printed; and

(*4*) The vessel name.

(D) *Totes and ice.* If a catch monitoring plan proposes the use of totes in which fish will be weighed, or a deduction for the weight of ice, the deduction must be accurately accounted for. No deduction may be made for the weight of water or slime. This standard may be met by:

(*1*) Taring the empty or pre-iced tote on the scale prior to filling with fish;

(*2*) Labeling each tote with an individual tare weight. This weight must be accurate within 500 grams (1 pound if scale is denominated in pounds) for any given tote and the average error for all totes may not exceed 200 grams (8 ounces for scales denominated in pounds);

(*3*) An alternate approach accepted by NMFS. NMFS will only accept approaches that do not involve the estimation of the weight of ice or the weight of totes and allow NMFS staff or an authorized officer to verify that the deduction or tare weight is accurate.

(E) An alternate approach accepted by NMFS in the catch monitoring plan.

(3) *IFQ first receiver responsibilities relative to catch weighing and monitoring of catch weighing.* The IFQ first receiver must:

(i) *General.* Ensure that all IFQ landings are sorted and weighed as specified at § 660.130(d) and in accordance with an approved catch monitoring plan.

(ii) *Catch monitors, NMFS staff, and authorized officers.* (A) Have a catch monitor on site the entire time an IFQ landing is being offloaded, sorted, or weighed.

(B) Notify the catch monitor of the offloading schedule.

(C) Provide catch monitors, NMFS staff, or an authorized officer with unobstructed access to any areas where IFQ species are or may be sorted or weighed at any time IFQ species are being landed or processed.

(D) Ensure that catch monitors, NMFS staff, or an authorized officer are able to simultaneously observe the weighing of catch on the scale and read the scale display at any time.

(E) Ensure that printouts of the scale weight of each delivery or offload are made available to catch monitors, NMFS staff, or an authorized officer at the time printouts are generated.

(4) *Scale tests.* All testing must meet the scale test standards specified at § 660.15(c).

(k) *Gear switching.* (1) Participants in the Shorebased IFQ Program may take IFQ species using any legal groundfish non-trawl gear (*i.e.*, gear switching) and are exempt from the gear endorsements at § 660.25(b)(3) for limited entry fixed gear permits, provided the following requirements are met:

(i) The vessel must be registered to a limited entry trawl permit.

(ii) The vessel must be registered to a vessel account that is not in deficit on any IFQ species.

(iii) The vessel operator must have submitted a valid gear declaration for the trip that declares ''Limited entry groundfish non-trawl, shorebased IFQ,'' as specified in § 660.13(d)(5)(iv)(A), and does not declare any other designation (a Shorebased IFQ Program trip may not be combined with any other designation).

(iv) The vessel must comply with prohibitions applicable to the limited entry fixed gear fishery as specified at § 660.212, gear restrictions applicable to limited entry fixed gear as specified in §§ 660.219 and 660.230(b), and management measures specified in § 660.230(d), including restrictions on the fixed gear allowed onboard, its usage, and applicable fixed gear groundfish conservation area restrictions, except that the vessel will not be subject to limited entry fixed gear trip limits when fishing in the Shorebased IFQ Program. Vessels using bottom longline and snap gears as defined at § 660.11 are subject to the requirements of the Seabird Avoidance Program described in § 660.21.

(v) The vessel must comply with the limited entry trawl trip limits for species/species groups not covered under the Shorebased IFQ Program or whiting trip limits outside the primary season.

(vi) The vessel must comply with recordkeeping and reporting requirements applicable to limited entry trawl gear as specified in § 660.113.

(vii) The vessel must comply with and observer requirements and all other provisions of the Shoreside IFQ Program as specified in this section.

(2) [Reserved]

(l) *Adaptive management program*—(1) *General*. The adaptive management program (AMP) is a set-aside of 10 percent of the non-whiting QS to address the following objectives:

(i) Community stability;

(ii) Processor stability;

(iii) Conservation;

(iv) Unintended/unforeseen consequences of IFQ management; or

(v) Facilitating new entrants.

(2) *AMP QP pass through*. The 10 percent of non-whiting QS will be reserved for the AMP, but the resulting AMP QP will be issued to all QS permit owners in proportion to their non-whiting QS until an alternative use of AMP QP is implemented.

[75 FR 60897, Oct. 1, 2010]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 660.140, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.govinfo.gov*.

### § 660.150 Mothership (MS) Coop Program.

(a) *General*. The MS Coop Program is a general term to describe the limited access program that applies to eligible harvesters and processors in the mothership sector of the Pacific whiting at-sea trawl fishery. Eligible harvesters and processors, including coop and non-coop fishery participants, must meet the requirements set forth in this section of the Pacific Coast groundfish regulations. Each year a vessel registered to an MS/CV-endorsed permit may fish in either the coop or non-coop portion of the MS Coop Program, but not both. In addition to the requirements of this section, the MS Coop Program is subject to the following groundfish regulations of subparts C and D of this part:

(1) Pacific whiting seasons § 660.131(b), subpart D.

(2) Area restrictions specified for midwater trawl gear used to harvest Pacific whiting fishery specified at § 660.131(c), Subpart D for GCAs, RCAs, Salmon Conservation Zones, BRAs, and EFHCAs.

(3) Regulations set out in the following sections of subpart C: § 660.11 Definitions, § 660.12 Prohibitions, § 660.13 Recordkeeping and reporting, § 660.14 VMS requirements, § 660.15 Equipment requirements, § 660.16 Groundfish Observer Program, § 660.20 Vessel and gear identification, § 660.25 Permits, § 660.55 Allocations, § 660.60 Specifications and management measures, § 660.65 Groundfish harvest specifications, and §§ 660.70 through 660.79 Closed areas.

(4) Regulations set out in the following sections of subpart D: § 660.111 Trawl fishery definitions, § 660.112 Trawl fishery prohibitions, § 660.113

Trawl fishery recordkeeping and reporting, § 660.115 Trawl fishery cost recovery program, § 660.120 Trawl fishery crossover provisions, § 660.130 Trawl fishery management measures, and § 660.131 Pacific whiting fishery management measures.

(5) The MS Coop Program may be restricted or closed as a result of projected overages within the MS Coop Program, the C/P Coop Program, or the Shorebased IFQ Program. As determined necessary by the Regional Administrator, area restrictions, season closures, or other measures will be used to prevent the trawl sectors in aggregate or the individual trawl sector (Shorebased IFQ, MS Coop, or C/P Coop) from exceeding an ACL, ACT, or formal allocation specified in the PCGFMP or regulation at § 660.55, subpart C, or §§ 660.140, 660.150, or 660.160, subpart D.

(b) *Participation requirements and responsibilities*—(1) *Mothership vessels.* (i) *Mothership vessel participation requirements.* A vessel is eligible to receive and process catch as a mothership in the MS Coop Program if:

(A) The vessel is registered to an MS permit;

(B) The vessel is not used to fish as a catcher vessel in the mothership sector of the Pacific whiting fishery in the same calendar year; and

(C) The vessel is not used to fish as a C/P in the Pacific whiting fishery in the same calendar year.

(D) Under emergency measures effective June 19, 2020, until December 16, 2020, notwithstanding any other section of these regulations, a vessel may operate as both a mothership and a C/P during the 2020 Pacific whiting primary season, but not on the same fishing trip.

(ii) *Mothership vessel responsibilities.* The owner and operator of a mothership vessel must:

(A) *Recordkeeping and reporting.* Maintain a valid declaration as specified at § 660.13(d); maintain records as specified at § 660.113(a); and maintain and submit all records and reports specified at § 660.113(c) including, economic data, scale tests records, cease fishing reports, and cost recovery.

(B) *Observers.* As specified at paragraph (j) of this section, procure observer services, maintain the appropriate level of coverage, and meet the vessel responsibilities.

(C) *Catch weighing requirements.* The owner and operator of a mothership vessel must:

(*1*) Ensure that all catch is weighed in its round form on a NMFS-approved scale that meets the requirements described in section § 660.15(b);

(*2*) Provide a NMFS-approved platform scale, belt scale, and test weights that meet the requirements described in section § 660.15(b).

(D) *Cost recovery program.* Collect and remit to NMFS cost recovery program fees as specified at § 660.115.

(2) *Mothership catcher vessels*—(i) *Mothership catcher vessel participation requirements*—(A) A vessel is eligible to harvest in the MS Coop Program if the following conditions are met:

(*1*) If the vessel is used to fish as a mothership catcher vessel for a permitted MS coop, the vessel is registered to a limited entry permit with a trawl endorsement and NMFS has been notified that the vessel is authorized to fish for the coop.

(*2*) If the vessel is used to harvest fish in the non-coop fishery, the vessel is registered to an MS/CV-endorsed limited entry permit.

(*3*) The vessel is not used to harvest fish or process as a mothership or catcher/processor vessel in the same calendar year.

(*4*) The vessel does not catch more than 30 percent of the Pacific whiting allocation for the mothership sector.

(B) [Reserved]

(ii) *Mothership catcher vessel responsibilities*—(A) *Observers.* As specified at paragraph (j) of this section, procure observer services, maintain the appropriate level of coverage, and meet the vessel responsibilities.

(B) *Recordkeeping and reporting.* Maintain a valid declaration as specified at § 660.13(d), subpart C; and, maintain and submit all records and reports specified at § 660.113(c) including, economic data and scale tests records, if applicable.

(*1*) Under emergency measures effective June 19, 2020, until December 16, 2020, notwithstanding any other section of these regulations, a vessel may operate as both a mothership and C/P during the 2020 Pacific whiting primary

season, but not on the same fishing trip. A vessel registered in the same calendar year to operate under both a limited entry MS permit and limited entry permit with a C/P endorsement must declare prior to leaving port the sector in which it will participate for the duration of the trip, as per declaration requirements specified at § 660.13(d)(4)(iv)(A).

(*2*) [Reserved]

(C) *Cost recovery program*. Vessel must pay cost recovery program fees, as specified at § 660.115.

(3) *MS coops*—(i) *MS coop participation requirements*. For a MS coop to participate in the Pacific whiting mothership sector fishery it must:

(A) Be issued a MS coop permit;

(B) Be composed of MS/CV-endorsed limited entry permit owners;

(C) Be formed voluntarily;

(D) Be a legally recognized entity that represents its members;

(E) Designate an individual as a coop manager; and

(F) Include at least 20 percent of all MS/CV-endorsed permits as members. The coop membership percentage will be interpreted by rounding to the nearest whole permit (*i.e.*, less than 0.5 rounds down and 0.5 and greater rounds up).

(ii) *MS coop responsibilities*. A MS coop is responsible for:

(A) Applying for and being registered to a MS coop permit;

(B) Organizing and coordinating harvest activities of vessels authorized to fish for the coop;

(C) Reassigning catch history assignments for use by coop members;

(D) Organizing and coordinating the transfer and leasing of catch allocations with other permitted coops through inter-coop agreements;

(E) Monitoring harvest activities and enforcing the catch limits of coop members;

(F) Submitting an annual report.

(G) Having a designated coop manager. The designated coop manager must:

(*1*) Serve as the contact person between NMFS, the Council, and other coops;

(*2*) Be responsible for the annual distribution of catch and bycatch allocations among coop members;

(*3*) Oversee reassignment of catch allocations within the coop;

(*4*) Oversee inter-coop catch allocation reassignments;

(*5*) Prepare and submit an annual report on behalf of the coop;

(*6*) Be authorized to receive or respond to any legal process in which the coop is involved; and

(*7*) Notify NMFS if the coop dissolves.

(iii) *MS coop compliance and joint/several liability*. An MS coop must comply with the provisions of this section. The MS coop, member limited entry permit owners, and owners and operators of vessels registered to member limited entry permits, are jointly and severally responsible for compliance with the provisions of this section. Pursuant to 15 CFR part 904, each MS coop, member permit owner, and owner and operator of a vessel registered to a coop member permit may be charged jointly and severally for violations of the provisions of this section. For purposes of enforcement, an MS coop is a legal entity that can be subject to NOAA enforcement action for violations of the provisions of this section.

(c) *MS Coop Program species and allocations*—(1) *MS Coop Program species*. All species other than Pacific whiting are managed with set-asides for the MS and C/P Coop Programs, as described in Table 1d to subpart C of this part.

(2) *Annual mothership sector sub-allocations*. Annual allocation amount(s) will be determined using the following procedure:

(i) *MS/CV catch history assignments*. Catch history assignments will be based on catch history using the following methodology:

(A) *Pacific whiting catch history assignment*. Each MS/CV endorsement's associated catch history assignment of Pacific whiting will be annually allocated to a single permitted MS coop or to the non-coop fishery. If multiple MS/CV endorsements and their associated CHAs are registered to a limited entry permit, that permit may be simultaneously registered to more than one MS coop or to both a coop(s) and non-coop fishery. Once assigned to a permitted MS coop or to the non-coop fishery, each MS/CV endorsement's catch history assignment remains with that permitted MS coop or non-coop

fishery for that calendar year. When the mothership sector allocation is established, the information for the conversion of catch history assignment to pounds will be made available to the public through a FEDERAL REGISTER announcement and/or public notice and/or the NMFS website. The amount of whiting from the catch history assignment will be issued to the nearest whole pound using standard rounding rules (*i.e.*, less than 0.5 rounds down and 0.5 and greater rounds up).

(*1*) In years where the Pacific whiting harvest specification is known by the start of the mothership sector primary whiting season specified at § 660.131(b)(2)(iii)(B), allocation for Pacific whiting will be made by the start of the season.

(*2*) In years where the Pacific whiting harvest specification is not known by the start of the mothership sector primary whiting season specified at § 660.131(b)(2)(iii)(B), NMFS will issue Pacific whiting allocations in two parts. Before the start of the primary whiting season, NMFS will allocate Pacific whiting based on the MS Coop Program allocation percent multiplied by the lower end of the range of potential harvest specifications for Pacific whiting for that year. After the final Pacific whiting harvest specifications are established, NMFS will allocate any additional amounts of Pacific whiting to the MS Coop Program.

(B) *Non-whiting groundfish species catch*—(*1*) At-sea set-asides of non-whiting groundfish species will be managed on an annual basis unless there is a risk of a harvest specification being exceeded, unforeseen impact on other fisheries, or conservation concerns, in which case inseason action may be taken. Set asides may be adjusted through the biennial specifications and management measures process as necessary.

*(2)* Groundfish species not addressed in paragraph (c)(2)(i)(B)(*1*) of this section, will be managed on an annual basis unless there is a risk of a harvest specification being exceeded, unforeseen impact on other fisheries, or conservation concerns, in which case inseason action may be taken.

(*3*) Annually a specified amount of the Pacific halibut will be held in reserve as a shared set-aside for bycatch in the at-sea Pacific whiting fisheries and the shorebased trawl sector south of 40°10′ N lat.

(C) *Rounding rules and MS/CV allocations*. Rounding rules may affect distribution of the MS Coop Program allocations among the catch history assignments for individual MS/CV-endorsed permits. NMFS will distribute such allocations to the maximum extent practicable, not to exceed the total allocation.

(ii) *Annual coop allocations*—(A) *Pacific whiting*. Each permitted MS coop is authorized to harvest a quantity of Pacific whiting that is based on the sum of the catch history assignments for each member MS/CV-endorsed permit identified in the NMFS-accepted coop agreement for a given calendar year. Other limited entry permits registered to vessels that will fish for the coop do not bring catch allocation to a permitted MS coop.

(B) *Single MS/CV Coop Fishery*. If all MS/CV-endorsed permits are members of a single coop in a given year and there is not a non-coop fishery, then NMFS will allocate 100 percent of the MS Coop Program allocation to that coop.

(iii) *Annual non-coop allocation*—(A) *Pacific whiting*. The non-coop whiting fishery is authorized to harvest a quantity of Pacific whiting that is remaining in the mothership sector annual allocation after the deduction of all coop allocations.

(B) *Announcement of the non-coop fishery allocations*. Information on the amount of Pacific whiting and non-whiting groundfish with allocations that will be made available to the non-coop fishery when the final Pacific whiting specifications for the mothership sector is established and will be announced to the public through a FEDERAL REGISTER announcement and/or public notice and/or the NMFS website.

(3) *Reaching an allocation or sub-allocation*. When the mothership sector Pacific whiting allocation, or Pacific whiting sub-allocation is reached or is projected to be reached, the following action may be taken:

(i) Further harvesting, receiving or at-sea processing by a mothership or

catcher vessel in the mothership sector is prohibited when the mothership sector Pacific whiting allocation is projected to be reached. No additional unprocessed groundfish may be brought on board after at-sea processing is prohibited, but a mothership may continue to process catch that was on board before at-sea processing was prohibited. Pacific whiting may not be taken and retained, possessed, or landed by a catcher vessel participating in the mothership sector.

(ii) When a permitted MS coop suballocation of Pacific whiting-is reached, further harvesting or receiving of groundfish by vessels fishing in the permitted MS coop must cease, unless the permitted MS coop is operating under an NMFS-accepted intercoop agreement.

(iii) When the non-coop fishery suballocation of Pacific whiting is projected to be reached, further harvesting or receiving of groundfish by vessels fishing in the non-coop fishery must cease.

(4) [Reserved]

(5) *Announcements*. The Regional Administrator will announce in the FEDERAL REGISTER when the mothership sector allocation of Pacific whiting is reached, or is projected to be reached, and specify the appropriate action. In order to prevent exceeding an allocation and to avoid underutilizing the resource, prohibitions against further taking and retaining, receiving, or at-sea processing of Pacific whiting may be made effective immediately by actual notice to fishers and processors, by email, internet, phone, fax, letter, press release, and/or USCG Notice to Mariners (monitor channel 16 VHF), followed by publication in the FEDERAL REGISTER, in which instance public comment will be sought for a reasonable period of time thereafter.

(6) *Redistribution of annual allocation*—(i) *Between permitted MS coops (inter-coop)*. (A) Through an inter-coop agreement, the designated coop managers of permitted MS coops may distribute Pacific whiting allocations among one or more permitted MS coops, provided the processor obligations at paragraph (c)(7) of this section have been met or a mutual agreement exception at paragraph (c)(7)(iv) of this section has been submitted to NMFS.

(B) In the case of a MS coop failure during the Pacific whiting primary season for the mothership sector, unused allocation associated with the catch history will not be available for harvest by the coop that failed, by any former members of the coop that failed, or any other MS coop for the remainder of that calendar year.

(*1*) *Between the MS coop and non-coop fisheries*. Pacific whiting may not be redistributed between the coop and non-coop fisheries.

(*2*) *Between Pacific whiting sectors*. Pacific whiting may not be redistributed between the mothership sector and catcher/processor sector. Whiting may not be redistributed to the Shorebased IFQ Program.

(7) *Processor obligation and mutual agreement exceptions*—(i) *Processor obligation*. Through the annual MS/CV-endorsed limited entry permit renewal process, the MS/CV-endorsed permit owner must identify to NMFS to which MS permit the MS/CV permit owner intends to obligate the catch history assignment associated with that permit if they are participating in the MS coop fishery. Only one MS permit may be designated for each MS/CV endorsement and associated catch history assignment.

(ii) *Expiration of a processor obligation*. Processor obligations expire at the end of each calendar year when the MS Coop Permit expires.

(iii) *Processor obligation when MS coop allocation is redistributed*. When a permitted MS coop redistributes Pacific whiting allocation within the permitted MS coop or from one permitted MS coop to another permitted MS coop through an inter-coop agreement, such allocations must be delivered to the mothership registered to the MS permit to which the allocation was obligated under the processor obligation submitted to NMFS, unless a mutual agreement exception has been submitted to NMFS.

(iv) *Mutual agreement exception*. An MS/CV-endorsed permit's catch history assignment can be released from a processor obligation through a mutual agreement exception. The MS/CV-endorsed permit owner must submit a

copy to NMFS of the written agreement that includes the initial MS permit owner's acknowledgment of the release of the MS/CV-endorsed permit owner's processor obligation and the MS/CV-endorsed permit owner must identify a processor obligation for a new MS permit.

(v) *MS permit withdrawal.* If an MS permit withdraws from the mothership fishery before the resulting amounts of catch history assignment have been announced by NMFS, any MS/CV-endorsed permit obligated to the MS permit may elect to participate in the coop or non-coop fishery. In such an event, the MS permit owner must provide written notification of its withdrawal to NMFS and all MS/CV-endorsed permits that are obligated to the MS permit, and the owner of each MS/CV-endorsed permit obligated to the MS permit must provide written notification to NMFS of their intent to either participate in the non-coop fishery or the coop fishery, and if participating in the coop fishery must identify a processor obligation for a new MS permit.

(vi) *Submission of a mutual agreement exception or MS permit withdrawal.* Written notification of a mutual exception agreement or MS permit withdrawal must be submitted to NMFS, Northwest Region, Permits Office, Bldg. 1, 7600 Sand Point Way NE, Seattle, WA 98115.

(d) *MS coop permit and agreement*—(1) *Eligibility and registration.* (i) *Eligibility.* To be an eligible coop entity a group of MS/CV-endorsed permit owners (coop members) must be a recognized entity under the laws of the United States or the laws of a State and represent all of the coop members.

(ii) *Annual registration and deadline.* Each year, a coop entity intending to participate as a coop under the MS Coop Program must submit an application for a MS coop permit between February 1 and March 31 of the year in which it intends to fish. NMFS will not consider any applications received after March 31. A MS coop permit expires on December 31 of the year in which it was issued.

(iii) *Application for MS coop permit.* The designated coop manager, on behalf of the coop entity, must submit a complete application form and include each of the items listed in paragraph (d)(1)(iii)(A) of this section. Only complete applications will be considered for issuance of a MS coop permit. An application will not be considered complete if any required application fees and annual coop reports have not been received by NMFS. NMFS may request additional supplemental documentation as necessary to make a determination of whether to approve or disapprove the application. Application forms and instruction are available on the NMFS NWR Web site (*http://www.nwr.noaa.gov*) or by request from NMFS. The designated coop manager must sign the application acknowledging the responsibilities of a designated coop manager defined in paragraph (b)(3) of this section. For permit owners with more than one MS/CV endorsement and associated CHA, paragraph (g)(2)(iv)(D) of this section specifies how to join an MS coop(s).

(A) *Coop agreement.* Signed copies of the coop agreement must be submitted to NMFS before the coop is authorized to engage in fishing activities. A coop agreement must include all of the information listed in this paragraph to be considered a complete coop agreement. NMFS will only review complete coop agreements. A coop agreement will not be accepted unless it includes all of the required information; the descriptive items listed in this paragraph appear to meet the stated purpose; and information submitted is correct and accurate.

(*1*) *Coop agreement contents.* Each coop agreement must be signed by all of the coop members (MS/CV-endorsed permit owners) and include the following information:

(*i*) A list of all vessels and permit owners participating in the coop and their share of the allocated catch history assignments which must match the amount distributed to individual permit owners by NMFS.

(*ii*) All MS/CV-endorsed limited entry member permits identified by permit number.

(*iii*) A processor obligation clause indicating that each MS/CV-endorsed permit has notified a specific MS permit by September 1 of the previous year of that MS/CV-endorsed permit's

intent to obligate its catch history assignment to that MS permit, except that for the 2011 fishery, such notification must have been made prior to submission of the MS coop permit application.

(*iv*) A clause indicting that each member MS/CV-endorsed permit's catch history assignment is based on the catch history assignment calculation by NMFS used for distribution to the coop.

(*v*) A description of the coop's plan to adequately monitor and account for the catch of Pacific whiting and non-whiting groundfish, and to monitor and account for the catch of prohibited species.

(*vi*) A clause stating that if a permit is registered to a new permit owner during the effective period of the coop agreement, any new owners of that member permit would be coop members required to comply with membership restrictions in the coop agreement.

(*vii*) A description of the coop's enforcement and penalty provisions adequate to maintain catch of Pacific whiting and non-whiting groundfish within the allocations.

(*viii*) A description of measures to reduce catch of overfished species.

(*ix*) A clause describing the co-op manager's responsibility for managing inter-coop reassignments of catch history assignment, should any occur.

(*x*) A clause describing how the annual report will be produced to document the coop's catch, bycatch data, inseason catch history reassignments and any other significant activities undertaken by the coop during the year, and the submission deadlines for that report.

(*xi*) Identification of the designated coop manager.

(*xii*) Provisions that prohibit member permit owners that have incurred legal sanctions that prevent them from fishing groundfish in the Council region from fishing in the coop.

(*2*) *Inter-coop agreement*. The coop entity must provide, at the time of annual application, copies of any inter-coop agreement(s) into which the coop has entered. Such agreements must incorporate and honor the provisions of the individual coop agreements for each coop that is a party to the inter-coop agreement. Inter-coop agreements are specified at paragraph (e) of this section.

(B) *Acceptance of a coop agreement*—(*1*) If NMFS does not accept the coop agreement, the coop permit application will be returned to the applicant with a letter stating the reasons the coop agreement was not accepted by NMFS.

(*2*) Coop agreements that are not accepted may be resubmitted for review by sufficiently addressing the deficiencies identified in the NMFS letter and resubmitting the entire coop permit application by the date specified in the NMFS letter.

(*3*) An accepted coop agreement that was submitted with the MS coop permit application and for which a MS coop permit was issued will remain in place through the end of the calendar year. The designated coop manager must resubmit a complete coop agreement to NMFS consistent with the coop agreement contents described in paragraph (d)(1)(iii)(A)(*1*) of this section if there is a material change to the coop agreement.

(*4*) Within 7 calendar days following a material change, the designated coop manager must notify NMFS of the material change. Within 30 calendar days, the designated coop manger must submit to NMFS the revised coop agreement with a letter that describes such changes. NMFS will review the material changes and provide a letter to the coop manager that either accepts the changes as given or does not accept the revised coop agreement with a letter stating the reasons that it was not accepted by NMFS. The coop may resubmit the coop agreement with further revisions to the material changes responding to NMFS concerns.

(iv) *Effective date of MS coop permit*. A MS coop permit will be effective upon the date approved by NMFS and will allow fishing from the start of the MS sector primary whiting season until the end of the calendar year or until one or more of the following events occur, whichever comes first:

(A) NMFS permanently closes the mothership sector fishing season for the year or a specific MS coop or the designated coop manager notifies NMFS that the coop has completed fishing for the calendar year,

(B) The coop has reached its Pacific whiting allocation,

(C) A material change to the coop agreement has occurred and the designated coop manager failed to notify NMFS within 7 calendar days of the material change and submit to NMFS the revised coop agreement with a letter that describes such changes within 30 calendar days, or

(D) NMFS has determined that a coop failure occurred.

(2) *Initial administrative determination.* For all complete applications, NMFS will issue an IAD that either approves or disapproves the application. If approved, the IAD will include a MS coop permit. If disapproved, the IAD will provide the reasons for this determination. The IAD for a MS coop permit follows the same requirement as specified for limited entry permits at § 660.25(g)(4)(ii); if the applicant does not appeal the IAD within the 30 calendar days, the IAD becomes the final decision of the Regional Administrator acting on behalf of the Secretary of Commerce.

(3) *Appeals.* An appeal to a MS coop permit action follows the same process as the general permit appeals process defined at § 660.25(g), subpart C.

(4) *Fees.* The Regional Administrator is authorized to charge fees for administrative costs associated with the issuance of a MS coop permit consistent with the provisions given at § 660.25(f), subpart C.

(e) *Inter-coop agreements*—(1) *General.* Permitted MS coops may voluntarily enter into inter-coop agreements for the purpose of sharing permitted MS coop allocations of Pacific whiting and allocated non-whiting groundfish. If two or more permitted MS coops enter into an inter-coop agreement, the inter-coop agreement must incorporate and honor the provisions of each permitted MS coop subject to the inter-coop agreement.

(2) *Submission of inter-coop agreements.* Inter-coop agreements must be submitted to NMFS for acceptance.

(3) *Inter-coop agreement review process.* Each designated coop manager must submit a copy of the inter-coop agreement signed by both designated coop managers for review. Complete coop agreements containing all items listed under paragraph (d)(1)(iii)(A)(*1*) will be reviewed by NMFS.

(f) *Mothership (MS) permit.*

(1) *General.* Any vessel that processes or receives deliveries as a mothership processor in the Pacific whiting fishery mothership sector must be registered to an MS permit. A vessel registered to an MS permit may receive fish from a vessel that fishes in an MS coop and/or may receive fish from a vessel that fishes in the non-coop fishery at the same time or during the same year.

(i) *Vessel size endorsement.* An MS permit does not have a vessel size endorsement. The endorsement provisions at § 660.25(b)(3)(iii), subpart C, do not apply to an MS permit.

(ii) *Restriction on C/P vessels operating as motherships.* Restrictions on a vessel registered to a limited entry permit with a C/P endorsement operating as a mothership are specified at § 660.160, subpart D.

(iii) *Emergency rule creating seasonal flexibility on at-sea processor restrictions.* Effective June 19, 2020, until December 16, 2020, notwithstanding any other section of these regulations, vessels may operate as both a mothership and a C/P during the 2020 Pacific whiting primary season, but not on the same fishing trip.

(2) *Renewal, change of permit ownership, or vessel registration*—(i) *Renewal.* An MS permit must be renewed annually consistent with the limited entry permit regulations given at § 660.25(b)(4). If a vessel registered to the MS permit will operate as a mothership in the year for which the permit is renewed, the permit owner must make a declaration as part of the permit renewal that while participating in the whiting fishery it will operate solely as a mothership during the calendar year to which its limited entry permit applies. Any such declaration is binding on the vessel for the calendar year, even if the permit is registered to a different permit owner during the year, unless it is rescinded in response to a written request from the permit owner. Any request to rescind a declaration must be made by the permit owner and granted in writing by the Regional Administrator before any unprocessed whiting has been taken on board the vessel that calendar year.

(A) *Emergency rule creating seasonal flexibility on at-sea processing restrictions.* Effective June 19, 2020, until December 16, 2020, a vessel registered to an MS permit is exempt from this declaration and may also operate as a catcher-processor during the 2020 Pacific whiting primary season, even if the permit owner previously declared to operate solely as a mothership.

(B) [Reserved]

(ii) *Change of permit ownership.* An MS permit is subject to the limited entry permit change in permit ownership regulations given at § 660.25(b)(4), subpart C.

(iii) *Change of vessel registration.* An MS permit is subject to the limited entry permit change of vessel registration regulations given at § 660.25(b)(4), subpart C.

(3) *Accumulation limits*—(i) *MS permit usage limit.* No person who owns an MS permit(s) may register the MS permit(s) to vessels that cumulatively process more than 45 percent of the annual mothership sector Pacific whiting allocation. For purposes of determining accumulation limits, NMFS requires that permit owners submit a complete trawl ownership interest form for the permit owner as part of annual renewal for the MS permit. An ownership interest form will also be required whenever a new permit owner obtains an MS permit as part of a request for a change in permit ownership. Accumulation limits will be determined by calculating the percentage of ownership interest a person has in any MS permit. Determination of ownership interest will subject to the individual and collective rule:

(ii) *Ownership—individual and collective rule.* The ownership that counts toward a person's accumulation limit will include:

(A) Any MS permit owned by that person, and

(B) A portion of any MS permit owned by an entity in which that person has an interest, where the person's share of interest in that entity will determine the portion of that entity's ownership that counts toward the person's limit.

(iii) [Reserved]

(iv) *Trawl identification of ownership interest form.* Any person that is applying for or renewing an MS permit shall document those persons that have an ownership interest in the permit greater than or equal to 2 percent. This ownership interest must be documented with the SFD via the Trawl Identification of Ownership Interest Form. SFD will not issue an MS Permit unless the Trawl Identification of Ownership Interest Form has been completed. NMFS may request additional information of the applicant as necessary to verify compliance with accumulation limits.

(4) *Appeals.* An appeal to an MS permit action follows the same process as the general permit appeals process defined at § 660.25(g), subpart C.

(5) *Fees.* The Regional Administrator is authorized to charge fees for administrative costs associated with the issuance of an MS permit consistent with the provisions given at § 660.25(f), Subpart C.

(6) *Cost recovery.* The owner of a vessel registered to an MS permit, the operator of a vessel registered to an MS permit, and the owner of the MS permit registered to that vessel, are considered to be the fish buyer as defined at § 660.111, and must comply with the cost recovery program specified at § 660.115.

(g) *Mothership catcher vessel (MS/CV)—endorsed permit*—(1) *General.* Any vessel that delivers whiting to a mothership processor in the Pacific whiting fishery mothership sector must be registered to an MS/CV-endorsed permit, except that a vessel registered to limited entry trawl permit without an MS/CV or C/P endorsement may fish for a coop if authorized by the coop. Within the MS Coop Program, an MS/CV-endorsed permit may participate in an MS coop or in the non-coop fishery. An MS/CV-endorsed permit is a limited entry permit and is subject to the limited entry permit provisions given at § 660.25(b), subpart C.

(i) *Catch history assignment.* NMFS will assign a catch history assignment to each MS/CV-endorsed permit. The catch history assignment is based on the catch history in the Pacific whiting mothership sector during the qualifying years of 1994 through 2003. The catch history assignment is expressed as a percentage of Pacific whiting of the total mothership sector allocation as described at paragraph (d)(2)(i) of

this section. Catch history assignments will be issued to the nearest whole pound using standard rounding rules (*i.e.*, decimal amounts from zero up to 0.5 round down and 0.5 up to 1.0 round up).

(ii) *Pacific whiting mothership sector allocation.* The catch history assignment allocation accrues to the coop to which the MS/CV-endorsed permit is tied through private agreement, or will be assigned to the non-coop fishery if the MS/CV-endorsed permit does not participate in the coop fishery.

(iii) *MS/CV endorsement and CHA nonseverable.* Subject to the regulations at paragraph (g)(2)(iv) and (v) of this section, an MS/CV endorsement and its associated CHA are permanently linked together as originally issued by NMFS and cannot be divided or registered separately to another limited entry trawl permit. An MS/CV endorsement and its associated CHA must be registered to a limited entry trawl permit and any change in endorsement registration must be to another limited entry trawl permit.

(iv) *Restrictions on processing for MS/CV-endorsed permits.* A vessel registered to an MS/CV-endorsed permit in a given year shall not engage in processing of Pacific whiting during that year.

(2) *Renewal, change of permit owner, vessel registration, or combination*—(i) *Renewal.* An MS/CV-endorsed permit must be renewed annually consistent with the limited entry permit regulations given at § 660.25(b)(4). During renewal, all MS/CV-endorsed limited entry permit owners must make a preliminary declaration regarding their intent to participate in the coop or non-coop portion of the MS Coop Program for the following year. If the owner of a MS/CV-endorsed permit intends to participate in the coop portion of the MS Coop Program, they must also declare to which MS permit they intend to obligate the permit's catch history assignment. MS/CV-endorsed permits not obligated to a permitted MS coop by March 31 of the fishing year will be assigned to the non-coop fishery. For an MS/CV-endorsed permit that is not renewed, the following occurs:

(A) For the first year after the permit is not renewed, the permit will be extinguished, and the catch history assignment from that permit will be assigned to the non-coop fishery.

(B) In the year after the permit is extinguished (the second year after the permit is not renewed), the catch history assignment from that permit will be redistributed proportionally to all valid MS/CV-endorsed permits.

(ii) *Change of permit ownership.* An MS/CV-endorsed permit is subject to the limited entry permit change in permit ownership regulations given at § 660.25(b)(4), subpart C.

(iii) *Change of vessel registration.* An MS/CV-endorsed permit is subject to the limited entry permit change of vessel registration regulations given at § 660.25(b)(4), subpart C.

(iv) *Change in MS/CV endorsement registration.* As specified at § 660.25(b)(3)(v), each MS/CV endorsement has an associated CHA that is permanently linked as originally issued by NMFS and cannot be divided or registered separately to another limited entry trawl permit. An MS/CV endorsement and associated CHA must be registered to a limited entry trawl permit and any change in MS/CV endorsement registration must be to another limited entry trawl permit. Any change in MS/CV endorsement registration will be registered separately on the limited entry trawl permit. An MS/CV endorsement and its associated CHA cannot be registered to any other person other than the specified owner of the limited entry trawl permit to which it is registered.

(A) *Multiple MS/CV endorsements on a limited entry trawl permit.* Multiple MS/CV endorsements and associated CHAs may be registered to a single limited entry trawl permit. If multiple endorsements are registered to a single limited entry trawl permit, the whiting CHA amount (expressed as a percent) will remain in the amount that it was originally issued by NMFS and will not be combined as a single larger CHA, unless two or more MS/CV-endorsed permits are combined for purposes of increasing the size endorsement, as specified at § 660.25(b)(4)(ii)(B). Any change in MS/CV endorsement registration may be disapproved if the person owning the limited entry trawl permit

has aggregate CHA amounts in excess of the accumulation limits specified at paragraph (g)(3) of this section.

(B) *Application.* NMFS will begin accepting applications for a change in MS/CV endorsement registration beginning September 1, 2014. A request for a change in MS/CV endorsement registration must be made between September 1 and December 31 of each year. Any transfer of MS/CV endorsement and its associated CHA to another limited entry trawl permit must be requested using a Change in Registration of a Mothership/Catcher Vessel Endorsement/Catch History Assignment Application form and the permit owner or an authorized representative of the permit owner must certify that the application is true and correct by signing and dating the form. In addition, the form must be notarized, and the permit owner selling the MS/CV endorsement and its CHA must provide the sale price of the MS/CV endorsement and its associated CHA. If any assets in addition to the MS/CV endorsement and its associated CHA are included in the sale price, those assets must be itemized and described.

(C) *Effective date.* Any change in MS/CV endorsement registration from one limited entry trawl permit to another limited entry trawl permit will be effective on January 1 in the year following the application period.

(D) A limited entry trawl permit owner with multiple MS/CV-endorsements and associated CHA on a single permit may assign each distinct MS/CV endorsement and catch history assignment separately to coop(s) or the non-coop fishery. In such cases, as part of the coop permit application process, specified at paragraph (d)(1)(iii) of this section, the permit owner must specify on the coop permit application form which MS/CV endorsement and associated CHA is specifically registered to a particular coop.

(v) *Combination.* An MS/CV-endorsed permit may be combined with one or more other limited entry trawl permits; the resulting permit will be a single permit with an increased size endorsement. If the MS/CV-endorsed permit is combined with another limited entry trawl-endorsed permit other than a C/P-endorsed permit, the resulting permit will be MS/CV-endorsed. If an MS/CV-endorsed permit is combined with a C/P-endorsed permit, the resulting permit will be exclusively a C/P-endorsed permit, and will not have an MS/CV endorsement. If an MS/CV-endorsed permit is combined with another MS/CV-endorsed permit, the combined catch history assignment of the permit(s) will be added to the active permit (the permit remaining after combination) and the other permit will be retired. If a trawl permit has more than one MS/CV endorsements and it is combined with a non C/P-endorsed trawl permit with no such endorsements, the MS/CV endorsements on the resulting permit will be maintained as separate endorsements on the resulting permit. NMFS will not approve a permit combination if it results in a person exceeding the accumulation limits specified at paragraph (g)(3) of this section. Any request to combine permits is subject to the provision provided at § 660.25(b), including the combination formula for resulting size endorsements.

(vi) *One-time request to undo a permit combination.* If two or more MS/CV-endorsed permits have been combined before January 1, 2012 for purposes of increasing the vessel's size endorsement, a permit owner of the resulting combined permit will have until February 29, 2012 to undo that permit combination. The permit owner must submit a letter to NMFS requesting such action. The letter must be postmarked or hand-delivered to NMFS by the deadline.

(3) *Accumulation limits*—(i) *MS/CV-endorsed permit ownership limit.* No person shall own MS/CV-endorsed permits for which the collective Pacific whiting allocation total is greater than 20 percent of the total mothership sector allocation. For purposes of determining accumulation limits, NMFS requires that permit owners submit a complete trawl ownership interest form for the permit owner as part of annual renewal of an MS/CV-endorsed permit. An ownership interest form will also be required whenever a new permit owner obtains an MS/CV-endorsed permit as part of a request for a change in permit ownership. Accumulation limits will be

determined by calculating the percentage of ownership interest a person has in any MS/CV-endorsed permit and the amount of the Pacific whiting catch history assignment given on the permit. Determination of ownership interest will be subject to the individual and collective rule.

(A) *Ownership—Individual and collective rule*. The Pacific whiting catch history assignment that applies to a person's accumulation limit will include:

(*1*) The catch history assignment on any MS/CV-endorsed permit owned by that person, and

(*2*) That portion of the catch history assignment on any MS/CV-endorsed permit owned by an entity in which that person has an economic or financial interest, where the person's share of interest in that entity will determine the portion of that entity's catch history assignment that counts toward the person's limit.

(B) [Reserved]

(C) *Trawl identification of ownership interest form*. Any person that owns a limited entry trawl permit and that is applying for or renewing an MS/CV endorsement shall document those persons that have an ownership interest in the permit greater than or equal to 2 percent. This ownership interest must be documented with the SFD via the Trawl Identification of Ownership Interest Form. SFD will not issue an MS/CV endorsement unless the Trawl Identification of Ownership Interest Form has been completed. NMFS may request additional information of the applicant as necessary to verify compliance with accumulation limits. Further, if SFD discovers through review of the Trawl Identification of Ownership Interest Form that a person owns or controls more than the accumulation limits, the person will be subject to divestiture provisions specified in paragraph (g)(3)(i)(D) of this section.

(D) *Divestiture*. For MS/CV-endorsed permit owners that are found to exceed the accumulation limits during the initial issuance of MS/CV-endorsed permits, an adjustment period will be provided during which they will have to completely divest of ownership in permits that exceed the accumulation limits. Any person that NMFS determines, as a result of the initial issuance of MS/CV-endorsed permits, to own in excess of 20 percent of the total catch history assignment in the MS Coop Program applying the individual and collective rule described at § 660.150(g)(3)(i)(A) will be allowed to receive such permit(s), but must divest themselves of the excess ownership by August 31, 2016. Owners of such permit(s) may receive and use the MS/CV-endorsed permit(s), up to the time their divestiture is completed. After August 31, 2016, any MS/CV-endorsed permits owned by a person (including any person who has ownership interest in the owner named on the permit) in excess of the accumulation limits will not be issued (renewed) until the permit owner complies with the accumulation limits.

(ii) *Catcher vessel usage limit*. No vessel may catch more than 30 percent of the mothership sector's whiting allocation.

(4) *Appeals*. An appeal to an MS/CV-endorsed permit action follows the same process as the general permit appeals process defined at § 660.25(g), subpart C.

(5) *Fees*. The Regional Administrator is authorized to charge a fee for administrative costs associated with the issuance of an MS/CV-endorsed permit, as provided at § 660.25(f), subpart C.

(6) *Application requirements and initial issuance for MS/CV endorsement*—(i) *Eligibility criteria for MS/CV endorsement*. Only a current trawl limited entry permit with a qualifying history of Pacific whiting deliveries in the MS Pacific whiting sector is eligible to receive an MS/CV endorsement. Any past catch history associated with the current limited entry trawl permit accrues to the permit. If a trawl limited entry permit is eligible to receive both a C/P endorsement and an MS/CV endorsement, the permit owner must choose which endorsement to apply for (*i.e.*, the owner of such a permit may not receive both a C/P and an MS/CV endorsement). NMFS will not recognize any other person as permit owner other than the person listed as permit owner in NMFS permit database.

(ii) *Qualifying criteria for MS/CV endorsement*. In order to qualify for an MS/CV endorsement, a qualifying trawl-endorsed limited entry permit

must have been registered to a vessel or vessels that caught and delivered a cumulative amount of at least 500 mt of Pacific whiting to motherships between 1994 through 2003. The calculation will be based on the following:

(A) To determine a permit's qualifying catch history, NMFS will use documented deliveries to a mothership in Pacific whiting observer data as recorded in the relevant NORPAC dataset on August 1, 2010.

(B) The qualifying catch history will include any deliveries of Pacific whiting to motherships by vessels registered to limited entry trawl-endorsed permits that were subsequently combined to generate the current permit.

(C) If two or more limited entry trawl permits have been simultaneously registered to the same vessel, NMFS will divide the qualifying catch history evenly between all such limited entry trawl-endorsed permits during the time they were simultaneously registered to the vessel.

(D) History of illegal deliveries will not be included in the qualifying catch history.

(E) Deliveries made from Federal limited entry groundfish permits that were retired through the Federal buyback program will not be included in the qualifying catch history.

(F) Deliveries made under provisional ''A'' permits that did not become ''A'' permits and ''B'' permits will not be included in the qualifying catch history.

(iii) *Qualifying criteria for catch history assignment.* A catch history assignment will be specified as a percent on the MS/CV-endorsed permit. The calculation will be based on the following:

(A) For determination of a permit's catch history, NMFS will use documented deliveries to a mothership in Pacific whiting observer data as recorded in the relevant NORPAC dataset on August 1, 2010.

(B) NMFS will use relative history, which means the catch history of a permit for a year divided by the total fleet history for that year, expressed as a percent. NMFS will calculate relative history for each year in the qualifying period from 1994 through 2003 by dividing the total deliveries of Pacific whiting to motherships for the vessel(s) registered to the permit for each year by the sum of the total catch of Pacific whiting delivered to mothership vessel(s) for that year.

(C) NMFS will select the eight years with the highest relative history of Pacific whiting, unless the applicant requests a different set of eight years during the initial issuance and appeals process, and will add the relative histories for these years to generate the permit's total relative history. NMFS will then divide the permit's total relative history by the sum of all qualifying permits' total relative histories to determine the permit's catch history assignment, expressed as a percent.

(D) The total relative history will include any deliveries of Pacific whiting to motherships by vessels registered to limited entry trawl-endorsed permits that were subsequently combined to generate the current permit.

(E) If two or more limited entry trawl permits have been simultaneously registered to the same vessel, NMFS will split the catch history evenly between all such limited entry trawl-endorsed permits during the time they were simultaneously registered to the vessel.

(F) History of illegal deliveries will not be included in the calculation of a permit's catch history assignment or in the calculation of relative history for individual years.

(G) Deliveries made from Federal limited entry groundfish permits that were retired through the Federal buyback program will not be included in the calculation of a permit's catch history assignment other than for the purpose of calculating relative history for individual years.

(H) Deliveries made under provisional ''A'' permits that did not become ''A'' permits and ''B'' permits will not be included in the calculation of a permit's catch history assignment other than for the purpose of calculating relative history for individual years.

(iv) *MS/CV endorsement and catch history assignment application.* Persons may apply for an initial issuance of an MS/CV endorsement on a limited entry trawl permit and its associated catch history assignment in one of two ways:

complete and submit a prequalified application received from NMFS, or complete and submit an application package. The completed application must be either postmarked or hand-delivered within normal business hours no later than November 1, 2010. If an applicant fails to submit a completed application by the deadline date, they forgo the opportunity to receive consideration for an initial issuance of an MS/CV endorsement and associated catch history assignment.

(A) *Prequalified application*. A ''prequalified application'' is a partially pre-filled application where NMFS has preliminarily determined the catch history that may qualify the applicant for an initial issuance of an MS/CV endorsement and associated catch history assignment. NMFS will mail prequalified application packages to the owners of current limited entry trawl permits, as listed in the NMFS permit database at the time applications are mailed, which NMFS determines may qualify for an MS/CV endorsement and associated catch history assignment. NMFS will mail the application by certified mail to the current address of record in the NMFS permit database. The application will contain the basis of NMFS' calculation. The application package will include, but is not limited to: a prequalified application (with landings history), a Trawl Identification of Ownership Interest form, and any other documents NMFS believes are necessary to aid the limited entry permit owner in completing the application.

(B) *Request for an application*. Any owner of a current limited entry trawl permit that does not receive a prequalified application that believes the permit qualifies for an initial issuance of an MS/CV endorsement and associated catch history assignment must complete an application package and submit the completed application to NMFS by the application deadline. Application packages are available on the NMFS Web site (*http://www.nwr.noaa.gov/ Groundfish-Halibut/Groundfish-Permits/index.cfm*) or by contacting SFD. An application must include valid NORPAC data, copies of NMFS observer data forms, or other credible information that substantiates the applicant's qualification for an initial issuance of an MS/CV endorsement and associated catch history assignment.

(v) *Corrections to the application*. If the applicant does not accept NMFS' calculation in the prequalified application either in part or whole, in order for NMFS to reconsider NMFS' calculation, the applicant must identify in writing to NMFS which parts of the application that the applicant contends to be inaccurate, and must provide specific credible information to substantiate any requested corrections. The completed application and specific credible information must be provided to NMFS in writing by the application deadline. Written communication must be either post-marked or hand-delivered within normal business hours no later than November 1, 2010. Requests for corrections may only be granted for changes to the selection of the eight years with the highest relative history of whiting and errors in NMFS' use or application of data, including:

(A) Errors in NMFS' use or application of data from NORPAC;

(B) Errors in NMFS' calculations;

(C) Errors in the identification of the permit owner, permit combinations, or vessel registration as listed in the NMFS permit database; and

(D) Errors in NMFS' use or application of ownership interest information.

(vi) *Submission of the application and application deadline*—(A) *Submission of the application*. Submission of the complete, certified application includes, but is not limited to, the following:

(*1*) The applicant is required to sign and date the application and have the document notarized by a licensed Notary Public.

(*2*) The applicant must certify that they qualify to own an MS/CV-endorsed permit and associated catch history assignment.

(*3*) The applicant must indicate they accept NMFS' calculation of initial issuance of an MS/CV-endorsed permit and associated catch history assignment provided in the prequalified application, or provide credible information that demonstrates their qualification for an MS/CV-endorsed permit and associated catch history assignment.

(*4*) The applicant is required to provide a complete Trawl Identification of Ownership Interest Form as specified at paragraph (g)(3)(i)(C) of this section.

(*5*) Business entities may be required to submit a corporate resolution or other credible documentation as proof that the representative of the entity is authorized to act on behalf of the entity; and

(*6*) NMFS may request additional information of the applicant as necessary to make an IAD on initial issuance of an MS/CV-endorsed permit and associated catch history assignment.

(B) *Application deadline.* A complete, certified application must be either postmarked or hand-delivered within normal business hours to NMFS, Northwest Region, Permits Office, Bldg. 1, 7600 Sand Point Way NE., Seattle, WA 98115, no later than November 1, 2010. NMFS will not accept or review any applications received or postmarked after the application deadline. There are no hardship provisions for this deadline.

(vii) *Permit transfer during application period.* NMFS will not review or approve any request for a change in limited entry trawl permit owner at any time after either November 1, 2010 or the date upon which the application is received by NMFS, whichever occurs first, until a final decision is made by the Regional Administrator on behalf of the Secretary of Commerce on that permit.

(viii) *Initial Administrative Determination (IAD).* NMFS will issue an IAD for all complete, certified applications received by the application deadline date. If NMFS approves an application for initial issuance of an MS/CV-endorsed permit and associated catch history assignment, the applicant will receive an MS/CV endorsement on a limited entry trawl permit specifying the amounts of catch history assignment for which the applicant has qualified. If NMFS disapproves an application, the IAD will provide the reasons. If known at the time of the IAD, NMFS will indicate if the owner of the MS/CV-endorsed permit has ownership interest in catch history assignments that exceed the accumulation limits and are subject to divestiture provisions given at paragraph (g)(3)(i)(D) of this section. If the applicant does not appeal the IAD within 60 calendar days of the date on the IAD, the IAD becomes the final decision of the Regional Administrator acting on behalf of the Secretary of Commerce.

(ix) *Appeals.* For an MS/CV-endorsed permit and associated catch history assignment issued under this section, the appeals process and timelines are specified at § 660.25(g), subpart C. For the initial issuance of an MS/CV-endorsed permit and associated catch history assignment, the bases for appeal are described in paragraph (g)(6)(v) of this section. Items not subject to appeal include, but are not limited to, the accuracy of data in the relevant NORPAC dataset on August 1, 2010.

(7) *Cost recovery.* The fish seller, as defined at § 660.111, is subject to the cost recovery program specified at § 660.115.

(h) *Non-coop fishery*—(1) *Access to non-coop fishery allocation.* All vessels registered to the MS/CV-endorsed permits assigned to the non-coop fishery will have access to harvest and deliver the aggregate catch history assignment of all MS/CV permits assigned to the non-coop fishery.

(2) *Non-coop fishery closure.* The non-coop fishery will be closed by automatic action as specified at § 660.60(d) when the Pacific whiting or non-whiting allocations to the non-coop fishery have been reached or are projected to be reached.

(i) *Retention requirements.* Catcher vessels participating in the MS Co-op Program may discard minor operational amounts of catch at sea if the observer or EMS has accounted for the discard (*i.e.*, a maximized retention fishery).

(j) *Observer requirements*—(1) *Observer coverage requirements*—(i) *Coverage.* The following observer coverage pertains to certified observers obtained from an observer provider permitted by NMFS.

(A) *MS vessels.* Any vessel registered to an MS permit 125 ft (38.1 m) LOA or longer must carry two certified observers, and any vessel registered to an MS permit shorter than 125 ft (38.1 m) LOA must carry one certified observer, each day that the vessel is used to take, retain, receive, land, process, or transport groundfish.

(B) *Catcher vessels*. Any vessel delivering catch to any MS vessel must carry one certified observer each day that the vessel is used to take groundfish, unless the catcher vessel has a valid EM Authorization and is fishing with EM under § 660.604 of subpart J.

(C) *Gear testing exemption*. Vessels are exempt from the requirement to maintain observer coverage as specified in this paragraph (j) while gear testing as defined at § 660.11. The vessel operator must submit a valid declaration for gear/equipment testing, as required by § 660.13(d)(4)(iv)(A), and must notify the Observer Program of the gear testing activity at least 48 hours prior to departing on a trip to test gear/equipment.

(ii) *Observer workload*—(A) *MS vessels*. The time required for the observer to complete sampling duties must not exceed 12 consecutive hours in each 24-hour period.

(B) *Catcher vessels*. If an observer is unable to perform their duties for any reason, the vessel is required to be in port within 36 hours of the last haul sampled by the observer.

(iii) *Refusal to board*. Any boarding refusal on the part of the observer or vessel must be reported to the Observer Program and OLE by the observer provider. The observer must be available for an interview with the Observer Program or OLE if necessary.

(2) *Vessel responsibilities*. An operator and/or crew of a vessel required to carry an observer must provide:

(i) *Accommodations and food*—(A) *MS vessels*. Provide accommodations and food that are equivalent to those provided for officers, engineers, foremen, deck-bosses or other management level personnel of the vessel.

(B) *Catcher vessels*—(*1*) Accommodations and food for trips less than 24 hours must be equivalent to those provided for the crew.

(*2*) Accommodations and food for trips of 24 hours or more must be equivalent to those provided for the crew and must include berthing space, a space that is intended to be used for sleeping and is provided with installed bunks and mattresses. A mattress or futon on the floor or a cot is not acceptable if a regular bunk is provided to any crew member, unless other arrangements are approved in advance by the Regional Administrator or designee.

(ii) *Safe conditions*. MS vessels and catcher vessels must:

(A) Maintain safe conditions on the vessel for the protection of observers including adherence to all U.S. Coast Guard and other applicable rules, regulations, or statutes pertaining to safe operation of the vessel including, but not limited to, rules of the road, vessel stability, emergency drills, emergency equipment, vessel maintenance, vessel general condition, and port bar crossings. An observer may refuse boarding or reboarding a vessel and may request a vessel return to port if operated in an unsafe manner or if unsafe conditions are indentified.

(B) Have on board a valid Commercial Fishing Vessel Safety Decal that certifies compliance with regulations found in 33 CFR chapter I and 46 CFR chapter I, a certificate of compliance issued pursuant to 46 CFR 28.710 or a valid certificate of inspection pursuant to 46 U.S.C. 3311. Maintain safe conditions on the vessel for the protection of observer(s) including adherence to all USCG and other applicable rules, regulations, or statutes pertaining to safe operation of the vessel, and provisions at §§ 600.725 and 600.746 of this chapter.

(iii) *Computer hardware and software*. MS vessels must:

(A) Provide hardware and software pursuant to regulations at § 679.51(e)(iii)(B) of this chapter.

(B) Provide the observer(s) access to a computer required under paragraph (j)(2)(iii)(A) of this section, and that is connected to a communication device that provides a point-to-point connection to the NMFS host computer.

(C) Ensure that the MS vessel has installed the most recent release of NMFS data entry software or other approved software prior to the vessel receiving, catching or processing IFQ species.

(D) Ensure that the communication equipment required in paragraph (j)(2)(iii) of this section and that is used by observers to enter and transmit data, is fully functional and operational. ''Functional'' means that all the tasks and components of the NMFS supplied, or other approved, software

described at paragraph (j)(2)(iii) of this section and the data transmissions to NMFS can be executed effectively aboard the vessel by the communications equipment.

(iv) *Vessel position*. Allow observer(s) access to the vessel's navigation equipment and personnel, on request, to determine the vessel's position.

(v) *Access*. Allow observer(s) free and unobstructed access to the vessel's bridge, trawl or working decks, holding bins, processing areas, freezer spaces, weight scales, cargo holds, and any other space that may be used to hold, process, weigh, or store fish or fish products at any time.

(vi) *Prior notification*. Notify observer(s) at least 15 minutes before fish are brought on board, or fish and fish products are transferred from the vessel, to allow sampling the catch or observing the transfer.

(vii) *Records*. Allow observer(s) to inspect and copy any state or Federal logbook maintained voluntarily or as required by regulation.

(viii) *Assistance*. Provide all other reasonable assistance to enable observer(s) to carry out their duties, including, but not limited to:

(A) Measuring decks, codends, and holding bins.

(B) Providing the observer(s) with a safe work area.

(C) Collecting samples of catch.

(D) Collecting and carrying baskets of fish.

(E) Allowing the observer(s) to collect biological data and samples.

(F) Providing adequate space for storage of biological samples.

(ix) *Sample station and operational requirements*.

(A) *MS vessels*. To allow the observer to carry out required duties, the vessel owner must provide an observer sampling station that meets the following requirements:

(*1*) *Accessibility*. The observer sampling station must be available to the observer at all times.

(*2*) *Location*. The observer sampling station must be located within 4 m of the location from which the observer samples unsorted catch.

(*3*) *Access*. Unobstructed passage must be provided between the observer sampling station and the location where the observer collects sample catch.

(*4*) *Minimum work space*. The observer must have a working area of at least 4.5 square meters, including the observer's sampling table, for sampling and storage of fish to be sampled. The observer must be able to stand upright and have a work area at least 0.9 m deep in the area in front of the table and scale.

(*5*) *Table*. The observer sampling station must include a table at least 0.6 m deep, 1.2 m wide and 0.9 m high and no more than 1.1 m high. The entire surface area of the table must be available for use by the observer. Any area for the observer sampling scale is in addition to the minimum space requirements for the table. The observer's sampling table must be secured to the floor or wall.

(*6*) *Diverter board*. The conveyor belt conveying unsorted catch must have a removable board (''diverter board'') to allow all fish to be diverted from the belt directly into the observer's sampling baskets. The diverter board must be located downstream of the scale used to weigh total catch. At least 1 m of accessible belt space, located downstream of the scale used to weigh total catch, must be available for the observer's use when sampling.

(*7*) *Other requirements*. The sampling station must be in a well-drained area that includes floor grating (or other material that prevents slipping), lighting adequate for day or night sampling, and a hose that supplies fresh or sea water to the observer.

(*8*) *Observer sampling scale*. The observer sample station must include a NMFS-approved platform scale (pursuant to requirements at § 679.28(j)(2)) with a capacity of at least 50 kg located within 1 m of the observer's sampling table. The scale must be mounted so that the weighing surface is no more than 0.7 m above the floor.

(B) *Catcher vessels*. To allow the observer to carry out the required duties, the vessel owner must provide an observer sampling station that is:

(*1*) *Accessible*. The observer sampling station must be available to the observer at all times.

(*2*) *Limits hazards*. To the extent possible, the area should be free and clear

of hazards including, but not limited to, moving fishing gear, stored fishing gear, inclement weather conditions, and open hatches.

(x) *Transfer at sea*. Observers may be transferred at-sea between MS vessels, between MS vessels and C/P vessels, or between a MS vessel and a catcher vessel. Transfers at-sea between catcher vessels is prohibited. For transfers, both vessels must:

(A) Ensure that transfers of observers at sea via small boat under its own power are carried out during daylight hours, under safe conditions, and with the agreement of observers involved.

(B) Notify observers at least 3 hours before observers are transferred, such that the observers can finish any sampling work, collect personal belongings, equipment, and scientific samples.

(C) Provide a safe pilot ladder and conduct the transfer to ensure the safety of observers during transfers.

(D) Provide an experienced crew member to assist observers in the small boat in which any transfer is made.

(xi) *Housing on vessel in port*. During all periods an observer is housed on a vessel, the vessel operator must ensure that at least one crew member is aboard.

(3) *Procurement of observer services*—(i) *MS vessels*. Owners of vessels required to carry observers under paragraph (j)(1)(i) of this section must arrange for observer services from an observer provider, except that:

(A) Vessels are required to procure observer services directly from the Observer Program when NMFS has determined and given notification that the vessel must carry NMFS staff or an individual authorized by NMFS in lieu of an observer provided by an observer provider.

(B) Vessels are required to procure observer services directly from the Observer Program and an observer provider when NMFS has determined and given notification that the vessel must carry NMFS staff and/or individuals authorized by NMFS, in addition to an observer provided by an observer provider.

(ii) *Catcher vessels*. Owners of vessels required to carry observers under paragraph (j)(1)(i) of this section must arrange for observer services from an observer provider, except that:

(A) Vessels are required to procure observer services directly from the Observer Program when NMFS has determined and given notification that the vessel must carry NMFS staff or an individual authorized by NMFS in lieu of an observer provided by an observer provider.

(B) Vessels are required to procure observer services directly from the Observer Program and an observer provider when NMFS has determined and given notification that the vessel must carry NMFS staff and/or individuals authorized by NMFS, in addition to an observer provided by an observer provider.

(4) *Observer provider responsibilities*. (i) Provide qualified candidates to serve as observers. Observer providers must provide qualified candidates to serve as observers. To be qualified, a candidate must have:

(A) A Bachelor's degree or higher from an accredited college or university with a major in one of the natural sciences;

(B) Successfully completed a minimum of 30 semester hours or equivalent in applicable biological sciences with extensive use of dichotomous keys in at least one course;

(C) Successfully completed at least one undergraduate course each in math and statistics with a minimum of 5 semester hours total for both; and

(D) Computer skills that enable the candidate to work competently with standard database software and computer hardware.

(ii) *Hiring an observer candidate*—(A) *MS vessels*. (*1*) The observer provider must provide the candidate a copy of NMFS-provided pamphlets, information and other literature describing observer duties (*i.e.* The At-Sea Hake Observer Program's Observer Manual) prior to hiring the candidate. Observer job information is available from the Observer Program Office's Web site at *http://www.nwfsc.noaa.gov/research/ divisions/fram/observer/index.cfm*.

(*2*) The observer provider must have a written contract or a written contract addendum that is signed by the observer and observer provider prior to

the observer's deployment with the following clauses:

(*i*) That the observer will return all phone calls, emails, text messages, or other forms of communication within the time specified by the Observer Program;

(*ii*) That the observer inform the observer provider prior to the time of embarkation if he or she is experiencing any new mental illness or physical ailments or injury since submission of the physician's statement as required as a qualified observer candidate that would prevent him or her from performing their assigned duties.

(B) *Catcher vessels.* (*1*) Provide the candidate a copy of NMFS-provided pamphlets, information and other literature describing observer duties, for example, the West Coast Groundfish Observer Program's sampling manual. Observer job information is available from the Observer Program Office's Web site at *http://www.nwfsc.noaa.gov/research/ divisions/fram/observer/index.cfm.*

(*2*) The observer provider must have a written contract or a written contract addendum that is signed by the observer and observer provider prior to the observer's deployment with the following clauses:

(*i*) That the observer will return all phone calls, emails, text messages, or other forms of communication within the time specified by the Observer Program;

(*ii*) That the observer inform the observer provider prior to the time of embarkation if he or she is experiencing any new mental illness or physical ailments or injury since submission of the physician's statement as required as a qualified observer candidate that would prevent him or her from performing their assigned duties; and

(*iii*) That the observer successfully completes a Red Cross (or equivalent) basic cardiopulmonary resuscitation/first aid certification course prior to the end of the Observer Program Training class.

(iii) *Ensure that observers complete duties in a timely manner*—(A) *MS vessels.* An observer provider must ensure that observers employed by that observer provider do the following in a complete and timely manner:

(*1*) Submit to NMFS all data, logbooks, and reports as required by the observer manual;

(*2*) Report for his or her scheduled debriefing and complete all debriefing responsibilities;

(*3*) Return all sampling and safety gear to the Observer Program Office;

(*4*) Submit all biological samples from the observer's deployment by the completion of the electronic vessel and/or processor survey(s); and

(*5*) Immediately report to the Observer Program Office and the OLE any refusal to board an assigned vessel.

(B) *Catcher vessels.* An observer provider must ensure that observers employed by that observer provider do the following in a complete and timely manner:

(*1*) Submit to NMFS all data, logbooks, and reports and biological samples as required under the Observer Program policy deadlines;

(*2*) Report for his or her scheduled debriefing and complete all debriefing responsibilities;

(*3*) Return all sampling and safety gear to the Observer Program Office; and

(*4*) Immediately report to the Observer Program Office and the OLE any refusal to board an assigned vessel.

(iv) *Observers provided to vessel*—(A) *MS vessels.* Observers provided to MS vessels:

(*1*) Must have a valid North Pacific groundfish observer certification with required endorsements and an At-Sea Hake Observer Program endorsement;

(*2*) Must not have informed the observer provider prior to the time of embarkation that he or she is experiencing a mental illness or a physical ailment or injury developed since submission of the physician's statement that would prevent him or her from performing his or her assigned duties; and

(*3*) Must have successfully completed all NMFS required training and briefing before deployment.

(B) *Catcher vessels.* Observers provided to catcher vessels:

(*1*) Must have a valid West Coast Groundfish observer certification with the required endorsements;

(*2*) Must have not informed the observer provider prior to the time of embarkation that he or she is experiencing a mental illness or a physical ailment or injury developed since submission of the physician's statement (required in paragraph (j)(4)(xi)(B)(2) of this section) that would prevent him or her from performing his or her assigned duties; and,

(*3*) Must have successfully completed all NMFS required training and briefing before deployment.

(v) *Respond to industry requests for observers.* An observer provider must provide an observer for deployment pursuant to the terms of the contractual relationship with the vessel to fulfill vessel requirements for observer coverage specified at paragraph (j)(1)(i) of this section. An alternate observer must be supplied in each case where injury or illness prevents an observer from performing his or her duties or where the observer resigns prior to completion of his or her duties. If the observer provider is unable to respond to an industry request for observer coverage from a vessel for whom the observer provider is in a contractual relationship due to lack of available observers by the estimated embarking time of the vessel, the observer provider must report it to the Observer Program at least four hours prior to the vessel's estimated embarking time.

(vi) *Provide observer salaries and benefits.* An observer provider must provide to its observer employees salaries and any other benefits and personnel services in accordance with the terms of each observer's contract.

(vii) *Provide observer deployment logistics*—(A) *MS vessels.* An observer provider must provide to each of its observers under contract:

(*1*) All necessary transportation, including arrangements and logistics, to the initial location of deployment, to all subsequent vessel assignments during that deployment, and to and from the location designated for an observer to be interviewed by the Observer Program; and

(*2*) Lodging, per diem, and any other services necessary to observers assigned to fishing vessels.

(*3*) An observer under contract may be housed on a vessel to which he or she is assigned:

(*i*) Prior to their vessel's initial departure from port;

(*ii*) For a period not to exceed 24 hours following the completion of an offload when the observer has duties and is scheduled to disembark; or

(*iii*) For a period not to exceed 24 hours following the vessel's arrival in port when the observer is scheduled to disembark.

(*iv*) An observer under contract who is between vessel assignments must be provided with shoreside accommodations pursuant to the terms of the contract between the observer provider and the observers. If the observer provider is responsible for providing accommodations under the contract with the observer, the accommodations must be at a licensed hotel, motel, bed and breakfast, or other shoreside accommodations for the duration of each period between vessel or shoreside assignments. Such accommodations must include an assigned bed for each observer and no other person may be assigned that bed for the duration of that observer's stay. Additionally, no more than four beds may be in any room housing observers at accommodations meeting the requirements of this section.

(B) *Catcher vessels.* An observer provider must ensure each of its observers under contract:

(*1*) Has an individually assigned mobile or cell phones, in working order, for all necessary communication. An observer provider may alternatively compensate observers for the use of the observer's personal cell phone or pager for communications made in support of, or necessary for, the observer's duties.

(*2*) Has a check-in system in which the observer is required to contact the observer provider each time they depart and return to port on a vessel.

(*3*) Remains available to OLE and the Observer Program until the conclusion of debriefing.

(*4*) Receives all necessary transportation, including arrangements and logistics to the initial location of deployment, to all subsequent vessel assignments during that deployment, and to

and from the location designated for an observer to be interviewed by the Observer Program; and

(*5*) Receives lodging, per diem, and any other services necessary to observers assigned to fishing vessels.

(*i*) An observer under contract may be housed on a vessel to which he or she is assigned: Prior to their vessel's initial departure from port; for a period not to exceed 24 hours following the completion of an offload when the observer has duties and is scheduled to disembark; or for a period not to exceed 24 hours following the vessel's arrival in port when the observer is scheduled to disembark.

(*ii*) Otherwise, each observer between vessels, while still under contract with an observer provider, shall be provided with accommodations in accordance with the contract between the observer and the observer provider. If the observer provider is responsible for providing accommodations under the contract with the observer, the accommodations must be at a licensed hotel, motel, bed and breakfast, or other shoreside accommodations that has an assigned bed for each observer that no other person may be assigned to for the duration of that observer's stay. Additionally, no more than four beds may be in any room housing observers at accommodations meeting the requirements of this section.

(viii) *Observer deployment limitations*—(A) *MS vessels*. Unless alternative arrangements are approved by the Observer Program Office, an observer provider must not:

(*1*) Deploy an observer on the same vessel more than 90 days in a 12-month period;

(*2*) Deploy an observer for more than 90 days in a single deployment;

(*3*) Include more than four vessels assignments in a single deployment, or

(*4*) Disembark an observer from a vessel before that observer has completed his or her sampling or data transmission duties.

(B) *Catcher vessels*. Unless alternative arrangements are approved by the Observer Program Office, an observer provider must not deploy an observer on the same vessel more than 90 calendar days in a 12-month period.

(ix) *Verify vessel's Commercial Fishing Vessel Safety Decal*. An observer provider must ensure that the observer completes an observer vessel safety checklist, and verify that a vessel has a valid USCG Commercial Fishing Vessel Safety Decal as required under paragraph (j)(2)(ii)(B) of this section prior to the observer embarking on the first trip and before an observer may get underway aboard the vessel. The provider must submit all vessel safety checklists to the Observer Program, as specified by Observer Program policy. One of the following acceptable means of verification must be used to verify the decal validity:

(A) The observer provider or employee of the observer provider, including the observer, visually inspects the decal aboard the vessel and confirms that the decal is valid according to the decal date of issuance; or

(B) The observer provider receives a hard copy of the USCG documentation of the decal issuance from the vessel owner or operator.

(x) *Maintain communications with observers*. An observer provider must have an employee responsible for observer activities on call 24 hours a day to handle emergencies involving observers or problems concerning observer logistics, whenever observers are at sea, in transit, or in port awaiting vessel reassignment.

(xi) *Maintain communications with the Observer Program Office*. An observer provider must provide all of the following information by electronic transmission (email), fax, or other method specified by NMFS.

(A) *Motherships*—(*1*) *Training and briefing registration materials*. The observer provider must submit training and briefing registration materials to the Observer Program Office at least 5 business days prior to the beginning of a scheduled observer at-sea hake training or briefing session.

(*i*) *Registration materials*. Registration materials consist of the date of requested training or briefing with a list of observers including each observer's full name (*i.e.*, first, middle and last names).

(*ii*) *Projected observer assignments*. Prior to the observer's completion of

the training or briefing session, the observer provider must submit to the Observer Program Office a statement of projected observer assignments that include the observer's name; vessel, gear type, and vessel/processor code; port of embarkation; and area of fishing.

(*2*) *Observer debriefing registration*. The observer provider must contact the At-Sea Hake Observer Program within 5 business days after the completion of an observer's deployment to schedule a date, time and location for debriefing. Observer debriefing registration information must be provided at the time of debriefing scheduling and must include the observer's name, cruise number, vessel name(s) and code(s), and requested debriefing date.

(*3*) *Observer provider contracts*. If requested, observer providers must submit to the Observer Program Office a completed and unaltered copy of each type of signed and valid contract (including all attachments, appendices, addendums, and exhibits incorporated into the contract) between the observer provider and those entities requiring observer services under paragraph (j)(1)(i) of this section. Observer providers must also submit to the Observer Program Office upon request, a completed and unaltered copy of the current or most recent signed and valid contract (including all attachments, appendices, addendums, and exhibits incorporated into the contract and any agreements or policies with regard to observer compensation or salary levels) between the observer provider and the particular entity identified by the Observer Program or with specific observers. The copies must be submitted to the Observer Program Office via fax or mail within 5 business days of the request. Signed and valid contracts include the contracts an observer provider has with:

(*i*) Vessels required to have observer coverage as specified at paragraph (j)(1)(i) of this section; and

(*ii*) Observers.

(*4*) *Change in observer provider management and contact information*. Observer providers must submit notification of any other change to provider contact information, including but not limited to, changes in contact name, phone number, email address, and address.

(*5*) *Other reports*. Reports of the following must be submitted in writing to the At-Sea Hake Observer Program Office by the observer provider via fax or email address designated by the Observer Program Office within 24 hours after the observer provider becomes aware of the information:

(*i*) Any information regarding possible observer harassment;

(*ii*) Any information regarding any action prohibited under § 660.12(e); § 660.112(a)(4); or § 600.725(o), (t) and (u) of this chapter;

(*iii*) Any concerns about vessel safety or marine casualty under 46 CFR 4.05–1(a)(1) through (7);

(*iv*) Any observer illness or injury that prevents the observer from completing any of his or her duties described in the observer manual; and

(*v*) Any information, allegations or reports regarding observer conflict of interest or breach of the standards of behavior described in observer provider policy.

(B) *Catcher vessels*. An observer provider must provide all of the following information by electronic transmission (email), fax, or other method specified by NMFS.

(*1*) *Observer training, briefing, and debriefing registration materials*. This information must be submitted to the Observer Program Office at least 10 business days prior to the beginning of a scheduled West Coast groundfish observer certification training or briefing session. Submissions received less than 10 business days prior to a West Coast groundfish observer certification training or briefing session will be approved by the Observer Program on a case-by-case basis.

(*i*) Training registration materials consist of the following: Date of requested training; a list of observer candidates that includes each candidate's full name (*i.e.*, first, middle and last names), date of birth, and gender; a copy of each candidate's academic transcripts and resume; a statement signed by the candidate under penalty of perjury which discloses the candidate's criminal convictions; and length of observer contract.

(*ii*) Briefing registration materials consist of the following: Date and type

of requested briefing session; list of observers to attend the briefing session, that includes each observer's full name (first, middle, and last names); and length of observer contract.

(*iii*) The Observer Program will notify the observer provider which observers require debriefing and the specific time period the observer provider has to schedule a date, time, and location for debriefing. The observer provider must contact the Observer Program within 5 business days by telephone to schedule debriefings. Observer providers must immediately notify the Observer Program when observers end their contract earlier than anticipated.

(*2*) *Physical examination.* A signed and dated statement from a licensed physician that he or she has physically examined an observer or observer candidate. The statement must confirm that, based on that physical examination, the observer or observer candidate does not have any health problems or conditions that would jeopardize that individual's safety or the safety of others while deployed, or prevent the observer or observer candidate from performing his or her duties satisfactorily. The statement must declare that, prior to the examination, the physician was made aware of the duties of the observer and the dangerous, remote, and rigorous nature of the work by reading the NMFS-prepared information. The physician's statement must be submitted to the Observer Program Office prior to certification of an observer. The physical exam must have occurred during the 12 months prior to the observer's or observer candidate's deployment. The physician's statement expires 12 months after the physical exam occurred and a new physical exam must be performed, and accompanying statement submitted, prior to any deployment occurring after the expiration of the statement.

(*3*) *Certificates of insurance.* Copies of ''certificates of insurance,'' that names the Northwest Fisheries Science Center Observer Program manager as the ''certificate holder,'' shall be submitted to the Observer Program Office by February 1 of each year. The certificates of insurance shall verify the following coverage provisions and state that the insurance company will notify the certificate holder if insurance coverage is changed or canceled.

(*i*) Maritime Liability to cover ''seamen's'' claims under the Merchant Marine Act (Jones Act) and General Maritime Law ($1 million minimum).

(*ii*) Coverage under the U.S. Longshore and Harbor Workers' Compensation Act ($1 million minimum).

(*iii*) States Worker's Compensation as required.

(*iv*) Commercial General Liability.

(*4*) *Observer provider contracts.* If requested, observer providers must submit to the Observer Program Office a completed and unaltered copy of each type of signed and valid contract (including all attachments, appendices, addendums, and exhibits incorporated into the contract) between the observer provider and those entities requiring observer services under paragraph (j)(1)(i) of this section. Observer providers must also submit to the Observer Program Office upon request, a completed and unaltered copy of the current or most recent signed and valid contract (including all attachments, appendices, addendums, and exhibits incorporated into the contract and any agreements or policies with regard to observer compensation or salary levels) between the observer provider and the particular entity identified by the Observer Program or with specific observers. The copies must be submitted to the Observer Program Office via fax or mail within 5 business days of the request. Signed and valid contracts include the contracts an observer provider has with:

(*i*) Vessels required to have observer coverage as specified at paragraph (j)(1)(i) of this section; and

(*ii*) Observers.

(*5*) *Change in observer provider management and contact information.* An observer provider must submit to the Observer Program office any change of management or contact information as required at § 660.18(f).

(*6*) *Biological samples.* The observer provider must ensure that biological samples are stored/handled properly prior to delivery/transport to NMFS.

(*7*) *Observer status report.* Observer providers must provide NMFS with an

updated list of observer trip per Observer Program protocol. Trip information includes observer provider name, observer last name, observer first name, trip start date, trip end date, status of observer, vessel name, and vessel identification number.

(*8*) *Other information*. An observer provider must submit to NMFS, if requested, copies of any information developed and used by the observer providers distributed to vessels, such as informational pamphlets, payment notification, description of observer duties, etc.

(*9*) *Other reports*. Reports of the following must be submitted in writing to the Observer Program Office by the observer provider via fax or email address designated by the Observer Program Office within 24 hours after the observer provider becomes aware of the information:

(*i*) Any information regarding possible observer harassment;

(*ii*) Any information regarding any action prohibited under § 660.12(e); § 660.112(a)(4); or § 600.725(o), (t) and (u) of this chapter;

*(iii*) Any concerns about vessel safety or marine casualty under 46 CFR 4.05–1(a)(1) through (7);

(*iv*) Any observer illness or injury that prevents the observer from completing any of his or her duties described in the observer manual; and

(*v*) Any information, allegations or reports regarding observer conflict of interest or breach of the standards of behavior described in observer provider policy.

(xii) *Replace lost or damaged gear*. Lost or damaged gear issued to an observer by NMFS must be replaced by the observer provider. All replacements must be provided to NMFS and be in accordance with requirements and procedures identified in writing by the Observer Program Office.

(xiii) *Maintain confidentiality of information*. An observer provider must ensure that all records on individual observer performance received from NMFS under the routine use provision of the Privacy Act under 5 U.S.C. 552a or as otherwise required by law remain confidential and are not further released to any person outside the employ of the observer provider company to whom the observer was contracted except with written permission of the observer.

(xiv) *Limitations on conflict of interest*. Observer providers must meet limitations on conflict of interest. Observer providers:

(A) Must not have a direct financial interest, other than the provision of observer, catch monitor or other biological sampling services, in any federal or state managed fisheries, including but not limited to:

(*1*) Any ownership, mortgage holder, or other secured interest in a vessel, or shoreside processor facility involved in the catching, taking, harvesting or processing of fish,

(*2*) Any business involved with selling supplies or services to any vessel or shoreside processors participating in a fishery managed pursuant to an FMP in the waters off the coasts of Alaska, California, Oregon, and Washington, or

(*3*) Any business involved with purchasing raw or processed products from any vessel or shoreside processor participating in a fishery managed pursuant to an FMP in the waters off the coasts of Alaska, California, Oregon, and Washington.

(B) Must assign observers without regard to any preference by representatives of vessels other than when an observer will be deployed.

(C) Must not solicit or accept, directly or indirectly, any gratuity, gift, favor, entertainment, loan, or anything of monetary value except for compensation for providing observer services from any person who conducts fishing or fish processing activities that are regulated by NMFS in the Pacific coast or North Pacific regions, or who has interests that may be substantially affected by the performance or nonperformance of the official duties of observer providers.

(xv) *Observer conduct and behavior*. An observer provider must develop and maintain a policy addressing observer conduct and behavior for their employees that serve as observers. The policy shall address the following behavior and conduct regarding:

(A) Observer use of alcohol;

(B) Observer use, possession, or distribution of illegal drugs in violation of applicable law; and

(C) Sexual contact with personnel of the vessel or processing facility to which the observer is assigned, or with any vessel or processing plant personnel who may be substantially affected by the performance or non-performance of the observer's official duties.

(D) An observer provider shall provide a copy of its conduct and behavior policy by February 1 of each year, to: observers, observer candidates and the Observer Program Office.

(xvi) *Refusal to deploy an observer*. Observer providers may refuse to deploy an observer on a requesting vessel if the observer provider has determined that the requesting vessel is inadequate or unsafe pursuant to those regulations described at § 600.746 of this chapter or U.S. Coast Guard and other applicable rules, regulations, statutes, or guidelines pertaining to safe operation of the vessel.

(5) *Observer certification and responsibilities*—(i) *Applicability*. Observer certification authorizes an individual to fulfill duties as specified in writing by the NMFS Observer Program Office while under the employ of a NMFS-permitted observer provider and according to certification endorsements as designated under paragraph (j)(6)(iii) of this section.

(ii) *Observer certification official*. The Regional Administrator will designate a NMFS observer certification official who will make decisions for the Observer Program Office on whether to issue or deny observer certifications and endorsements.

(iii) *Certification requirements*—(A) *Initial certification*. NMFS may certify individuals who, in addition to any other relevant considerations:

(*1*) Are employed by an observer provider company permitted pursuant to § 660.16 at the time of the issuance of the certification;

(*2*) Have provided, through their observer provider:

(*i*) Information identified by NMFS at § 679.52(b) of this chapter regarding an observer candidate's health and physical fitness for the job;

(*ii*) Meet all observer education and health standards as specified in § 679.52(b) of this chapter; and

(*iii*) Have successfully completed NMFS-approved training as prescribed by the Observer Program. Successful completion of training by an observer applicant consists of meeting all attendance and conduct standards issued in writing at the start of training; meeting all performance standards issued in writing at the start of training for assignments, tests, and other evaluation tools; and completing all other training requirements established by the Observer Program.

(*iv*) Have not been decertified under paragraph (j)(5)(ix) of this section, or pursuant to § 679.53(c) of this chapter.

(B) [Reserved]

(iv) *Denial of a certification*. The NMFS observer certification official will issue a written determination denying observer certification if the candidate fails to successfully complete training, or does not meet the qualifications for certification for any other relevant reason.

(v) *Issuance of an observer certification*. An observer certification will be issued upon determination by the observer certification official that the candidate has successfully met all requirements for certification as specified at paragraph (j)(6)(iii) of this section. The following endorsements must be obtained, in addition to observer certification, in order for an observer to deploy.

(A) *MS vessels*—(*1*) *North Pacific Groundfish Observer Program certification training endorsement*. A certification training endorsement signifies the successful completion of the training course required to obtain observer certification. This endorsement expires when the observer has not been deployed and performed sampling duties as required by the Observer Program Office for a period of time, specified by the Observer Program, after his or her most recent debriefing. The observer can renew the endorsement by successfully completing certification training once more.

(*2*) *North Pacific Groundfish Observer Program annual general endorsements*. Each observer must obtain an annual general endorsement to their certification prior to his or her first deployment within any calendar year subsequent to a year in which a certification training endorsement is obtained. To

obtain an annual general endorsement, an observer must successfully complete the annual briefing, as specified by the Observer Program. All briefing attendance, performance, and conduct standards required by the Observer Program must be met.

(*3*) *North Pacific Groundfish Observer Program deployment endorsements*. Each observer who has completed an initial deployment after certification or annual briefing must receive a deployment endorsement to their certification prior to any subsequent deployments for the remainder of that year. An observer may obtain a deployment endorsement by successfully completing all pre-cruise briefing requirements. The type of briefing the observer must attend and successfully complete will be specified in writing by the Observer Program during the observer's most recent debriefing.

(*4*) *At-Sea Hake Observer Program endorsements*. A Pacific whiting fishery endorsement is required for purposes of performing observer duties aboard vessels that process groundfish at sea in the Pacific whiting fishery. A Pacific whiting fishery endorsement to an observer's certification may be obtained by meeting the following requirements:

(*i*) Have a valid North Pacific groundfish observer certification;

(*ii*) Receive an evaluation by NMFS for his or her most recent deployment that indicated that the observer's performance met Observer Program expectations for that deployment; successfully complete any required briefings as prescribed by the Observer Program; and comply with all of the other requirements of this section.

(B) *Catcher vessels*. The following endorsements as prescribed by the Observer Program must be obtained in addition to observer certification, in order for an observer to deploy.

(*1*) *West Coast Groundfish Observer Program training endorsement*. A training endorsement signifies the successful completion of the training course required to obtain observer certification. This endorsement expires when the observer has not been deployed and performed sampling duties as required by the Observer Program office for a period of time, specified by the Observer Program, after his or her most recent debriefing. The observer can renew the endorsement by successfully completing training once more.

(*2*) *West Coast Groundfish Observer Program annual general endorsement*. Each observer must obtain an annual general endorsement to their certification prior to his or her first deployment within any calendar year subsequent to a year in which a training certification endorsement is obtained. To obtain an annual general endorsement, an observer must successfully complete the annual briefing, as specified by the Observer Program. All briefing attendance, performance, and conduct standards required by the Observer Program must be met.

(*3*) *West Coast Groundfish Observer Program deployment endorsement*. Each observer who has completed an initial deployment, as defined by the Observer Program, after receiving a training endorsement or annual general endorsement, must complete all applicable debriefing requirements specified by the Observer Program. A deployment endorsement is issued to observers who meet the performance standards specified by the Observer Program. A deployment endorsement must be obtained prior to any subsequent deployments for the remainder of that calendar year. If a deployment endorsement is not issued, certification training must be repeated.

(vi) *Maintaining the validity of an observer certification*. After initial issuance, an observer must keep their certification valid by meeting all of the following requirements specified below:

(A) *MS vessels*. (*1*) Successfully perform their assigned duties as described in the observer manual or other written instructions from the Observer Program.

(*2*) Accurately record their sampling data, write complete reports, and report accurately any observations of suspected violations of regulations relevant to conservation of marine resources or their environment.

(*3*) Not disclose collected data and observations made on board the vessel or in the processing facility to any person except the owner or operator of the observed vessel or an authorized officer or NMFS.

(*4*) Successfully complete any required briefings as prescribed by the At-Sea Hake Observer Program.

(*5*) Successful completion of briefing by an observer applicant consists of meeting all attendance and conduct standards issued in writing at the start of training; meeting all performance standards issued in writing at the start of training for assignments, tests, and other evaluation tools; and completing all other briefing requirements established by the Observer Program.

(*6*) Successfully meet all debriefing expectations including meeting Observer Program performance standards reporting for assigned debriefings or interviews.

(*7*) Submit all data and information required by the Observer Program within the program's stated guidelines.

(B) *Catcher vessels.* After initial issuance, an observer must keep their certification valid by meeting all of the following requirements specified below:

(*1*) Successfully perform their assigned duties as described in the observer manual or other written instructions from the Observer Program.

(*2*) Accurately record their sampling data, write complete reports, and report accurately any observations of suspected violations of regulations relevant to conservation of marine resources or their environment.

(*3*) Not disclose collected data and observations made on board the vessel or in the processing facility to any person except the owner or operator of the observed vessel or an authorized officer or NMFS.

(*4*) Successfully complete any required trainings or briefings as prescribed by the Observer Program.

(*5*) Successful completion of briefing by an observer applicant consists of meeting all attendance and conduct standards issued in writing at the start of training; meeting all performance standards issued in writing at the start of training for assignments, tests, and other evaluation tools; and completing all other briefing requirements established by the Observer Program.

(*6*) Hold current a Red Cross (or equivalent) basic cardiopulmonary resuscitation/first aid certification.

(*7*) Successfully meet all expectations in all debriefings including reporting for assigned debriefings or interviews and meeting program standards.

(*8*) Submit all data and information required by the observer program within the program's stated guidelines.

(*9*) Meet the minimum annual deployment period of 45 days every 12 months. On a case-by case basis, the Observer Program may consider waiving the 45 day requirement.

(vii) *Limitations on conflict of interest.* Observers:

(A) Must not have a direct financial interest, other than the provision of observer services or catch monitor services, in a North Pacific fishery managed pursuant to an FMP for the waters off the coast of Alaska, Alaska state waters, or in a Pacific Coast fishery managed by either the state or Federal Governments in waters off Washington, Oregon, or California, including but not limited to:

(*1*) Any ownership, mortgage holder, or other secured interest in a vessel, shore-based or floating stationary processor facility involved in the catching, taking, harvesting or processing of fish,

(*2*) Any business involved with selling supplies or services to any vessel, shore-based or floating stationary processing facility; or

(*3*) Any business involved with purchasing raw or processed products from any vessel, shore-based or floating stationary processing facilities.

(B) Must not solicit or accept, directly or indirectly, any gratuity, gift, favor, entertainment, loan, or anything of monetary value from any person who either conducts activities that are regulated by NMFS in the Pacific coast or North Pacific regions or has interests that may be substantially affected by the performance or nonperformance of the observers' official duties.

(C) May not serve as observers on any vessel or at any shore-based or floating stationary processor owned or operated by a person who employed the observer in the last two years.

(D) May not solicit or accept employment as a crew member or an employee of a vessel or shore-based or floating stationary processor while employed by an observer provider.

(E) Provisions for remuneration of observers under this section do not constitute a conflict of interest.

(viii) *Standards of behavior*. Observers must:

(A) Perform their assigned duties as described in the observer manual or other written instructions from the Observer Program Office.

(B) Accurately record their sampling data, write complete reports, and report accurately any observations of suspected violations of regulations relevant to conservation of marine resources or their environment.

(C) Not disclose collected data and observations made on board the vessel to any person except the owner or operator of the observed vessel, an authorized officer, or NMFS.

(D) Not disclose collected data and observations made on board the vessel to any person except the owner or operator of the observed vessel, an authorized officer, or NMFS.

(ix) *Suspension and decertification*—(A) *Suspension and decertification review official*. The Regional Administrator (or a designee) will designate an observer suspension and decertification review official(s), who will have the authority to review observer certifications and issue IADs of observer certification suspension and/or decertification.

(B) *Causes for suspension or decertification*. The suspension/decertification official may initiate suspension or decertification proceedings against an observer:

(*1*) When it is alleged that the observer has not met applicable standards, including any of the following:

(*i*) Failed to satisfactorily perform duties of observers as specified in writing by the NMFS Observer Program; or

(*ii*) Failed to abide by the standards of conduct for observers, including conflicts of interest;

(*2*) Upon conviction of a crime or upon entry of a civil judgment for:

(*i*) Commission of fraud or other violation in connection with obtaining or attempting to obtain certification, or in performing the duties as specified in writing by the NMFS Observer Program;

(*ii*) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(*iii*) Commission of any other offense indicating a lack of integrity or honesty that seriously and directly affects the fitness of observers.

(C) *Issuance of an IAD*. Upon determination that suspension or decertification is warranted, the suspension/decertification official will issue a written IAD to the observer via certified mail at the observer's most current address provided to NMFS. The IAD will identify whether a certification is suspended or revoked and will identify the specific reasons for the action taken. Decertification is effective 30 calendar days after the date on the IAD, unless there is an appeal.

(D) *Appeals*. A certified observer who receives an IAD that suspends or revokes his or her observer certification may appeal the determination within 30 calendar days after the date on the IAD to the Office of Administrative Appeals pursuant to § 660.19.

(k) *MS coop failure*—(1) The Regional Administrator will determine that a permitted MS coop is considered to have failed if:

(i) The coop members dissolve the coop, or

(ii) The coop membership falls below 20 percent of the MS/CV-endorsed limited entry permits, or

(iii) The coop agreement is no longer valid.

(2) If a permitted MS coop dissolves, the designated coop manager must notify NMFS SFD in writing of the dissolution of the coop.

(3) In the event of a NMFS determined coop failure, or reported failure, the designated coop manager will be notified in writing about NMFS' determination. Upon notification of a coop failure, fishing under the MS coop permit will no longer be allowed. Should a coop failure determination be made during the Pacific whiting primary season for the mothership sector, unused allocation associated with the catch history will not be available for harvest by the coop that failed, by any former members of the coop that

failed, or any other MS coop for the remainder of that calendar year.

[75 FR 60897, Oct. 1, 2010, as amended at 75 FR 78406, Dec. 15, 2010; 76 FR 27547, May 11, 2011; 76 FR 53838, Aug. 30, 2011; 76 FR 74744, Dec. 1, 2011; 77 FR 45512, Aug. 1, 2012; 77 FR 55157, Sept. 7, 2012; 78 FR 18896, Mar. 28, 2013; 78 FR 68772, Nov. 15, 2013; 78 FR 75282, Dec. 11, 2013; 80 FR 22290, Apr. 21, 2015; 81 FR 27011, May 5, 2016; 83 FR 762, Jan. 8, 2018; 83 FR 64004, Dec. 12, 2018; 84 FR 31160, June 28, 2019; 84 FR 68810, Dec. 17, 2019; 85 FR 37029, June 19, 2020; 85 FR 35601, June 11, 2020]

EFFECTIVE DATE NOTE: At 85 FR 37029, June 19, 2020, § 660.150 was amended by adding paragraphs (b)(1)(i)(D), (b)(2)(ii)(B)(*1*) and (*2*), (f)(1)(iii), and (f)(2)(i)(A) and (B), effective June 19, 2020, until Dec. 16, 2020.

### § 660.160 Catcher/processor (C/P) Coop Program.

(a) *General*. The C/P Coop Program is a limited access program that applies to vessels in the C/P sector of the Pacific whiting at-sea trawl fishery and is a single voluntary coop. Eligible harvesters and processors must meet the requirements set forth in this section of the Pacific Coast groundfish regulations. In addition to the requirements of this section, the C/P Coop Program is subject to the following groundfish regulations:

(1) Pacific whiting seasons § 660.131(b), subpart D.

(2) Area restrictions specified for midwater trawl gear used to harvest Pacific whiting fishery specified at § 660.131(c), subpart D for GCAs, RCAs, Salmon Conservation Zones, BRAs, and EFHCAs.

(3) Regulations set out in the following sections of subpart C: § 660.11 Definitions, § 660.12 Prohibitions, § 660.13 Recordkeeping and reporting, § 660.14 VMS requirements, § 660.15 Equipment requirements, § 660.16 Groundfish Observer Program, § 660.20 Vessel and gear identification, § 660.25 Permits, § 660.55 Allocations, § 660.60 Specifications and management measures, § 660.65 Groundfish harvest specifications, and §§ 660.70 through 660.79 Closed areas.

(4) Regulations set out in the following sections of subpart D: § 660.111 Trawl fishery definitions, § 660.112 Trawl fishery prohibitions, § 660.113 Trawl fishery recordkeeping and reporting, § 660.115 Trawl fishery cost recovery program, § 660.120 Trawl fishery crossover provisions, § 660.130 Trawl fishery management measures, and § 660.131 Pacific whiting fishery management measures.

(5) The C/P Coop Program may be restricted or closed as a result of projected overages within the MS Coop Program, the C/P Coop Program, or the Shorebased IFQ Program. As determined necessary by the Regional Administrator, area restrictions, season closures, or other measures will be used to prevent the trawl sectors in aggregate or the individual trawl sector (Shorebased IFQ, MS Coop, or C/P Coop) from exceeding an ACL, ACT, or formal allocation specified in the PCGFMP or regulation at § 660.55, subpart C, or §§ 660.140, 660.150, or 660.160, subpart D.

(b) *Participation requirements and responsibilities*—(1) *C/P vessels*—(i) *C/P vessel participation requirements*. A vessel is eligible to fish as a catcher/processor in the C/P Coop Program if:

(A) The vessel is registered to a C/P-endorsed limited entry trawl permit.

(B) The vessel is not used to harvest fish as a catcher vessel in the mothership coop program in the same calendar year.

(C) The vessel is not used to fish as a mothership in the MS Coop Program in the same calendar year.

(D) Effective June 19, 2020, until December 16, 2020, notwithstanding any other section of these regulations, a vessel may operate as both a mothership and a C/P during the 2020 Pacific whiting primary fishing season, but not on the same fishing trip.

(ii) *Catcher/processor vessel responsibilities*. The owner and operator of a catcher/processor vessel must:

(A) *Recordkeeping and reporting*. Maintain a valid declaration as specified at § 660.13(d); maintain records as specified at § 660.113(a); and maintain and submit all records and reports specified at § 660.113(d) including, economic data, scale tests records, cease fishing reports, and cost recovery.

(*1*) Under emergency measures effective June 19, 2020, until December 16, 2020, a vessel may operate as both a mothership and C/P during the 2020 Pacific whiting primary season, but not

on the same fishing trip. A vessel registered in the same calendar year to operate under both a limited entry MS permit and limited entry permit with a C/P endorsement must declare prior to leaving port the sector in which it will participate for the duration of the trip, as per declaration requirements specified at § 660.13(d)(4)(iv)(A).

(*2*) [Reserved]

(B) *Observers*. As specified at paragraph (g) of this section, procure observer services, maintain the appropriate level of coverage, and meet the vessel responsibilities.

(C) *Catch weighing requirements*. The owner and operator of a catcher/processor vessel must:

(*1*) Ensure that all catch is weighed in its round form on a NMFS-approved scale that meets the requirements described in § 660.15(b);

(*2*) Provide a NMFS-approved platform scale, belt scale, and test weights that meet the requirements described in § 660.15(b).

(D) *Cost recovery program*. Collect and remit to NMFS cost recovery program fees, as specified at § 660.115.

(2) *C/P coops*—(i) *C/P coop participation requirements*. For a C/P coop to participate in the catcher/processor sector of the Pacific whiting fishery, the C/P coop must:

(A) Be issued a C/P coop permit;

(B) Be composed of all C/P-endorsed limited entry permits and their owners;

(C) Be formed voluntarily;

(D) Be a legally recognized entity that represents its members; and

(E) Designate an individual as a coop manager.

(ii) *C/P coop responsibilities*. A C/P coop is responsible for:

(A) Applying for and being registered to a C/P coop permit;

(B) Organizing and coordinating harvest activities of vessels that fish for the coop;

(C) Allocating catch for use by specific coop members;

(D) Monitoring harvest activities and enforcing the catch limits of coop members;

(E) Submitting an annual report.

(F) Having a designated coop manager. The designated coop manager must:

(*1*) Serve as the contact person with NMFS and the Council;

(*2*) Be responsible for the annual distribution of catch and bycatch allocations among coop members;

(*3*) Prepare and submit an annual report on behalf of the coop; and

(*4*) Be authorized to receive or respond to any legal process in which the coop is involved; and

(*5*) Notify NMFS if the coop dissolves.

(iii) *C/P coop compliance and joint/several liability*. A C/P coop must comply with the provisions of this section. The C/P coop, member limited entry permit owners, and owners and operators of vessels registered to member limited entry permits, are jointly and severally responsible for compliance with the provisions of this section. Pursuant to 15 CFR part 904, each C/P coop, member permit owner, and owner and operator of a vessel registered to a coop member permit may be charged jointly and severally for violations of the provisions of this section. For purposes of enforcement, a C/P coop is a legal entity that can be subject to NOAA enforcement action for violations of the provisions of this section.

(c) *C/P Coop Program species and allocations*—(1) *C/P Coop Program species*. All species other than Pacific whiting are managed with set-asides for the MS and C/P Coop Programs.

(i) Species with formal allocations to the C/P Coop Program: Pacific whiting.

(ii) Species with set-asides for the MS and C/P Programs, as described in Table 1d and Table 2d to subpart C of this part.

(2) *C/P Coop Program annual allocations*. The C/P Coop Program allocation of Pacific whiting is equal to the catcher/processor sector allocation. Only a single coop may be formed in the catcher/processor sector with the one permitted coop receiving the catcher/processor sector allocation.

(i) In years where the Pacific whiting harvest specification is known by the start of the catcher/processor sector primary whiting season specified at § 660.131(b)(2)(iii)(A), allocation for Pacific whiting will be made by the start of the season.

(ii) In years where the Pacific whiting harvest specification is not known by the start of the catcher/processor

sector primary whiting season specified at § 660.131(b)(2)(iii)(A), NMFS will issue Pacific whiting allocations in two parts. Before the start of the primary whiting season, NMFS will allocate Pacific whiting based on the C/P Coop Program allocation percent multiplied by the lower end of the range of potential harvest specifications for Pacific whiting for that year. After the final Pacific whiting harvest specifications are established, NMFS will allocate any additional amounts of Pacific whiting to the C/P Coop Program.

(3) *Non-whiting groundfish species*—(i) At-sea sector set-asides of non-whiting groundfish species will be managed on an annual basis unless there is a risk of a harvest specification being exceeded, unforeseen impact on other fisheries, or conservation concerns, in which case inseason action may be taken. Set asides may be adjusted through the biennial specifications and management measures process as necessary.

(ii) Groundfish species not addressed in paragraph (c)(3)(i) of this section, will be managed on an annual basis unless there is a risk of a harvest specification being exceeded, unforeseen impact on other fisheries, or conservation concerns, in which case inseason action may be taken.

(4) *Halibut set-asides*. Annually a specified amount of the Pacific halibut will be held in reserve as a shared set-aside for bycatch in the at-sea Pacific whiting fisheries and the shorebased trawl sector south of 40°10′ N lat.

(5) [Reserved]

(6) *Reaching the catcher/processor sector allocation*. When the catcher/processor sector allocation of Pacific whiting is reached or is projected to be reached, further taking and retaining, receiving, or at-sea processing by a catcher/processor is prohibited. No additional unprocessed groundfish may be brought on board after at-sea processing is prohibited, but a catcher/processor may continue to process catch that was on board before at-sea processing was prohibited. The catcher/processor sector will close when the allocation of any one species is reached or projected to be reached.

(7) *Announcements*. The Regional Administrator will announce in the FEDERAL REGISTER when the catcher/processor sector allocation of Pacific whiting is reached, or is projected to be reached, and specify the appropriate action. In order to prevent exceeding an allocation and to avoid underutilizing the resource, prohibitions against further taking and retaining, receiving, or at-sea processing of Pacific whiting may be made effective immediately by actual notice to fishers and processors, by email, internet, phone, fax, letter, press release, and/or USCG Notice to Mariners (monitor channel 16 VHF), followed by publication in the FEDERAL REGISTER, in which instance public comment will be sought for a reasonable period of time thereafter.

(d) *C/P coop permit and agreement*—(1) *Eligibility and registration*—(i) *Eligibility*. To be an eligible coop entity a group of C/P-endorsed permit owners (coop members) must be a recognized entity under the laws of the United States or the laws of a State and that represents all of the coop members.

(ii) *Annual registration and deadline*. Each year, the coop entity must submit a complete application to NMFS for a C/P coop permit. The application must be submitted to NMFS by between February 1 and March 31 of the year in which it intends to participate. NMFS will not consider any applications received after March 31. A C/P coop permit expires on December 31 of the year in which it was issued.

(iii) *Application for a C/P coop permit*. The designated coop manager, on behalf of the coop entity, must submit a complete application form and include each of the items listed in paragraph (d)(1)(iii)(A) of this section. Only complete applications will be considered for issuance of a C/P coop permit. An application will not be considered complete if any required application fees and annual coop reports have not been received by NMFS. NMFS may request additional supplemental documentation as necessary to make a determination of whether to approve or disapprove the application. Application forms and instruction are available on the NMFS NWR Web site (*http://www.nwr.noaa.gov*) or by request from NMFS. The designated coop manager

must sign the application acknowledging the responsibilities of a designated coop manager defined in paragraph (b)(2) of this section.

(A) *Coop agreement.* Signed copies of the coop agreement must be submitted to NMFS before the coop is authorized to engage in fishing activities. A coop agreement must include all of the information listed in this paragraph to be considered a complete coop agreement. NMFS will only review complete coop agreements. A coop agreement will not be accepted unless it includes all of the required information; the descriptive items listed in this paragraph appear to meet the stated purpose; and information submitted is correct and accurate.

(*1*) *Coop agreement contents.* The coop agreement must be signed by the coop members (C/P-endorsed permit owners) and include the following information:

(*i*) A list of all vessels registered to C/P-endorsed permits that the member permit owners intend to use for fishing under the C/P coop permit.

(*ii*) All C/P-endorsed limited entry member permits identified by permit number.

(*iii*) A description of the coop's plan to adequately monitor and account for the catch of Pacific whiting and non-whiting groundfish, and to monitor and account for the catch of prohibited species.

(*iv*) A clause stating that if a permit is registered to a new permit owner during the effective period of the coop agreement, any new owners of that member permit would be coop members and are required to comply with membership restrictions in the coop agreement.

(*v*) A description of the coop's enforcement and penalty provisions adequate to maintain catch of Pacific whiting and non-whiting groundfish within the allocations.

(*vi*) A description of measures to reduce catch of overfished species.

(*vii*) A clause describing how the annual report will be produced to document the coop's catch, bycatch data, and any other significant activities undertaken by the coop during the year, and the submission deadlines for that report.

(*viii*) Identification of the designated coop manager.

(*2*) [Reserved]

(B) *Acceptance of a coop agreement*—(*1*) If NMFS does not accept the coop agreement, the coop permit application will be returned to the applicant with a letter stating the reasons the coop agreement was not accepted by NMFS.

(*2*) Coop agreements that are not accepted may be resubmitted for review by sufficiently addressing the deficiencies identified in the NMFS letter and resubmitting the entire coop permit application by the date specified in the NMFS letter.

(*3*) An accepted coop agreement that was submitted with the C/P coop permit application and for which a C/P coop permit was issued will remain in place through the end of the calendar year. The designated coop manager must resubmit a complete coop agreement to NMFS consistent with the coop agreement contents described in this paragraph if there is a material change to the coop agreement.

(*4*) Within 7 calendar days following a material change, the designated coop manager must notify NMFS of the material change. Within 30 calendar days, the designated coop manger must submit to NMFS the revised coop agreement with a letter that describes such changes. NMFS will review the material changes and provide a letter to the coop manager that either accepts the changes as given or does not accept the revised coop agreement with a letter stating the reasons that it was not accepted by NMFS. The coop may resubmit the coop agreement with further revisions to the material changes responding to NMFS concerns.

(iv) *Effective date of C/P coop permit.* A C/P coop permit will be effective on the date approved by NMFS and will allow fishing from the start of the C/P sector primary whiting season until the end of the calendar year or until one or more of the following events occur, whichever comes first:

(A) NMFS closes the C/P sector fishing season for the year or the designated coop manager notifies NMFS that the coop has completed fishing for the calendar year,

(B) The C/P coop has reached its Pacific whiting allocation,

(C) A material change to the coop agreement has occurred and the designated coop manager failed to notify NMFS within 7 calendar days of the material change and submit to NMFS the revised coop agreement with a letter that describes such changes within 30 calendar days, or

(D) NMFS has determined that a coop failure occurred.

(2) *Initial administrative determination.* For all complete applications, NMFS will issue an IAD that either approves or disapproves the application. If approved, the IAD will include a C/P coop permit. If disapproved, the IAD will provide the reasons for this determination. The IAD for a C/P coop permit follows the same requirement as specified for limited entry permits at § 660.25(g)(4)(ii), if the applicant does not appeal the IAD within the 30 calendar days, the IAD becomes the final decision of the Regional Administrator acting on behalf of the Secretary of Commerce.

(3) *Appeals.* An appeal to a C/P coop permit action follows the same process as the general permit appeals process defined at § 660.25(g), subpart C.

(4) *Fees.* The Regional Administrator is authorized to charge fees for administrative costs associated with the issuance of a C/P coop permit consistent with the provisions given at § 660.25(f), subpart C.

(e) *C/P-endorsed permit*—(1) *General.* Any vessel participating in the C/P sector of the non-tribal primary Pacific whiting fishery-must be registered to a valid limited entry permit with a C/P endorsement—subject to the limited entry permit provisions given at § 660.25(b).

(i) *Non-severable.* A C/P endorsement is not severable from the limited entry trawl permit, and therefore, the endorsement may not be registered to another permit owner or to another vessel separately from the limited entry trawl permit.

(ii) *Restriction on C/P vessel operating as a catcher vessel in the mothership sector.* A vessel registered to a C/P-endorsed permit cannot operate as a catcher vessel delivering unprocessed Pacific whiting to a mothership processor during the same calendar year it participates in the C/P sector.

(iii) *Restriction on C/P vessel operating as mothership.* A vessel registered to a C/P-endorsed permit cannot operate as a mothership during the same calendar year it participates in the C/P sector.

(A) *Emergency rule creating seasonal flexibility on at-sea processor restrictions.* Effective June 19, 2020, until December 16, 2020, notwithstanding any other section of these regulations, vessels may operate as both a mothership and a C/P during the 2020 Pacific whiting primary season, but not on the same fishing trip.

(B) [Reserved]

(iv) *Trawl identification of ownership interest form.* Any person that is applying for or renewing a C/P-endorsed permit shall document those persons that have an ownership interest in the permit greater than or equal to 2 percent. This ownership interest must be documented with the SFD via the Trawl Identification of Ownership Interest Form. SFD will not issue a C/P-endorsed permit unless the Trawl Identification of Ownership Interest Form has been completed.

(2) *Renewal, change in permit ownership, vessel registration, or combination.*

(i) *Renewal.* A C/P-endorsed permit must be renewed annually consistent with the limited entry permit regulations given at § 660.25(b)(4). If a vessel registered to the C/P-endorsed permit will operate as a mothership in the year for which the permit is renewed, the permit owner must make a declaration as part of the permit renewal that while participating in the whiting fishery they will operate solely as a mothership during the calendar year to which its limited entry permit applies. Any such declaration is binding on the vessel for the calendar year, even if the permit is registered to a different permit owner during the year, unless it is rescinded in response to a written request from the permit owner. Any request to rescind a declaration must be made by the permit owner and granted in writing by the Regional Administrator before any unprocessed whiting has been taken on board the vessel that calendar year.

(A) *Emergency rule creating seasonal flexibility on at-sea processing restrictions.* Effective June 19, 2020, until December 16, 2020, a vessel registered to a

C/P endorsed permit is exempt from this declaration and may also operate as a mothership during the 2020 Pacific whiting primary season, even if the permit owner previously declared to operate solely as a C/P.

(B) [Reserved]

(ii) *Change of permit ownership.* A C/P-endorsed permit is subject to the limited entry permit change in permit ownership regulations given at § 660.25(b)(4), subpart C.

(iii) *Change of vessel registration.* A C/P-endorsed permit is subject to the limited entry permit change of vessel registration regulations given at § 660.25(b)(4), subpart C.

(iv) *Combination.* If two or more permits are combined, the resulting permit is one permit with an increased size endorsement. A C/P-endorsed permit that is combined with another limited entry trawl-endorsed permit that does not have a C/P endorsement will result in a single trawl limited entry permit with a C/P endorsement with a larger size endorsement. Any request to combine permits is subject to the provisions provided at § 660.25(b), including the combination formula for resulting size endorsements.

(3) *Appeals.* An appeal to a C/P-endorsed permit action follows the same process as the general permit appeals process defined at § 660.25(g), subpart C.

(4) *Fees.* The Regional Administrator is authorized to charge fees for the administrative costs associated with review and issuance of a C/P endorsement consistent with the provisions at § 660.25(f), subpart C.

(5) *Cost recovery.* The owner of a vessel registered to a C/P-endorsed limited entry trawl permit, the operator of a vessel registered to a C/P-endorsed limited entry trawl permit, and the owner of the C/P-endorsed limited entry trawl permit registered to that vessel, are considered both the fish buyer and the fish seller as defined at § 660.111, and must comply with the cost recovery program specified at § 660.115.

(f) *Retention requirements.* [Reserved]

(g) *Observer requirements*—(1) *Observer coverage requirements*—(i) *Coverage.* The following observer coverage pertains to certified observers obtained from an observer provider permitted by NMFS. Any vessel registered to a C/P-endorsed limited entry trawl permit that is 125 ft (38.1 m) LOA or longer must carry two certified observers, and any vessel registered to a C/P-endorsed limited entry trawl permit that is shorter than 125 ft (38.1 m) LOA must carry one certified observer, each day that the vessel is used to take, retain, receive, land, process, or transport groundfish.

(ii) *Observer workload.* The time required for the observer to complete sampling duties must not exceed 12 consecutive hours in each 24-hour period.

(iii) *Refusal to board.* Any boarding refusal on the part of the observer or vessel must be reported to the Observer Program and OLE by the observer provider. The observer must be available for an interview with the Observer Program or OLE if necessary.

(iv) *Gear testing exemption.* Vessels exempt from the requirement to maintain observer coverage as specified in this paragraph (g) while gear testing as defined at § 660.11. The vessel operator must submit a valid declaration for gear/equipment testing, as required by § 660.13(d)(4)(iv)(A), and must notify the Observer Program of the gear testing activity at least 48 hours prior to departing on a trip to test gear/equipment.

(2) *Vessel responsibilities.* An operator and/or crew of a vessel required to carry an observer must provide:

(i) *Accommodations and food.* Provide accommodations and food that are equivalent to those provided for officers, engineers, foremen, deck-bosses or other management level personnel of the vessel.

(ii) *Safe conditions*—(A) Maintain safe conditions on the vessel for the protection of observers including adherence to all U.S. Coast Guard and other applicable rules, regulations, or statutes pertaining to safe operation of the vessel, including but not limited to, rules of the road, vessel stability, emergency drills, emergency equipment, vessel maintenance, vessel general condition, and port bar crossings. An observer may refuse boarding or reboarding a vessel and may request a vessel to return to port if operated in an unsafe manner or if unsafe conditions are identified.

(B) Have on board a valid Commercial Fishing Vessel Safety Decal that certifies compliance with regulations found in 33 CFR chapter I and 46 CFR chapter I, a certificate of compliance issued pursuant to 46 CFR 28.710 or a valid certificate of inspection pursuant to 46 U.S.C. 3311. Maintain safe conditions on the vessel for the protection of observer(s) including adherence to all USCG and other applicable rules, regulations, or statutes pertaining to safe operation of the vessel, and provisions at §§ 600.725 and 600.746 of this chapter.

(iii) *Computer hardware and software.* C/P vessels must:

(A) Provide hardware and software pursuant to regulations at § 679.51 (e)(iii)(B) of this chapter.

(B) Provide the observer(s) access to a computer required under paragraph (g)(2)(iii) of this section that is connected to a communication device that provides a point-to-point connection to the NMFS host computer.

(C) Ensure that the C/P vessel has installed the most recent release of NMFS data entry software, or other approved software prior to the vessel receiving, catching or processing IFQ species.

(D) Ensure that the communication equipment required in paragraph (g)(2)(iii) of this section and used by observers to enter and transmit data, is fully functional and operational. ''Functional'' means that all the tasks and components of the NMFS supplied, or other approved, software described at paragraph (g)(2)(iii) of this section and the data transmissions to NMFS can be executed effectively aboard the vessel by the communications equipment.

(iv) *Vessel position.* Allow observer(s) access to, the vessel's navigation equipment and personnel, on request, to determine the vessel's position.

(v) *Access.* Allow observer(s) free and unobstructed access to the vessel's bridge, trawl or working decks, holding bins, processing areas, freezer spaces, weight scales, cargo holds, and any other space that may be used to hold, process, weigh, or store fish or fish products at any time.

(vi) *Prior notification.* Notify observer(s) at least 15 minutes before fish are brought on board, or fish and fish products are transferred from the vessel, to allow sampling the catch or observing the transfer.

(vii) *Records.* Allow observer(s) to inspect and copy any State or Federal logbook maintained voluntarily or as required by regulation.

(viii) *Assistance.* Provide all other reasonable assistance to enable observer(s) to carry out their duties, including, but not limited to:

(A) Measuring decks, codends, and holding bins.

(B) Providing the observer(s) with a safe work area.

(C) Collecting samples of catch.

(D) Collecting and carrying baskets of fish.

(E) Allowing the observer(s) to collect biological data and samples.

(F) Providing adequate space for storage of biological samples.

(ix) *Sampling station and operational requirements for C/P vessels.* This paragraph contains the requirements for observer sampling stations. To allow the observer to carry out the required duties, the vessel owner must provide an observer sampling station that meets the following requirements:

(A) *Accessibility.* The observer sampling station must be available to the observer at all times.

(B) *Location.* The observer sampling station must be located within 4 m of the location from which the observer samples unsorted catch.

(C) *Access.* Unobstructed passage must be provided between the observer sampling station and the location where the observer collects sample catch.

(D) *Minimum work space.* The observer must have a working area of at least 4.5 square meters, including the observer's sampling table, for sampling and storage of fish to be sampled. The observer must be able to stand upright and have a work area at least 0.9 m deep in the area in front of the table and scale.

(E) *Table.* The observer sampling station must include a table at least 0.6 m deep, 1.2 m wide and 0.9 m high and no more than 1.1 m high. The entire surface area of the table must be available for use by the observer. Any area for

the observer sampling scale is in addition to the minimum space requirements for the table. The observer's sampling table must be secured to the floor or wall.

(F) *Diverter board*. The conveyor belt conveying unsorted catch must have a removable board (''diverter board'') to allow all fish to be diverted from the belt directly into the observer's sampling baskets. The diverter board must be located downstream of the scale used to weigh total catch. At least 1 m of accessible belt space, located downstream of the scale used to weight total catch, must be available for the observer's use when sampling.

(G) *Other requirements*. The sampling station must be in a well-drained area that includes floor grating (or other material that prevents slipping), lighting adequate for day or night sampling, and a hose that supplies fresh or sea water to the observer.

(H) *Observer sampling scale*. The observer sample station must include a NMFS-approved platform scale (pursuant to requirements at § 679.28(d)(5)) with a capacity of at least 50 kg located within 1 m of the observer's sampling table. The scale must be mounted so that the weighing surface is no more than 0.7 m above the floor.

(x) *Transfer at sea*. Observers may be transferred at-sea between catcher-processors, between catcher-processors and motherships, or between a catcher-processor and a catcher vessel. Transfers at-sea between catcher vessels is prohibited. For transfers, both vessels must:

(A) Ensure that transfers of observers at sea via small boat under its own power are carried out during daylight hours, under safe conditions, and with the agreement of observers involved.

(B) Notify observers at least 3 hours before observers are transferred, such that the observers can finish any sampling work, collect personal belongings, equipment, and scientific samples.

(C) Provide a safe pilot ladder and conduct the transfer to ensure the safety of observers during transfers.

(D) Provide an experienced crew member to assist observers in the small boat in which any transfer is made.

(xi) *Housing on vessel in port*. During all periods an observer is housed on a vessel, the vessel operator must ensure that at least one crew member is aboard.

(3) *Procurement of observer services*. Owners of vessels required to carry observers under paragraph (g)(1) of this section must arrange for observer services from an observer provider permitted by NMFS, except that:

(i) Vessels are required to procure observer services directly from the Observer Program when NMFS has determined and given notification that the vessel must carry NMFS staff or an individual authorized by NMFS in lieu of an observer provided by an observer provider.

(ii) Vessels are required to procure observer services directly from the Observer Program and an observer provider when NMFS has determined and given notification that the vessel must carry NMFS staff and/or individuals authorized by NMFS, in addition to an observer provided by an observer provider.

(4) *Observer provider responsibilities*—(i) *Provide qualified candidates to serve as observers*. Observer providers must provide qualified candidates to serve as observers. To be qualified, a candidate must have:

(A) A Bachelor's degree or higher from an accredited college or university with a major in one of the natural sciences;

(B) Successfully completed a minimum of 30 semester hours or equivalent in applicable biological sciences with extensive use of dichotomous keys in at least one course;

(C) Successfully completed at least one undergraduate course each in math and statistics with a minimum of 5 semester hours total for both; and

(D) Computer skills that enable the candidate to work competently with standard database software and computer hardware.

(ii) *Hiring an observer candidate*. (A) The observer provider must provide the candidate a copy of NMFS-provided pamphlets, information and other literature describing observer duties (*i.e.* The At-Sea Hake Observer Program's

Observer Manual) prior to hiring an observer candidate. Observer job information is available from the Observer Program Office's Web site at *http://www.nwfsc.noaa.gov/research/ divisions/fram/observer/index.cfm*.

(B) The observer provider must have a written contract or a written contract addendum that is signed by the observer and observer provider prior to the observer's deployment with the following clauses:

(*1*) That the observer will return all phone calls, emails, text messages, or other forms of communication within the time specified by the Observer Program;

(*2*) That the observer inform the observer provider prior to the time of embarkation if he or she is experiencing any new mental illness or physical ailments or injury since submission of the physician's statement as required as a qualified observer candidate that would prevent him or her from performing their assigned duties.

(iii) *Ensure that observers complete duties in a timely manner*. An observer provider must ensure that observers employed by that observer provider do the following in a complete and timely manner:

(A) Submit to NMFS all data, logbooks and reports as required by the observer manual;

(B) Report for his or her scheduled debriefing and complete all debriefing responsibilities;

(C) Return all sampling and safety gear to the Observer Program Office;

(D) Submit all biological samples from the observer's deployment by the completion of the electronic vessel and/or processor survey(s); and

(E) Immediately report to the Observer Program Office and the OLE any refusal to board an assigned vessel.

(iv) *Observers provided to vessel*. Observers provided to C/P vessels:

(A) Must have a valid North Pacific groundfish observer certification with required endorsements and an At-Sea Hake Observer Program endorsement;

(B) Must not have informed the observer provider prior to the time of embarkation that he or she is experiencing a mental illness or a physical ailment or injury developed since submission of the physician's statement that would prevent him or her from performing his or her assigned duties; and

(C) Must have successfully completed all NMFS required training and briefing before deployment.

(v) *Respond to industry requests for observers*. An observer provider must provide an observer for deployment as requested pursuant to the contractual relationship with the vessel to fulfill vessel requirements for observer coverage specified under paragraph (g)(1) of this section. An alternate observer must be supplied in each case where injury or illness prevents the observer from performing his or her duties or where the observer resigns prior to completion of his or her duties. If the observer provider is unable to respond to an industry request for observer coverage from a vessel for whom the observer provider is in a contractual relationship due to lack of available observers by the estimated embarking time of the vessel, the observer provider must report it to the Observer Program at least four hours prior to the vessel's estimated embarking time.

(vi) *Provide observer salaries and benefits*. An observer provider must provide to its observer employees salaries and any other benefits and personnel services in accordance with the terms of each observer's contract.

(vii) *Provide observer deployment logistics*. An observer provider must provide to each of its observers under contract:

(A) All necessary transportation, including arrangements and logistics, to the initial location of deployment, to all subsequent vessel assignments during that deployment, and to and from the location designated for an observer to be interviewed by the Observer Program; and

(B) Lodging, per diem, and any other services necessary to observers assigned to fishing vessels.

(*1*) An observer under contract may be housed on a vessel to which he or she is assigned:

(*i*) Prior to their vessel's initial departure from port;

(*ii*) For a period not to exceed 24 hours following the completion of an offload when the observer has duties and is scheduled to disembark; or

(*iii*) For a period not to exceed 24 hours following the vessel's arrival in port when the observer is scheduled to disembark.

(*2*) [Reserved]

(C) An observer under contract who is between vessel assignments must be provided with shoreside accommodations in accordance with the contract between the observer and the observer provider. If the observer provider is providing accommodations, it must be at a licensed hotel, motel, bed and breakfast, or other shoreside accommodations for the duration of each period between vessel or shoreside assignments. Such accommodations must include an assigned bed for each observer and no other person may be assigned that bed for the duration of that observer's stay. Additionally, no more than four beds may be in any room housing observers at accommodations meeting the requirements of this section.

(viii) *Observer deployment limitations.* An observer provider must not exceed observer deployment limitations specified in this paragraph unless alternative arrangements are approved by the Observer Program Office. An observer provider must not:

(A) Deploy an observer on the same vessel for more than 90 days in a 12-month period;

(B) Deploy an observer for more than 90 days in a single deployment;

(C) Include more than four vessel assignments in a single deployment, or

(D) Disembark an observer from a vessel before that observer has completed his or her sampling or data transmission duties.

(ix) *Verify vessel's Commercial Fishing Vessel Safety Decal.* An observer provider must ensure that the observer completes an observer vessel safety checklist, and verify that a vessel has a valid USCG Commercial Fishing Vessel Safety decal as required under paragraph (h)(2)(ii)(B) of this section prior to the observer embarking on the first trip and before an observer may get underway aboard the vessel. The provider must submit all vessel safety checklists to the Observer Program, as specified by Observer Program policy. One of the following acceptable means of verification must be used to verify the decal validity:

(A) The observer provider or employee of the observer provider, including the observer, visually inspects the decal aboard the vessel and confirms that the decal is valid according to the decal date of issuance; or

(B) The observer provider receives a hard copy of the USCG documentation of the decal issuance from the vessel owner or operator.

(x) *Maintain communications with observers.* An observer provider must have an employee responsible for observer activities on call 24 hours a day to handle emergencies involving observers or problems concerning observer logistics, whenever observers are at sea, in transit, or in port awaiting vessel reassignment.

(xi) *Maintain communications with the Observer Program Office.* An observer provider must provide all of the following information by electronic transmission (email), fax, or other method specified by NMFS.

(A) *Observer training and briefing.* Observer training and briefing registration materials must be submitted to the Observer Program Office at least 5 business days prior to the beginning of a scheduled observer at-sea hake training or briefing session. Registration materials consist of the following: The date of requested training or briefing with a list of observers including each observer's full name (*i.e.*, first, middle and last names).

(B) *Observer debriefing registration.* The observer provider must contact the Observer Program within 5 business days after the completion of an observer's deployment to schedule a date, time and location for debriefing. Observer debriefing registration information must be provided at the time of debriefing scheduling and must include the observer's name, cruise number, vessel name(s) and code(s), and requested debriefing date.

(C) *Observer provider contracts.* If requested, observer providers must submit to the Observer Program Office a completed and unaltered copy of each type of signed and valid contract (including all attachments, appendices, addendums, and exhibits incorporated into the contract) between the observer

provider and those entities requiring observer services under paragraph (g)(1) of this section. Observer providers must also submit to the Observer Program Office upon request, a completed and unaltered copy of the current or most recent signed and valid contract (including all attachments, appendices, addendums, and exhibits incorporated into the contract and any agreements or policies with regard to observer compensation or salary levels) between the observer provider and the particular entity identified by the Observer Program or with specific observers. The copies must be submitted to the Observer Program Office via fax or mail within 5 business days of the request. Signed and valid contracts include the contracts an observer provider has with:

(*1*) Vessels required to have observer coverage as specified at paragraph (g)(1) of this section; and

(*2*) Observers.

(D) *Change in observer provider management and contact information*. Observer providers must submit notification of any other change to provider contact information, including but not limited to, changes in contact name, phone number, email address, and address.

(E) *Other reports*. Reports of the following must be submitted in writing to the Observer Program Office by the observer provider via fax or email address designated by the Observer Program Office within 24 hours after the observer provider becomes aware of the information:

(*1*) Any information regarding possible observer harassment;

(*2*) Any information regarding any action prohibited under §§ 660.12(e), 660.112 or 600.725(o), (t) and (u) of this chapter;

(*3*) Any concerns about vessel safety or marine casualty under 46 CFR 4.05–1(a)(1) through (7);

(*4*) Any observer illness or injury that prevents the observer from completing any of his or her duties described in the observer manual; and

(*5*) Any information, allegations or reports regarding observer conflict of interest or breach of the standards of behavior described in observer provider policy.

(xii) *Replace lost or damaged gear*. Lost or damaged gear issued to an observer by NMFS must be replaced by the observer provider. All replacements must be provided to NMFS and be in accordance with requirements and procedures identified in writing by the Observer Program Office.

(xiii) *Maintain confidentiality of information*. An observer provider must ensure that all records on individual observer performance received from NMFS under the routine use provision of the Privacy Act 5 U.S.C. 552a or other applicable law remain confidential and are not further released to any person outside the employ of the observer provider company to whom the observer was contracted except with written permission of the observer.

(xiv) *Limitations on conflict of interest*. An observer provider must meet limitations on conflict of interest. Observer providers:

(A) Must not have a direct financial interest, other than the provision of observer, catch monitor or other biological sampling services, in any federal or state managed fisheries, including but not limited to:

(*1*) Any ownership, mortgage holder, or other secured interest in a vessel or shoreside processor facility involved in the catching, taking, harvesting or processing of fish,

(*2*) Any business involved with selling supplies or services to any vessel or shoreside processors participating in a fishery managed pursuant to an FMP in the waters off the coasts of Alaska, California, Oregon, and Washington, or

(*3*) Any business involved with purchasing raw or processed products from any vessel or shoreside processor participating in a fishery managed pursuant to an FMP in the waters off the coasts of Alaska, California, Oregon, and Washington.

(B) Must assign observers without regard to any preference by representatives of vessels other than when an observer will be deployed.

(C) Must not solicit or accept, directly or indirectly, any gratuity, gift, favor, entertainment, loan, or anything of monetary value except for compensation for providing observer services from any person who conducts fishing or fish processing activities

that are regulated by NMFS, or who has interests that may be substantially affected by the performance or non-performance of the official duties of observer providers.

(xv) *Observer conduct and behavior*. An observer provider must develop and maintain a policy addressing observer conduct and behavior for their employees that serve as observers. The policy shall address the following behavior and conduct:

(A) Observer use of alcohol;

(B) Observer use, possession, or distribution of illegal drugs in violation of applicable law; and

(C) Sexual contact with personnel of the vessel or processing facility to which the observer is assigned, or with any vessel or processing plant personnel who may be substantially affected by the performance or non-performance of the observer's official duties.

(D) An observer provider shall provide a copy of its conduct and behavior policy by February 1 of each year, to observers, observer candidates, and the Observer Program Office.

(xvi) *Refusal to deploy an observer*. Observer providers may refuse to deploy an observer on a requesting vessel if the observer provider has determined that the requesting vessel is inadequate or unsafe pursuant to those regulations described at § 600.746 of this chapter or U.S. Coast Guard and other applicable rules, regulations, statutes, or guidelines pertaining to safe operation of the vessel.

(5) *Observer certification and responsibilities*—(i) *Applicability*. Observer certification authorizes an individual to fulfill duties as specified in writing by the Observer Program Office while under the employ of an observer provider and according to certification endorsements as designated under paragraph (g)(5)(iii) of this section.

(ii) *Observer certification official*. The Regional Administrator will designate a NMFS observer certification official who will make decisions for the Observer Program Office on whether to issue or deny observer certifications and endorsements.

(iii) *Certification requirements*—(A) *Initial certification*. NMFS may certify individuals who, in addition to any other relevant considerations:

(*1*) Are employed by an observer provider company holding a valid North Pacific Groundfish Observer Program permit at the time of the issuance of the certification to the observer;

(*2*) Have provided, through their observer provider:

(*i*) Information set forth at § 679.52(b) of this chapter regarding an observer candidate's health and physical fitness for the job;

(*ii*) Meet all observer education and health standards as specified in § 679.52(b) of this chapter; and

(*iii*) Have successfully completed NMFS-approved training as prescribed by the Observer Program. Successful completion of training by an observer applicant consists of meeting all attendance and conduct standards issued in writing at the start of training; meeting all performance standards issued in writing at the start of training for assignments, tests, and other evaluation tools; and completing all other training requirements established by the Observer Program.

(*iv*) Have not been decertified under paragraph (g)(5)(ix) of this section, or pursuant to § 679.53(c) of this chapter.

(B) [Reserved]

(iv) *Denial of a certification*. The NMFS observer certification official will issue a written determination denying observer certification if the candidate fails to successfully complete training, or does not meet the qualifications for certification for any other relevant reason.

(v) *Issuance of an observer certification*. An observer certification may be issued upon determination by the observer certification official that the candidate has successfully met all requirements for certification as specified in paragraph (g)(6)(iii) of this section. The following endorsements must be obtained, in addition to observer certification, in order for an observer to deploy.

(A) *North Pacific Groundfish Observer Program certification training endorsement*. A certification training endorsement signifies the successful completion of the training course required to obtain observer certification. This endorsement expires when the observer has not been deployed and performed

sampling duties as required by the Observer Program Office for a period of time, specified by the Observer Program, after his or her most recent debriefing. The observer can renew the endorsement by successfully completing certification training once more.

(B) *North Pacific Groundfish Observer Program annual general endorsements.* Each observer must obtain an annual general endorsement to their certification prior to his or her first deployment within any calendar year subsequent to a year in which a certification training endorsement is obtained. To obtain an annual general endorsement, an observer must successfully complete the annual briefing, as specified by the Observer Program. All briefing attendance, performance, and conduct standards required by the Observer Program must be met.

(C) *North Pacific Groundfish Observer Program deployment endorsements.* Each observer who has completed an initial deployment after certification or annual briefing must receive a deployment endorsement to their certification prior to any subsequent deployments for the remainder of that year. An observer may obtain a deployment endorsement by successfully completing all pre-cruise briefing requirements. The type of briefing the observer must attend and successfully complete will be specified in writing by the Observer Program during the observer's most recent debriefing.

(D) *At-Sea Hake Observer Program endorsements.* A Pacific whiting fishery endorsement is required for purposes of performing observer duties aboard vessels that process groundfish at sea in the Pacific whiting fishery. A Pacific whiting fishery endorsement to an observer's certification may be obtained by meeting the following requirements:

(*1*) Have a valid North Pacific groundfish observer certification.

(*2*) Receive an evaluation by NMFS for his or her most recent deployment that indicated that the observer's performance met Observer Program expectations for that deployment;

(*3*) Successfully complete any required briefings as prescribed by the Observer Program; and

(*4*) Comply with all of the other requirements of this section.

(vi) *Maintaining the validity of an observer certification.* After initial issuance, an observer must keep their certification valid by meeting all of the following requirements specified below:

(A) Successfully perform their assigned duties as described in the observer manual or other written instructions from the Observer Program.

(B) Accurately record their sampling data, write complete reports, and report accurately any observations of suspected violations of regulations relevant to conservation of marine resources or their environment.

(C) Not disclose collected data and observations made on board the vessel or in the processing facility to any person except the owner or operator of the observed vessel or an authorized officer or NMFS.

(D) Successfully complete any required briefings as prescribed by the At-Sea Hake Observer Program.

(E) Successful completion of briefing by an observer applicant consists of meeting all attendance and conduct standards issued in writing at the start of training; meeting all performance standards issued in writing at the start of training for assignments, tests, and other evaluation tools; and completing all other briefing requirements established by the Observer Program.

(F) Successfully meet all debriefing expectations including meeting Observer Program performance standards reporting for assigned debriefings or interviews.

(G) Submit all data and information required by the Observer Program within the program's stated guidelines.

(vii) *Limitations on conflict of interest.* Observers:

(A) Must not have a direct financial interest, other than the provision of observer services or catch monitor services, in a North Pacific fishery managed pursuant to an FMP for the waters off the coast of Alaska, Alaska state waters, or in a Pacific Coast fishery managed by either the state or Federal Governments in waters off Washington, Oregon, or California, including but not limited to:

(*1*) Any ownership, mortgage holder, or other secured interest in a vessel, shore-based or floating stationary processor facility involved in the catching, taking, harvesting or processing of fish,

(*2*) Any business involved with selling supplies or services to any vessel, shore-based or floating stationary processing facility; or

(*3*) Any business involved with purchasing raw or processed products from any vessel, shore-based or floating stationary processing facilities.

(B) Must not solicit or accept, directly or indirectly, any gratuity, gift, favor, entertainment, loan, or anything of monetary value from anyone who either conducts activities that are regulated by NMFS in the Pacific coast or North Pacific regions or has interests that may be substantially affected by the performance or nonperformance of the observers' official duties.

(C) May not serve as observers on any vessel or at any shore-based owned or operated by a person who employed the observer in the last two years.

(D) May not solicit or accept employment as a crew member or an employee of a vessel or shore-based processor while employed by an observer provider.

(E) Provisions for remuneration of observers under this section do not constitute a conflict of interest.

(viii) *Standards of behavior*. Observers must:

(A) Perform their assigned duties as described in the observer manual or other written instructions from the Observer Program Office.

(B) Accurately record their sampling data, write complete reports, and report accurately any observations of suspected violations of regulations relevant to conservation of marine resources or their environment.

(C) Not disclose collected data and observations made on board the vessel to any person except the owner or operator of the observed vessel, an authorized officer, or NMFS.

(ix) *Suspension and decertification*—(A) *Suspension and decertification review official*. The Regional Administrator (or a designee) will designate an observer suspension and decertification review official(s), who will have the authority to review observer certifications and issue IADs of observer certification suspension and/or decertification.

(B) *Causes for suspension or decertification*. The suspension/decertification official may initiate suspension or decertification proceedings against an observer:

(*1*) When it is alleged that the observer has committed any acts or omissions of any of the following: Failed to satisfactorily perform the duties of observers as specified in writing by the Observer Program; or failed to abide by the standards of conduct for observers (including conflicts of interest);

(*2*) Upon conviction of a crime or upon entry of a civil judgment for: Commission of fraud or other violation in connection with obtaining or attempting to obtain certification, or in performing the duties as specified in writing by the Observer Program; commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; or commission of any other offense indicating a lack of integrity or honesty that seriously and directly affects the fitness of observers.

(C) *Issuance of an IAD*. Upon determination that suspension or decertification is warranted, the suspension/decertification official will issue a written IAD to the observer via certified mail at the observer's most current address provided to NMFS. The IAD will identify whether a certification is suspended or revoked and will identify the specific reasons for the action taken. Decertification is effective 30 calendar days after the date on the IAD, unless there is an appeal.

(D) *Appeals*. A certified observer who receives an IAD that suspends or revokes the observer certification may appeal the determination within 30 calendar days after the date on the IAD to the Office of Administrative Appeals pursuant to § 660.19.

(h) *C/P coop failure*—(1) *Conditions for determination of coop failure*. The Regional Administrator will determine that a permitted C/P coop has failed if any one of the following occurs:

(i) Any current C/P-endorsed limited entry trawl permit is not identified as

a C/P coop member in the coop agreement submitted to NMFS during the C/P coop permit application process;

(ii) Any current C/P-endorsed permit withdraws from the C/P coop agreement;

(iii) The coop members voluntarily dissolve the coop; or

(iv) The coop agreement is no longer valid.

(2) *Notification of coop failure*. If the permitted C/P coop dissolves, the designated coop manager must notify NMFS SFD in writing of the dissolution of the coop to allow the Regional Administrator to make a determination of coop failure. The Regional Administrator may also make an independent determination of a coop failure based on factual information collected by or provided to NMFS. NMFS will notify the designated coop manager in writing in the event the Regional Administrator determines the coop has failed.

(3) *Coop permit no longer in effect*. Upon determination of a coop failure, the C/P coop permit will no longer be in effect.

(4) *Conversion to IFQ Fishery*. The C/P sector will convert to an IFQ-based fishery beginning the following calendar year after a determination of a coop failure, or as soon as practicable thereafter. NMFS will develop additional regulations, as necessary to implement an IFQ-based fishery for the C/P sector. Each C/P-endorsed permit will receive an equal amount of QS from the total C/P sector allocation. That QS will not be transferable separate from the C/P-endorsed permit until a determination is made to allow such transfers, necessary regulations are implemented, and public notice is provided. Any use of QP or IBQ pounds associated with C/P endorsed permits is prohibited until the regulations for a C/P sector IFQ system are implemented.

(5) *Accumulation limits*. C/P Sector accumulation limits will take effect in the event that the C/P coop fails and converts to an IFQ-based fishery. If an IFQ fishery is implemented, any individual or entity may own or control a maximum of five C/P endorsed permits and QS allocations associated with those permits, as described in paragraph (e)(5)(iv) of this section. C/P endorsed permit accumulation limits will only take effect after determination of a coop failure is made and the following administrative process occurs:

(i) *Divestiture Period*. Upon determination of a coop failure, a divestiture period will occur starting with the date that co-op failure has been determined and running through the date on which an IFQ program is implemented for the C/P sector or another date specified in the IFQ program implementing regulations. During the divestiture period, an individual or entity may not acquire ownership or control over a total of more than five C/P-endorsed permits. Any entity that already owns or controls more than five C/P-endorsed permits may not acquire additional permits. During the divestiture period any entity who owns or controls C/P-endorsed permits may sell or trade any permits it owns. C/P-endorsed permits may be voluntarily abandoned to NMFS using the procedures provided under paragraph (h)(5)(iii) of this section.

(ii) *Divestiture and redistribution process*. After conversion to an IFQ fishery and completion of the divestiture period, any person owning or controlling C/P-endorsed permits must be in compliance with accumulation limits, even if that ownership is not reflected in the ownership records available to NMFS as specified at § 660.140(e)(1)(iv). Permit owners found to exceed the five permit accumulation limit for C/P-endorsed permits after the divestiture period are in violation of the accumulation limits and required to completely divest of ownership or control of C/P-endorsed permits that exceed the accumulation limit. C/P-endorsed permits may be voluntarily abandoned to NMFS using the procedures provided under paragraph (h)(5)(iii) of this section. If NMFS finds that any entity owns or controls more than five C/P-endorsed permits, NMFS will make an Initial Administrative Determination (IAD) that the entity must divest of control or ownership of permits that exceed the accumulation limit within 30 days or NMFS will revoke the excess permits in accordance with § 660.25(h)(2)(ii). The permit owner will have the opportunity to appeal the IAD through the National Appeals Office

under the provisions established at 15 CFR part 906. All QS associated with revoked permits will be redistributed to all other C/P-endorsed permit owners in proportion to their QS holdings, based on current ownership records, on or about January 1 of the calendar year following the year in which the permits are revoked. This redistribution process will not allow any entity to receive more than 50 percent of the total QS allocations for the C/P sector.

(iii) *Abandonment of C/P-endorsed permits.* C/P-endorsed permits owners that own or control more than the five permit accumulation limit may voluntarily abandon C/P-endorsed permits if they notify NMFS in writing during the divestiture period specified at paragraph (h)(5)(i) of this section or within 30 days of conversion to an IFQ fishery. The written abandonment request must include the C/P endorsed permit number and the associated QS allocation percentage that will be abandoned. Either the C/P-endorsed permit owner or an authorized representative of the C/P-endorsed permit owner must sign the request. C/P-endorsed permit owners choosing to utilize the abandonment option will permanently relinquish to NMFS any right to the abandoned C/P-endorsed permit, and the QS associated with that permit will be redistributed as described under paragraph (h)(5)(ii) of this section. No compensation will be due for any abandoned permit, or associated QS or QP.

(iv) *Review of C/P-permit ownership interest and accumulation limits.* NMFS may request additional information from C/P-permit owners as necessary to verify compliance with accumulation limits in the event of C/P coop failure and conversion to IFQ fishery. If NMFS discovers through review of the Trawl Identification of Ownership Interest Form that a person is not in compliance with accumulation limits, the person will be subject to divestiture provisions specified in paragraph (h)(5)(ii) of this section.

(v) *Definition of Ownership or Control.* For the purpose of determining ownership or control a person or entity has over a C/P endorsed permit, all of the following criteria apply:

(A) The person or entity has the right to direct, or does direct, in whole or in part, the business of the entity to which the permits are registered, with the exception of those activities allowed under paragraphs (h)(5)(v)(C) and (G) of this section.

(B) The person or entity has the right to limit the actions of or replace, or does limit the actions of or replace, the chief executive officer, a majority of the board of directors, any general partner, or any person serving in a management capacity of the entity to which the C/P permits are registered, with the exception of those activities allowed under paragraphs (h)(5)(v)(C) and (G) of this section.

(C) With the exception of banks and other financial institutions that rely on permits as collateral for loans as described under paragraphs (h)(5)(v)(G) of this section, the person or entity has the right to direct, or does direct, and/or the right to prevent or delay, or does prevent or delay, the transfer of the C/P permit associated QS, or the resulting QP.

(D) The person or entity, through loan covenants or any other means, has the right to restrict, or does restrict, and/or has a controlling influence over the day to day business activities or management policies of the entity to which the permits are registered, with the exception of those activities allowed under paragraphs (h)(5)(v)(C) and (G) of this section.

(E) The person or entity has the right to restrict, or does restrict, any activity related to the C/P permit, associated QS or the resulting QP, including, but not limited to, use of permits, or associated QS, or disposition of fish harvested and processed under the resulting QP, with the exception of those activities allowed under paragraphs (h)(5)(v)(C) and (G) of this section.

(F) The person or entity has the right to control, or does control, the management of, or to be a controlling factor in, the entity to which the C/P permit, associated QS, or the resulting QP, are registered, with the exception of those activities allowed under paragraphs (h)(5)(v)(C) and (G) of this section.

(G) With the exception of banks and other financial institutions that rely on permits as collateral for loans, the person or entity has the right to cause

or prevent, or does cause or prevent, the sale, lease or other disposition of C/P permits, associated QS, or the resulting QP.

(*1*) To qualify for this exception for banks and other financial institutions that rely on permits as collateral for loans, a bank or other financial institution must be regularly or primarily engaged in the business of lending, and must not be engaged in business with, or be controlled by, entities whose primary business is the harvesting, processing, or distribution of fish or fish products.

(*2*) Any state or federally chartered bank or financial institution that meets the requirement of paragraph (h)(5)(v)(G)(1) of this section does not need to submit additional information to NMFS.

(*3*) Any entity that is not a state or federally chartered bank or financial institution must submit a letter requesting the exception and disclose the identity and interest share of any shareholder with a 2 percent or more ownership interest in the lender through submission of the Trawl Identification of Ownership Interest Form (see paragraph (e)(1)(iv) of this section). The lender must make subsequent annual submissions of the letter and Trawl Identification of Ownership Interest Form to maintain the exception. Letters requesting the exception and complete Trawl Identification of Ownership Interest Forms may be submitted to NMFS, West Coast Region, Permits Office, ATTN: Fisheries Permit Office, Bldg. 1, 7600 Sand Point Way NE, Seattle, WA 98115. NMFS will only accept complete applications.

(H) The person or entity has the ability through any means whatsoever to control or have a controlling influence over the entity to which a permit associated QS is registered, with the exception of those activities allowed under paragraphs (h)(5)(v)(C) and (G) of this section.

[75 FR 60897, Oct. 1, 2010, as amended at 75 FR 78419, Dec. 15, 2010; 76 FR 27547, May 11, 2011; 76 FR 53838, Aug. 30, 2011; 76 FR 74746, Dec. 1, 2011; 77 FR 55158, Sept. 7, 2012; 78 FR 75282, Dec. 11, 2013; 80 FR 22297, Apr. 21, 2015; 81 FR 27011, May 5, 2016; 83 FR 763, Jan. 8, 2018; 83 FR 64004, Dec. 12, 2018; 84 FR 68812, Dec. 17, 2019; 85 FR 35601, June 11, 2020; 85 FR 37029, June 19, 2020]

EFFECTIVE DATE NOTE: At 85 FR 37029, June 19, 2020, § 660.160 was amended by adding paragraphs (b)(1)(i)(D), (b)(1)(ii)(A)(*1*) and (*2*), (e)(1)(iii)(A) and (B), and (e)(2)(i)(A) and (B), effective June 19, 2020, until Dec. 16, 2020.

TABLE 1 (NORTH) TO PART 660, SUBPART D—LIMITED ENTRY TRAWL ROCKFISH CONSERVATION AREAS AND LANDING ALLOWANCES FOR NON-IFQ SPECIES AND PACIFIC WHITING NORTH OF 40°10′ N LAT.

**Table 1 (North) to Part 660, Subpart D -- Limited Entry Trawl Rockfish Conservation Areas and Landing Allowances for non-IFQ Species and Pacific Whiting North of 40°10' N. Lat.**

**This table describes Rockfish Conservation Areas for vessels using limited entry bottom trawl gear. This table describes incidental landing allowances for vessels registered to a Federal limited entry trawl permit and using groundfish trawl or groundfish non-trawl gears to harvest individual fishing quota (IFQ) species. This table will describe Block Area Closures for vessels using limited entry bottom trawl gear that are in effect for more than one year.**

**Other Limits and Requirements Apply -- Read § 660.10 - § 660.399 before using this table** 01/28/2020

| | | JAN-FEB | MAR-APR | MAY-JUN | JUL-AUG | SEP-OCT | NOV-DEC |
|---|---|---|---|---|---|---|---|
| | **Rockfish Conservation Area (RCA)[1/]:** | | | | | | |
| *1* | North of 46°16' N. lat. | 100 fm line[1/] - 150 fm line[1/] | | | | | |
| South of 46°16' N. lat., Block Area Closures (BACs) may be implemented, and will be announced in the *Federal Register* | | | | | | | |
| See provisions at § 660.130(c) and (e) for gear restrictions and requirements by area. Vessels fishing groundfish trawl quota pounds with groundfish non-trawl gears, under gear switching provisions at § 660.140, are subject to the limited entry groundfish trawl fishery landing allowances in this table, regardless of the type of fishing gear used. Vessels fishing groundfish trawl quota pounds with groundfish non-trawl gears, under gear switching provisions at § 660.140, are subject to the limited entry fixed gear non-trawl RCA, as described in Tables 2 (North) and 2 (South) to Part 660, Subpart E. | | | | | | | |
| **See § 660.60, § 660.130, and § 660.140 for Additional Gear, Trip Limit, and Conservation Area Requirements and Restrictions. See §660.11, §§660.70-660.74, §§ 660.76-660.79 and §660.111 for Conservation Area Definitions and Coordinates.** | | | | | | | |
| State trip limits and seasons may be more restrictive than federal trip limits, particularly in waters off Oregon and California. | | | | | | | |
| *2* | **Minor Nearshore Rockfish, Washington Black rockfish & Oregon Black/blue/deacon rockfish** | 300 lb/ month | | | | | |
| *3* | **Whiting[2/]** | | | | | | |
| *4* | midwater trawl | Before the primary whiting season: CLOSED. -- During the primary season: mid-water trawl permitted in the RCA. See §660.131 for season and trip limit details. -- After the primary whiting season: CLOSED. | | | | | |
| *5* | large & small footrope gear | Before the primary whiting season: 20,000 lb/trip. -- During the primary season: 10,000 lb/trip. -- After the primary whiting season: 10,000 lb/trip. | | | | | |
| *6* | **Oregon Cabezon/Kelp Greenling complex** | 50 lb/ month | | | | | |
| *7* | **Cabezon in California** | 50 lb/ month | | | | | |
| *8* | **Shortbelly rockfish** | Unlimited | | | | | |
| *9* | **Spiny dogfish** | 60,000 lb/ month | | | | | |
| *10* | **Big Skate** | 70,000 lb/ 2 months | | | | | |
| *11* | **Longnose skate** | Unlimited | | | | | |
| *12* | **Other Fish [3/]** | Unlimited | | | | | |

TABLE 1 (North)

1/ The Rockfish Conservation Area is a type of Groundfish Conservation Area, defined at §660.11, and defined by latitude and longitude coordinates set out at §§ 660.71-660.74. This RCA is not defined by depth contours, and the boundary lines that define the RCA may close areas that are deeper or shallower than the depth contour. Vessels that are subject to the RCA restrictions may not fish in the RCA, or operate in the RCA for any purpose other than transiting. See §§660.112 and 660.130 for more information.

2/ As specified at §660.131(d), when fishing in the Eureka Area, no more than 10,000 lb of whiting may be taken and retained, possessed, or landed by a vessel that, at any time during the fishing trip, fished in the fishery management area shoreward of 100 fm contour.

3/ "Other Fish" are defined at § 660.11 and include kelp greenling off California and leopard shark.

**To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.**

[85 FR 8201, Feb. 13, 2020]

TABLE 1 (SOUTH) TO PART 660, SUBPART D—LIMITED ENTRY TRAWL LANDING ALLOWANCES FOR NON-IFQ SPECIES AND PACIFIC WHITING SOUTH OF 40°10′ N LAT.

**Table 1 (South) to Part 660, Subpart D -- Limited Entry Trawl Landing Allowances for non-IFQ Species and Pacific Whiting South of 40°10' N. Lat.**

**This table describes incidental landing allowances for vessels registered to a Federal limited entry trawl permit and using groundfish trawl or groundfish non-trawl gears to harvest individual fishing quota (IFQ) species.This table will describe Block Area Closures for vessels using limited entry bottom trawl gear that are in effect for more than one year.**

**Other Limits and Requirements Apply -- Read § 660.10 - § 660.399 before using this table** 01/28/2020

| | | JAN-FEB | MAR-APR | MAY-JUN | JUL-AUG | SEP-OCT | NOV-DEC |
|---|---|---|---|---|---|---|---|
| | Block Area Clousres (BACs) may be implemented, and will be announced in the *Federal Register* | | | | | | |
| | See provisions at §660.130(c) and (e) for gear restrictions and requirements by area. Vessels fishing groundfish trawl quota pounds with groundfish non-trawl gears, under gear switching provisions at §660.140, are subject to the limited entry groundfish trawl fishery landing allowances in this table, regardless of the type of fishing gear used. Vessels fishing groundfish trawl quota pounds with groundfish non-trawl gears, under gear switching provisions at §660.140, are subject to the limited entry fixed gear non-trawl RCA, as described in Tables 2 (North) and 2 (South) to Part 660, Subpart E | | | | | | |
| | **See §660.60, §660.130, and §660.140 for Additional Gear, Trip Limit, and Conservation Area Requirements and Restrictions. See §660.11, §§660.70-660.74, §§660.76-660.79 and §660.111 for Conservation Area Definitions and Coordinates.** | | | | | | |
| | State trip limits and seasons may be more restrictive than federal trip limits, particularly in waters off Oregon and California. | | | | | | |
| *1* | **Longspine thornyhead** | | | | | | |
| *2* | South of 34°27' N. lat. | 24,000 lb/ 2 months | | | | | |
| *3* | **Minor Nearshore Rockfish, California Black rockfish, & Oregon Black/Blue/Deacon rockfish** | 300 lb/ month | | | | | |
| *4* | **Whiting** | | | | | | |
| *5* | midwater trawl | During the Primary whiting season allowed with the depth restrictions described at §660.130(c). | | | | | |
| *6* | large & small footrope gear | Before the primary whiting season: 20,000 lb/trip. -- During the primary season: 10,000 lb/trip. -- After the primary whiting season: 10,000 lb/trip. | | | | | |
| *7* | **Cabezon** | 50 lb/ month | | | | | |
| *8* | **Shortbelly rockfish** | Unlimited | | | | | |
| *9* | **Spiny dogfish** | 60,000 lb/ month | | | | | |
| *10* | **Big Skate** | 70,000 lb/ 2 months | | | | | |
| *11* | **Longnose skate** | Unlimited | | | | | |
| *12* | **California scorpionfish** | Unlimited | | | | | |
| *13* | **Other Fish** [1/] | Unlimited | | | | | |

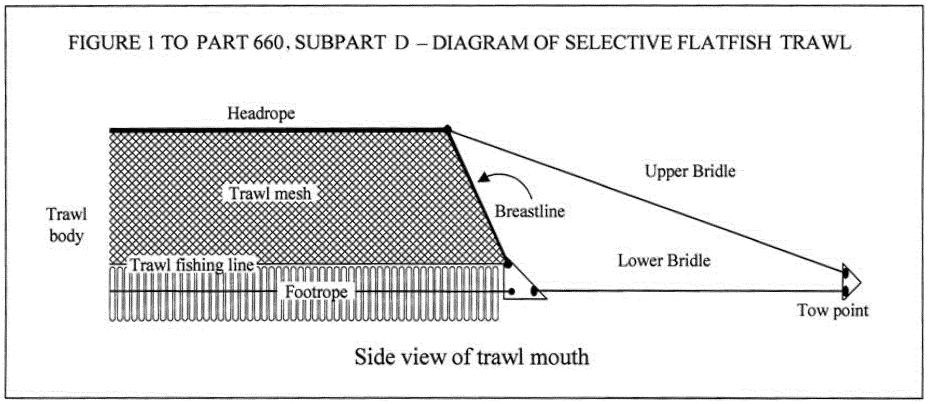
[1/] "Other Fish" are defined at § 660.11 and include kelp greenling off California and leopard shark.

**To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.**

TABLE 1 (South)

[85 FR 8201, Feb. 13, 2020]

FIGURE 1 TO PART 660, SUBPART D—DIAGRAM OF SELECTIVE FLATFISH TRAWL




## Subpart E—West Coast Groundfish—Limited Entry Fixed Gear Fisheries

SOURCE: 75 FR 60897, Oct. 1, 2010, unless otherwise noted.

### §660.210 Purpose and scope.

This subpart covers the Pacific Coast Groundfish limited entry fixed gear fishery.

### §660.211 Fixed gear fishery—definitions.

These definitions are specific to the limited entry fixed gear fisheries covered in this subpart. General groundfish definitions are found at §660.11, subpart C.

*Daily Trip Limit (DTL) Fishery* means a sablefish fishery that occurs both north and south of 36° N. lat. that is subject to trip limit restrictions including daily and/or weekly and/or bimonthly trip limits.

*Limited entry fixed gear fishery* means the fishery composed of vessels registered to limited entry permits with longline and pot/trap endorsements.

*Sablefish primary fishery* means, for the limited entry fixed gear sablefish fishery north of 36° N. lat, the fishery where vessels registered to at least one limited entry permit with both a gear endorsement for longline or trap (or pot) gear and a sablefish endorsement fish up to a specified tier limit and when they are not eligible to fish in the DTL fishery.

*Sablefish primary season* means, for the limited entry fixed gear sablefish fishery north of 36° N. lat, the period when vessels registered to at least one limited entry permit with both a gear endorsement for longline or trap (or pot) gear and a sablefish endorsement, are allowed to fish in the sablefish primary fishery described at §660.231 of this subpart.

*Tier limit* means a specified amount of sablefish that may be harvested by a vessel registered to a limited entry fixed gear permit(s) with a Tier 1, Tier 2, and/or Tier 3 designation; a gear endorsement for longline or trap (or pot) gear; and a sablefish endorsement.

[75 FR 60897, Oct. 1, 2010, as amended at 76 FR 53838, Aug. 30, 2011]

### §660.212 Fixed gear fishery—prohibitions.

These prohibitions are specific to the limited entry fixed gear fisheries and to the limited entry trawl fishery Shorebased IFQ Program under gear switching. In addition to the general prohibitions specified in §§660.12 and 600.725 of this chapter, it is unlawful for any person to:

(a) *General.* (1) Possess, deploy, haul, or carry onboard a fishing vessel subject to subparts C and E a set net, trap or pot, longline, or commercial vertical hook-and-line as defined at §660.11, subpart C, that is not in compliance with

the gear restrictions in § 660.230, subpart E, unless such gear is the gear of another vessel that has been retrieved at sea and made inoperable or stowed in a manner not capable of being fished. The disposal at sea of such gear is prohibited by Annex V of the International Convention for the Prevention of Pollution From Ships, 1973 (Annex V of MARPOL 73/78).

(2) Take and retain, possess, or land more than a single cumulative limit of a particular species, per vessel, per applicable cumulative limit period, except for sablefish taken in the limited entry fixed gear sablefish primary season from a vessel authorized to fish in that season, as described at § 660.231 and except for IFQ species taken in the Shorebased IFQ Program from a vessel authorized under gear switching provisions as described at § 660.140(k).

(3) Transport fish, if that fish includes any amount of sablefish, away from the point of landing before being sorted and weighed by federal groundfish species or species group, and recorded for submission on an electronic fish ticket under § 660.213(e). (If fish will be transported to a different location for processing, all sorting and weighing to federal groundfish species groups must occur before transporting the fish away from the point of landing).

(4) Mix fish from more than one landing, where one or more of the landings includes any sablefish, prior to the fish being sorted and weighed for reporting on an electronic fish ticket under § 660.213(e).

(5) Process, sell, or discard any fish, if that fish includes any amount of sablefish, that has not been accounted for on an electronic fish ticket under § 660.213(e).

(b) *Recordkeeping and reporting.* (1) Fail to comply with all recordkeeping and reporting requirements at § 660.13, subpart C; including failure to submit information, or submission of inaccurate or false information on any report required at § 660.13(d), subpart C, and § 660.213.

(2) Falsify or fail to make and/or file, retain or make available any and all reports of groundfish landings that include sablefish, containing all data, and in the exact manner, required by the regulation at § 660.13, subpart C, or § 660.213.

(c) *Fishing in conservation areas.*(1) Operate a vessel registered to a limited entry permit with a longline, trap (pot), or trawl endorsement and longline and/or trap gear onboard in an applicable GCA (as defined at § 660.230(d)), except for purposes of continuous transiting, with all groundfish longline and/or trap gear stowed in accordance with § 660.212(a) or except as authorized in the groundfish management measures at § 660.230.

(2) Fish with bottom contact gear (defined at § 660.11) within specific EFHCAs or the DECA, as specified in § 660.12(a).

(d) *Sablefish fisheries.* (1) Take and retain, possess or land sablefish under the tier limits provided for the limited entry, fixed gear sablefish primary season, described in § 660.231(b)(3), from a vessel that is not registered to a limited entry permit with a sablefish endorsement.

(2) Take and retain, possess or land sablefish in the sablefish primary season, described at § 660.231(b), unless the owner of the limited entry permit registered for use with that vessel and authorizing the vessel to fish in the sablefish primary season is on board that vessel. Exceptions to this prohibition are provided at § 660.231(b)(4)(i) and (ii).

(3) Process sablefish taken at-sea in the limited entry fixed gear sablefish primary fishery defined at § 660.231, from a vessel that does not have a sablefish at-sea processing exemption, described at § 660.25(b)(6)(i).

[75 FR 60897, Oct. 1, 2010, as amended at 75 FR 78427, Dec. 15, 2010; 76 FR 53838, Aug. 30, 2011; 76 FR 74746, Dec. 1, 2011; 81 FR 84430, Nov. 23, 2016; 84 FR 63991, Nov. 19, 2019]

### § 660.213 Fixed gear fishery—recordkeeping and reporting.

(a) *General.* General reporting requirements specified at § 660.13 (a) through (c), subpart C, apply to limited entry fixed gear fishery vessels.

(b) *Declaration reports for limited entry fixed gear fishery vessels.* Declaration reporting requirements for limited entry fixed gear fishery vessels are specified at § 660.13 (d), subpart C.

(c) *VMS requirements for limited entry fixed gear fishery vessels*. VMS requirements for limited entry fixed gear fishery vessels are specified at § 660.14, subpart C.

(d) *Retention of records*. (1) Any person landing groundfish must retain on board the vessel from which groundfish are landed, and provide to an authorized officer upon request, copies of any and all reports of groundfish landings containing all data, and in the exact manner, required by the applicable state law throughout the cumulative limit period during which a landing occurred and for 15 days thereafter. All relevant records used in the preparation of electronic fish ticket reports or corrections to these reports, including dock tickets, must be maintained for a period of not less than three years after the date of landing and must be immediately available upon request for inspection by NMFS or authorized officers or others as specifically authorized by NMFS.

(2) For participants in the sablefish primary season, the cumulative limit period to which this requirement applies is April 1 through October 31 or, for an individual vessel owner, when the tier limit for the permit(s) registered to the vessel has been reached, whichever is earlier.

(e) *Electronic fish ticket*. The first receiver, as defined at § 660.11, subpart C, of fish, if that fish includes any amount of sablefish, from a limited entry fixed gear vessel, is responsible for compliance with all reporting requirements described in this paragraph. Per requirements at § 660.212(a), all fish, if that fish includes any amount of sablefish, must be reported via electronic fish ticket. When used in this paragraph, submit means to transmit final electronic fish ticket information via web-based form or, if a waiver is granted, by paper form. When used in this paragraph, record means the action of documenting electronic fish ticket information in any written format.

(1) *Required information*. All first receivers must provide the following types of information: Date of landing, vessel that made the landing, vessel identification number, limited entry permit number(s), name of the vessel operator, gear type used, receiver, actual weights of species landed listed by species or species group including species with no value, condition landed, number of salmon by species, number of Pacific halibut, ex-vessel value of the landing by species, fish caught inside/outside 3 miles or both, and any other information deemed necessary by the Regional Administrator (or designee) as specified on the appropriate electronic fish ticket form.

(2) *Submissions*. The first receiver must:

(i) Include, as part of each electronic fish ticket submission, the actual scale weight for each groundfish species as specified by requirements at § 660.15(c), the vessel identification number, and the limited entry permit number. Use and maintain, for the purposes of submitting electronic fish tickets, equipment as specified at § 660.15(d).

(ii) Submit a completed electronic fish ticket(s) no later than 24 hours after the date of landing, unless a waiver of this requirement has been granted under provisions specified at paragraph (e)(4) of this section.

(iii) Sablefish from a single landing in the limited entry fixed gear sablefish primary fishery may be counted against more than one stacked permit, or against a tier limit(s) and the cumulative trip limit in the DTL fishery. For vessels with stacked limited entry sablefish permits, defined at § 660.12, sablefish may be divided for the purposes of apportioning the sablefish amongst the remaining tier limits associated with each of the stacked permits; in that instance the electronic fish ticket(s) must record all pertinent limited entry permit numbers and apportion sablefish landed against each tier limit. Per regulations at § 660.232(a)(2) a vessel may apportion sablefish catch between the remainder of its tier limit(s) and against the applicable DTL limits; in that instance the electronic fish ticket must be used to apportion sablefish landed against the tier(s) from the sablefish landed against cumulative trip limits of the DTL fishery. If sablefish is apportioned in either of the ways described in this paragraph, the electronic fish ticket must meet the process and submittal requirements specified in paragraphs

(e)(iv) and (v) of this section. In addition, the owner-on-board, unless exempted under regulations at § 660.231(a)(4), must review and sign documentation of the landing, as described in paragraphs (e)(2)(iv) and (v) of this section.

(iv) If electronic fish tickets will be submitted prior to processing or transport, follow these process and submittal requirements:

(A) After completing the landing, the electronic fish ticket information must be recorded immediately.

(B) Prior to submittal of the electronic fish ticket, the information recorded for the electronic fish ticket must be reviewed by the vessel operator who delivered the fish and the port sampler, if one is present. If required by regulations at § 660.231(a)(4), the owner-on-board must also review the information recorded on the electronic fish ticket prior to submittal.

(C) After review, the receiver and the vessel operator must sign a printed hard copy of the electronic fish ticket or, if the landing occurs outside of business hours, the original dock ticket. If required by regulations at § 660.231(a)(4), the owner-on-board must also sign a printed copy of the electronic fish ticket or, if the landing occurs outside of business hours, the original dock ticket.

(D) Prior to submittal, three copies of the signed electronic fish ticket must be produced by the receiver and a copy provided to each of the following:

(*1*) The vessel operator and/or the owner-on-board,

(*2*) The state of origin if required by state regulations, and

(*3*) The first receiver.

(E) After review and signature, the electronic fish ticket must be submitted within 24 hours after the date of landing, as specified in paragraph (e)(2)(ii) of this section.

(v) If electronic fish tickets will be submitted after transport, follow these process and submittal requirements:

(A) The vessel name, limited entry permit number, and the electronic fish ticket number must be recorded on each dock ticket related to that landing.

(B) Upon completion of the dock ticket, but prior to transfer of the landing to another location, the dock ticket information that will be used to complete the electronic fish ticket must be reviewed by the vessel operator who delivered the fish. If the electronic fish ticket will report landings of sablefish in the sablefish primary fishery, the owner-on-board, unless exempted under regulations at § 660.231(a)(4), must review the information recorded on the dock ticket prior to transfer of the landing to another location.

(C) After review, the first receiver and the vessel operator must sign the original copy of each dock ticket related to that landing. If a dock ticket includes landings of sablefish in the sablefish primary fishery, the owner-on-board, unless exempted under regulations at § 660.231(a)(4), must sign the original copy of that dock ticket.

(D) Prior to submittal of the electronic fish ticket, three copies of the signed dock ticket must be produced by the first receiver and a copy provided to each of the following:

(*1*) The vessel operator and/or the owner-on-board,

(*2*) The state of origin if required by state regulations, and

(*3*) The first receiver.

(E) Based on the information contained in the signed dock ticket, the electronic fish ticket must be completed and submitted within 24 hours of the completion of the landing, as specified in paragraph (e)(2)(ii) of this section.

(F) Three copies of the electronic fish ticket must be produced by the first receiver and a copy provided to each of the following:

(*1*) The vessel operator and/or the owner-on-board,

(*2*) The state of origin if required by state regulations, and

(*3*) The first receiver.

(3) *Revising a submission*. In the event that a data error is found, electronic fish ticket submissions must be revised by resubmitting the revised form electronically. Electronic fish tickets are to be used for the submission of final data. Preliminary data, including estimates of fish weights or species composition, shall not be submitted on electronic fish tickets.

(4) *Waivers for submission*. On a case-by-case basis, a temporary written waiver of the requirement to submit electronic fish tickets may be granted by the Assistant Regional Administrator or designee if he/she determines that circumstances beyond the control of a receiver would result in inadequate data submissions using the electronic fish ticket system. The duration of the waiver will be determined on a case-by-case basis.

(5) *Reporting requirements when a temporary waiver has been granted*. Receivers that have been granted a temporary waiver from the requirement to submit electronic fish tickets must submit on paper the same data as is required on electronic fish tickets within 24 hours of the date received during the period that the waiver is in effect. Paper fish tickets must be sent by facsimile to NMFS, West Coast Region, Sustainable Fisheries Division, 206–526–6736 or by delivering it in person to 7600 Sand Point Way NE., Seattle, WA 98115. The requirements for submissions of paper tickets in this paragraph are separate from, and in addition to existing state requirements for landing receipts or fish receiving tickets.

[75 FR 60897, Oct. 1, 2010, as amended at 78 FR 68773, Nov. 15, 2013; 81 FR 84430, Nov. 23, 2016]

### § 660.216 Fixed gear fishery—observer requirements.

(a) *Observer coverage requirements*—(1) *Harvesting vessels*. When NMFS notifies the owner, operator, permit holder, or the manager of a harvesting vessel of any requirement to carry an observer, the harvesting vessel may not be used to fish for groundfish without carrying an observer.

(2) *Processing vessels*. Unless specified otherwise by the Observer Program, any vessel 125 ft (38.1 m) LOA or longer that is engaged in at-sea processing must carry two certified observers procured from a permitted observer provider, and any vessel shorter than 125 ft (38.1 m) LOA that is engaged in at-sea processing must carry one certified observer procured from a permitted observer provider, each day that the vessel is used to take, retain, receive, land, process, or transport groundfish. Owners of vessels required to carry observers under this paragraph must arrange for observer services from a permitted observer provider except when the Observer Program has determined and given notification that the vessel must carry NMFS staff or an individual authorized by NMFS in addition to or in lieu of an observer provided by a permitted observer provider.

(b) *Notice of departure basic rule*. At least 24 hours (but not more than 36 hours) before departing on a fishing trip, a harvesting vessel that has been notified by NMFS that it is required to carry an observer, or that is operating in an active sampling unit, must notify NMFS (or its designated agent) of the vessel's intended time of departure.

(1) *Optional notice—weather delays*. A harvesting vessel that anticipates a delayed departure due to weather or sea conditions may advise NMFS of the anticipated delay when providing the basic notice described in paragraph (b) of this section. If departure is delayed beyond 36 hours from the time the original notice is given, the vessel must provide an additional notice of departure not less than four hours prior to departure, in order to enable NMFS to place an observer.

(2) *Optional notice—back-to-back fishing trips*. A harvesting vessel that intends to make back-to-back fishing trips (*i.e.*, trips with less than 24 hours between offloading from one trip and beginning another), may provide the basic notice described in paragraph (b) of this section for both trips, prior to making the first trip. A vessel that has given such notice is not required to give additional notice of the second trip.

(c) *Cease fishing report*. Within 24 hours of ceasing the taking and retaining of groundfish, vessel owners, operators, or managers must notify NMFS or its designated agent that fishing has ceased. This requirement applies to any harvesting and processing vessel that is required to carry an observer, or that is operating in a segment of the fleet that NMFS has identified as an active sampling unit.

(d) *Waiver*. The West Coast Regional Administrator (or designee) may provide written notification to the vessel owner stating that a determination has

been made to temporarily waive coverage requirements because of circumstances that are deemed to be beyond the vessel's control.

(e) *Vessel responsibilities*—(1) *Accommodations and food*. An operator of a vessel required to carry one or more observer(s) must provide accommodations and food that are Equivalent to those provided to the crew.

(2) *Safe conditions*. Maintain safe conditions on the vessel for the protection of observer(s) including adherence to all USCG and other applicable rules, regulations, or statutes pertaining to safe operation of the vessel, and provisions at §§ 600.725 and 600.746 of this chapter. Have on board a valid Commercial Fishing Vessel Safety Decal that certifies compliance with regulations found in 33 CFR chapter I and 46 CFR chapter I, a certificate of compliance issued pursuant to 46 CFR 28.710 or a valid certificate of inspection pursuant to 46 U.S.C. 3311.

(3) *Observer communications*. Facilitate observer communications by:

(i) *Observer use of equipment*. Allowing observer(s) to use the vessel's communication equipment and personnel, on request, for the entry, transmission, and receipt of work-related messages, at no cost to the observer(s), the observer provider or NMFS.

(ii) *Functional equipment*. Ensuring that the vessel's communications equipment, used by observers to enter and transmit data, is fully functional and operational.

(4) *Vessel position*. Allow observer(s) access to, and the use of, the vessel's navigation equipment and personnel, on request, to determine the vessel's position.

(5) *Access*. Allow observer(s) free and unobstructed access to the vessel's bridge, trawl or working decks, holding bins, processing areas, freezer spaces, weight scales, cargo holds, and any other space that may be used to hold, process, weigh, or store fish or fish products at any time.

(6) *Prior notification*. Notify observer(s) at least 15 minutes before fish are brought on board, or fish and fish products are transferred from the vessel, to allow sampling the catch or observing the transfer, unless the observer specifically requests not to be notified.

(7) *Records*. Allow observer(s) to inspect and copy any state or Federal logbook maintained voluntarily or as required by regulation.

(8) *Assistance*. Provide all other reasonable assistance to enable observer(s) to carry out their duties, including, but not limited to:

(i) Measuring decks, codends, and holding bins.

(ii) Providing the observer(s) with a safe work area.

(iii) Collecting bycatch when requested by the observer(s).

(iv) Collecting and carrying baskets of fish when requested by the observer(s).

(v) Allowing the observer(s) to collect biological data and samples.

(vi) Providing adequate space for storage of biological samples.

(f) *Observer sampling station*. This paragraph contains the requirements for observer sampling stations. The vessel owner must provide an observer sampling station that complies with this section so that the observer can carry out required duties.

(1) *Accessibility*. The observer sampling station must be available to the observer at all times.

(2) *Location*. The observer sampling station must be located within four meters of the location from which the observer samples unsorted catch. Unobstructed passage must be provided between the observer sampling station and the location where the observer collects sample catch.

[75 FR 60897, Oct. 1, 2010, as amended at 77 FR 55158, Sept. 7, 2012; 78 FR 68773, Nov. 15, 2013; 80 FR 22301, Apr. 21, 2015]

### § 660.219 Fixed gear identification and marking.

(a) *Gear identification*. (1) Limited entry fixed gear (longline, trap or pot) must be marked at the surface and at each terminal end, with a pole, flag, light, radar reflector, and a buoy.

(2) A buoy used to mark fixed gear must be marked with a number clearly identifying the owner or operator of the vessel. The number may be either:

(i) If required by applicable state law, the vessel's number, the commercial

fishing license number, or buoy brand number; or

(ii) The vessel documentation number issued by the USCG, or, for an undocumented vessel, the vessel registration number issued by the state.

(b) [Reserved]

### § 660.220 Fixed gear fishery—crossover provisions.

The crossover provisions listed at § 660.60(h)(7), apply to vessels fishing in the limited entry fixed gear fishery.

[76 FR 74746, Dec. 1, 2011]

### § 660.230 Fixed gear fishery—management measures.

(a) General. Most species taken in limited entry fixed gear (longline and pot/trap) fisheries will be managed with cumulative trip limits (see trip limits in Tables 2 (North) and 2 (South) of this subpart), size limits (see § 660.60(h)(5)), seasons (see trip limits in Tables 2 (North) and 2 (South) of this subpart and sablefish primary season details in § 660.231), gear restrictions (see paragraph (b) of this section), and closed areas (see paragraph (d) of this section and §§ 660.70 through 660.79). Cowcod retention is prohibited in all fisheries, and groundfish vessels operating south of Point Conception must adhere to CCA restrictions (see paragraph (d)(10) of this section and § 660.70). Yelloweye rockfish retention is prohibited in the limited entry fixed gear fisheries. Regulations governing and tier limits for the limited entry, fixed gear sablefish primary season north of 36° N lat. are found in § 660.231. Vessels not participating in the sablefish primary season are subject to daily or weekly sablefish limits in addition to cumulative limits for each cumulative limit period. Only one sablefish landing per week may be made in excess of the daily trip limit and, if the vessel chooses to make a landing in excess of that daily trip limit, then that is the only sablefish landing permitted for that week. The trip limit for black rockfish caught with hook-and-line gear also applies, see § 660.230(e). The trip limits in Table 2 (North) and Table 2 (South) of this subpart apply to vessels participating in the limited entry groundfish fixed gear fishery and may not be exceeded. Federal commercial groundfish regulations are not intended to supersede any more restrictive state commercial groundfish regulations relating to federally-managed groundfish.

(b) *Gear restrictions*—(1) Longline and pot or trap gear are authorized in the limited entry fixed gear fishery, providing the gear is in compliance with the restrictions set forth in this section, and gear marking requirements described in § 660.219 of this subpart.

(2) Vessels participating in the limited entry fixed gear fishery may also fish with open access gear subject to the gear restrictions at § 660.330(b), subpart F, but will be subject to the most restrictive trip limits for the gear used as specified at § 660.60(h)(7), subpart C.

(3) Limited entry fixed gear (longline, trap or pot gear) must be attended at least once every 7 days.

(4) Traps or pots must have biodegradable escape panels constructed with 21 or smaller untreated cotton twine in such a manner that an opening at least 8 inches (20.3 cm) in diameter results when the twine deteriorates.

(5) Vessels fishing with bottom longline and snap gears as defined at § 660.11 are subject to the requirements of the Seabird Avoidance Program described in § 660.21.

(c) *Sorting Requirements*. (1) In addition to the requirements at § 660.12(a)(8) the States of Washington, Oregon, and California may also require that vessels record their landings as sorted on their state landing receipts.

(2) For limited entry fixed gear vessels, the following species must be sorted:

(i) *Coastwide*—widow rockfish, canary rockfish, darkblotched rockfish, yelloweye rockfish, shortbelly rockfish, black rockfish, blue/deacon rockfish, minor nearshore rockfish, minor shelf rockfish, minor slope rockfish, shortraker rockfish, rougheye/blackspotted rockfish, shortspine and longspine thornyhead, Dover sole, arrowtooth flounder, petrale sole, starry flounder, English sole, other flatfish, lingcod, sablefish, Pacific cod, spiny dogfish, other fish, longnose skate, big skate, and Pacific whiting;

(ii) *North of 40°10′ N lat.*—POP, yellowtail rockfish, cabezon (California), Washington cabezon/kelp greenling complex, Oregon cabezon/kelp greenling complex; and

(iii) South of 40°10′ N. lat.—minor shallow nearshore rockfish, minor deeper nearshore rockfish, California scorpionfish, chilipepper, bocaccio, splitnose rockfish, Pacific sanddabs, cowcod, bronzespotted rockfish, blackgill rockfish and cabezon.

(d) *Groundfish conservation areas.* GCAs are defined by coordinates expressed in degrees of latitude and longitude. The latitude and longitude coordinates of the GCA boundaries are specified at §§ 660.70 through 660.74. A vessel that is authorized by this paragraph to fish within a GCA (*e.g.*, fishing for ''other flatfish'' using no more than 12 hooks, ''Number 2'' or smaller), may not simultaneously have other gear on board the vessel that is unlawful to use for fishing within the GCA. The following GCAs apply to vessels participating in the limited entry fixed gear fishery.

(1) *North coast recreational yelloweye rockfish conservation area.* The latitude and longitude coordinates of the North Coast Recreational Yelloweye Rockfish Conservation Area (YRCA) boundaries are specified at § 660.70, subpart C. The North Coast Recreational YRCA is designated as an area to be avoided (a voluntary closure) by commercial fixed gear fishers.

(2) *North coast commercial yelloweye rockfish conservation area.* The latitude and longitude coordinates of the North Coast Commercial Yelloweye Rockfish Conservation Area (YRCA) boundaries are specified at § 660.70, subpart C. Fishing with limited entry fixed gear is prohibited within the North Coast Commercial YRCA. It is unlawful to take and retain, possess, or land groundfish taken with limited entry fixed gear within the North Coast Commercial YRCA. Limited entry fixed gear vessels may transit through the North Coast Commercial YRCA with or without groundfish on board.

(3) *South coast recreational yelloweye rockfish conservation area.* The latitude and longitude coordinates of the South Coast Recreational Yelloweye Rockfish Conservation Area (YRCA) boundaries are specified at § 660.70, subpart C. The South Coast Recreational YRCA is designated as an area to be avoided (a voluntary closure) by commercial fixed gear fishers.

(4) *Westport offshore recreational YRCA.* The latitude and longitude coordinates that define the Westport Offshore Recreational YRCA boundaries are specified at § 660.70, subpart C. The Westport Offshore Recreational YRCA is designated as an area to be avoided (a voluntary closure) by commercial fixed gear fishers.

(5) *Point St. George YRCA.* The latitude and longitude coordinates of the Point St. George YRCA boundaries are specified at § 660.70, subpart C. Fishing with limited entry fixed gear is prohibited within the Point St. George YRCA, on dates when the closure is in effect. It is unlawful to take and retain, possess, or land groundfish taken with limited entry fixed gear within the Point St. George YRCA, on dates when the closure is in effect. The closure is not in effect at this time. This closure may be imposed through inseason adjustment. Limited entry fixed gear vessels may transit through the Point St. George YRCA, at any time, with or without groundfish on board.

(6) *South Reef YRCA.* The latitude and longitude coordinates of the South Reef YRCA boundaries are specified at § 660.70, subpart C. Fishing with limited entry fixed gear is prohibited within the South Reef YRCA, on dates when the closure is in effect. It is unlawful to take and retain, possess, or land groundfish taken with limited entry fixed gear within the South Reef YRCA, on dates when the closure is in effect. The closure is not in effect at this time. This closure may be imposed through inseason adjustment. Limited entry fixed gear vessels may transit through the South Reef YRCA, at any time, with or without groundfish on board.

(7) *Reading Rock YRCA.* The latitude and longitude coordinates of the Reading Rock YRCA boundaries are specified at § 660.70, subpart C. Fishing with limited entry fixed gear is prohibited within the Reading Rock YRCA, on dates when the closure is in effect. It is unlawful to take and retain, possess, or

land groundfish taken with limited entry fixed gear within the Reading Rock YRCA, on dates when the closure is in effect. The closure is not in effect at this time. This closure may be imposed through inseason adjustment. Limited entry fixed gear vessels may transit through the Reading Rock YRCA, at any time, with or without groundfish on board.

(8) *Point Delgada (North) YRCA.* The latitude and longitude coordinates of the Point Delgada (North) YRCA boundaries are specified at § 660.70, subpart C. Fishing with limited entry fixed gear is prohibited within the Point Delgada (North) YRCA, on dates when the closure is in effect. It is unlawful to take and retain, possess, or land groundfish taken with limited entry fixed gear within the Point Delgada (North) YRCA, on dates when the closure is in effect. The closure is not in effect at this time. This closure may be imposed through inseason adjustment. Limited entry fixed gear vessels may transit through the Point Delgada (North) YRCA, at any time, with or without groundfish on board.

(9) *Point Delgada (South) YRCA.* The latitude and longitude coordinates of the Point Delgada (South) YRCA boundaries are specified at § 660.70, subpart C. Fishing with limited entry fixed gear is prohibited within the Point Delgada (South) YRCA, on dates when the closure is in effect. It is unlawful to take and retain, possess, or land groundfish taken with limited entry fixed gear within the Point Delgada (South) YRCA, on dates when the closure is in effect. The closure is not in effect at this time. This closure may be imposed through inseason adjustment. Limited entry fixed gear vessels may transit through the Point Delgada (South) YRCA, at any time, with or without groundfish on board.

(10) *Cowcod Conservation Areas.* It is unlawful to take and retain, possess, or land groundfish within the CCAs, except for species authorized in this paragraph caught according to gear requirements in this paragraph, when those waters are open to fishing. Commercial fishing vessels may transit through the Western CCA with their gear stowed and groundfish on board only in the transit corridor, defined at § 660.70. Fishing with limited entry fixed gear is prohibited within the CCAs, except as follows:

(i) Fishing for ''other flatfish'' is permitted within the CCAs under the following conditions: When using no more than 12 hooks, ''Number 2'' or smaller, which measure no more than 11 mm (0.44 inches) point to shank, and up to two 1-lb (0.45 kg) weights per line; and provided a valid declaration report as required at § 660.13(d), subpart C, has been filed with NMFS OLE.

(ii) Fishing for rockfish and lingcod is permitted shoreward of the boundary line approximating the 40 fm (73 m) depth contour within the CCAs when trip limits authorize such fishing and provided a valid declaration report as required at § 660.13(d) has been filed with NMFS OLE. Coordinates for the boundary line approximating the 40 fm (73 m) depth contour are listed in § 660.71.

(11) *Nontrawl Rockfish Conservation Area (RCA).* The nontrawl RCA is defined at § 660.11 and with latitude and longitude coordinates, at §§ 660.71 through 660.74, where fishing for groundfish with nontrawl gear is prohibited. Boundaries for the nontrawl RCA throughout the year are provided in the header to Table 2 (North) and Table 2 (South) of this subpart and may be modified by NMFS inseason pursuant to § 660.60(c).

(i) It is unlawful to operate a vessel with limited entry nontrawl gear in the nontrawl RCA, except for the purpose of continuous transit, or when the use of limited entry nontrawl gear is authorized in this section. It is unlawful to take and retain, possess, or land groundfish taken with limited entry nontrawl gear within the nontrawl RCA, unless otherwise authorized in this section.

(ii) Limited entry nontrawl vessels may transit through the nontrawl RCA, with or without groundfish on board, provided all groundfish nontrawl gear is stowed either: Below deck; or if the gear cannot readily be moved, in a secured and covered manner, detached from all lines, so that it is rendered unusable for fishing.

(iii) The nontrawl RCA restrictions in this section apply to vessels registered to limited entry fixed gear permits fishing for species other than groundfish with nontrawl gear on trips where groundfish species are retained. Unless otherwise authorized in this section, a vessel may not retain any groundfish taken on a fishing trip for species other than groundfish that occurs within the nontrawl RCA. If a vessel fishes in a non-groundfish fishery in the nontrawl RCA, it may not participate in any fishing for groundfish on that trip that is prohibited within the nontrawl RCA. [For example, if a vessel fishes in the salmon troll fishery within the RCA, the vessel cannot on the same trip fish in the sablefish fishery outside of the RCA.]

(iv) It is lawful to fish within the nontrawl RCA with limited entry fixed gear only under the following conditions: when fishing for ''other flatfish'' off California (between 42° N. lat. south to the U.S./Mexico border) using no more than 12 hooks, ''Number 2'' or smaller, which measure no more than 11 mm (0.44 inches) point to shank, and up to two 1-lb (0.91 kg) weights per line when trip limits authorize such fishing, provided a valid declaration report as required at § 660.13(d), subpart C, has been filed with NMFS OLE.

(12) *Farallon Islands*. Under California law, commercial fishing for all groundfish is prohibited between the shoreline and the 10 fm (18 m) depth contour around the Farallon Islands. An exception to this prohibition is that commercial fishing for ''other flatfish'' is permitted around the Farallon Islands using no more than 12 hooks, ''Number 2'' or smaller, which measure no more than 11 mm (0.44 inches) point to shank, and up to two 1-lb (0.45-kg) weights per line. (*See* Table 2 (South) of this subpart.) For a definition of the Farallon Islands, *see* § 660.70, subpart C.

(13) *Cordell Banks*. Commercial fishing for groundfish is prohibited in waters of depths less than 100 fm (183 m) around Cordell Banks, as defined by specific latitude and longitude coordinates at § 660.70, subpart C. An exception to this prohibition is that commercial fishing for ''other flatfish'' is permitted around Cordell Banks using no more than 12 hooks, ''Number 2'' or smaller, which measure no more than 11 mm (0.44 inches) point to shank, and up to two 1-lb (0.45-kg) weights per line.

(e) *Black rockfish fishery management*. The trip limit for black rockfish (*Sebastes melanops*) for commercial fishing vessels using hook-and-line gear between the U.S.-Canada border and Cape Alava (48°09.50′ N. lat.), and between Destruction Island (47°40′ N. lat.) and Leadbetter Point (46°38.17′ N. lat.), is 100 lbs (45 kg) or 30 percent, by weight of all fish on board, whichever is greater, per vessel per fishing trip. These per trip limits apply to limited entry and open access fisheries, in conjunction with the cumulative trip limits and other management measures in § 660.230, subpart E, and § 660.330, subpart F. The crossover provisions in § 660.60(h)(7), subpart C, do not apply to the black rockfish per-trip limits.

(f) *Salmon bycatch*. This fishery may be closed through automatic action at § 660.60(d)(1)(v) and (vi).

(g) *Essential Fish Habitat Conservation Areas (EFHCA)*. EFHCAs, defined at § 660.11 and with latitude and longitude coordinates at §§ 660.75 through 660.79, apply to vessels using bottom contact gear, defined at § 660.11, and includes limited entry fixed gear (*e.g.*, longline and pot/trap,) among other gear types. EFHCAs closed to bottom contact gear are listed at § 660.12(a).

[75 FR 60897, Oct. 1, 2010, as amended at 76 FR 27549, May 11, 2011; 76 FR 53838, Aug. 30, 2011; 78 FR 634, Jan. 3, 2013; 80 FR 12593, Mar. 10, 2015; 80 FR 71981, Nov. 18, 2015; 82 FR 9662, Feb. 7, 2017; 82 FR 60569, Dec. 21, 2017; 83 FR 64006, Dec. 12, 2018; 84 FR 49962, Sept. 24, 2019; 84 FR 63991, Nov. 19, 2019]

### § 660.231 Limited entry fixed gear sablefish primary fishery.

This section applies to the sablefish primary fishery for the limited entry fixed gear fishery north of 36° N. lat. Limited entry and open access fixed gear sablefish fishing outside of the sablefish primary season north of 36° N. lat. is governed by management measures imposed under §§ 660.230, 660.232, 660.330 and 660.332.

(a) *Sablefish endorsement*. In addition to requirements pertaining to fishing in the limited entry fixed gear fishery

(described in subparts C and E), a vessel may not fish in the sablefish primary season for the limited entry fixed gear fishery, unless at least one limited entry permit with both a gear endorsement for longline or trap (or pot) gear and a sablefish endorsement is registered for use with that vessel. Permits with sablefish endorsements are assigned to one of three tiers, as described at § 660.25(b)(3)(iv), subpart C.

(b) *Sablefish primary season for the limited entry fixed gear fishery*—(1) *Season dates.* North of 36° N. lat., the sablefish primary season for the limited entry, fixed gear, sablefish-endorsed vessels begins at 12 noon local time on April 1 and closes at 12 noon local time on October 31, or closes for an individual vessel owner when the tier limit for the sablefish endorsed permit(s) registered to the vessel has been reached, whichever is earlier, unless otherwise announced by the Regional Administrator through the routine management measures process described at § 660.60(c).

(2) *Gear type.* During the primary season, when fishing against primary season cumulative limits, each vessel authorized to fish in that season under paragraph (a) of this section may fish for sablefish with any of the gear types, except trawl gear, endorsed on at least one of the sablefish endorsed permits registered for use with that vessel.

(3) *Cumulative limits.* (i) A vessel participating in the primary season will be constrained by the sablefish cumulative limit associated with each of the permits registered for use with that vessel. During the primary season, each vessel authorized to fish in that season under paragraph (a) of this section may take, retain, possess, and land sablefish, up to the cumulative limits for each of the permits registered for use with that vessel (*i.e.*, stacked permits). If multiple limited entry permits with sablefish endorsements are registered for use with a single vessel, that vessel may land up to the total of all cumulative limits announced in this paragraph for the tiers for those permits, except as limited by paragraph (b)(3)(ii) of this section. Up to 3 permits may be registered for use with a single vessel during the primary season; thus, a single vessel may not take and retain, possess or land more than 3 primary season sablefish cumulative limits in any one year. A vessel registered for use with multiple limited entry permits is subject to per vessel limits for species other than sablefish, and to per vessel limits when participating in the daily trip limit fishery for sablefish under § 660.232. In 2019, the following annual limits are in effect: Tier 1 at 47,637 lbs (21,608 kg), Tier 2 at 21,653 lbs (9,822 kg), and Tier 3 at 12,373 lbs (5,612 kg). In 2020 and beyond, the following annual limits are in effect: Tier 1 at 48,642 lbs (22,064 kg), Tier 2 at 22,110 lbs (10,029 kg), and Tier 3 at 12,634 lbs (5,731 kg).

(ii) If a sablefish endorsed permit is registered to more than one vessel during the primary season in a single year, the second vessel may only take the portion of the cumulative limit for that permit that has not been harvested by the first vessel to which the permit was registered. The combined primary season sablefish landings for all vessels registered to that permit may not exceed the cumulative limit for the tier associated with that permit.

(iii) A cumulative trip limit is the maximum amount of sablefish that may be taken and retained, possessed, or landed per vessel in a specified period of time, with no limit on the number of landings or trips.

(iv) Incidental Pacific halibut retention north of Pt. Chehalis, WA (46°53.30′ N. lat.). From April 1 through October 31, vessels authorized to participate in the sablefish primary fishery, licensed by the International Pacific Halibut Commission for commercial fishing in Area 2A (waters off Washington, Oregon, California), and fishing with longline gear north of Pt. Chehalis, WA (46°53.30′ N. lat.) may possess and land up to 200 pounds (91 kg) dressed weight of Pacific halibut for every 1,000 pounds (454 kg) dressed weight of sablefish landed and up to 2 additional Pacific halibut in excess of the 200-pounds-per-1,000-pound limit per landing. ''Dressed'' Pacific halibut in this area means halibut landed eviscerated with their heads on. Pacific halibut taken and retained in the sablefish primary fishery north of Pt. Chehalis may only

be landed north of Pt. Chehalis and may not be possessed or landed south of Pt. Chehalis.

(4) *Owner-on-board requirement.* Any person who owns or has ownership interest in a limited entry permit with a sablefish endorsement, as described at § 660.25(b)(3), subpart C, must be on board the vessel registered for use with that permit at any time that the vessel has sablefish on board the vessel that count toward that permit's cumulative sablefish landing limit. This person must carry government issued photo identification while aboard the vessel. This person must review and sign a printed copy of the electronic fish ticket(s) or dock ticket, as described at § 660.213(d), unless this person qualified for the owner-on-board exemption. A permit owner is qualified for the owner-on-board exemption and not obligated to be on board the vessel registered for use with the sablefish-endorsed limited entry permit during the sablefish primary season if:

(i) The person, partnership or corporation had ownership interest in a limited entry permit with a sablefish endorsement prior to November 1, 2000. A person who has ownership interest in a partnership or corporation that owned a sablefish-endorsed permit as of November 1, 2000, but who did not individually own a sablefish-endorsed limited entry permit as of November 1, 2000, is not exempt from the owner-on-board requirement when he/she leaves the partnership or corporation and purchases another permit individually. A person, partnership, or corporation that is exempt from the owner-on-board requirement may sell all of their permits, buy another sablefish-endorsed permit within up to a year from the date the last change in permit ownership was approved, and retain their exemption from the owner-on-board requirements. Additionally, a person, partnership, or corporation that qualified for the owner-on-board exemption, but later divested their interest in a permit or permits, may retain rights to an owner-on-board exemption as long as that person, partnership, or corporation purchases another permit by March 2, 2007. A person, partnership or corporation could only purchase a permit if it has not added or changed individuals since November 1, 2000, excluding individuals that have left the partnership or corporation, or that have died.

(ii) The person who owns or who has ownership interest in a sablefish-endorsed limited entry permit is prevented from being on board a fishing vessel because the person died, is ill, or is injured. The person requesting the exemption must send a letter to NMFS requesting an exemption from the owner-on-board requirements, with appropriate evidence as described at paragraph (b)(4)(ii)(A) or (B) of this section. All emergency exemptions for death, injury, or illness will be evaluated by NMFS and a decision will be made in writing to the permit owner within 60 calendar days of receipt of the original exemption request.

(A) Evidence of death of the permit owner shall be provided to NMFS in the form of a copy of a death certificate. In the interim before the estate is settled, if the deceased permit owner was subject to the owner-on-board requirements, the estate of the deceased permit owner may send a letter to NMFS with a copy of the death certificate, requesting an exemption from the owner-on-board requirements. An exemption due to death of the permit owner will be effective only until such time that the estate of the deceased permit owner has registered the deceased permit owner's permit to a beneficiary or up to three years after the date of death as proven by a death certificate, whichever is earlier. An exemption from the owner-on-board requirements will be conveyed in a letter from NMFS to the estate of the permit owner and is required to be on the vessel during fishing operations.

(B) Evidence of illness or injury that prevents the permit owner from participating in the fishery shall be provided to NMFS in the form of a letter from a certified medical practitioner. This letter must detail the relevant medical conditions of the permit owner and how those conditions prevent the permit owner from being onboard a fishing vessel during the primary season. An exemption due to injury or illness will be effective only for the fishing year of the request for exemption, and will not be granted for more than

three consecutive or total years. NMFS will consider any exemption granted for less than 12 months in a year to count as one year against the 3-year cap. In order to extend an emergency medical exemption for a succeeding year, the permit owner must submit a new request and provide documentation from a certified medical practitioner detailing why the permit owner is still unable to be onboard a fishing vessel. An emergency exemption will be conveyed in a letter from NMFS to the permit owner and is required to be on the vessel during fishing operations.

[75 FR 60897, Oct. 1, 2010]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 660.231, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.govinfo.gov*.

### § 660.232 Limited entry daily trip limit (DTL) fishery for sablefish.

(a) *Limited entry DTL fisheries both north and south of 36° N. lat.* (1) Before the start of the sablefish primary season, all sablefish landings made by a vessel declared into the limited entry fixed gear fishery and authorized by § 660.231(a) to fish in the sablefish primary season will be subject to the restrictions and limits of the limited entry DTL fishery for sablefish specified in this section and which is governed by routine management measures imposed under § 660.60(c), subpart C.

(2) Following the start of the primary season, all sablefish landings made by a vessel declared into the limited entry fixed gear fishery and authorized by § 660.231(a) to fish in the primary season will count against the primary season cumulative limit(s) associated with the sablefish-endorsed permit(s) registered for use with that vessel. A vessel that is eligible to fish in the sablefish primary season may fish in the DTL fishery for sablefish once that vessels' primary season sablefish limit(s) have been landed, or after the close of the primary season, whichever occurs earlier (as described at § 660.231(b)(1). If the vessel continues to fish in the limited entry fixed gear fishery for any part of the remaining fishing year, any subsequent sablefish landings by that vessel will be subject to the restrictions and limits of the limited entry DTL fishery for sablefish.

(3) Vessels registered for use with a limited entry fixed gear permit that does not have a sablefish endorsement may fish in the limited entry DTL fishery, consistent with regulations at § 660.230, for as long as that fishery is open during the fishing year, subject to routine management measures imposed under § 660.60(c), Subpart C. DTL limits for the limited entry fishery north and south of 36° N. lat. are provided in Tables 2 (North) and 2 (South) of this subpart.

(b) A vessel that is jointly registered, and has participated or will participate in both the limited entry fixed gear fishery and the Shorebased IFQ Program during the fishing year, is subject to crossover provisions described at § 660.60(h)(7), subpart C.

[81 FR 84432, Nov. 23, 2016]

TABLE 2 (NORTH) TO PART 660, SUBPART E—NON-TRAWL ROCKFISH CONSERVATION AREAS AND TRIP LIMITS FOR LIMITED ENTRY FIXED GEAR NORTH OF 40°10′ N LAT.

**Table 2 (North) to Part 660, Subpart E -- Non-Trawl Rockfish Conservation Areas and Trip Limits for Limited Entry Fixed Gear North of 40°10' N. lat.**

Other limits and requirements apply -- Read §§660.10 through 660.399 before using this table 06/01/2020

| | | JAN-FEB | MAR-APR | MAY-JUN | JUL-AUG | SEP-OCT | NOV-DEC |
|---|---|---|---|---|---|---|---|
| | **Rockfish Conservation Area (RCA)[1/]:** | | | | | | |
| 1 | North of 46°16' N. lat. | shoreline - 100 fm line[1/] | | | | | |
| 2 | 46°16' N. lat. - 42°00' N. lat. | 30 fm line[1/] - 100 fm line[1/] | | | | | |
| 3 | 42°00' N. lat. - 40°10' N. lat. | 30 fm line[1/] - 100 fm line[1/] | | | | | |
| | **See §§660.60 and 660.230 for additional gear, trip limit and conservation area requirements and restrictions. See §§660.70-660.74 and §§660.76-660.79 for conservation area descriptions and coordinates (including RCAs, YRCAs, CCAs, Farallon Islands, Cordell Banks, and EFHCAs).** | | | | | | |
| | State trip limits and seasons may be more restrictive than Federal trip limits or seasons, particularly in waters off Oregon and California. | | | | | | |
| 4 | **Minor Slope Rockfish[2/] & Darkblotched rockfish** | 6,000 lb/2 month | | 8,000 lb/2 month | | | |
| 5 | **Pacific ocean perch** | 1,800 lb/ 2 months | | | | | |
| 6 | **Sablefish** | 1,300 lb week, not to exceed 3,900 lbs/2months | | 1,500 lb/ week, not to exceed 4,500 lbs/ 2 months | | | |
| 7 | **Longspine thornyhead** | 10,000 lb/ 2 months | | | | | |
| 8 | **Shortspine thornyhead** | 2,000 lb/ 2 months | | | 2,500 lb/ 2 months | | |
| 9 | **Dover sole, arrowtooth flounder, petrale sole, English sole, starry flounder, Other Flatfish[3/]** | 5,000 lb/ month | | 10,000 lb/ month | | | |
| 10 | | South of 42° N. lat., when fishing for "other flatfish," vessels using hook-and-line gear with no more than 12 hooks per line, using hooks no larger than "Number 2" hooks, which measure 0.44 in (11 mm) point to shank, and up to two 1 lb (0.45 kg) weights per line, are not subject to the RCAs. | | | | | |
| 11 | **Whiting** | 10,000 lb/ trip | | | | | |
| 12 | **Minor Shelf Rockfish[2/], Shortbelly, & Widow rockfish** | 200 lb/ month | | 800 lb/ month | | | |
| 13 | **Yellowtail rockfish** | 1,000 lb/ month | | 3,000 lb/ month | | | |
| 14 | **Canary rockfish** | 300 lb/ 2 months | | 3,000 lb/ 2 months | | | |
| 15 | **Yelloweye rockfish** | CLOSED | | | | | |
| 16 | **Minor Nearshore Rockfish, Washington Black rockfish & Oregon Black/blue/deacon rockfish** | | | | | | |
| 17 | North of 42°00' N. lat. | 5,000 lb/ 2 months, no more than 1,200 lb of which may be species other than black rockfish or blue/deacon rockfish[4/] | | | | | |
| 18 | 42°00' N. lat. - 40°10' N. lat. | 8,500 lb/ 2 months, no more than 1,500 lb of which may be species other than black rockfish | 7,000 lb/ 2 months, no more than 1,500 lb of which may be species other than black rockfish | 7,000 lb/ 2 months, no more than 2,000 lb of which may be species other than black rockfish | | | |
| 19 | **Lingcod[5/]** | | | | | | |
| 20 | North of 42°00' N. lat. | 2,600 lb/2 months | | 4,000 lb/ 2 months | | | |
| 21 | 42°00' N. lat. - 40°10' N. lat. | 1,400 lb/2 months | | 2,000 lb/ 2 months | | | |
| 22 | **Pacific cod** | 1,000 lb/ 2 months | | | | | |
| 23 | **Spiny dogfish** | 200,000 lb/ 2 months | | 150,000 lb/ 2 months | 100,000 lb/ 2 months | | |
| 24 | **Longnose skate** | Unlimited | | | | | |
| 25 | **Other Fish[6/] & Cabezon in California** | Unlimited | | | | | |
| 26 | **Oregon Cabezon/Kelp Greenling** | Unlimited | | | | | |
| 27 | **Big skate** | Unlimited | | | | | |

TABLE 2 (North)

1/ The Rockfish Conservation Area is an area closed to fishing by particular gear types, bounded by lines specifically defined by latitude and longitude coordinates set out at §§ 660.71-660.74. This RCA is not defined by depth contours (with the exception of the 20-fm depth contour boundary south of 42° N. lat.), and the boundary lines that define the RCA may close areas that are deeper or shallower than the depth contour. Vessels that are subject to RCA restrictions may not fish in the RCA, or operate in the RCA for any purpose other than transiting.

2/ Bocaccio, chilipepper and cowcod are included in the trip limits for Minor Shelf Rockfish and splitnose rockfish is included in the trip limits for Minor Slope Rockfish.

3/ "Other flatfish" are defined at § 660.11 and include butter sole, curlfin sole, flathead sole, Pacific sanddab, rex sole, rock sole, and sand sole.

4/ For black rockfish north of Cape Alava (48°09.50' N. lat.), and between Destruction Is. (47°40' N. lat.) and Leadbetter Pnt. (46°38.17' N. lat.), there is an additional limit of 100 lb or 30 percent by weight of all fish on board, whichever is greater, per vessel, per fishing trip. 738

5/ The minimum size limit for lingcod is 22 inches (56 cm) total length North of 42° N. lat. and 24 inches (61 cm) total length South of 42° N. lat.

6/ "Other Fish" are defined at § 660.11 and include kelp greenling off California and leopard shark.

**To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.**

[85 FR 35214, June 9, 2020]

TABLE 2 (SOUTH) TO PART 660, SUBPART E—NON-TRAWL ROCKFISH CONSERVATION AREAS AND TRIP LIMITS FOR LIMITED ENTRY FIXED GEAR SOUTH OF 40°10′ N LAT.

## Table 2 (South) to Part 660, Subpart E—Non-Trawl Rockfish Conservation Areas and Trip Limits for Limited Entry Fixed Gear South of 40°10′ N Lat.

**Table 2 (South) to Part 660, Subpart E -- Non-Trawl Rockfish Conservation Areas and Trip Limits for Limited Entry Fixed Gear South of 40°10' N. lat.**

Other limits and requirements apply -- Read §§660.10 through 660.399 before using this table — 0/7/01/2020

| | | JAN-FEB | MAR-APR | MAY-JUN | JUL-AUG | SEP-OCT | NOV-DEC |
|---|---|---|---|---|---|---|---|
| | **Rockfish Conservation Area (RCA)[1/]:** | | | | | | |
| 1 | 40°10' N. lat. - 34°27' N. lat. | 40 fm line[1/] - 125 fm line[1/] | | | | | |
| 2 | South of 34°27' N. lat. | 75 fm line[1/] - 150 fm line[1/] (also applies around islands) | | | | | |
| | **See §§660.60 and 660.230 for additional gear, trip limit and conservation area requirements and restrictions. See §§660.70-660.74 and §§660.76-660.79 for conservation area descriptions and coordinates (including RCAs, YRCAs, CCAs, Farallon Islands, Cordell Banks, and EFHCAs).** | | | | | | |
| | State trip limits and seasons may be more restrictive than Federal trip limits or seasons, particularly in waters off Oregon and California. | | | | | | |
| 3 | **Minor Slope rockfish[2/] & Darkblotched rockfish** | 40,000 lb/ 2 months, of which no more than 1,375 lb may be blackgill rockfish | | 40,000 lb/ 2 months, of which no more than 5,500 lb may be blackgill rockfish | | | |
| 4 | **Splitnose rockfish** | 40,000 lb/ 2 months | | | | | |
| 5 | **Sablefish** | | | | | | |
| 6 | 40°10' N. lat. - 36°00' N. lat. | 1,300 lb week, not to exceed 3,900 lbs/2months | | 1,500 lb/ week, not to exceed 4,500 lbs/ 2 months | | | |
| 7 | South of 36°00' N. lat. | 2,000 lb/ week | | | | | |
| 8 | **Longspine thornyhead** | 10,000 lb/ 2 months | | | | | |
| 9 | **Shortspine thornyhead** | | | | | | |
| 10 | 40°10' N. lat. - 34°27' N. lat. | 2,000 lb/ 2 months | | | 2,500 lb/ 2 months | | |
| 11 | South of 34°27' N. lat. | 3,000 lb/ 2 months | | | | | |
| 12 | **Dover sole, arrowtooth flounder, petrale sole, English sole, starry flounder, Other Flatfish[3/]** | 5,000 lb/ month | | 10,000 lb/ month | | | |
| 13 | | South of 42° N. lat., when fishing for "other flatfish," vessels using hook-and-line gear with no more than 12 hooks per line, using hooks no larger than "Number 2" hooks, which measure 0.44 in (11 mm) point to shank, and up to two 1 lb (0.45 kg) weights per line, are not subject to the RCAs. | | | | | |
| 14 | **Whiting** | 10,000 lb/ trip | | | | | |
| 15 | **Minor Shelf Rockfish[2/], Shortbelly rockfish, Widow rockfish (including Chilipepper between 40°10' - 34°27' N. lat.)** | | | | | | |
| 16 | 40°10' N. lat. - 34°27' N. lat. | Minor shelf rockfish, shortbelly, widow rockfish, & chilipepper: 2,500 lb/ 2 months, of which no more than 500 lb may be any species other than chilipepper. | | 8,000 lb/ 2 months, of which no more than 500 lbs may be vermilion rockfish | | | |
| 17 | South of 34°27' N. lat. | 4,000 lb/ 2 months | CLOSED | 5,000 lb/ 2 months, of which no more than 4,000 lb may be vermilion rockfish | | | |
| 18 | **Chilipepper** | | | | | | |
| 19 | 40°10' N. lat. - 34°27' N. lat. | Chilipepper included under minor shelf rockfish, shortbelly and widow rockfish limits - - See above | | | | | |
| 20 | South of 34°27' N. lat. | 2,000 lb/ 2 months, this opportunity only available seaward of the non-trawl RCA | | 4,000 lb/ 2 months, this opportunity only available seaward of the non-trawl RCA | | | |
| 21 | **Canary rockfish** | | | | | | |
| 22 | 40°10' N. lat. - 34°27' N. lat. | 300 lb/ 2 months | | 3,500 lb/ 2 months | | | |
| 23 | South of 34°27' N. lat. | 300 lb/ 2 months | CLOSED | 3,500 lb/ 2 months | | | |
| 24 | **Yelloweye rockfish** | CLOSED | | | | | |
| 25 | **Cowcod** | CLOSED | | | | | |
| 26 | **Bronzespotted rockfish** | CLOSED | | | | | |

TABLE 2 (South)

*Table 2 (South) continued* 07/01/2020

TABLE 2 (South) cont'd

| | | JAN-FEB | MAR-APR | MAY-JUN | JUL-AUG | SEP-OCT | NOV-DEC |
|---|---|---|---|---|---|---|---|
| 27 | **Bocaccio** | | | | | | |
| 28 | 40°10' N. lat. - 34°27' N. lat. | 1,500 lb/ 2 months | | | 6,000 lb/ 2 months | | |
| 29 | South of 34°27' N. lat. | 1,500 lb/ 2 months | CLOSED | 1,500 lb/ 2 months | 6,000 lb/ 2 months | | |
| 30 | **Minor Nearshore Rockfish, California Black rockfish, & Oregon Black/Blue/Deacon rockfish** | | | | | | |
| 31 | Shallow nearshore[4/] | 1,200 lb/ 2 months | CLOSED | 2,000 lb/ 2 months | | | |
| 32 | Deeper nearshore[5/] | 1,200 lb/ 2 months | CLOSED | 2,000 lb/ 2 months | | | |
| 33 | **California Scorpionfish** | 1,500 lb/ 2 months | CLOSED | 1,500 lb/ 2 months | | | |
| 34 | **Lingcod[6/]** | 1,200 lb/ 2 months | CLOSED | 1,500 lb/ 2 months | | | |
| 35 | **Pacific Cod** | 1,000 lb/ 2 months | | | | | |
| 36 | **Spiny dogfish** | 200,000 lb/ 2 months | | 150,000 lb/ 2 months | 100,000 lb/ 2 months | | |
| 37 | **Longnose skate** | Unlimited | | | | | |
| 38 | **Other Fish[7/] & Cabezon in California** | Unlimited | | | | | |
| 39 | **Big Skate** | Unlimited | | | | | |

1/ The Rockfish Conservation Area is an area closed to fishing by particular gear types, bounded by lines specifically defined by latitude and longitude coordinates set out at §§ 660.71-660.74. This RCA is not defined by depth contours (with the exception of the 20-fm depth contour boundary south of 42° N. lat.), and the boundary lines that define the RCA may close areas that are deeper or shallower than the depth contour. Vessels that are subject to RCA restrictions may not fish in the RCA, or operate in the RCA for any purpose other than transiting.

2/ Pacific ocean perch is included in the trip limits for Minor Slope Rockfish. Blackgill rockfish have a species specific trip sub-limit within the Minor Slope Rockfish cumulative limit. Yellowtail rockfish are included in the trip limits for Minor Shelf Rockfish. Bronzespotted rockfish have a species specific trip limit.

3/ "Other Flatfish" are defined at § 660.11 and include butter sole, curlfin sole, flathead sole, Pacific sanddab, rex sole, rock sole, and sand sole.

4/ "Shallow Nearshore" are defined at § 660.11 under "Groundfish" (7)(i)(B)(*1*).

5/ "Deeper Nearshore" are defined at § 660.11 under "Groundfish" (7)(i)(B)(2).

6/ The commercial mimimum size limit for lingcod is 24 inches (61 cm) total length South of 42° N. lat.

7/ "Other Fish" are defined at § 660.11 and include kelp greenling off California and leopard shark.

**To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.**

[85 FR 43738, July 20, 2020]

## Subpart F—West Coast Groundfish—Open Access Fisheries

SOURCE: 75 FR 60897, Oct. 1, 2010, unless otherwise noted.

### § 660.310 Purpose and scope.

This subpart covers the Pacific Coast Groundfish open access fishery. The open access fishery, as defined at § 660.11, Subpart C, is the fishery composed of commercial vessels using open access gear fished pursuant to the harvest guidelines, quotas, and other management measures specified for the harvest of open access allocations or governing the fishing activities of open access vessels.

### § 660.311 Open access fishery—definitions.

General definitions for the Pacific Coast groundfish fisheries are defined at § 660.11, subpart C. The definitions in this subpart are specific to the open access fishery covered in this subpart and are in addition to those specified at § 660.11, subpart C.

*Closely tended* for the purposes of this subpart means that a vessel is within visual sighting distance or within 0.25 nm (463 m) of the gear as determined by electronic navigational equipment.

### § 660.312 Open access fishery—prohibitions.

In addition to the general prohibitions specified in §§ 660.12 and 600.725 of this chapter, it is unlawful for any person to:

(a) *General.* (1) Take and retain, possess, or land groundfish in excess of the landing limit for the open access fishery without having a valid limited entry permit for the vessel affixed with a gear endorsement for the gear used to catch the fish.

(2) *Black rockfish fisheries.* Have onboard a commercial hook-and-line fishing vessel (other than a vessel operated by persons under § 660.60 (c)(1)(ii), subpart C), more than the amount of the trip limit set for black rockfish by § 660.330(e) while that vessel is fishing between the U.S.-Canada border and Cape Alava (48°09′30″ N. lat.), or between Destruction Island (47°40′00″ N. lat.) and Leadbetter Point (46°38′10″ N. lat.).

(3) Transport fish, if that fish includes any amount of sablefish, away from the point of landing before being sorted and weighed by federal groundfish species or species group, and recorded for submission on an electronic fish ticket under § 660.313(f). (If fish will be transported to a different location for processing, all sorting and weighing to federal groundfish species groups must occur before transporting the fish away from the point of landing).

(4) Mix fish from more than one landing, where one or more of the landings includes any amount of sablefish, prior to the fish being sorted and weighed for reporting on an electronic fish ticket under § 660.313(f).

(5) Process, sell, or discard any fish if that fish includes any amount of sablefish, that has not been accounted for on an electronic fish ticket under § 660.313(f).

(b) *Recordkeeping and reporting.* (1) Fail to comply with all recordkeeping and reporting requirements at § 660.13, subpart C, including failure to submit information, or submission of inaccurate or false information on any report required at § 660.13(d), subpart C, and § 660.313.

(2) Falsify or fail to make and/or file, retain or make available any and all reports of groundfish landings that include sablefish, containing all data, and in the exact manner, required by the regulation at § 660.13, subpart C, or § 660.313.

(c) *Gear.* (1) Possess, deploy, haul, or carry onboard a fishing vessel subject to this subpart a set net, trap or pot, longline, or commercial vertical hook-and-line that is not in compliance with the gear restrictions in § 660.330(b), subpart F, unless such gear is the gear of another vessel that has been retrieved at sea and made inoperable or stowed in a manner not capable of being fished. The disposal at sea of such gear is prohibited by Annex V of the International Convention for the Prevention of Pollution From Ships, 1973 (Annex V of MARPOL 73/78).

(2) Fish with dredge gear (defined in § 660.11) anywhere within EFH within the EEZ, as defined by latitude/longitude coordinates at § 660.75.

(3) Fish with beam trawl gear (defined in § 660.11) anywhere within EFH within the EEZ, as defined by latitude/longitude coordinates at § 660.75.

(4) Fish with bottom trawl gear with a footrope diameter greater than 19 inches (48 cm) (including rollers, bobbins, or other material encircling or tied along the length of the footrope) anywhere in EFH within the EEZ, as defined by latitude/longitude coordinates at § 660.75.

(d) *Fishing in conservation areas with open access gears.* (1) Operate a vessel with non-groundfish trawl gear onboard in any applicable GCA (as defined at § 660.330(d)) except for purposes of continuous transiting, with all trawl gear stowed in accordance with § 660.330(b), or except as authorized in the groundfish management measures published at § 660.330.

(2) Operate a vessel in an applicable GCA (as defined at § 660.330(d) that has nontrawl gear onboard and is not registered to a limited entry permit on a trip in which the vessel is used to take and retain or possess groundfish in the EEZ, possess or land groundfish taken in the EEZ, except for purposes of continuous transiting, with all groundfish nontrawl gear stowed in accordance with § 660.330(b), or except as authorized in the groundfish management measures published at § 660.330.

(3) Fish with bottom contact gear (defined at § 660.11) within specific EFHCAs or the DECA, as specified in § 660.12(a).

(4) Fish with bottom trawl gear (defined at § 660.11) anywhere within EFH seaward of a line approximating the 700-fm (1280-m) depth contour, as defined in § 660.76. For the purposes of regulation, EFH seaward of 700-fm (1280-m) within the EEZ is described at § 660.75.

(5) Fish with bottom trawl gear (defined at § 660.11) with a footrope diameter greater than 8 inches (20 cm) (including rollers, bobbins or other material encircling or tied along the length of the footrope) anywhere within the EEZ shoreward of a line approximating the 100-fm (183-m) depth contour (defined at § 660.73).

(6) Fish with bottom trawl gear (defined at § 660.11), within the EEZ in the following EFHCAs (defined at §§ 660.77 and 660.78): Olympic 2, Biogenic 1, Biogenic 2, Quinault Canyon, Grays Canyon, Willapa Canyonhead, Willapa Deep, Biogenic 3, Astoria Deep, Astoria Canyon, Nehalem Bank/Shale Pile, Garibaldi Reef North, Garibaldi Reef South, Siletz Deepwater, Daisy Bank/Nelson Island, Newport Rockpile/Stonewall Bank, Hydrate Ridge, Heceta Bank, Deepwater off Coos Bay, Arago Reef, Bandon High Spot, Rogue Canyon, and Rogue River Reef.

(7) Fish with bottom trawl gear (defined at § 660.11), other than demersal seine, unless otherwise specified in this section or § 660.330, within the EEZ in the following EFHCAs (defined at § 660.79): Brush Patch, Trinidad Canyon, Mad River Rough Patch, Samoa Deepwater, Eel River Canyon, Blunts Reef, Mendocino Ridge, Delgada Canyon, Tolo Bank, Navarro Canyon, Point Arena North, Point Arena South Biogenic Area, The Football, Gobbler's Knob, Point Reyes Reef, Cordell Bank/Biogenic Area, Rittenburg Bank, Farallon Islands/Fanny Shoal/Cochrane Bank, Farallon Escarpment, Half Moon Bay, Pescadero Reef, Pigeon Point Reef, Ascension Canyonhead, South of Davenport, Monterey Bay/Canyon, West of Sobranes Point, Point Sur Deep, Big Sur Coast/Port San Luis, La Cruz Canyon, West of Piedras Blancas State Marine Conservation Area, East San Lucia Bank, Point Conception, Hidden Reef/Kidney Bank (within Cowcod Conservation Area West), Catalina Island, Potato Bank (within Cowcod Conservation Area West), Cherry Bank (within Cowcod Conservation Area West), Cowcod EFHCA Conservation Area East, and Southern California Bight.

[75 FR 60897, Oct. 1, 2010, as amended at 81 FR 84433, Nov. 23, 2016; 84 FR 63992, Nov. 19, 2019]

### § 660.313 Open access fishery—recordkeeping and reporting.

(a) *General*. General reporting requirements specified at § 660.13(a) through (c), subpart C, apply to the open access fishery.

(b) *Declaration reports for vessels using nontrawl gear*. Declaration reporting requirements for open access vessels using nontrawl gear (all types of open access gear other than non-groundfish trawl gear) are specified at § 660.13(d), subpart C.

(c) *Declaration reports for vessels using non-groundfish trawl gear*. Declaration reporting requirements for open access vessels using non-groundfish trawl gear are specified at § 660.13(d), subpart C.

(d) *VMS requirements for open access fishery vessels*. VMS requirements for open access fishery vessels are specified at § 660.14, subpart C.

(e) *Retention of records*. Any person landing groundfish must retain on board the vessel from which groundfish is landed, and provide to an authorized officer upon request, copies of any and all reports of groundfish landings containing all data, and in the exact manner, required by the applicable state law throughout the cumulative limit period during which a landing occurred and for 15 days thereafter. All relevant records used in the preparation of electronic fish ticket reports or corrections to these reports, including dock tickets, must be maintained for a period of not less than three years after the date of landing and must be immediately available upon request for inspection by NMFS or authorized officers or others as specifically authorized by NMFS.

(f) *Electronic fish ticket*. The first receiver, as defined at § 660.11, subpart C, of fish, if that fish includes any amount of sablefish, from an open access vessel, is responsible for compliance with all reporting requirements described in this paragraph. Per requirements at § 660.312(a), all fish, if that fish includes any amount of sablefish, must be reported via electronic fish ticket. When used in this paragraph, submit means to transmit final electronic fish ticket information via web-based form or, if a waiver is granted, by paper form. When used in this paragraph, record means the action of

documenting electronic fish ticket information in any written format.

(1) *Required information.* All first receivers must provide the following types of information: Date of landing, vessel that made the landing, vessel identification number, name of the vessel operator, gear type used, receiver, actual weights of species landed listed by species or species group including species with no value, condition landed, number of salmon by species, number of Pacific halibut, ex-vessel value of the landing by species, fish caught inside/outside 3 miles or both, and any other information deemed necessary by the Regional Administrator (or designee) as specified on the appropriate electronic fish ticket form.

(2) *Submissions.* The first receiver must:

(i) Include, as part of each electronic fish ticket submission, the actual scale weight for each groundfish species as specified by requirements at § 660.15(c) and the vessel identification number. Use and maintain, for the purposes of submitting electronic fish tickets, equipment as specified at § 660.15(d).

(ii) Submit a completed electronic fish ticket no later than 24 hours after the date of landing, unless a waiver of this requirement has been granted under provisions specified at paragraph (f)(4) of this section.

(iii) If electronic fish tickets will be submitted prior to processing or transport, follow these process and submittal requirements:

(A) After completing the landing, the electronic fish ticket information must be recorded immediately.

(B) Prior to submittal of the electronic fish ticket, the information recorded for the electronic fish ticket must be reviewed by the vessel operator who delivered the fish and the port sampler, if one is present.

(C) After review, the receiver and the vessel operator must sign a printed hard copy of the electronic fish ticket or, if the landing occurs outside of business hours, the original dock ticket.

(D) Prior to submittal, three copies of the signed electronic fish ticket must be produced by the receiver and a copy provided to each of the following:

(*1*) The vessel operator,

(*2*) The state of origin if required by state regulations, and

(*3*) The first receiver.

(E) After review and signature, the electronic fish ticket must be submitted within 24 hours after the date of landing, as specified in paragraph (f)(2)(ii) of this section.

(iv) If electronic fish tickets will be submitted after transport, follow these process and submittal requirements:

(A) The vessel name and the electronic fish ticket number must be recorded on each dock ticket related to that landing.

(C) Upon completion of the dock ticket, but prior to transfer of the offload to another location, the dock ticket information that will be used to complete the electronic fish ticket must be reviewed by the vessel operator who delivered the fish.

(D) After review, the first receiver and the vessel operator must sign the original copy of each dock ticket related to that landing.

(E) Prior to submittal of the electronic fish ticket, three copies of the signed dock ticket must be produced by the first receiver and a copy provided to each of the following:

(*1*) The vessel operator,

(*2*) The state of origin if required by state regulations, and

(*3*) The first receiver.

(F) Based on the information contained in the signed dock ticket, the electronic fish ticket must be completed and submitted within 24 hours of the date of landing, as specified in paragraph (f)(2)(ii) of this section.

(G) Three copies of the electronic fish ticket must be produced by the first receiver and a copy provided to each of the following:

(*1*) The vessel operator,

(*2*) The state of origin if required by state regulations, and

(*3*) The first receiver.

(3) *Revising a submission.* In the event that a data error is found, electronic fish ticket submissions must be revised by resubmitting the revised form electronically. Electronic fish tickets are to be used for the submission of final data. Preliminary data, including estimates of fish weights or species composition, shall not be submitted on electronic fish tickets.

(4) *Waivers for submission*. On a case-by-case basis, a temporary written waiver of the requirement to submit electronic fish tickets may be granted by the Assistant Regional Administrator or designee if he/she determines that circumstances beyond the control of a receiver would result in inadequate data submissions using the electronic fish ticket system. The duration of the waiver will be determined on a case-by-case basis.

(5) *Reporting requirements when a temporary waiver has been granted*. Receivers that have been granted a temporary waiver from the requirement to submit electronic fish tickets must submit on paper the same data as is required on electronic fish tickets within 24 hours of the date of landing during the period that the waiver is in effect. Paper fish tickets must be sent by facsimile to NMFS, West Coast Region, Sustainable Fisheries Division, 206–526–6736 or by delivering it in person to 7600 Sand Point Way NE., Seattle, WA 98115. The requirements for submissions of paper tickets in this paragraph are separate from, and in addition to existing state requirements for landing receipts or fish receiving tickets.

[81 FR 84432, Nov. 23, 2016]

### § 660.316 Open access fishery—observer requirements.

(a) *Observer coverage requirements*—(1) *Harvesting vessels*. When NMFS notifies the owner, operator, permit holder, or the manager of a harvesting vessel of any requirement to carry an observer, the harvesting vessel may not be used to fish for groundfish without carrying an observer.

(2) *Processing vessels*. Unless specified otherwise by the Observer Program, any vessel 125 ft (38.1 m) LOA or longer that is engaged in at-sea processing must carry two certified observers procured from a permitted observer provider, and any vessel shorter than 125 ft (38.1 m) LOA that is engaged in at-sea processing must carry one certified observer procured from a permitted observer provider, each day that the vessel is used to take, retain, receive, land, process, or transport groundfish. Owners of vessels required to carry observers under this paragraph must arrange for observer services from a permitted observer provider except when the Observer Program has determined and given notification that the vessel must carry NMFS staff or an individual authorized by NMFS in addition to or in lieu of an observer provided by a permitted observer provider.

(b) *Notice of departure—basic rule*. At least 24 hours (but not more than 36 hours) before departing on a fishing trip, a harvesting vessel that has been notified by NMFS that it is required to carry an observer, or that is operating in an active sampling unit, must notify NMFS (or its designated agent) of the vessel's intended time of departure. Notice will be given in a form to be specified by NMFS.

(1) *Optional notice—weather delays*. A harvesting vessel that anticipates a delayed departure due to weather or sea conditions may advise NMFS of the anticipated delay when providing the basic notice described in paragraph (b) of this section. If departure is delayed beyond 36 hours from the time the original notice is given, the vessel must provide an additional notice of departure not less than four hours prior to departure, in order to enable NMFS to place an observer.

(2) *Optional notice—back-to-back fishing trips*. A harvesting vessel that intends to make back-to-back fishing trips (*i.e.*, trips with less than 24 hours between offloading from one trip and beginning another), may provide the basic notice described in paragraph (b) of this section for both trips, prior to making the first trip. A vessel that has given such notice is not required to give additional notice of the second trip.

(c) *Cease fishing report*. Within 24 hours of ceasing the taking and retaining of groundfish, vessel owners, operators, or managers must notify NMFS or its designated agent that fishing has ceased. This requirement applies to any harvesting or processing vessel that is required to carry an observer, or that is operating in a segment of the fleet that NMFS has identified as an active sampling unit.

(d) *Waiver*. The West Coast Regional Administrator (or designate) may provide written notification to the vessel owner stating that a determination has

been made to temporarily waive coverage requirements because of circumstances that are deemed to be beyond the vessel's control.

(e) *Vessel responsibilities*—(1) *Accommodations and food*. An operator of a vessel required to carry one or more observer(s) must provide accommodations and food that are Equivalent to those provided to the crew.

(2) *Safe conditions*. Maintain safe conditions on the vessel for the protection of observer(s) including adherence to all USCG and other applicable rules, regulations, or statutes pertaining to safe operation of the vessel, and provisions at §§ 600.725 and 600.746 of this chapter. Have on board a valid Commercial Fishing Vessel Safety Decal that certifies compliance with regulations found in 33 CFR chapter I and 46 CFR chapter I, a certificate of compliance issued pursuant to 46 CFR 28.710 or a valid certificate of inspection pursuant to 46 U.S.C. 3311.

(3) *Observer communications*. Facilitate observer communications by:

(i) *Observer use of equipment*. Allowing observer(s) to use the vessel's communication equipment and personnel, on request, for the entry, transmission, and receipt of work-related messages, at no cost to the observer(s), observer provider or NMFS.

(ii) *Functional equipment*. Ensuring that the vessel's communications equipment, used by observers to enter and transmit data, is fully functional and operational.

(4) *Vessel position*. Allow observer(s) access to, and the use of, the vessel's navigation equipment and personnel, on request, to determine the vessel's position.

(5) *Access*. Allow observer(s) free and unobstructed access to the vessel's bridge, trawl or working decks, holding bins, processing areas, freezer spaces, weight scales, cargo holds, and any other space that may be used to hold, process, weigh, or store fish or fish products at any time.

(6) *Prior notification*. Notify observer(s) at least 15 minutes before fish are brought on board, or fish and fish products are transferred from the vessel, to allow sampling the catch or observing the transfer, unless the observer specifically requests not to be notified.

(7) *Records*. Allow observer(s) to inspect and copy any state or Federal logbook maintained voluntarily or as required by regulation.

(8) *Assistance*. Provide all other reasonable assistance to enable observer(s) to carry out their duties, including, but not limited to:

(i) Measuring decks, codends, and holding bins.

(ii) Providing the observer(s) with a safe work area.

(iii) Collecting bycatch when requested by the observer(s).

(iv) Collecting and carrying baskets of fish when requested by the observer(s).

(v) Allowing the observer(s) to collect biological data and samples.

(vi) Providing adequate space for storage of biological samples.

(f) *Observer sampling station*. This paragraph contains the requirements for observer sampling stations. The vessel owner must provide an observer sampling station that complies with this section so that the observer can carry out required duties.

(1) *Accessibility*. The observer sampling station must be available to the observer at all times.

(2) *Location*. The observer sampling station must be located within four meters of the location from which the observer samples unsorted catch. Unobstructed passage must be provided between the observer sampling station and the location where the observer collects sample catch.

[75 FR 60897, Oct. 1, 2010, as amended at 77 FR 55158, Sept. 7, 2012; 78 FR 68773, Nov. 15, 2013; 80 FR 22301, Apr. 21, 2015]

### § 660.319 Open access fishery gear identification and marking.

(a) *Gear identification*. (1) Open access fixed gear (longline, trap or pot, set net and stationary hook-and-line gear, including commercial vertical hook-and-line gear) must be marked at the surface and at each terminal end, with a pole, flag, light, radar reflector, and a buoy.

(2) Open access commercial vertical hook-and-line gear that is closely tended as defined at § 660.311 of this subpart,

may be marked only with a single buoy of sufficient size to float the gear.

(3) A buoy used to mark fixed gear under paragraph (a)(1) or (a)(2) of this section must be marked with a number clearly identifying the owner or operator of the vessel. The number may be either:

(i) If required by applicable state law, the vessel's number, the commercial fishing license number, or buoy brand number; or

(ii) The vessel documentation number issued by the USCG, or, for an undocumented vessel, the vessel registration number issued by the state.

(b) [Reserved]

### § 660.320 Open access fishery—crossover provisions.

The crossover provisions listed at § 660.60(h)(7), apply to vessels fishing in the open access fishery.

[76 FR 74747, Dec. 1, 2011]

### § 660.330 Open access fishery—management measures.

(a) *General*. Groundfish species taken in open access fisheries will be managed with cumulative trip limits (see trip limits in Tables 3 (North) and 3 (South) of this subpart), size limits (see § 660.60(h)(5)), seasons (see seasons in Tables 3 (North) and 3 (South) of this subpart), gear restrictions (see paragraph (b) of this section), and closed areas (see paragraph (d) of this section and §§ 660.70 through 660.79). Unless otherwise specified, a vessel operating in the open access fishery is subject to, and must not exceed any trip limit, frequency limit, and/or size limit for the open access fishery. Cowcod retention is prohibited in all fisheries and groundfish vessels operating south of Point Conception must adhere to CCA restrictions (see paragraph (d)(11) of this section and § 660.70). Retention of yelloweye rockfish is prohibited in all open access fisheries. For information on the open access daily/weekly trip limit fishery for sablefish, see § 660.332 of this subpart and the trip limits in Tables 3 (North) and 3 (South) of this subpart. Open access vessels are subject to daily or weekly sablefish limits in addition to cumulative limits for each cumulative limit period. Only one sablefish landing per week may be made in excess of the daily trip limit and, if the vessel chooses to make a landing in excess of that daily trip limit, then that is the only sablefish landing permitted for that week. The trip limit for black rockfish caught with hook-and-line gear also applies, see paragraph (e) of this section. Open access vessels that fish with non-groundfish trawl gear or in the salmon troll fishery north of 40°10′ N lat. are subject the cumulative limits and closed areas (except the pink shrimp fishery which is not subject to RCA restrictions) listed in Tables 3 (North) and 3 (South) of this subpart. Federal commercial groundfish regulations are not intended to supersede any more restrictive state commercial groundfish regulations relating to federally managed groundfish.

(b) *Gear restrictions*. Open access gear includes longline, trap, pot, hook-and-line (fixed or mobile), setnet (anchored gillnet or trammel net, which are permissible south of 38° N. lat. only), spear and non-groundfish trawl gear (trawls used to target non-groundfish species: pink shrimp or ridgeback prawns, and, south of Pt. Arena, CA (38°57.50' N. lat.), California halibut or sea cucumbers). Restrictions for gears used in the open access fisheries are as follows:

(1) *Non-groundfish trawl gear*. Non-groundfish trawl gear is generally trawl gear used to target pink shrimp, ridgeback prawn, California halibut and sea cucumber and is exempt from the limited entry trawl gear restrictions at § 660.130(b). The following gear restrictions apply to non-groundfish trawl gear:

(i) Bottom trawl gear with a footrope diameter greater than 19 inches (48 cm) (including rollers, bobbins, or other material encircling or tied along the length of the footrope) is prohibited anywhere in EFH within the EEZ, as defined by latitude/longitude coordinates at § 660.75. unless such gear is the gear of another vessel that has been retrieved at sea and made inoperable or stowed in a manner not capable of being fished. The disposal at sea of such gear is prohibited by Annex V of the International Convention for the Prevention of Pollution From Ships, 1973 (Annex V of MARPOL 73/78).

(ii) [Reserved]

(2) *Fixed gear*. (i) Fixed gear (longline, trap or pot, set net and stationary hook-and-line gear, including commercial vertical hook-and-line gear) must be attended at least once every 7 days. Vessels fishing with bottom longline and snap gears as defined at § 660.11 are subject to the requirements of the Seabird Avoidance Program described in § 660.21.

(ii) *Set nets*. Fishing for groundfish with set nets is prohibited in the fishery management area north of 38°00.00' N. lat.

(iii) *Traps or pots*. Traps must have biodegradable escape panels constructed with 21 or smaller untreated cotton twine in such a manner that an opening at least 8 inches (20.3 cm) in diameter results when the twine deteriorates.

(iv) *Spears*. Spears may be propelled by hand or by mechanical means.

(c) *Sorting requirements*. (1) In addition to the requirements at § 660.12(a)(8) the States of Washington, Oregon, and California may also require that vessels record their landings as sorted on their state landing receipts.

(2) For open access vessels, the following species must be sorted:

(i) *Coastwide*—widow rockfish, canary rockfish, darkblotched rockfish, yelloweye rockfish, shortbelly rockfish, black rockfish, blue/deacon rockfish, minor nearshore rockfish, minor shelf rockfish, minor slope rockfish, shortraker rockfish, rougheye/blackspotted rockfish, shortspine and longspine thornyhead, Dover sole, arrowtooth flounder, petrale sole, starry flounder, English sole, other flatfish, lingcod, sablefish, Pacific cod, spiny dogfish, longnose skate, other fish, Pacific whiting, big skate, and Pacific sanddabs;

(ii) *North of 40°10′ N. lat.*—POP, yellowtail rockfish, cabezon (California), Washington cabezon/kelp greenling complex, Oregon cabezon/kelp greenling complex; and

(iii) South of 40°10′ N. lat.—minor shallow nearshore rockfish, minor deeper nearshore rockfish, chilipepper, bocaccio, splitnose rockfish, cowcod, bronzespotted rockfish, blackgill rockfish and cabezon.

(d) *Groundfish conservation areas (GCAs)*. GCAs, a type of closed area, are defined at § 660.11 and with latitude and longitude coordinates at §§ 660.70 through 660.74. A vessel that is authorized by this paragraph to fish within a GCA (*e.g.*, fishing for ''other flatfish'' using no more than 12 hooks, ''Number 2'' or smaller), may not simultaneously have other gear on board the vessel that is unlawful to use for fishing within the GCA. The following GCAs apply to vessels participating in the open access groundfish fishery.

(1) *North coast recreational yelloweye rockfish conservation area*. The latitude and longitude coordinates of the North Coast Recreational Yelloweye Rockfish Conservation Area (YRCA) boundaries are specified at § 660.70, subpart C. The North Coast Recreational YRCA is designated as an area to be avoided (a voluntary closure) by commercial fixed gear fishers.

(2) *North coast commercial yelloweye rockfish conservation area*. The latitude and longitude coordinates of the North Coast Commercial Yelloweye Rockfish Conservation Area (YRCA) boundaries are specified at § 660.70, subpart C. Fishing with open access gear is prohibited within the North Coast Commercial YRCA. It is unlawful to take and retain, possess, or land groundfish taken with open access gear within the North Coast Commercial YRCA. Open access vessels may transit through the North Coast Commercial YRCA with or without groundfish on board.

(3) *South coast recreational yelloweye rockfish conservation area*. The latitude and longitude coordinates of the South Coast Recreational Yelloweye Rockfish Conservation Area (YRCA) boundaries are specified at § 660.70, subpart C. The South Coast Recreational YRCA is designated as an area to be avoided (a voluntary closure) by commercial fixed gear fishers.

(4) *Westport offshore recreational YRCA*. The latitude and longitude coordinates that define the Westport Offshore Recreational YRCA boundaries are specified at § 660.70, subpart C. The Westport Offshore Recreational YRCA is designated as an area to be avoided (a voluntary closure) by commercial fixed gear fishers.

(5) *Point St. George YRCA*. The latitude and longitude coordinates of the Point St. George YRCA boundaries are

specified at § 660.70, subpart C. Fishing with open access gear is prohibited within the Point St. George YRCA, on dates when the closure is in effect. It is unlawful to take and retain, possess, or land groundfish taken with open access gear within the Point St. George YRCA, on dates when the closure is in effect. The closure is not in effect at this time. This closure may be imposed through inseason adjustment. Open access vessels may transit through the Point St. George YRCA, at any time, with or without groundfish on board.

(6) *South Reef YRCA*. The latitude and longitude coordinates of the South Reef YRCA boundaries are specified at § 660.70, subpart C. Fishing with open access gear is prohibited within the South Reef YRCA, on dates when the closure is in effect. It is unlawful to take and retain, possess, or land groundfish taken with open access gear within the South Reef YRCA, on dates when the closure is in effect. The closure is not in effect at this time. This closure may be imposed through inseason adjustment. Open access gear vessels may transit through the South Reef YRCA, at any time, with or without groundfish on board.

(7) *Reading Rock YRCA*. The latitude and longitude coordinates of the Reading Rock YRCA boundaries are specified at § 660.70, subpart C. Fishing with open access gear is prohibited within the Reading Rock YRCA, on dates when the closure is in effect. It is unlawful to take and retain, possess, or land groundfish taken with open access gear within the Reading Rock YRCA, on dates when the closure is in effect. The closure is not in effect at this time. This closure may be imposed through inseason adjustment. Open access gear vessels may transit through the Reading Rock YRCA, at any time, with or without groundfish on board.

(8) *Point Delgada (North) YRCA*. The latitude and longitude coordinates of the Point Delgada (North) YRCA boundaries are specified at § 660.70, subpart C. Fishing with open access gear is prohibited within the Point Delgada (North) YRCA, on dates when the closure is in effect. It is unlawful to take and retain, possess, or land groundfish taken with open access gear within the Point Delgada (North) YRCA, on dates when the closure is in effect. The closure is not in effect at this time. This closure may be imposed through inseason adjustment. Open access gear vessels may transit through the Point Delgada (North) YRCA, at any time, with or without groundfish on board.

(9) *Point Delgada (South) YRCA*. The latitude and longitude coordinates of the Point Delgada (South) YRCA boundaries are specified at § 660.70, subpart C. Fishing with open access gear is prohibited within the Point Delgada (South) YRCA, on dates when the closure is in effect. It is unlawful to take and retain, possess, or land groundfish taken with open access gear within the Point Delgada (South) YRCA, on dates when the closure is in effect. The closure is not in effect at this time. This closure may be imposed through inseason adjustment. Open access gear vessels may transit through the Point Delgada (South) YRCA, at any time, with or without groundfish on board.

(10) *Salmon Troll Yelloweye Rockfish Conservation Area (YRCA)*. The latitude and longitude coordinates of the Salmon Troll YRCA boundaries are specified in the groundfish regulations at § 660.70, subpart C, and in the salmon regulations at § 660.405. Fishing with salmon troll gear is prohibited within the Salmon Troll YRCA. It is unlawful for commercial salmon troll vessels to take and retain, possess, or land fish taken with salmon troll gear within the Salmon Troll YRCA. Open access vessels may transit through the Salmon Troll YRCA with or without fish on board.

(11) *Cowcod Conservation Areas (CCAs)*. It is unlawful to take and retain, possess, or land groundfish within the CCAs, except for species authorized in this paragraph caught according to gear requirements in this paragraph, when those waters are open to fishing. Commercial fishing vessels may transit through the Western CCA with their gear stowed and groundfish on board only in the transit corridor, defined at § 660.70. Fishing with open access gear is prohibited in the CCAs, except as follows:

(i) Fishing for ''other flatfish'' is permitted within the CCAs under the following conditions: when using no more than 12 hooks, ''Number 2'' or smaller,

which measure no more than 11 mm (0.44 inches) point to shank, and up to two 1-lb (0.45 kg) weights per line; and provided a valid declaration report as required at § 660.13(d), has been filed with NMFS OLE.

(ii) Fishing for rockfish and lingcod is permitted shoreward of the boundary line approximating the 40 fm (73 m) depth contour within the CCAs when trip limits authorize such fishing and provided a valid declaration report as required at § 660.13(d) has been filed with NMFS OLE. Coordinates for the boundary line approximating the 40 fm (73 m) depth contour are listed in § 660.71.

(12) *Nontrawl rockfish conservation areas for the open access fisheries.* The nontrawl RCAs are closed areas, defined by specific latitude and longitude coordinates (specified at §§ 660.70 through 660.74, subpart C) designed to approximate specific depth contours, where fishing for groundfish with nontrawl gear is prohibited. Boundaries for the nontrawl RCA throughout the year are provided in the open access trip limit tables, Table 3 (North) and Table 3 (South) of this subpart and may be modified by NMFS inseason pursuant to § 660.60(c).

(i) It is unlawful to operate a vessel in the nontrawl RCA that has nontrawl gear onboard and is not registered to a limited entry permit on a trip in which the vessel is used to take and retain or possess groundfish in the EEZ, or land groundfish taken in the EEZ, except for the purpose of continuous transiting, or when the use of nontrawl gear is authorized in part 660.

(ii) On any trip on which a groundfish species is taken with nontrawl open access gear and retained, the open access nontrawl vessel may transit through the nontrawl RCA only if all groundfish nontrawl gear is stowed either: Below deck; or if the gear cannot readily be moved, in a secured and covered manner, detached from all lines, so that it is rendered unusable for fishing.

(iii) The nontrawl RCA restrictions in this section apply to vessels taking and retaining or possessing groundfish in the EEZ, or landing groundfish taken in the EEZ. Unless otherwise authorized by part 660, a vessel may not retain any groundfish taken on a fishing trip for species other than groundfish that occurs within the nontrawl RCA. If a vessel fishes in a non-groundfish fishery in the nontrawl RCA, it may not participate in any fishing for groundfish on that trip that is prohibited within the nontrawl RCA. [For example, if a vessel fishes in the salmon troll fishery within the RCA, the vessel cannot on the same trip fish in the sablefish fishery outside of the RCA.]

(iv) Fishing for ''other flatfish'' off California (between 42° N. lat. south to the U.S./Mexico border) is permitted within the nontrawl RCA with fixed gear only under the following conditions: When using no more than 12 hooks, ''Number 2'' or smaller, which measure no more than 11 mm (0.44 inches) point to shank, and up to two 1-lb (0.91 kg) weights per line when trip limits authorize such fishing; and provided a valid declaration report as required at § 660.13(d), has been filed with NMFS OLE.

(13) *Non-groundfish trawl rockfish conservation areas for the open access non-groundfish trawl fisheries.* The non-groundfish trawl RCAs are closed areas, defined by specific latitude and longitude coordinates (specified at §§ 660.70 through 660.74, subpart C) designed to approximate specific depth contours, where fishing for groundfish with nontrawl gear is prohibited. Boundaries for the nontrawl RCA throughout the year are provided in the open access trip limit tables, Table 3 (North) and Table 3 (South) of this subpart and may be modified by NMFS in season pursuant to § 660.60(c).

(i) It is unlawful to operate a vessel in the non-groundfish trawl RCA with non-groundfish trawl gear onboard, except for the purpose of continuous transiting, or when the use of trawl gear is authorized in part 660. It is unlawful to take and retain, possess, or land groundfish taken with non-groundfish trawl gear within the nontrawl RCA, unless otherwise authorized in part 660.

(ii) Non-groundfish trawl vessels may transit through the non-groundfish trawl RCA, with or without groundfish on board, provided all non-groundfish trawl gear is stowed either: Below deck; or if the gear cannot readily be

moved, in a secured and covered manner, detached from all towing lines, so that it is rendered unusable for fishing; or remaining on deck uncovered if the trawl doors are hung from their stanchions and the net is disconnected from the doors.

(iii) The non-groundfish trawl RCA restrictions in this section apply to vessels taking and retaining or possessing groundfish in the EEZ, or landing groundfish taken in the EEZ. Unless otherwise authorized by Part 660, it is unlawful for a vessel to retain any groundfish taken on a fishing trip for species other than groundfish that occurs within the non-groundfish trawl RCA. If a vessel fishes in a non-groundfish fishery in the non-groundfish trawl RCA, it may not participate in any fishing on that trip that is prohibited within the non-groundfish trawl RCA. Nothing in these Federal regulations supersedes any state regulations that may prohibit trawling shoreward of the fishery management area (3–200 nm).

(iv) It is lawful to fish with non-groundfish trawl gear within the non-groundfish trawl RCA only under the following conditions:

(A) Pink shrimp trawling is permitted in the non-groundfish trawl RCA when a valid declaration report as required at § 660.12(d), subpart C, has been filed with NMFS OLE. Groundfish caught with pink shrimp trawl gear may be retained anywhere in the EEZ and are subject to the limits in Table 3 (North) and Table 3 (South) of this subpart.

(B) When the shoreward line of the trawl RCA is shallower than 100 fm (183 m), vessels using ridgeback prawn trawl gear south of 34°27.00′ N. lat. may operate out to the 100 fm (183 m) boundary line specified at § 660.73, when a valid declaration report as required at § 660.13(d), has been filed with NMFS OLE. Groundfish caught with ridgeback prawn trawl gear are subject to the limits in Table 3 (North) and Table 3 (South) of this subpart.

(14) *Farallon Islands.* Under California law, commercial fishing for all groundfish is prohibited between the shoreline and the 10 fm (18 m) depth contour around the Farallon Islands. An exception to this prohibition is that commercial fishing for ''other flatfish'' is permitted around the Farallon Islands using no more than 12 hooks, ''Number 2'' or smaller, which measure no more than 11 mm (0.44 inches) point to shank, and up to two 1-lb (0.45 kg) weights per line. (See Table 2 (South) of this subpart.) For a definition of the Farallon Islands, see § 660.70, subpart C.

(15) *Cordell Banks.* Commercial fishing for groundfish is prohibited in waters of depths less than 100-fm (183-m) around Cordell Banks, as defined by specific latitude and longitude coordinates at § 660.70, subpart C. An exception to this prohibition is that commercial fishing for ''other flatfish'' is permitted around Cordell Banks using no more than 12 hooks, ''Number 2'' or smaller, which measure no more than 11 mm (0.44 inches) point to shank, and up to two 1-lb (0.45 kg) weights per line.

(e) *Black rockfish fishery management.* The trip limit for black rockfish (*Sebastes melanops*) for commercial fishing vessels using hook-and-line gear between the U.S.-Canada border and Cape Alava (48°09.50′ N. lat.), and between Destruction Island (47°40′ N. lat.) and Leadbetter Point (46°38.17′ N. lat.), is 100-lbs (45 kg) or 30 percent, by weight of all fish on board, whichever is greater, per vessel per fishing trip. These per trip limits apply to limited entry and open access fisheries, in conjunction with the cumulative trip limits and other management measures in §§ 660.230 and 660.330. The crossover provisions in § 660.60(h)(7), do not apply to the black rockfish per-trip limits.

(f) *Salmon bycatch.* This fishery may be closed through automatic action at § 660.60(d)(1)(v) and (vi).

(g) *Essential fish habitat conservation areas (EFHCA).* EFHCAs, defined at § 660.11 and with latitude and longitude coordinates at §§ 660.75 through 660.79, apply to vessels using bottom trawl gear or bottom contact gear, defined at § 660.11, and includes non-groundfish trawl gear and limited entry fixed gear (*e.g.*, longline and pot/trap,) among other gear types. EFHCAs closed to bottom contact gear are listed at

§ 660.12(a). EFHCAs closed to bottom trawl gear are listed at § 660.312(d).

[75 FR 60897, Oct. 1, 2010, as amended at 76 FR 27554, May 11, 2011; 76 FR 53839, Aug. 30, 2011; 78 FR 638, Jan. 3, 2013; 80 FR 12597, Mar. 10, 2015; 80 FR 71981, Nov. 18, 2015; 82 FR 9665, Feb. 7, 2017; 82 FR 60570, Dec. 21, 2017; 83 FR 64010, Dec. 12, 2018; 84 FR 49962, Sept. 24, 2019; 84 FR 63992, Nov. 19, 2019]

### § 660.332 Open access daily trip limit (DTL) fishery for sablefish.

(a) *Open access DTL fisheries both north and south of 36° N. lat.* Open access vessels may fish in the open access, daily trip limit fishery for as long as that fishery is open during the year, subject to the routine management measures imposed under § 660.60.

(b) *Trip limits.* (1) Daily and/or weekly trip limits for the open access fishery north and south of 36° N. lat. are provided in Tables 3 (North) and 3 (South) of this subpart.

(2) Trip and/or frequency limits may be imposed in the limited entry fishery on vessels that are not participating in the primary season under § 660.60.

(3) Trip and/or size limits to protect juvenile sablefish in the limited entry or open access fisheries also may be imposed at any time under § 660.60.

(4) Trip limits may be imposed in the open access fishery at any time under § 660.60.

[75 FR 60897, Oct. 1, 2010, as amended at 78 FR 638, Jan. 3, 2013]

### § 660.333 Open access non-groundfish trawl fishery—management measures.

(a) *General.* Groundfish taken with non-groundfish trawl gear by vessels engaged in fishing for pink shrimp, ridgeback prawns, California halibut, or sea cucumbers. Trip limits for groundfish retained in the ridgeback prawn, California halibut, or sea cucumber fisheries are in the open access trip limit table, Table 3 (South) of this subpart. Trip limits for groundfish retained in the pink shrimp fishery are in Tables 3 (North) and 3 (South) of this subpart. The table also generally describes the RCAs for vessels participating in these fisheries.

(b) *Participation in the ridgeback prawn fishery.* A trawl vessel will be considered participating in the open access, non-groundfish trawl ridgeback prawn fishery if:

(1) It is declared ''non-groundfish trawl gear for ridgeback prawn'' under § 660.13(d)(4)(iv)(A)(*10*), regardless of whether it is registered to a Federal limited entry trawl-endorsed permit; and

(2) The landing includes ridgeback prawns taken in accordance with California Fish and Game Code, section 8595, which states: ''Prawns or shrimp may be taken for commercial purposes with a trawl net, subject to Article 10 (commencing with Section 8830) of Chapter 3.''

(c) *Participation in the California halibut fishery.* A trawl vessel will be considered participating in the open access, non-groundfish trawl California halibut fishery if:

(1) It is declared ''non-groundfish trawl gear for California halibut'' under § 660.13(d)(4)(iv)(A)(*11*), regardless of whether it is registered to a Federal limited entry trawl-endorsed permit;

(2) All fishing on the trip takes place south of Pt. Arena, CA (38°57.50′ N. lat.); and

(3) The landing includes California halibut of a size required by California Fish and Game Code section 8392, which states: ''No California halibut may be taken, possessed or sold which measures less than 22 in (56 cm) in total length. Total length means the shortest distance between the tip of the jaw or snout, whichever extends farthest while the mouth is closed, and the tip of the longest lobe of the tail, measured while the halibut is lying flat in natural repose, without resort to any force other than the swinging or fanning of the tail.''

(d) *Participation in the sea cucumber fishery.* A trawl vessel will be considered to be participating in the open access, non-groundfish trawl sea cucumber fishery if:

(1) It is declared ''non-groundfish trawl gear for sea cucumber'' under § 660.13(d)(4)(iv)(A)(*12*), regardless of whether it is registered to a Federal limited entry trawl-endorsed permit;

(2) All fishing on the trip takes place south of Pt. Arena, CA (38°57.50′ N. lat.); and

(3) The landing includes sea cucumbers taken in accordance with California Fish and Game Code, section 8405, which requires a permit issued by the State of California.

(e) *Groundfish taken with non-groundfish trawl gear by vessels engaged in fishing for pink shrimp.* Notwithstanding § 660.60(h)(7), a vessel that takes and retains pink shrimp and also takes and retains groundfish in either the limited entry or another open access fishery during the same applicable cumulative limit period that it takes and retains pink shrimp (which may be 1 month or 2 months, depending on the fishery and the time of year), may retain the larger of the two limits, but only if the limit(s) for each gear or fishery are not exceeded when operating in that fishery or with that gear. The limits are not additive; the vessel may not retain a separate trip limit for each fishery.

[75 FR 60897, Oct. 1, 2010, as amended at 76 FR 74747, Dec. 1, 2011; 83 FR 62280, Dec. 3, 2018; 83 FR 64292, Dec. 14, 2018; 83 FR 64010, Dec. 12, 2018]

TABLE 3 (NORTH) TO PART 660, SUBPART F—NON-TRAWL ROCKFISH CONSERVATION AREAS AND TRIP LIMITS FOR OPEN ACCESS GEARS NORTH OF 40°10′ N LAT.

**Table 3 (North) to Part 660, Subpart F -- Non-Trawl Rockfish Conservation Areas and Trip Limits for Open Access Gears North of 40°10' N. lat.**

**Other limits and requirements apply -- Read §§660.10 through 660.399 before using this table** 06/01/2020

| | | JAN-FEB | MAR-APR | MAY-JUN | JUL-AUG | SEP-OCT | NOV-DEC |
|---|---|---|---|---|---|---|---|
| | **Rockfish Conservation Area (RCA)[1/]:** | | | | | | |
| 1 | North of 46°16' N. lat. | shoreline - 100 fm line[1/] | | | | | |
| 2 | 46°16' N. lat. - 42°00' N. lat. | 30 fm line[1/] - 100 fm line[1/] | | | | | |
| 3 | 42°00' N. lat. - 40°10' N. lat. | 30 fm line[1/] - 100 fm line[1/] | | | | | |
| | **See §§660.60, 660.330 and 660.333 for additional gear, trip limit and conservation area requirements and restrictions. See §§660.70-660.74 and §§660.76-660.79 for conservation area descriptions and coordinates (including RCAs, YRCAs, CCAs, Farallon Islands, Cordell Bank, and EFHCAs).** | | | | | | |
| | State trip limits and seasons may be more restrictive than Federal trip limits or seasons, particularly in waters off Oregon and California. | | | | | | |
| 4 | **Minor Slope Rockfish[2/] & Darkblotched rockfish** | 500 pounds/month | | 1,000 lb/ month | | | |
| 5 | **Pacific ocean perch** | 100 lb/ month | | | | | |
| 6 | **Sablefish** | 300 lb day; or one landing per week up to 1,200 lb, not to exceed 2,400 lb/2 months | | 300 lb day; or one landing per week up to 1,500 lb, not to exceed 3,000 lb/2 months | | | |
| 7 | **Shortpine thornyheads** | 50 lb/ month | | | | | |
| 8 | **Longspine thornyheads** | 50 lb/ month | | | | | |
| 9 | **Dover sole, arrowtooth flounder, petrale sole, English sole, starry flounder, Other Flatfish[3/]** | 3,000 lb/ month, no more than 300 lb of which may be species other than Pacific sanddabs. | | 5,000 lb/ month | | | |
| 10 | | South of 42° N. lat., when fishing for "Other Flatfish," vessels using hook-and-line gear with no more than 12 hooks per line, using hooks no larger than "Number 2" hooks, which measure 0.44 in (11 mm) point to shank, and up to two 1 lb (0.45 kg) weights per line are not subject to the RCAs. | | | | | |
| 11 | **Whiting** | 300 lb/ month | | | | | |
| 12 | **Minor Shelf Rockfish[2/], Shortbelly rockfish, & Widow rockfish** | 200 lb/ month | | 800 lb/ month | | | |
| 13 | **Yellowtail rockfish** | 500 lb/ month | | 1,500 lb/ month | | | |
| 14 | **Canary rockfish** | 300 lb/ 2 months | | 1,000 lb/ 2 months | | | |
| 15 | **Yelloweye rockfish** | CLOSED | | | | | |
| 16 | **Minor Nearshore Rockfish, Washington Black rockfish, & Oregon Black/Blue/Deacon rockfish** | | | | | | |
| 17 | North of 42°00' N. lat. | 5,000 lb/ 2 months, no more than 1,200 lb of which may be species other than black rockfish or blue/deacon rockfish [4/] | | | | | |
| 18 | 42°00' N. lat. - 40°10' N. lat. | 8,500 lb/ 2 months, no more than 1,500 lb of which may be species other than black rockfish | 7,000 lb/ 2 months, no more than 1,500 lb of which may be species other than black rockfish | 7,000 lb/ 2 months, no more than 2,000 lb of which may be species other than black rockfish | | | |
| 19 | **Lingcod[5/]** | | | | | | |
| 20 | North of 42°00' N. lat. | 1,200 lb/month | | 2,000 lbs/ month | | | |
| 21 | 42°00' N. lat. - 40°10' N. lat. | 600 lb/ month | | 1,000 lb/ month | | | |
| 22 | **Pacific cod** | 1,000 lb/ 2 months | | | | | |
| 23 | **Spiny dogfish** | 200,000 lb/ 2 months | | 150,000 lb/ 2 months | 100,000 lb/ 2 months | | |
| 24 | **Longnose skate** | Unlimited | | | | | |
| 25 | **Big skate** | Unlimited | | | | | |
| 26 | **Other Fish[6/] & Cabezon in California** | Unlimited | | | | | |
| 27 | **Oregon Cabezon/Kelp Greenling** | Unlimited | | | | | |

TABLE 3 (North)

*Table 3 (North). Continued* 06/01/2020

TABLE 3 (North) cont'd

| | | |
|---|---|---|
| *28* | **SALMON TROLL** *(subject to RCAs when retaining all species of groundfish, except for yellowtail rockfish and lingcod, as described below)* | |
| *29* | North | Salmon trollers may retain and land up to 1 lb of yellowtail rockfish for every 2 lbs of salmon landed, with a cumulative limit of 200 lb/month, both within and outside of the RCA. This limit is within the 200 lb per month combined limit for minor shelf rockfish, widow rockfish and yellowtail rockfish, and not in addition to that limit. Salmon trollers may retain and land up to 1 lingcod per 5 Chinook per trip, plus 1 lingcod per trip, up to a trip limit of 10 lingcod, on a trip where any fishing occurs within the RCA. This limit only applies during times when lingcod retention is allowed, and is not "CLOSED." This limit is within the per month limit for lingcod described in the table above, and not in addition to that limit. All groundfish species are subject to the open access limits, seasons, size limits and RCA restrictions listed in the table above, unless otherwise stated here. |
| *30* | **PINK SHRIMP NON-GROUNDFISH TRAWL** *(not subject to RCAs)* | |
| *31* | North | **Effective April 1 - October 31:** Groundfish: 500 lb/day, multiplied by the number of days of the trip, not to exceed 1,500 lb/trip. The following sublimits also apply and are counted toward the overall 500 lb/day and 1,500 lb/trip groundfish limits: lingcod 300 lb/month (minimum 24 inch size limit); sablefish 2,000 lb/month; canary, thornyheads and yelloweye rockfish are PROHIBITED. All other groundfish species taken are managed under the overall 500 lb/day and 1,500 lb/trip groundfish limits. Landings of these species count toward the per day and per trip groundfish limits and do not have species-specific limits. The amount of groundfish landed may not exceed the amount of pink shrimp landed. |

1/ The Rockfish Conservation Area is an area closed to fishing by particular gear types, bounded by lines specifically defined by latitude and longitude coordinates set out at §§ 660.71-660.74. This RCA is not defined by depth contours (with the exception of the 20-fm depth contour boundary south of 42° N. lat.), and the boundary lines that define the RCA may close areas that are deeper or shallower than the depth contour. Vessels that are subject to RCA restrictions may not fish in the RCA, or operate in the RCA for any purpose other than transiting.

2/ Bocaccio, chilipepper and cowcod rockfishes are included in the trip limits for Minor Shelf Rockfish. Splitnose rockfish is included in the trip limits for Minor Slope Rockfish.

3/ "Other flatfish" are defined at § 660.11 and include butter sole, curlfin sole, flathead sole, Pacific sanddab, rex sole, rock sole, and sand sole.

4/ For black rockfish north of Cape Alava (48°09.50' N. lat.), and between Destruction Is. (47°40' N. lat.) and Leadbetter Pnt. (46°38.17' N. lat.), there is an additional limit of 100 lbs or 30 percent by weight of all fish on board, whichever is greater, per vessel, per fishing trip.

5/ The minimum size limit for lingcod is 22 inches (56 cm) total length North of 42° N. lat. and 24 inches (61 cm) total length South of 42° N. lat.

6/ "Other fish" are defined at § 660.11 and include kelp greenling off California and leopard shark.

**To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.**

[85 FR 35217, June 9, 2020]

TABLE 3 (SOUTH) TO PART 660, SUBPART F—NON-TRAWL ROCKFISH CONSERVATION AREAS AND TRIP LIMITS FOR OPEN ACCESS GEARS SOUTH OF 40°10′ N. LAT.

**Table 3 (South) to Part 660, Subpart F—Non-Trawl Rockfish Conservation Areas and Trip Limits for Open Access Gears South of 40°10′ N. Lat.**

**Table 3 (South) to Part 660, Subpart F -- Non-Trawl Rockfish Conservation Areas and Trip Limits for Open Access Gears South of 40°10' N. lat.**

**Other limits and requirements apply -- Read §§660.10 through 660.399 before using this table** 07/01/2020

| | | JAN-FEB | MAR-APR | MAY-JUN | JUL-AUG | SEP-OCT | NOV-DEC |
|---|---|---|---|---|---|---|---|
| | **Rockfish Conservation Area (RCA)[1/]:** | | | | | | |
| 1 | 40°10' N. lat. - 34°27' N. lat. | 40 fm line[1/] - 125 fm line[1/] | | | | | |
| 2 | South of 34°27' N. lat. | 75 fm line[1/] - 150 fm line[1/] (also applies around islands) | | | | | |
| | **See §§660.60 and 660.230 for additional gear, trip limit and conservation area requirements and restrictions. See §§660.70-660.74 and §§660.76-660.79 for conservation area descriptions and coordinates (including RCAs, YRCAs, CCAs, Farallon Islands, Cordell Banks, and EFHCAs).** | | | | | | |
| | State trip limits and seasons may be more restrictive than Federal trip limits or seasons, particularly in waters off Oregon and California. | | | | | | |
| 3 | **Minor Slope Rockfish[2/] & Darkblotched rockfish** | 10,000 lb/ 2 months, of which no more than 475 lb may be blackgill rockfish | | 10,000 lb/ 2 months, of which no more than 1,500 lb may be blackgill rockfish | | | |
| 4 | **Splitnose rockfish** | 200 lb/ month | | | | | |
| 5 | **Sablefish** | | | | | | |
| 6 | 40°10' N. lat. - 36°00' N. lat. | 300 lb/ day, or one landing per week up to 1,200 lb, not to exceed 2,400 lb/ 2 months | | 300 lb/ day, or one landing per week up to 1,500 lb, not to exceed 3,000 lb/ 2 months | | | |
| 7 | South of 36°00' N. lat. | 300 lb day; or one landing per week up to 1,600 lb not to exceed 4,800 lb/2 months | | | | | |
| 8 | **Shortpine thornyheads and longspine thornyheads** | | | | | | |
| 9 | 40°10' N. lat. - 34°27' N. lat. | CLOSED | | | | | |
| 10 | South of 34°27' N. lat. | 50 lb/ day, no more than 1,000 lb/ 2 months | | | | | |
| 11 | **Dover sole, arrowtooth flounder, petrale sole, English sole, starry flounder, Other Flatfish[3/]** | 3,000 lb/ month, no more than 300 lb of which may be species other than Pacific sanddabs. | | 5,000 lb/ month | | | |
| 12 | | *South of 42° N. lat., when fishing for "other flatfish," vessels using hook-and-line gear with no more than 12 hooks per line, using hooks no larger than "Number 2" hooks, which measure 0.44 in (11 mm) point to shank, and up to two 1 lb (0.45 kg) weights per line are not subject to the RCAs.* | | | | | |
| 13 | **Whiting** | 300 lb/ month | | | | | |
| 14 | **Minor Shelf Rockfish[2/], Shortbelly, Widow rockfish and Chilipepper** | | | | | | |
| 15 | 40°10' N. lat. - 34°27' N. lat. | 400 lb/ 2 months | CLOSED | 4,000 lb/ 2 months, of which no more than 400 lbs may be vermilion rockfish | | | |
| 16 | South of 34°27' N. lat. | 1,500 lb/ 2 months | | 3,000 lb/ 2 months, of which no more than 1,500 lbs may be vermilion rockfish | | | |
| 17 | **Canary rockfish** | 300 lb/ 2 months | CLOSED | 1,500 lb/ 2 months | | | |
| 18 | **Yelloweye rockfish** | CLOSED | | | | | |
| 19 | **Cowcod** | CLOSED | | | | | |
| 20 | **Bronzespotted rockfish** | CLOSED | | | | | |
| 21 | **Bocaccio** | 500 lb/ 2 months | CLOSED | 500 lb/ 2 months | 4,000 lb/ 2 months | | |
| 22 | **Minor Nearshore Rockfish, California Black rockfish, & Oregon Black/Blue/Deacon rockfish** | | | | | | |
| 23 | Shallow nearshore[4/] | 1,200 lb/ 2 months | CLOSED | 2,000 lb/ 2 months | | | |
| 24 | Deeper nearshore[5/] | 1,200 lb/ 2 months | CLOSED | 2,000 lb/ 2 months | | | |
| 25 | **California scorpionfish** | 1,500 lb/ 2 months | CLOSED | 1,500 lb/ 2 months | | | |
| 26 | **Lingcod[6/]** | 500 lb/month | CLOSED | 700 lb/ month | | | |
| 27 | **Pacific cod** | 1,000 lb/ 2 months | | | | | |
| 28 | **Spiny dogfish** | 200,000 lb/ 2 months | | 150,000 lb/ 2 months | 100,000 lb/ 2 months | | |
| 29 | **Longnose skate** | Unlimited | | | | | |
| 30 | **Big skate** | Unlimited | | | | | |
| 31 | **Other Fish[7/] & Cabezon in California** | Unlimited | | | | | |

TABLE 3 (South)

*Table 3 (South). Continued* 07/01/2020

| | | | JAN-FEB | MAR-APR | MAY-JUN | JUL-AUG | SEP-OCT | NOV-DEC |
|---|---|---|---|---|---|---|---|---|
| 32 | **RIDGEBACK PRAWN AND, SOUTH OF 38°57.50' N. LAT., CA HALIBUT AND SEA CUCUMBER NON-GROUNDFISH TRAWL** | | | | | | | |
| 33 | **NON-GROUNDFISH TRAWL Rockfish Conservation Area (RCA) for CA Halibut, Sea Cucumber & Ridgeback Prawn:** | | | | | | | |
| 34 | | *40° 10' N. lat. - 38° 00' N. lat.* | *100 fm line 1/ - 200 fm line 1/* | *100 fm line 1/ - 150 fm line 1/* | | | | *100 fm line 1/ - 200 fm line 1/* |
| 35 | | *38° 00' N. lat. - 34° 27' N. lat.* | *100 fm line 1/ - 150 fm line 1/* | | | | | |
| 36 | | *South of 34° 27' N. lat.* | *100 fm line 1/ - 150 fm line 1/ along the mainland coast; shoreline - 150 fm line 1/ around islands* | | | | | |
| 37 | | | Groundfish: 300 lb/trip. Species-specific limits described in the table above also apply and are counted toward the 300 lb groundfish per trip limit. The amount of groundfish landed may not exceed the amount of the target species landed, except that the amount of spiny dogfish landed may exceed the amount of target species landed. Spiny dogfish are limited by the 300 lb/trip overall groundfish limit. The daily trip limits for sablefish coastwide and thornyheads south of Pt. Conception and the overall groundfish "per trip" limit may not be multiplied by the number of days of the trip. Vessels participating in the California halibut fishery south of 38°57.50' N. lat. are allowed to (1) land up to 100 lb/day of groundfish without the ratio requirement, provided that at least one California halibut is landed and (2) land up to 3,000 lb/month of flatfish, no more than 300 lb of which may be species other than Pacific sanddabs, sand sole, starry flounder, rock sole, curlfin sole, or California scorpionfish (California scorpionfish is also subject to the trip limits and closures in line 29). | | | | | |
| 38 | **PINK SHRIMP NON-GROUNDFISH TRAWL GEAR** *(not subject to RCAs)* | | | | | | | |
| 39 | | South | Effective April 1 - October 31: Groundfish: 500 lb/day, multiplied by the number of days of the trip, not to exceed 1,500 lb/trip. The following sublimits also apply and are counted toward the overall 500 lb/day and 1,500 lb/trip groundfish limits: lingcod 300 lb/ month (minimum 24 inch size limit); sablefish 2,000 lb/ month; canary rockfish, thornyheads and yelloweye rockfish are PROHIBITED. All other groundfish species taken are managed under the overall 500 lb/day and 1,500 lb/trip groundfish limits. Landings of all groundfish species count toward the per day, per trip or other species-specific sublimits described here and the species-specific limits described in the table above do not apply. The amount of groundfish landed may not exceed the amount of pink shrimp landed. | | | | | |

TABLE 3 (South) cont'd

1/ The Rockfish Conservation Area is an area closed to fishing by particular gear types, bounded by lines specifically defined by latitude and longitude coordinates set out at §§ 660.71-660.74. This RCA is not defined by depth contours (with the exception of the 20-fm depth contour boundary south of 42° N. lat.), and the boundary lines that define the RCA may close areas that are deeper or shallower than the depth contour. Vessels that are subject to RCA restrictions may not fish in the RCA, or operate in the RCA for any purpose other than transiting.

2/ POP is included in the trip limits for minor slope rockfish. Blackgill rockfish have a species specific trip sub-limit within the minor slope rockfish cumulative limits. Yellowtail rockfish is included in the trip limits for minor shelf rockfish. Bronzespotted rockfish have a species specific trip limit.

3/ "Other flatfish" are defined at § 660.11 and include butter sole, curlfin sole, flathead sole, Pacific sanddab, rex sole, rock sole, and sand sole.

4/ "Shallow Nearshore" are defined at § 660.11 under "Groundfish" (7)(i)(B)(*1*).

5/ "Deeper Nearshore" are defined at § 660.11 under "Groundfish" (7)(i)(B)(*2*).

6/ The commercial mimimum size limit for lingcod is 24 inches (61 cm) total length South of 42° N. lat.

7/ "Other fish" are defined at § 660.11 and includes kelp greenling off California and leopard shark.

**To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.**

[85 FR 43741, July 20, 2020]

## Subpart G—West Coast Groundfish—Recreational Fisheries

SOURCE: 75 FR 60995, Oct. 1, 2010, unless otherwise noted.

### § 660.350 Purpose and scope.

This subpart covers the Pacific Coast Groundfish recreational fishery.

### § 660.351 Recreational fishery—definitions.

These definitions are specific to the recreational fisheries covered in this subpart. General groundfish definitions are defined at § 660.11, subpart C.

*Bag limit* means the number of fish available to an angler.

*Boat limit* means the number of fish available to for a vessel or boat.

*Hook limit* means a limit on the number of hooks on any given fishing line.

*Long-leader gear* (also known as Holloway gear) means fishing gear with the following: One fishing line, deployed with a sinker and no more than three hooks, with a minimum of 30 feet (9.14 meters) between the sinker and the lowest hook, and a non-compressible float attached to the line above the hooks. The gear may be equipped with artificial lures and flies less than or equal to 5 inches in length. Natural bait, and lures or flies greater than 5 inches in length, may not be used.

[75 FR 60995, Oct. 1, 2010, as amended at 83 FR 13431, Mar. 29, 2018]

**§ 660.352 Recreational fishery—prohibitions.**

These prohibitions are specific to the recreational fisheries. General groundfish prohibitions are found at § 660.12, subpart C. In addition to the general groundfish prohibitions specified in § 600.12, subpart C, of this chapter, it is unlawful for any person to:

(a) Sell, offer to sell, or purchase any groundfish taken in the course of recreational groundfish fishing.

(b) Use fishing gear other than hook-and-line or spear for recreational fishing.

**§ 660.353 Recreational fishery—recordkeeping and reporting.**

Recordkeeping and reporting requirements at § 660.13 (a) through (c), subpart C, apply to the recreational fishery.

**§ 660.360 Recreational fishery—management measures.**

(a) *General.* Federal recreational groundfish regulations are not intended to supersede any more restrictive state recreational groundfish regulations relating to federally-managed groundfish. The bag limits include fish taken in both state and Federal waters.

(b) *Gear restrictions.* The only types of fishing gear authorized for recreational fishing are hook-and-line and spear. Spears may be propelled by hand or by mechanical means. More fishery-specific gear restrictions may be required by state as noted in paragraph (c) of this section (e.g., California's recreational ''other flatfish'' fishery).

(c) *State-specific recreational fishery management measures.* Federal recreational groundfish regulations are not intended to supersede any more restrictive State recreational groundfish regulations relating to federally-managed groundfish. Off the coast of Washington, Oregon, and California, boat limits apply, whereby each fisher aboard a vessel may continue to use angling gear until the combined daily limits of groundfish for all licensed and juvenile anglers aboard has been attained (additional state restrictions on boat limits may apply).

(1) *Washington.* For each person engaged in recreational fishing off the coast of Washington, the groundfish bag limit is 9 groundfish per day, including rockfish, cabezon and lingcod. Within the groundfish bag limit, there are sub-limits for rockfish, lingcod, and cabezon outlined in paragraph (c)(1)(i)(D) of this section. In addition to the groundfish bag limit of 9, there will be a flatfish limit of 3 fish, not to be counted towards the groundfish bag limit but in addition to it. The recreational groundfish fishery will open the second Saturday in March through the third Saturday in October for all species. In the Pacific halibut fisheries, retention of groundfish is governed in part by annual management measures for Pacific halibut fisheries, which are published in the FEDERAL REGISTER. The following seasons, closed areas, sub-limits and size limits apply:

(i) *Recreational groundfish conservation areas off Washington*—(A) *North coast recreational yelloweye rockfish conservation area.* Recreational fishing for groundfish and halibut is prohibited within the North Coast Recreational Yelloweye Rockfish Conservation Area (YRCA). It is unlawful for recreational fishing vessels to take and retain, possess, or land groundfish taken with recreational gear within the North Coast Recreational YRCA. A vessel fishing in the North Coast Recreational YRCA may not be in possession of any groundfish. Recreational vessels may transit through the North Coast Recreational YRCA with or without groundfish on board. The North Coast Recreational YRCA is defined by latitude and longitude coordinates specified at § 660.70, subpart C.

(B) *South coast recreational yelloweye rockfish conservation area.* Recreational fishing for groundfish and halibut is prohibited within the South Coast Recreational YRCA. It is unlawful for recreational fishing vessels to take and retain, possess, or land groundfish taken with recreational gear within the South Coast Recreational YRCA. A vessel fishing in the South Coast Recreational YRCA may not be in possession of any groundfish. Recreational vessels may transit through the South Coast Recreational YRCA with or without groundfish on board. The South Coast Recreational YRCA is defined by latitude and longitude coordinates specified at § 660.70, subpart C.

(C) *Westport offshore recreational yelloweye rockfish conservation area.* Recreational fishing for groundfish and halibut is prohibited within the Westport Offshore Recreational YRCA. It is unlawful for recreational fishing vessels to take and retain, possess, or land groundfish taken with recreational gear within the Westport Offshore Recreational YRCA. A vessel fishing in the Westport Offshore Recreational YRCA may not be in possession of any groundfish. Recreational vessels may transit through the Westport Offshore Recreational YRCA with or without groundfish on board. The Westport Offshore Recreational YRCA is defined by latitude and longitude coordinates specified at § 660.70, subpart C.

(D) *Recreational rockfish conservation area.* Fishing for groundfish with recreational gear is prohibited within the recreational RCA unless otherwise stated. It is unlawful to take and retain, possess, or land groundfish taken with recreational gear within the recreational RCA unless otherwise stated. A vessel fishing in the recreational RCA may not be in possession of any groundfish unless otherwise stated. [For example, if a vessel participates in the recreational salmon fishery within the RCA, the vessel cannot be in possession of groundfish while in the RCA. The vessel may, however, on the same trip fish for and retain groundfish shoreward of the RCA on the return trip to port.]

(*1*) West of the Bonilla-Tatoosh line between the U.S. border with Canada and the Queets River (Washington state Marine Area 3 and 4), recreational fishing for groundfish is prohibited seaward of a boundary line approximating the 20 fm (37 m) depth contour from June 1 through Labor Day, except on days when the Pacific halibut fishery is open in this area it is lawful to retain lingcod, Pacific cod, and sablefish seaward of the 20 fm (37 m) boundary. Yellowtail and widow rockfish can be retained seaward of 20 fm (37 m) in the months of July and August on days open to the recreational salmon fishery. Days open to Pacific halibut recreational fishing off Washington and days open to recreational fishing for salmon are announced on the NMFS hotline at (206) 526–6667 or (800) 662–9825. Coordinates for the boundary line approximating the 20 fm (37 m) depth contour are listed in § 660.71.

(*2*) Between the Queets River (47°31.70′ N lat.) and Leadbetter Point (46°38.17′ N lat.) (Washington state Marine Area 2), recreational fishing for lingcod is prohibited seaward of a boundary line approximating the 30 fm (55 m) depth contour from the second Saturday in March through May 31 except that recreational fishing for lingcod is permitted within the RCA on days that the primary halibut fishery is open. In addition to the RCA described in the preceding sentence, between the Queets River (47°31.70′ N lat.) and Leadbetter Point (46°38.17′ N lat.) (Washington state Marine Area 2), recreational fishing for lingcod is prohibited year round seaward of a straight line connecting all of the following points in the order stated: 47°31.70′ N lat., 124°45.00′ W long.; 46°38.17′ N lat., 124°30.00′ W long. with the following exceptions: on days that the primary halibut fishery is open lingcod may be taken, retained and possessed within the lingcod area closure; lingcod may also be taken, retained, and possessed from June 1 through June 15 and from September 1 through September 15 within the lingcod area closure. If the Pacific halibut recreational fishery in Washington state Marine Area 2 is not open for at least four days, lingcod may be taken, retained, and possessed seaward of the boundary line approximating the 30 fm (55 m) depth contour and the straight line connecting all of the following points in the order stated: 47°31.70′ N lat., 124°45.00′ W long.; 46°38.17′ N lat., 124°30.00′ W long. on Sundays in May. Days open to Pacific halibut recreational fishing off Washington are announced on the NMFS hotline at (206) 526–6667 or (800) 662–9825. For additional regulations regarding the Washington recreational lingcod fishery, see paragraph (c)(1)(iv) of this section. Coordinates for the boundary line approximating the 30 fm (55 m) depth contour are listed in § 660.71.

(*3*) Between Leadbetter Point (46°38.17′ N lat.) and the Columbia River (46°16.00′ N lat.) (Marine Area 1), when Pacific halibut are onboard the vessel,

no groundfish may be taken and retained, possessed or landed, except sablefish, flatfish species (except halibut), Pacific cod, and lingcod from May 1 through September 30. Except that taking, retaining, possessing or landing incidental halibut with groundfish on board is allowed in the nearshore area on days not open to all-depth Pacific halibut fisheries in the area shoreward of the boundary line approximating the 30 fathom (fm) (55 m) depth contour extending from Leadbetter Point, WA (46°38.17′ N lat., 124°15.88′ W long.) to the Columbia River (46°16.00′ N lat., 124°15.88′ W long.) and from there, connecting to the boundary line approximating the 40 fm (73 m) depth contour in Oregon. Nearshore season days are established in the annual management measures for Pacific halibut fisheries, which are published in the FEDERAL REGISTER and are announced on the NMFS halibut hotline, 1–800–662–9825. Between Leadbetter Point (46°38.17′ N lat. 124°21.00′ W long) and 46°33.00′ N lat. 124°21.00′ W long., recreational fishing for lingcod is prohibited year round seaward of a straight line connecting all of the following points in the order stated: 46°38.17′ N lat., 124°21.00′ W long.; and 46°33.00′ N lat., 124°21.00′ W long.

(ii) *Rockfish*. In areas of the EEZ seaward of Washington (Washington Marine Areas 1–4) that are open to recreational groundfish fishing, there is a 7 rockfish per day bag limit. Taking and retaining yelloweye rockfish is prohibited in all Marine areas.

(iii) *Cabezon*. In areas of the EEZ seaward of Washington (Washington Marine Areas 1–4) that are open to recreational groundfish fishing, there is a 1 cabezon per day bag limit.

(iv) *Lingcod*. In areas of the EEZ seaward of Washington (Washington Marine Areas 1–4) that are open to recreational groundfish fishing and when the recreational season for lingcod is open, there is a bag limit of 2 lingcod per day. The recreational fishing seasons for lingcod is open from the second Saturday in March through the third Saturday in October.

(2) *Oregon*—(i) *Recreational groundfish conservation areas off Oregon*—(A) *Stonewall Bank yelloweye rockfish conservation area*. Recreational fishing for groundfish and halibut is prohibited within the Stonewall Bank YRCA. It is unlawful for recreational fishing vessels to take and retain, possess, or land groundfish taken with recreational gear within the Stonewall Bank YRCA. A vessel fishing in the Stonewall Bank YRCA may not be in possession of any groundfish. Recreational vessels may transit through the Stonewall Bank YRCA with or without groundfish on board. The Stonewall Bank YRCA, and two possible expansions that are available through inseason adjustment, are defined by latitude and longitude coordinates specified at § 660.70, subpart C.

(B) *Recreational rockfish conservation area (RCA)*. Fishing for groundfish with recreational gear is prohibited within the recreational RCA, a type of closed area or groundfish conservation area, except with long-leader gear (as defined at § 660.351). It is unlawful to take and retain, possess, or land groundfish taken with recreational gear within the recreational RCA, except with long-leader gear (as defined at § 660.351). A vessel fishing in the recreational RCA may not be in possession of any groundfish. [For example, if a vessel fishes in the recreational salmon fishery within the RCA, the vessel cannot be in possession of groundfish while within the RCA. The vessel may, however, on the same trip fish for and retain groundfish shoreward of the RCA on the return trip to port.] Off Oregon, from June 1 through August 31, recreational fishing for groundfish is prohibited seaward of a recreational RCA boundary line approximating the 40 fm (73 m) depth contour, except that fishing for flatfish (other than Pacific halibut) is allowed seaward of the 40 fm (73 m) depth contour when recreational fishing for groundfish is permitted. Coordinates for the boundary line approximating the 40 fm (73 m) depth contour are listed at § 660.71.

(C) *Essential fish habitat conservation areas*. The Essential Fish Habitat Conservation Areas (EFHCAs) are closed areas, defined by specific latitude and longitude coordinates at §§ 660.76 through 660.79, where specified types of

fishing are prohibited. Prohibitions applying to specific EFHCAs are found at § 660.12.

(ii) *Seasons*. Recreational fishing for groundfish is open from January 1 through December 31, subject to the closed areas described in paragraph (c) of this section.

(iii) *Bag limits, size limits*. For each person engaged in recreational fishing off the coast of Oregon, the following bag limits apply:

(A) *Marine fish*. The bag limit is 10 marine fish per day, which includes rockfish, kelp greenling, cabezon and other groundfish species. The bag limit of marine fish excludes Pacific halibut, salmonids, tuna, perch species, sturgeon, sanddabs, flatfish, lingcod, striped bass, hybrid bass, offshore pelagic species and baitfish (herring, smelt, anchovies and sardines). The minimum size for cabezon retained in the Oregon recreational fishery is 16 in (41 cm) total length.

(B) *Lingcod*. There is a 3 fish limit per day for lingcod from January 1 through December 31. The minimum size for lingcod retained in the Oregon recreational fishery is 22 in (56 cm) total length. For vessels using long-leader gear (as defined in § 660.351) and fishing inside the recreational RCA, possession of lingcod is prohibited.

(C) *Flatfish*. There is a 25 fish limit per day for all flatfish, excluding Pacific halibut, but including all soles, flounders and Pacific sanddabs, from January 1 through December 31.

(D) *In the Pacific halibut fisheries*. Retention of groundfish is governed in part by annual management measures for Pacific halibut fisheries, which are published in the FEDERAL REGISTER. Between the Columbia River and Humbug Mountain, during days open to the ''all-depth'' sport halibut fisheries, when Pacific halibut are onboard the vessel, no groundfish may be taken and retained, possessed or landed, except sablefish, Pacific cod, and other species of flatfish (sole, flounder, sanddab). ''All-depth'' season days are established in the annual management measures for Pacific halibut fisheries, which are published in the FEDERAL REGISTER and are announced on the NMFS Pacific halibut hotline, 1–800–662–9825.

(E) Taking and retaining yelloweye rockfish is prohibited at all times and in all areas.

(3) *California*. Seaward of California, California law provides that, in times and areas when the recreational fishery is open, there is a 20 fish bag limit for all species of finfish, within which no more than 10 fish of any one species may be taken or possessed by any one person. [Note: There are some exceptions to this rule. The following groundfish species are not subject to a bag limit: Petrale sole, Pacific sanddab and starry flounder.] For groundfish species not specifically mentioned in this paragraph, fishers are subject to the overall 20-fish bag limit for all species of finfish and the depth restrictions at paragraph (c)(3)(i) of this section. Recreational spearfishing for all federally-managed groundfish, is exempt from closed areas and seasons, consistent with Title 14 of the California Code of Regulations. This exemption applies only to recreational vessels and divers provided no other fishing gear, except spearfishing gear, is on board the vessel. California state law may provide regulations similar to Federal regulations for the following state-managed species: Ocean whitefish, California sheephead, and all greenlings of the genus *Hexagrammos*. Kelp greenling is the only federally-managed greenling. Retention of cowcod, yelloweye rockfish, and bronzespotted rockfish, is prohibited in the recreational fishery seaward of California all year in all areas. Retention of species or species groups for which the season is closed is prohibited in the recreational fishery seaward of California all year in all areas, unless otherwise authorized in this section. For each person engaged in recreational fishing in the EEZ seaward of California, the following closed areas, seasons, bag limits, and size limits apply:

(i) *Recreational groundfish conservation areas off California*. A Groundfish Conservation Area (GCA), a type of closed area, is a geographic area defined by coordinates expressed in degrees latitude and longitude. The following GCAs apply to participants in California's recreational fishery.

(A) *Recreational rockfish conservation areas*. The recreational RCAs are areas that are closed to recreational fishing for groundfish. Fishing for groundfish with recreational gear is prohibited within the recreational RCA, except that recreational fishing for ''Other Flatfish,'' petrale sole, and starry flounder is permitted within the recreational RCA as specified in paragraph (c)(3)(iv) of this section. It is unlawful to take and retain, possess, or land groundfish taken with recreational gear within the recreational RCA, unless otherwise authorized in this section. A vessel fishing in the recreational RCA may not be in possession of any species prohibited by the restrictions that apply within the recreational RCA. [For example, if a vessel fishes in the recreational salmon fishery within the RCA, the vessel cannot be in possession of rockfish while in the RCA. The vessel may, however, on the same trip fish for and retain rockfish shoreward of the RCA on the return trip to port.] If the season is closed for a species or species group, fishing for that species or species group is prohibited both within the recreational RCA and shoreward of the recreational RCA, unless otherwise authorized in this section.

(*1*) Between 42° N lat. (California/Oregon border) and 40°10′ N lat. (Northern Management Area), recreational fishing for all groundfish (except petrale sole, starry flounder, and ''Other Flatfish'' as specified in paragraph (c)(3)(iv) of this section) is closed from January 1 through April 30; is prohibited seaward of the 30 fm (55 m) depth contour along the mainland coast and along islands and offshore seamounts from May 1 through October 31 (shoreward of 30 fm is open); and is open at all depths from November 1 through December 31. Coordinates for the boundary line approximating the 30 fm (55 m) depth contour are listed in § 660.71.

(*2*) Between 40°10′ N lat. and 38°57.50′ N lat. (Mendocino Management Area), recreational fishing for all groundfish (except petrale sole, starry flounder, and ''Other Flatfish'' as specified in paragraph (c)(3)(iv) of this section) is closed from January 1 through April 30; prohibited seaward of the 20 fm (37 m) depth contour along the mainland coast and along islands and offshore seamounts from May 1 through October 31 (shoreward of 20 fm is open), and is open at all depths from November 1 through December 31.

(*3*) Between 38°57.50′ N lat. and 37°11′ N lat. (San Francisco Management Area), recreational fishing for all groundfish (except petrale sole, starry flounder, and ''Other Flatfish'' as specified in paragraph (c)(3)(iv) of this section) is closed from January 1 through March 31; is prohibited seaward of the boundary line approximating the 40 fm (73 m) depth contour along the mainland coast and along islands and offshore seamounts from April 1 through December 31. Closures around Cordell Bank (see paragraph (c)(3)(i)(C) of this section) also apply in this area. Coordinates for the boundary line approximating the 40 fm (73 m) depth contour are listed in § 660.71.

(*4*) Between 37°11′ N lat. and 34°27′ N lat. (Central Management Area), recreational fishing for all groundfish (except petrale sole, starry flounder, and ''Other Flatfish'' as specified in paragraph (c)(3)(iv) of this section) is closed from January 1 through March 31; and is prohibited seaward of a boundary line approximating the 50 fm (91 m) depth contour along the mainland coast and along islands and offshore seamounts from April 1 through December 31. Coordinates for the boundary line approximating the 50 fm (91 m) depth contour are specified in § 660.72.

(*5*) South of 34°27′ N lat. (Southern Management Area), recreational fishing for all groundfish (except California scorpionfish, ''Other Flatfish,'' petrale sole, and starry flounder) is closed entirely from January 1 through the last day of February. Recreational fishing for all groundfish (except ''Other Flatfish,'' petrale sole, and starry flounder, as specified in paragraph (c)(3)(iv) of this section) is prohibited seaward of a boundary line approximating the 75 fm (137 m) depth contour from March 1 through December 31 along the mainland coast and along islands and offshore seamounts, except in the CCAs where fishing is prohibited seaward of the 40 fm (73 m) depth contour when the fishing season is open (see paragraph (c)(3)(i)(B) of this section). Coordinates for the

boundary lines approximating the depth contours are specified at §§ 660.71 through 660.74.

(B) *Cowcod conservation areas.* The latitude and longitude coordinates of the Cowcod Conservation Areas (CCAs) boundaries are specified at § 660.70. In general, recreational fishing for all groundfish is prohibited within the CCAs, except that fishing for petrale sole, starry flounder, and ''Other Flatfish'' is permitted within the CCAs as specified in paragraph (c)(3)(iv) of this section. However, recreational fishing for the following species is prohibited seaward of the 40 fm (37 m) depth contour when the season for those species is open south of 34°27′ N lat.: Minor nearshore rockfish, cabezon, kelp greenling, lingcod, California scorpionfish, and shelf rockfish. Retention of yelloweye rockfish, bronzespotted rockfish and cowcod is prohibited within the CCA. [*Note:* California state regulations also permit recreational fishing for California sheephead, ocean whitefish, and all greenlings of the genus Hexagrammos shoreward-of the 40 fm (73 m) depth contour in the CCAs when the season for the RCG complex is open south of 34°27′ N lat.] It is unlawful to take and retain, possess, or land groundfish taken within the CCAs, except for species authorized in this section.

(C) *Cordell Bank.* Recreational fishing for groundfish is prohibited in waters less than 100 fm (183 m) around Cordell Bank as defined by specific latitude and longitude coordinates at § 660.70, subpart C, except that recreational fishing for petrale sole, starry flounder, and ''Other Flatfish'' is permitted around Cordell Bank as specified in paragraph (c)(3)(iv) of this section.

(D) *Point St. George Yelloweye Rockfish Conservation Area (YRCA).* Recreational fishing for groundfish is prohibited within the Point St. George YRCA, as defined by latitude and longitude coordinates at § 660.70, subpart C, on dates when the closure is in effect. The closure is not in effect at this time. This closure may be imposed through inseason adjustment.

(E) *South reef YRCA.* Recreational fishing for groundfish is prohibited within the South Reef YRCA, as defined by latitude and longitude coordinates at § 660.70, subpart C, on dates when the closure is in effect. The closure is not in effect at this time. This closure may be imposed through inseason adjustment.

(F) *Reading Rock YRCA.* Recreational fishing for groundfish is prohibited within the Reading Rock YRCA, as defined by latitude and longitude coordinates at § 660.70, subpart C, on dates when the closure is in effect. The closure is not in effect at this time. This closure may be imposed through inseason adjustment.

(G) *Point Delgada (North) YRCA.* Recreational fishing for groundfish is prohibited within the Point Delgada (North) YRCA, as defined by latitude and longitude coordinates at § 660.70, subpart C, on dates when the closure is in effect. The closure is not in effect at this time. This closure may be imposed through inseason adjustment.

(H) *Point Delgada (South) YRCA.* Recreational fishing for groundfish is prohibited within the Point Delgada (South) YRCA, as defined by latitude and longitude coordinates at § 660.70, subpart C, on dates when the closure is in effect. The closure is not in effect at this time. This closure may be imposed through inseason adjustment.

(I) *Essential fish habitat conservation areas.* The Essential Fish Habitat Conservation Areas (EFHCAs) are closed areas, defined by specific latitude and longitude coordinates at §§ 660.76 through 660.79, subpart C where specified types of fishing are prohibited. Prohibitions applying to specific EFHCAs are found at § 660.12, subpart C.

(ii) *RCG complex.* The California rockfish, cabezon, greenling complex (RCG Complex), as defined in state regulations (Section 1.91, Title 14, California Code of Regulations), includes all rockfish, kelp greenling, rock greenling, and cabezon. This category does not include California scorpionfish, also known as ''sculpin''.

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

(*1*) Between 42° N lat. (California/Oregon border) and 40°10′ N lat. (North

Management Area), recreational fishing for the RCG complex is open from May 1 through December 31 (*i.e.*, it's closed from January 1 through April 30).

(*2*) Between 40°10′ N lat. and 38°57.50′ N lat. (Mendocino Management Area), recreational fishing for the RCG Complex is open from May 1 through December 31 (*i.e.*, it's closed from January 1 through April 30).

(*3*) Between 38°57.50′ N lat. and 37°11′ N lat. (San Francisco Management Area), recreational fishing for the RCG complex is open from April 1 through December 31 (*i.e.*, it's closed from January 1 through March 31).

(*4*) Between 37°11′ N lat. and 34°27′ N lat. (Central Management Area), recreational fishing for the RCG complex is open from April 1 through December 31 (*i.e.*, it's closed from January 1 through March 31).

(*5*) South of 34°27′ N lat. (Southern Management Area), recreational fishing for the RCG Complex is open from March 1 through December 31 (*i.e.*, it's closed from January 1 through the last day in February).

(B) *Bag limits, hook limits*. In times and areas when the recreational season for the RCG Complex is open, there is a limit of 2 hooks and 1 line when fishing for the RCG complex and lingcod. The bag limit is 10 RCG Complex fish per day coastwide. Retention of yelloweye rockfish, bronzespotted rockfish, and cowcod is prohibited. Within the 10 RCG Complex fish per day limit, no more than 4 may be black rockfish, no more than 3 may be cabezon, and no more than 3 may be canary rockfish. 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*. The following size limits apply: cabezon may be no smaller than 15 in (38 cm) total length; and kelp and other greenling may be no smaller than 12 in (30 cm) total length.

(D) *Dressing/filleting*. Cabezon, kelp greenling, and rock greenling taken in the recreational fishery may not be filleted at sea. Rockfish skin may not be removed when filleting or otherwise dressing rockfish taken in the recreational fishery.

(iii) *Lingcod*—(A) *Seasons*. When recreational fishing for lingcod is open, it is permitted only outside of the recreational RCAs described in paragraph (c)(3)(i) of this section.

(*1*) Between 42° N lat. (California/Oregon border) and 40°10′ N lat. (Northern Management Area), recreational fishing for lingcod is open from May 1 through December 31 (*i.e.*, it's closed from January 1 through April 30).

(*2*) Between 40°10′ N lat. and 38°57.50′ N lat. (Mendocino Management Area), recreational fishing for lingcod is open from May 1 through December 31 (*i.e.*, it's closed from January 1 through April 30).

(*3*) Between 38°57.50′ N lat. and 37°11′ N lat. (San Francisco Management Area), recreational fishing for lingcod is open from April 1 through December 31 (*i.e.*, it's closed from January 1 through March 31).

(*4*) Between 37°11′ N lat. and 34°27′ N lat. (Central Management Area), recreational fishing for lingcod is open from April 1 through December 31 (*i.e.*, it's closed from January 1 through March 31).

(*5*) South of 34°27′ N lat. (Southern Management Area), recreational fishing for lingcod is open from March 1 through December 31 (*i.e.*, it's closed from January 1 through the last day in February).

(B) *Bag limits, hook limits*. In times and areas when the recreational season for lingcod is open, there is a limit of 2 hooks and 1 line when fishing for lingcod. 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.

(*1*) The bag limit between 42° N lat. (California/Oregon border) and 40°10′ N lat. (Northern Management Area) is 2 lingcod per day.

(*2*) The bag limit between 40°10′ N lat. and the U.S. border with Mexico (Mendocino Management Area, San Francisco Management Area, Central Management Area, and Southern Management Area) is 2 lingcod per day.

(C) *Size limits*. Lingcod may be no smaller than 22 in (56 cm) total length.

(D) *Dressing/filleting*. Lingcod filets may be no smaller than 14 in (36 cm) in

length. Each fillet shall bear an intact 1 in (2.6 cm) square patch of skin.

(iv) *''Other Flatfish,'' petrale sole, and starry flounder*. Coastwide off California, recreational fishing for ''Other Flatfish,'' petrale sole, and starry flounder, is permitted both shoreward of and within the closed areas described in paragraph (c)(3)(i) of this section. ''Other Flatfish'' are defined at § 660.11, and include butter sole, curlfin sole, flathead sole, Pacific sanddab, rex sole, rock sole, and sand sole. ''Other Flatfish,'' 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 daily bag limit for petrale sole, starry flounder and Pacific sanddab. There are no size limits for ''Other Flatfish,'' petrale sole, and starry flounder. ''Other Flatfish'', petrale sole, and starry flounder may be filleted at sea. Fillets may be of any size, but must bear intact a one-inch (2.6 cm) square patch of skin.

(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 38°57.50′ N lat. (Mendocino Management Area), recreational fishing for California scorpionfish is open from May 1 through December 31 (*i.e.*, it's closed from January 1 through April 30).

(*2*) Between 38°57.50′ N lat. and 37°11′ N lat. (San Francisco Management Area), recreational fishing for California scorpionfish is open from April 1 through December 31 (*i.e.*, it's closed from January 1 through March 31).

(*3*) Between 37°11′ N lat. and 34°27′ N lat. (Central Management Area), recreational fishing for California scorpionfish is open from April 1 through December 31 (*i.e.*, it's closed from January 1 through March 31).

(*4*) South of 34°27′ N lat. (Southern Management Area), 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 there is a limit of 2 hooks and 1 line, 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/Filleting*. 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.

(d) *Salmon bycatch*. Recreational fisheries that are not accounted for within pre-season salmon modeling may be closed through automatic action at § 660.60(d)(1)(v) and (vi).

[75 FR 60995, Oct. 1, 2010, as amended at 76 FR 11392, Mar. 2, 2011; 76 FR 27559, May 11, 2011; 76 FR 54714, Sept. 2, 2011; 76 FR 79133, Dec. 21, 2011; 77 FR 12504, Mar. 1, 2012; 77 FR 55158, Sept. 7, 2012; 77 FR 63761, Oct. 17, 2012; 78 FR 642, Jan. 3, 2013; 78 FR 26279, May 6, 2013; 80 FR 12601, Mar. 10, 2015; 80 FR 61766, Oct. 14, 2015; 82 FR 9668, Feb. 7, 2017; 82 FR 21951, May 11, 2017; 82 FR 48666, Oct. 19, 2017; 82 FR 60570, Dec. 21, 2017; 83 FR 13431, Mar. 29, 2018; 83 FR 16008, Apr. 13, 2018; 83 FR 48728, Sept. 27, 2018; 83 FR 64014, Dec. 12, 2018; 84 FR 25720, June 4, 2019]

## Subpart H—West Coast Salmon Fisheries

### § 660.401 Purpose and scope.

This subpart implements the Fishery Management Plan for Commercial and Recreational Salmon Fisheries Off the Coasts of Washington, Oregon, and California developed by the Pacific Fishery Management Council. These regulations govern the management of West Coast salmon fisheries in the EEZ.

### § 660.402 Definitions.

In addition to the definitions in the Magnuson Act and in § 600.10 of this chapter, the terms used in this subpart have the following meanings:

*Barbless hook* means a hook with a single shank and point, with no secondary point or barb curving or projecting in any other direction. Where barbless hooks are specified, hooks

manufactured with barbs can be made barbless by forcing the point of the barb flat against the main part of the point.

*Commercial fishing* means fishing with troll fishing gear as defined annually under § 660.408, or fishing for the purpose of sale or barter of the catch.

*Council* means the Pacific Fishery Management Council.

*Dressed, head-off length of salmon* means the shortest distance between the midpoint of the clavicle arch and the fork of the tail, measured along the lateral line while the fish is lying on its side, without resort to any force or mutilation of the fish other than removal of the head, gills, and entrails.

*Dressed, head-off salmon* means salmon that have been beheaded, gilled, and gutted without further separation of vertebrae, and are either being prepared for on-board freezing, or are frozen and will remain frozen until landed.

*Fishery management area* means the EEZ off the coasts of Washington, Oregon, and California, bounded on the north by the Provisional International Boundary between the United States and Canada, and bounded on the south by the International Boundary between the United States and Mexico. The northeastern, northern, and northwestern boundaries of the fishery management area are as follows:

(1) Northeastern boundary—that part of a line connecting the light on Tatoosh Island, WA, with the light on Bonilla Point on Vancouver Island, British Columbia, southerly of the International Boundary between the United States and Canada (at 48°29′37″ N. lat., 124°43′33″ W. long.), and northerly of the point where that line intersects with the boundary of the U.S. territorial sea.

(2) Northern and northwestern boundary is a line[1] connecting the following coordinates:

| *N. lat.* | *W. long.* |
|---|---|
| 48°29′37.19″ | 124°43′33.19″ |
| 48°30′11″ | 124°47′13″ |
| 48°30′22″ | 124°50′21″ |
| 48°30′14″ | 124°52′52″ |
| 48°29′57″ | 124°59′14″ |
| 48°29′44″ | 125°00′06″ |
| 48°28′09″ | 125°05′47″ |
| 48°27′10″ | 125°08′25″ |
| 48°26′47″ | 125°09′12″ |
| 48°20′16″ | 125°22′48″ |
| 48°18′22″ | 125°29′58″ |
| 48°11′05″ | 125°53′48″ |
| 47°49′15″ | 126°40′57″ |
| 47°36′47″ | 127°11′58″ |
| 47°22′00″ | 127°41′23″ |
| 46°42′05″ | 128°51′56″ |
| 46°31′47″ | 129°07′39″ |

[1] The line joining these coordinates is the provisional international boundary of the U.S. EEZ as shown on NOAA/NOS Charts #18480 and #18002.

(3) The southern boundary of the fishery management area is the U.S.-Mexico International Boundary, which is a line connecting the following coordinates:

| *N. lat.* | *W. long.* |
|---|---|
| 32°35′22″ | 117°27′49″ |
| 32°37′37″ | 117°49′31″ |
| 31°07′58″ | 118°36′18″ |
| 30°32′31″ | 121°51′58″ |

(4) The inner boundaries of the fishery management area are subject to change if the Secretary assumes responsibility for the regulation of the salmon fishery within state waters under section 306(b) of the Magnuson Act.

*Freezer trolling vessel* means a fishing vessel, equipped with troll fishing gear, that has a present capability for:

(1) On board freezing of the catch.

(2) Storage of the fish in a frozen condition until they are landed.

*Land* or *landing* means to begin transfer of fish from a fishing vessel. Once transfer begins, all fish onboard the vessel are counted as part of the landing.

*Pacific Coast Salmon Plan (PCSP or Salmon FMP)* means the Fishery Management Plan, as amended, for commercial and recreational ocean salmon fisheries in the Exclusive Economic Zone (EEZ) (3 to 200 nautical miles offshore) off Washington, Oregon, and California. The Salmon FMP was first developed by the Council and approved by the Secretary in 1978. The Salmon FMP was amended on October 31, 1984, to establish a framework process to develop and implement fishery management actions; the Salmon FMP has been subsequently amended at irregular intervals. Other names commonly used include: Pacific Coast Salmon Fishery Management Plan, West Coast

Salmon Plan, West Coast Salmon Fishery Management Plan.

*Plugs* means artificial fishing lures made of wood or hard plastic with one or more hooks attached. Lures commonly known as ''spoons,'' ''wobblers,'' ''dodgers,'' and flexible plastic lures are not considered plugs, and may not be used where ''plugs only'' are specified.

*Recreational fishing* means fishing with recreational fishing gear as defined annually under § 660.408 and not for the purpose of sale or barter.

*Recreational fishing gear* will be defined annually under § 660.408.

*Regional Administrator* means the Director, Northwest Region, NMFS, or a designee. For fisheries occurring primarily or exclusively in the fishery management area seaward of California, *Regional Administrator* means the Director, Northwest Region, NMFS, acting in consultation with the Director, Southwest Region, NMFS.

*Salmon* means any anadromous species of the family Salmonidae and genus *Oncorhynchus*, commonly known as Pacific salmon, including, but not limited to:

Chinook (king) salmon, *Oncorhynchus tshawytscha*
Coho (silver) salmon, *Oncorhynchus kisutch*
Pink (humpback) salmon, *Oncorhynchus gorbuscha*
Chum (dog) salmon, *Oncorhynchus keta*
Sockeye (red) salmon, *Oncorhynchus nerka*
Steelhead (rainbow trout), *Oncorhynchus mykiss*

*Total length of salmon* means the shortest distance between the tip of the snout or jaw (whichever extends furthest while the mouth is closed) and the tip of the longest lobe of the tail, without resort to any force or mutilation of the salmon other than fanning or swinging the tail.

*Treaty Indian fishing* means fishing for salmon and steelhead in the fishery management area by a person authorized by the Makah Tribe to exercise fishing rights under the Treaty with the Makah, or by the Quileute, Hoh, or Quinault Tribes to exercise fishing rights under the Treaty of Olympia.

*Troll fishing gear* will be defined annually under § 660.408.

*Whole bait* means a hook or hooks baited with whole natural bait with no device to attract fish other than a flasher.

[61 FR 34572, July 2, 1996, as amended at 66 FR 29241, May 30, 2001; 76 FR 81858, Dec. 29, 2011; 78 FR 10559, Feb. 14, 2013]

### § 660.403 Relation to other laws.

(a) The relation of this part to other laws is set forth in § 600.705 of this chapter, § 660.2, and paragraphs (b) and (c) of this section.

(b) Any person fishing subject to this subpart who also engages in fishing for groundfish should consult Federal regulations in subpart C through G for applicable requirements of that subpart, including the requirement that vessels engaged in commercial fishing for groundfish (except commercial passenger vessels) have vessel identification in accordance with § 660.20.

(c) Any person fishing subject to this subpart is bound by the international boundaries of the fishery management area described in § 660.402, notwithstanding any dispute or negotiation between the United States and any neighboring country regarding their respective jurisdictions, until such time as new boundaries are published by the United States.

[61 FR 34572, July 2, 1996, as amended at 76 FR 81858, Dec. 29, 2011]

### § 660.404 Recordkeeping and reporting.

(a) This subpart recognizes that catch and effort data necessary for implementation of any applicable fishery management plan are collected by the States and Indian tribes of Washington, Oregon, California, and Idaho under existing data collection requirements. Except as provided in paragraph (b) of this section, no additional catch reports will be required of fishermen or processors so long as the data collection and reporting systems operated by State agencies and Indian tribes continue to provide NMFS with statistical information adequate for management.

(b) Persons engaged in commercial fishing may be required to submit catch reports that are specified annually under § 660.408.

[61 FR 34600, July 2, 1996]

**§ 660.405 Prohibitions.**

(a) In addition to the general prohibitions specified in § 600.725 of this chapter, it is unlawful for any person to do any of the following, except as otherwise authorized under this part:

(1) Take and retain or land salmon caught with a net in the fishery management area, except that a hand-held net may be used to bring hooked salmon on board a vessel.

(2) Fish for, or take and retain, any species of salmon:

(i) During closed seasons or in closed areas;

(ii) While possessing on board any species not allowed to be taken in the area at the time;

(iii) Once any catch limit is attained;

(iv) By means of gear or methods other than recreational fishing gear or troll fishing gear, or gear authorized under § 660.408(k) for treaty Indian fishing;

(v) In violation of any action issued under this subpart; or

(vi) In violation of any applicable area, season, species, zone, gear, daily bag limit, or length restriction.

(3) Fish for salmon in an area when salmon of less than the legal minimum length for that area are on board the fishing vessel, except that this provision does not prohibit transit of an area when salmon of less than the legal minimum length for that area are on board, so long as no fishing is being conducted.

(4) Remove the head of any salmon caught in the fishery management area, or possess a salmon with the head removed, if that salmon has been marked by removal of the adipose fin to indicate that a coded wire tag has been implanted in the head of the fish.

(5) Take and retain or possess on board a fishing vessel any species of salmon that is less than the applicable minimum total length, including the applicable minimum length for dressed, head-off salmon.

(6) Possess on board a fishing vessel a salmon, for which a minimum total length is extended or cannot be determined, except that dressed, head-off salmon may be possessed on board a freezer trolling vessel, unless the adipose fin of such salmon has been removed.

(7) Fail to return to the water immediately and with the least possible injury any salmon the retention of which is prohibited by this subpart.

(8) Engage in recreational fishing while aboard a vessel engaged in commercial fishing. This restriction is not intended to prohibit the use of fishing gear otherwise permitted under the definitions of troll and recreational fishing gear, so long as that gear is legal in the fishery for which it is being used.

(9) Take and retain, possess, or land any steelhead taken in the course of commercial fishing in the fishery management area, unless such take and retention qualifies as treaty Indian fishing.

(10) Sell, barter, offer to sell, offer to barter, or purchase any salmon taken in the course of recreational salmon fishing.

(11) Refuse to submit fishing gear or catch subject to such person's control to inspection by an authorized officer, or to interfere with or prevent, by any means, such an inspection.

(12) Take and retain Pacific halibut (*Hippoglossus stenolepis*) except in accordance with regulations of the International Pacific Halibut Commission at part 300 of this title. Pacific halibut that cannot be retained lawfully must be returned to the water immediately and with the least possible injury.

(13) Violate any other provision of this subpart.

(b) The fishery management area is closed to salmon fishing except as opened by this subpart or superseding regulations or notices. All open fishing periods begin at 0001 hours and end at 2400 hours local time on the dates specified, except that a fishing period may be ended prior to 2400 hours local time through an inseason action taken under § 660.409 in order to meet fishery management objectives.

(c) Under the Pacific Coast groundfish regulations at § 660.330, fishing with salmon troll gear is prohibited within the Salmon Troll Yelloweye Rockfish Conservation Area (YRCA). It is unlawful for commercial salmon troll vessels to take and retain, possess, or land fish taken with salmon troll gear within the Salmon Troll YRCA. Vessels may transit through the

Salmon Troll YRCA with or without fish on board.The Salmon Troll YRCA is an area off the northern Washington coast. The Salmon Troll YRCA is intended to protect yelloweye rockfish. The Salmon Troll YRCA is defined by straight lines connecting specific latitude and longitude coordinates under the Pacific Coast Groundfish regulations at § 660.70.

[61 FR 34572, July 2, 1996, as amended at 71 FR 78719, Dec. 29, 2006; 76 FR 81858, Dec. 29, 2011; 80 FR 77275, Dec. 14, 2015]

### § 660.406 Exempted fishing.

(a) NMFS may allow such exempted fishing in the fishery management area as may be recommended by the Council, the Federal Government, state government, or treaty Indian tribes having usual and accustomed fishing grounds in the fishery management area.

(b) NMFS will not allow any exempted fishery recommended by the Council unless NMFS determines that the purpose, design, and administration of the exempted fishery are consistent with the goals and objectives of the Council's fishery management plan, the national standards (section 301(a) of the Magnuson Act), and other applicable law.

(c) Each vessel participating in any exempted fishery recommended by the Council and allowed by NMFS is subject to all provisions of this subpart, except those portions which relate to the purpose and nature of the exempted fishery. These exceptions will be specified in a permit issued by the Regional Administrator to each vessel participating in the exempted fishery and that permit must be carried aboard each participating vessel.

[61 FR 34572, July 2, 1996, as amended at 78 FR 10559, Feb. 14, 2013]

### § 660.407 Treaty Indian fishing.

Except as otherwise provided in this subpart, treaty Indian fishing in any part of the fishery management area is subject to the provisions of this subpart, the Magnuson Act, and any other regulations issued under the Magnuson Act.

### § 660.408 Annual actions.

(a) *General*. NMFS will annually establish specifications and management measures or, as necessary, adjust specifications and management measures for the commercial, recreational, and treaty Indian fisheries by publishing the action in the FEDERAL REGISTER under § 660.411. Management of the Pacific Coast salmon fishery will be conducted consistent with the standards and procedures in the Salmon FMP. The Salmon FMP is available from the Regional Administrator or the Council. Specifications and management measures are described in paragraphs (b) through (o) of this section.

(b) *Annual catch limits*. Annual Specifications will include annual catch limits (ACLs) determined consistent with the standards and procedures in the Salmon FMP.

(c) *Allowable ocean harvest levels*. Allowable ocean harvest levels must ensure that conservation objectives and ACLs are met, as described in § 660.410, except that where the *de minimis* fishing control rules described in § 660.410(c) apply, conservation objectives may not be met, provided ACLs are met. The allowable ocean harvest for commercial, recreational, and treaty Indian fishing may be expressed in terms of season regulations expected to achieve a certain optimum harvest level or in terms of a particular number of fish. Procedures for determining allowable ocean harvest vary by species and fishery complexity, and are documented in the fishery management plan and Council documents.

(d) *Allocation of ocean harvest levels*—(1) *Coho and chinook from the U.S.-Canada border to Cape Falcon*—(i) *Overall allocation schedule*. Initial allocation of coho and chinook salmon north of Cape Falcon, OR, will be based on the following schedule:

| Allowable non-treaty ocean harvest (thousands of fish) | Percentage [1] | |
|---|---|---|
| | Commercial | Recreational |
| Coho: | | |
| 0–300 | 25 | 75 |
| >300 | 60 | 40 |
| Chinook: | | |
| 0–100 | 50 | 50 |
| >100–150 | 60 | 40 |

| Allowable non-treaty ocean harvest (thousands of fish) | Percentage [1] | |
|---|---|---|
| | Commercial | Recreational |
| >150 | 70 | 30 |

[1] The percentage allocation is tiered and must be calculated in additive steps when the harvest level exceeds the initial tier. For example, for a total allowable ocean harvest of 150,000 chinook, the recreational allocation would be equal to 50 percent of 100,000 chinook plus 40 percent of 50,000 chinook or 50,000 + 20,000 = 70,000 chinook.

(ii) *Deviations from allocation schedule.* The initial allocation may be modified annually in accordance with paragraphs (d)(1)(iii) through (viii) of this section. These deviations from the allocation schedule provide flexibility to account for the dynamic nature of the fisheries and better achieve the allocation objectives and fishery allocation priorities in paragraphs (d)(1)(ix) and (x) of this section. Total allowable ocean harvest will be maximized to the extent possible consistent with treaty obligations, state fishery needs, conservation objectives, and ACLs. Every effort will be made to establish seasons and gear requirements that provide troll and recreational fleets a reasonable opportunity to catch the available harvest. These may include single-species directed fisheries with landing restrictions for other species.

(iii) *Preseason trades.* Preseason species trades (chinook and coho) may be made if they are based upon the recommendation of the commercial and recreational Salmon Advisory Subpanel representatives for the area north of Cape Falcon; simultaneously benefit both the commercial and recreational fisheries or benefit one fishery without harming the other; and are supported by a socio-economic analysis that compares the impacts of the recommendation to those of the standard allocation schedule to determine the allocation that best meets the allocation objectives. This analysis will be made available to the public during the preseason process for establishing annual management measures. Preseason trades will use an exchange ratio of four coho to one chinook as a desirable guideline.

(iv) *Commercial allocation.* The commercial allowable ocean harvest of chinook and coho derived during the preseason allocation process may be varied by major subareas (*i.e.*, north of Leadbetter Point and south of Leadbetter Point) if there is need to do so to decrease impacts on weak stocks. Deviations in each major subarea will generally not exceed 50 percent of the allowable ocean harvest of each species that would have been established without a geographic deviation in the distribution of the allowable ocean harvest. Deviation of more than 50 percent will be based on a conservation need to protect the weak stocks and will provide larger overall harvest for the entire fishery north of Cape Falcon than would have been possible without the deviation.

(v) *Recreational allocation.* The recreational allowable ocean harvest of chinook and coho derived during the preseason allocation process will be distributed among the four major recreational subareas as described in the coho and chinook distribution sections below. The Council may deviate from subarea quotas to meet recreational season objectives, based on agreement of representatives of the affected ports and/or in accordance with section 6.5.3.2 of the Pacific Coast Salmon Plan, regarding certain selective fisheries. Additionally, based upon the recommendation of the recreational Salmon Advisory Subpanel representatives for the area north of Cape Falcon, the Council will include criteria in its preseason salmon management recommendations to guide any inseason transfer of coho among the recreational subareas to meet recreational season duration objectives.

(A) *Coho distribution.* The preseason recreational allowable ocean harvest of coho north of Cape Falcon will be distributed to provide 50 percent to the area north of Leadbetter Point and 50 percent to the area south of Leadbetter Point. In years with no fishery in Washington State management area 4B, the distribution of coho north of Leadbetter Point will be divided to provide 74 percent to the subarea between Leadbetter Point and the Queets River (Westport), 5.2 percent to the subarea between Queets River and Cape Flattery (La Push), and 20.8 percent to the area north of the Queets River (Neah Bay). In years when there is an Area 4B (Neah Bay) fishery under state management, 25 percent of the numerical value of that fishery shall be added

to the recreational allowable ocean harvest north of Leadbetter Point prior to applying the sharing percentages for Westport and La Push. The increase to Westport and La Push will be subtracted from the Neah Bay ocean share to maintain the same total harvest allocation north of Leadbetter Point. Each of the four recreational port area allocations will be rounded, to the nearest hundred fish, with the largest quotas rounded downward, if necessary, to sum to the preseason recreational allowable ocean harvest of coho north of Cape Falcon.

(B) *Chinook distribution.* Subarea distributions of Chinook will be managed as guidelines based on calculations of the Salmon Technical Team with the primary objective of achieving all-species fisheries without imposing Chinook restrictions (*i.e.,* area closures or bag limit reductions). Chinook in excess of all-species fisheries needs may be utilized by directed Chinook fisheries north of Cape Falcon or by negotiating a preseason species trade of Chinook and coho between commercial and recreational allocations in accordance with paragraph (d)(1)(iii) of this section.

(vi) *Inseason trades and transfers.* Inseason transfers, including species trades of Chinook and coho, may be permitted in either direction between commercial and recreational fishery quotas to allow for uncatchable fish in one fishery to be reallocated to the other. Fish will be deemed uncatchable by a respective commercial or recreational fishery only after considering all possible annual management actions to allow for their harvest that are consistent with the harvest management objectives specific in the fishery management plan including consideration of single species fisheries. Implementation of inseason transfers will require consultation with the pertinent commercial and recreational Salmon Advisory Subpanel representatives from the area involved and the Salmon Technical Team, and a clear establishment of available fish and impacts from the transfer. Inseason trades or transfers may vary from the guideline ratio of four coho to one Chinook to meet the allocation objectives in paragraph (d)(1)(ix) of this section.

(vii) *Other inseason provisions.* Any increase or decrease in the recreational or commercial allowable ocean harvest resulting from an inseason restructuring of a fishery or other inseason management action does not require reallocation of the overall non-treaty allowable ocean harvest north of Cape Falcon between the recreational and commercial fisheries. Inseason redistribution of subarea quotas within the recreational fishery or the distribution of allowable coho catch transfers from the commercial fishery among subareas may deviate from the preseason distribution. Inseason management actions may be taken by the Regional Administrator to assure meeting the primary objective of achieving all-species fisheries without imposing Chinook restrictions in each of the recreational subareas north of Cape Falcon. Such actions might include, but are not limited to: Closure from 0 to 3, 0 to 6, 3 to 200, or 5 to 200 nm from shore; closure from a point extending due west from Tatoosh Island for 5 nm, then south to a point due west of Umatilla Reef Buoy, then due east to shore; closure from North Head at the Columbia River mouth north to Leadbetter Point; change in species that may be landed; or other actions as prescribed in the annual management measures.

(viii) *Selective fisheries.* Deviations from the initial gear and port area allocations may be allowed to implement selective fisheries for marked salmon stocks as long as the deviations are within the constraints and process specified in section 6.5.3.2 of the Pacific Coast Salmon Plan.

(ix) *Allocation objectives.* The goal of allocating ocean harvest north of Cape Falcon is to achieve, to the greatest degree possible, the following objectives for the commercial and recreational fisheries. When deviation from the allocation schedule is being considered, these objectives will serve as criteria to help determine whether a user group will benefit from the deviation.

(A) Provide recreational opportunity by maximizing the duration of the fishing season while minimizing daily and area closures and restrictions on gear and daily limits.

(B) Maximize the value of the commercial harvest while providing fisheries of reasonable duration.

(x) *Fishery allocation priorities.* The following fishery allocation priorities will provide guidance in the preseason process of establishing final harvest allocations and structuring seasons that best achieve the allocation objectives. To the extent fish are provided to each fishery by the allocation schedule, these priorities do not favor one user group over the other and should be met simultaneously for each fishery. Seasons may be structured that deviate from these priorities consistent with the allocation objectives.

(A) At total allowable harvest levels up to 300,000 coho and 100,000 chinook: For the recreational fishery, provide coho for a late June through early September all-species season; provide chinook to allow access to coho and, if possible, a minimal chinook-only fishery prior to the all-species season; and adjust days per week and/or institute area restrictions to stabilize season duration. For the commercial fishery, provide chinook for a May and early June chinook season and provide coho for hooking mortality and/or access to a pink fishery, and ensure that part of the chinook season will occur after June 1.

(B) At total allowable harvest levels above 300,000 coho and above 100,000 chinook: For the recreational fishery, relax any restrictions in the all-species fishery and/or extend the all-species season beyond Labor Day as coho quota allows; provide chinook for a Memorial Day through late June chinook-only fishery; and adjust days per week to ensure continuity with the all-species season. For the commercial fishery, provide coho for an all-species season in late summer and/or access to a pink fishery; and leave adequate chinook from the May through June season to allow access to coho.

(2) *Coho south of Cape Falcon*—(i) *Allocation schedule.* Preseason allocation shares of coho salmon south of Cape Falcon, OR, will be determined by an allocation schedule, which is based on the following formula. The formula will be used to interpolate between allowable harvest levels as shown in the table below.

(A) Up to 350,000 allowable ocean harvest: The first 150,000 fish will be allocated to the recreational fishery. Additional fish will be allocated 66.7 percent to troll and 33.3 percent to recreational. The incidental coho mortality for a commercial all-salmon-except-coho fishery will be deducted from the troll allocation. If the troll allocation is insufficient for this purpose, the remaining number of coho needed for this estimated incidental coho mortality will be deducted from the recreational share.

(B) From 350,000 to 800,000 allowable ocean harvest: The recreational allocation is equal to 14 percent of the allowable harvest above 350,000 fish, plus 217,000 fish. The remainder of the allowable ocean harvest will be allocated to the troll fishery.

(C) Above 800,000 allowable ocean harvest: The recreational allocation is equal to 10 percent of the allowable harvest above 800,000 fish, plus 280,000 fish. The remainder of the allowable ocean harvest will be allocated to the troll fishery.

| Allowable ocean harvest (thousands of fish) | Commercial | | Recreational | |
|---|---|---|---|---|
| | Number (thousands) | Percentage | Number (thousands) | Percentage |
| 2,700 | 2,230 | 82.6 | 470 | 17.4 |
| 2,600 | 2,140 | 82.3 | 460 | 17.7 |
| 2,500 | 2,050 | 82.0 | 450 | 18.0 |
| 2,400 | 1,960 | 81.7 | 440 | 18.3 |
| 2,300 | 1,870 | 81.3 | 430 | 18.7 |
| 2,200 | 1,780 | 80.9 | 420 | 19.1 |
| 2,100 | 1,690 | 80.5 | 410 | 19.5 |
| 2,000 | 1,600 | 80.0 | 400 | 20.0 |
| 1,900 | 1,510 | 79.5 | 390 | 20.5 |
| 1,800 | 1,420 | 78.9 | 380 | 21.1 |
| 1,700 | 1,330 | 78.2 | 370 | 21.8 |
| 1,600 | 1,240 | 77.5 | 360 | 22.5 |
| 1,500 | 1,150 | 76.7 | 350 | 23.3 |
| 1,400 | 1,060 | 75.7 | 340 | 24.3 |
| 1,300 | 970 | 74.6 | 330 | 25.4 |
| 1,200 | 880 | 73.3 | 320 | 26.7 |
| 1,100 | 790 | 71.8 | 310 | 28.2 |
| 1,000 | 700 | 70.0 | 300 | 30.0 |
| 900 | 610 | 67.8 | 290 | 32.2 |
| 800 | 520 | 65.0 | 280 | 35.0 |
| 700 | 434 | 62.0 | 266 | 38.0 |
| 600 | 348 | 58.0 | 252 | 42.0 |
| 500 | 262 | 52.4 | 238 | 47.6 |
| 400 | 176 | 44.0 | 224 | 56.0 |
| 350 | 133 | 38.0 | 217 | 62.0 |
| 300 | 100 | 33.3 | 200 | 66.7 |
| 200 | [1] 33 | [1] 16.5 | [1] 167 | [1] 83.5 |
| 100 | ([1]) | ([1]) | ([1]) | ([1]) |

[1] An incidental coho allowance associated with any commercial all-salmon-except-coho fishery will be deducted from the recreational share of coho during periods of low coho abundance when the commercial allocation of coho under the schedule would be insufficient to allow for incidental hooking mortality of coho in the commercial all-salmon-except-coho fishery.

(ii) *Geographic distribution.* Allowable harvest south of Cape Falcon may be divided and portions assigned to subareas based on considerations including, but not limited to, controlling ocean harvest impacts on depressed, viable natural stocks within acceptable maximum allowable levels; stock abundance; allocation considerations; stock specific impacts; relative abundance of the salmon species in the fishery; escapement goals; and maximizing harvest potential.

(iii) *Recreational allocation at 167,000 fish or less.* When the recreational allocation is at 167,000 fish or less, the total recreational allowable ocean harvest of coho will be divided between two major subareas with independent impact quotas. The initial allocation will be 70 percent from Cape Falcon to Humbug Mountain and 30 percent south of Humbug Mountain. Coho transfers between the two impact quotas may be permitted on a one-for-one basis, if chinook constraints preclude access to coho. Horse Mountain to Point Arena will be managed for an impact guideline of 3 percent of the south of Cape Falcon recreational allocation. The recreational coho fishery between Humbug Mountain and Point Arena may be closed when it is projected that the harvest impact between Humbug Mountain and Point Arena, combined with the projected harvest impact that will be taken south of Point Arena to the end of the season, equals the impact quota for south of Humbug Mountain. The recreational fishery for coho salmon south of Point Arena will not close upon attainment of the south of Humbug Mountain impact quota.

(iv) *Oregon coastal natural coho.* The allocation provisions in paragraph (d)(2) of this section provide guidance only when coho abundance permits a directed coho harvest, not when the allowable harvest impacts are insufficient to allow coho retention south of Cape Falcon. At such low levels, allowable harvest impacts will be allocated during the Council's preseason process.

(v) *Inseason reallocation.* No later than August 15 each year, the Salmon Technical Team will estimate the number of coho salmon needed to complete the recreational seasons. Any coho salmon allocated to the recreational fishery that are not needed to complete the recreational seasons will be reallocated to the commercial fishery. Once reallocation has taken place, the remaining recreational quota will change to a harvest guideline. If the harvest guideline for the recreational fishery is projected to be reached on or before Labor Day, the Regional Administrator may allow the recreational fishery to continue through the Labor Day weekend only if there is no significant danger of impacting the allocation of another fishery or of failing to meet an escapement goal.

(e) *Management boundaries and zones.* Management boundaries and zones will be established or adjusted to achieve a conservation purpose or management objective. A conservation purpose or management objective protects a fish stock, simplifies management of a fishery, or promotes wise use of fishery resources by, for example, separating fish stocks, facilitating enforcement, separating conflicting fishing activities, or facilitating harvest opportunities. Management boundaries and zones will be described by geographical references, coordinates (latitude and longitude), depth contours, distance from shore, or similar criteria.

(f) *Minimum harvest lengths.* The minimum harvest lengths for commercial, recreational, and treaty Indian fishing may be changed upon demonstration that a useful purpose will be served. For example, an increase in minimum size for commercially caught salmon may be necessary for conservation or may provide a greater poundage and monetary yield from the fishery while not substantially increasing hooking mortality. The removal of a minimum size for the recreational fishery may prevent wastage of fish and outweigh the detrimental impacts of harvesting immature fish.

(g) *Recreational daily bag limits.* Recreational daily bag limits for each fishing area will specify number and species of salmon that may be retained. The recreational daily bag limits for each fishing area will be set to maximize the length of the fishing season consistent with the allowable level of harvest in the area.

(h) *Fishing gear restrictions.* Gear restrictions for commercial, recreational, and treaty Indian fishing may be established or modified upon demonstration that a useful purpose will be served. For example, gear restrictions may be imposed or modified to facilitate enforcement, reduce hooking mortality, or reduce gear expenses for fishermen.

(i) *Seasons*—(1) *In general.* Seasons for commercial and recreational fishing will be established or modified taking into account allowable ocean harvest levels and quotas, allocations between the commercial and recreational fisheries, and the estimated amount of effort required to catch the available fish based on past seasons.

(2) *Commercial seasons.* Commercial seasons will be established or modified taking into account wastage of fish that cannot legally be retained, size and poundage of fish caught, effort shifts between fishing areas, and protection of depressed stocks present in the fishing areas. All-species seasons will be established to allow the maximum allowable harvest of pink salmon, when and where available, without exceeding allowable Chinook or coho harvest levels and within conservation and allocation constraints of the pink stocks.

(3) *Recreational seasons.* If feasible, recreational seasons will be established or modified to encompass Memorial Day and Labor Day weekends, and to avoid the need for inseason closures.

(j) *Quotas* (by species, including fish caught 0–3 nm seaward of Washington, Oregon, and California). Quotas for commercial, recreational, and treaty Indian fishing may be established or modified to ensure that allowable ocean harvests are not exceeded. Quotas may be fixed or adjustable and used in conjunction with seasons. Any quota established does not represent a guaranteed ocean harvest, but a maximum ceiling on catch.

(k) *Selective fisheries*—(1) *In general.* In addition to the all-species seasons and the all-species-except-coho seasons established for the commercial and recreational fisheries, species selective fisheries and mark selective fisheries may be established.

(2) *Species selective fisheries.* Selective coho-only, Chinook-only, pink-only, all salmon except Chinook, and all salmon except coho fisheries may be established if harvestable fish of the target species are available; harvest of incidental species will not exceed allowable levels; proven, documented selective gear exists; significant wastage of incidental species will not occur; and the selective fishery will occur in an acceptable time and area where wastage can be minimized and target stocks are primarily available.

(3) *Mark selective fisheries.* Fisheries that select for salmon marked with a healed adipose fin clip may be established in the annual management measures as long as they are consistent with guidelines in section 6.5.3.1 of the Pacific Coast Salmon Plan.

(l) *Treaty Indian fishing.* (1) NMFS will establish or modify treaty Indian fishing seasons and/or fixed or adjustable quotas, size limits, gear restrictions, and/or area restrictions taking into account recommendations of the Council, proposals from affected tribes, and relevant Federal court proceedings.

(2) The combined treaty Indian fishing seasons will not be longer than necessary to harvest the allowable treaty Indian catch, which is the total treaty harvest that would occur if the tribes chose to take their total entitlement of the weakest stock in the fishery management area, assuming this level of harvest did not create conservation or allocation problems for other stocks.

(3) Any fixed or adjustable quotas established will be consistent with established treaty rights and will not exceed the harvest that would occur if the entire treaty entitlement to the weakest run were taken by treaty Indian fisheries in the fishery management area.

(4) If adjustable quotas are established for treaty Indian fishing, they may be subject to inseason adjustment because of unanticipated Chinook or coho hooking mortality occurring during the season, catches in treaty Indian fisheries inconsistent with those unanticipated under Federal regulations, or a need to redistribute quotas to ensure attainment of an overall quota.

(m) *Yurok and Hoopa Valley tribal fishing rights.* For purposes of section

303 of the Magnuson Act, the federally reserved fishing rights of the Yurok and Hoopa Valley Indian Tribes as set out in a legal opinion[2] dated October 4, 1993, by the Office of the Solicitor, Department of the Interior, are applicable law. Under section 303 of the Magnuson Act, allowable ocean harvest must be consistent with all applicable laws.

(n) *Inseason notice procedures.* Telephone hotlines and USCG broadcasts will provide actual notice of inseason actions for commercial, recreational, and treaty Indian fishing.

(o) *Reporting requirements.* Reporting requirements for commercial fishing may be imposed to ensure timely and accurate assessment of catches in regulatory areas subject to quota management. Such reports are subject to the limitations described herein. Persons engaged in commercial fishing in a regulatory area subject to quota management and landing their catch in another regulatory area open to fishing may be required to transmit a brief report prior to leaving the first regulatory area. The regulatory areas subject to these reporting requirements, the contents of the reports, and the entities receiving the reports will be specified annually.

[61 FR 34601, July 2, 1996, as amended at 64 FR 26328, May 14, 1999; 66 FR 29241, May 30, 2001; 76 FR 81859, Dec. 29, 2011; 78 FR 10559, Feb. 14, 2013]

### § 660.409 Inseason actions.

(a) *Fixed inseason management provisions.* NMFS is authorized to take the following inseason management actions annually, as appropriate.

(1) *Automatic season closures based on quotas.* When a quota for the commercial or the recreational fishery, or both, for any salmon species in any portion of the fishery management area is projected by the Regional Administrator to be reached on or by a certain date, NMFS will, by an inseason action issued under § 660.411, close the commercial or recreational fishery, or both, for all salmon species in the portion of the fishery management area to which the quota applies as of the date the quota is projected to be reached.

(2) *Rescission of automatic closure.* If a fishery is closed under a quota before the end of a scheduled season based on overestimate of actual catch, NMFS will reopen that fishery in as timely a manner as possible for all or part of the remaining original season provided NMFS finds that a reopening of the fishery is consistent with the management objectives for the affected species and the additional open period is no less than 24 hours. The season will be reopened by an inseason action issued under § 660.411.

(3) *Adjustment for error in preseason estimates.* NMFS may, by an inseason action issued under § 660.411, make appropriate changes in relevant seasons or quotas if a significant computational error or errors made in calculating preseason estimates of salmon abundance are identified, provided that such correction can be made in a timely manner to affect the involved fishery without disrupting the capacity to meet the objectives of the fishery management plan.

(b) *Flexible inseason management provisions.* (1) The Regional Administrator will consult with the Chairman of the Council and the appropriate State Directors prior to taking any of the following flexible inseason management provisions, which include, but are not limited to, the following:

(i) Modification of quotas and/or fishing seasons.

(ii) Modification of the species that may be caught and landed during specific seasons and the establishment or modification of limited retention regulations.

(iii) Modification of recreational bag limits and recreational fishing days per calendar week.

(iv) Establishment or modification of gear restrictions.

(v) Modification of boundaries, including landing boundaries, and establishment of closed areas.

(2) Fishery managers must determine that any inseason adjustment in management measures is consistent with fishery regimes established by the U.S.-Canada Pacific Salmon Commission, conservation objectives and

[2] Copies of the Solicitor's Opinion are available from the Director, Southwest Region, NMFS.

ACLs, conservation of the salmon resource, any adjudicated Indian fishing rights, and the ocean allocation scheme in the fishery management plan. All inseason adjustments will be based on consideration of the following factors:

(i) Predicted sizes of salmon runs.

(ii) Harvest quotas and hooking mortality limits for the area and total allowable impact limitations, if applicable.

(iii) Amount of commercial, recreational, and treaty Indian catch for each species in the area to date.

(iv) Amount of commercial, recreational, and treaty Indian fishing effort in the area to date.

(v) Estimated average daily catch per fisherman.

(vi) Predicted fishing effort for the area to the end of the scheduled season.

(vii) Other factors, as appropriate.

[61 FR 34572, July 2, 1996, as amended at 76 FR 81860, Dec. 29, 2011]

### § 660.410 Conservation objectives, ACLs, and de minimis control rules.

(a) *Conservation objectives.* Annual management measures will be consistent with conservation objectives described in Table 3–1 of the Salmon FMP or as modified through the processes described below, except where the ACL escapement level for a stock is higher than the conservation objective, in which case annual management measures will be designed to ensure that the ACL for that stock is met, or where the de minimis control rules described in paragraph (c) of this section apply.

(1) *Modification of conservation objectives.* NMFS is authorized, through an action issued under § 660.411, to modify a conservation objective if—

(i) A comprehensive technical review of the best scientific information available provides conclusive evidence that, in the view of the Council, the Scientific and Statistical Committee, and the Salmon Technical Team, justifies modification of a conservation objective or

(ii) Action by a Federal court indicates that modification of a conservation objective is appropriate.

(2) *ESA-listed species.* The annual specifications and management measures will be consistent with NMFS consultation standards or NMFS recovery plans for species listed under the Endangered Species Act (ESA). Where these standards differ from those described in FMP Table 3–1, NMFS will describe the ESA-related standards for the upcoming annual specifications and management measures in a letter to the Council prior to the first Council meeting at which the development of those annual management measures occurs.

(b) *Annual Catch Limits.* Annual management measures will be designed to ensure escapement levels at or higher than ACLs determined through the procedures set forth in the FMP.

(c) *De minimis control rules.* Klamath River fall Chinook and Sacramento River fall Chinook salmon have the same form of *de minimis* control rule described in the FMP, which allows for limited fishing impacts when abundance falls below $S_{MSY}$. The control rule describes maximum allowable exploitation rates at any given level of abundance. The annual management measures may provide for lower exploitation rates as needed to address uncertainties or other year-specific circumstances. The *de minimis* exploitation rate in a given year must also be determined in consideration of the following factors:

(1) The potential for critically low natural spawner abundance, including considerations for substocks that may fall below crucial genetic thresholds;

(2) Spawner abundance levels in recent years;

(3) The status of co-mingled stocks;

(4) Indicators of marine and freshwater environmental conditions;

(5) Minimal needs for tribal fisheries;

(6) Whether the stock is currently in an approaching overfished condition;

(7) Whether the stock is currently overfished;

(8) Other considerations as appropriate.

(9) Exploitation rates, including *de minimis* exploitation rates, must not jeopardize the long-term capacity of the stock to produce maximum sustained yield on a continuing basis. NMFS expects that the control rule and associated criteria will result in decreasing harvest opportunity as

abundance declines and little or no opportunity for harvest at abundance levels less than half of MSST.

[76 FR 81860, Dec. 29, 2011]

### § 660.411 Notification and publication procedures.

(a) *Notification and effective dates.* (1) Annual and certain other actions taken under §§ 660.408 and 660.410 will be implemented by an action published in the FEDERAL REGISTER, and will be effective upon filing, unless a later time is specified in the action.

(2) Inseason actions taken under § 660.409 will be by actual notice available from telephone hotlines and USCG broadcasts, as specified annually. Inseason actions will also be published in the FEDERAL REGISTER as soon as practicable. Inseason actions will be effective from the time specified in the actual notice of the action (telephone hotlines and USCG broadcasts), or at the time the inseason action published in the FEDERAL REGISTER is effective, whichever comes first.

(3) Any action issued under this section will remain in effect until the expiration date stated in the action or until rescinded, modified, or superseded. However, no inseason action has any effect beyond the end of the calendar year in which it is issued.

(b) *Public comment.* If time allows, NMFS will invite public comment prior to the effective date of any action published in the FEDERAL REGISTER.

(c) *Availability of data.* The Regional Administrator will compile in aggregate form all data and other information relevant to the action being taken and will make them available for public review upon request, contact information will be published annually in the FEDERAL REGISTER and announced on the telephone hotline. For actions affecting fisheries occurring primarily or exclusively in the fishery management area seaward of California, information relevant to the action also will be made available upon request by the Southwest Region, NMFS.

[61 FR 34572, July 2, 1996, as amended at 78 FR 10559, Feb. 14, 2013]

### § 660.412 EFH identifications and descriptions for Pacific salmon.

Essential fish habitat (EFH) is identified for anadromous Pacific salmon stocks managed by the Pacific Fishery Management Council (PFMC) under the Pacific Coast Salmon Fishery Management Plan (FMP). These managed salmon include most of the Chinook salmon (*Oncorhynchus tshawytscha*) stocks and all of the coho salmon (*O. kisutch*) stocks from Washington, Oregon, Idaho, and California; as well as pink salmon (*O. gorbuscha*) stocks originating from watersheds within Puget Sound east of, and including, the Elwha River. The geographic extent of freshwater EFH is specifically identified in the FMP as all water bodies currently or historically occupied by PFMC-managed salmon in Washington, Oregon, Idaho, and California; including aquatic areas above all artificial barriers that are not specifically excluded. Freshwater EFH, identified in Table 1 of this subpart H, is described using fourth field hydrologic unit codes developed by the U.S. Geological Survey (defined in U.S. Geological Survey and U.S. Department of Agriculture, Natural Resources Conservation Service: Federal guidelines, requirements, and procedures for the national Watershed Boundary Dataset: U.S. Geological Survey Techniques and Methods 11–A3, 2009). Table 1 also identifies the dams that represent the upstream extent of EFH in each hydrologic unit.

(a) Chinook salmon EFH includes all water bodies currently or historically occupied by PFMC-managed Chinook salmon in Washington, Oregon, Idaho, and California as identified in Table 1 of this subpart. Chinook salmon EFH also includes the estuarine and marine areas extending from the extreme high tide line in nearshore and tidal submerged environments within state territorial waters out to the full extent of the exclusive economic zone (EEZ) (200 nautical miles) offshore of Washington, Oregon, and California north of Point Conception; and the marine areas of Alaska that are designated as Chinook salmon EFH by the North Pacific Fishery Management Council (NPFMC), for stocks that are also managed by the PFMC.

(b) Coho salmon EFH includes all water bodies currently or historically occupied by PFMC-managed coho salmon in Washington, Oregon, Idaho, and California as identified in Table 1 of this subpart. Coho salmon EFH also includes the estuarine and marine areas extending from the extreme high tide line in nearshore and tidal submerged environments within state territorial waters out to the full extent of the EEZ (200 nautical miles) offshore of Washington, Oregon, and California north of Point Conception; and the marine areas of Alaska that are designated as coho salmon EFH by the NPFMC, for stocks that are also managed by the PFMC.

(c) Puget Sound pink salmon EFH includes all water bodies currently or historically occupied by PFMC-managed Puget Sound pink salmon in Washington State as identified in Table 1 of this subpart. Puget Sound pink salmon EFH also includes the estuarine and marine areas extending from the extreme high tide line in nearshore and tidal submerged environments within state territorial waters north and east of Cape Flattery, Washington, including Puget Sound, the Strait of Juan de Fuca and Strait of Georgia; the waters of the U.S. EEZ north of 48° N latitude to the U.S.-Canada border; and marine areas of Alaska that are designated as pink salmon EFH by the NPFMC, for stocks that are also managed by the PFMC.

[79 FR 75450, Dec. 18, 2014]

TABLE 1 TO SUBPART H OF PART 660—PACIFIC SALMON EFH IDENTIFIED BY USGS HYDROLOGIC UNIT CODE (HUC)

| 4th Field hydrologic unit code | Hydrologic unit name | State(s) | Chinook salmon | Coho salmon | Puget Sound pink salmon | Impassable dam(s) |
|---|---|---|---|---|---|---|
| 17020005 | Chief Joseph | WA | X | X | | Chief Joseph Dam. |
| 17020006 | Okanogan | WA | X | | | n/a. |
| 17020007 | Similkameen | WA | X | | | n/a. |
| 17020008 | Methow | WA | X | X | | n/a. |
| 17020009 | Lake Chelan | WA | X | | | n/a. |
| 17020010 | Upper Columbia-Entiat | WA | X | X | | n/a. |
| 17020011 | Wenatchee | WA | X | X | | n/a. |
| 17020012 | Moses Coulee | WA | X | X | | n/a. |
| 17020015 | Lower Crab | WA | X | | | n/a. |
| 17020016 | Upper Columbia-Priest Rapids | WA | X | X | | n/a. |
| 17030001 | Upper Yakima | WA | X | X | | Keechelus Dam Kachess Dam (Kachess River). |
| 17030002 | Naches | WA | X | X | | Rimrock Dam (Tieton River). |
| 17030003 | Lower Yakima | WA | X | X | | n/a. |
| 17060101 | Hells Canyon | OR/ID | X | | | Hells Canyon Dam. |
| 17060102 | Imnaha River | OR/ID | X | | | n/a. |
| 17060103 | Lower Snake-Asotin | OR/WA/ID. | X | X | | n/a. |
| 17060104 | Upper Grande Ronde River | OR | X | X | | n/a. |
| 17060105 | Wallowa River | OR | X | X | | n/a. |
| 17060106 | Lower Grande Ronde | OR/WA | X | X | | n/a. |
| 17060107 | Lower Snake-Tucannon | WA | X | X | | n/a. |
| 17060108 | Palouse River | WA | X | | | n/a. |
| 17060110 | Lower Snake River | WA | X | X | | n/a. |
| 17060201 | Upper Salmon | ID | X | | | n/a. |
| 17060202 | Pahsimeroi | ID | X | | | n/a. |
| 17060203 | Middle Salmon-Panther | ID | X | | | n/a. |
| 17060204 | Lemhi | ID | X | | | n/a. |
| 17060205 | Upper Middle Fork Salmon | ID | X | | | n/a. |
| 17060206 | Lower Middle Fork Salmon | ID | X | | | n/a. |
| 17060207 | Middle Salmon-Chamberlain | ID | X | | | n/a. |
| 17060208 | South Fork Salmon | ID | X | | | n/a. |
| 17060209 | Lower Salmon | ID | X | | | n/a. |
| 17060210 | Little Salmon | ID | X | | | n/a. |
| 17060301 | Upper Selway | ID | X | X | | n/a. |
| 17060302 | Lower Selway | ID | X | X | | n/a. |
| 17060303 | Lochsa | ID | X | | | n/a. |
| 17060304 | Middle Fork Clearwater | ID | X | X | | n/a. |
| 17060305 | South Fork Clearwater | ID | X | X | | n/a. |
| 17060306 | Clearwater | WA/ID | X | X | | n/a. |
| 17060308 | Lower North Fork Clearwater | ID | X | | | Dworshak Dam. |

| 4th Field hydrologic unit code | Hydrologic unit name | State(s) | Chinook salmon | Coho salmon | Puget Sound pink salmon | Impassable dam(s) |
|---|---|---|---|---|---|---|
| 17070101 | Middle Columbia-Lake Wallula | OR/WA | X | X | | n/a. |
| 17070103 | Umatilla | OR | X | X | | McKay Dam (McKay Creek). |
| 17070105 | Middle Columbia-Hood | OR/WA | X | X | | n/a. |
| 17070106 | Klickitat | WA | X | X | | n/a. |
| 17070306 | Lower Deschutes | OR | X | X | | n/a. |
| 17080001 | Lower Columbia-Sandy | OR/WA | X | X | | Bull Run Dam #2. |
| 17080002 | Lewis | WA | X | X | | n/a. |
| 17080003 | Lower Columbia-Clatskanie | OR/WA | X | X | | n/a. |
| 17080004 | Upper Cowlitz | WA | X | X | | n/a. |
| 17080005 | Cowlitz | WA | X | X | | n/a. |
| 17080006 | Lower Columbia | OR/WA | X | X | | n/a. |
| 17090001 | Middle Fork Willamette | OR | X | | | n/a. |
| 17090002 | Coast Fork Willamette | OR | X | | | Dorena Dam. |
| 17090003 | Upper Willamette | OR | X | X | | n/a. |
| 17090004 | McKenzie | OR | X | X | | Cougar Dam.[1] |
| 17090005 | North Santiam | OR | X | X | | Big Cliff Dam.[2] |
| 17090006 | South Santiam | OR | X | X | | n/a. |
| 17090007 | Middle Willamette | OR | X | X | | n/a. |
| 17090008 | Yamhill | OR | X | X | | n/a. |
| 17090009 | Molalla-Pudding | OR | X | X | | n/a. |
| 17090010 | Tualatin | OR | X | X | | n/a. |
| 17090011 | Clackamas | OR | X | X | | n/a. |
| 17090012 | Lower Willamette | OR | X | X | | n/a. |
| 17100101 | Hoh-Quillayute | WA | X | X | | n/a. |
| 17100102 | Queets-Quinault | WA | X | X | | n/a. |
| 17100103 | Upper Chehalis | WA | X | X | | n/a. |
| 17100104 | Lower Chehalis | WA | X | X | | n/a. |
| 17100105 | Grays Harbor | WA | X | X | | n/a. |
| 17100106 | Willapa | WA | X | X | | n/a. |
| 17100201 | Necanicum | OR | X | X | | n/a. |
| 17100202 | Nehalem | OR | X | X | | n/a. |
| 17100203 | Wilson-Trask-Nestucca | OR | X | X | | n/a. |
| 17100204 | Siletz-Yaquina | OR | X | X | | n/a. |
| 17100205 | Alsea | OR | X | X | | n/a. |
| 17100206 | Siuslaw | OR | X | X | | n/a. |
| 17100207 | Siltcoos | OR | | X | | n/a. |
| 17100301 | North Umpqua | OR | X | X | | n/a. |
| 17100302 | South Umpqua | OR | X | X | | n/a. |
| 17100303 | Umpqua | OR | X | X | | n/a. |
| 17100304 | Coos | OR | X | X | | n/a. |
| 17100305 | Coquille | OR | X | X | | n/a. |
| 17100306 | Sixes | OR | X | X | | n/a. |
| 17100307 | Upper Rogue | OR | X | X | | Lost Creek Dam. |
| 17100308 | Middle Rogue | OR | X | X | | Emigrant Dam. |
| 17100309 | Applegate | CA/OR | X | X | | Applegate Dam. |
| 17100310 | Lower Rogue | OR | X | X | | n/a. |
| 17100311 | Illinois | CA/OR | X | X | | n/a. |
| 17100312 | Chetco | CA/OR | X | X | | n/a. |
| 17110001 | Fraser | WA | X | X | | n/a. |
| 17110002 | Strait Of Georgia | WA | X | X | X | n/a. |
| 17110003 | San Juan Islands | WA | | X | | n/a. |
| 17110004 | Nooksack | WA | X | X | X | n/a. |
| 17110005 | Upper Skagit | WA | X | X | X | Gorge Lake Dam. |
| 17110006 | Sauk | WA | X | X | X | n/a. |
| 17110007 | Lower Skagit | WA | X | X | X | n/a. |
| 17110008 | Stillaguamish | WA | X | X | X | n/a. |
| 17110009 | Skykomish | WA | X | X | X | n/a. |
| 17110010 | Snoqualmie | WA | X | X | X | Tolt Dam (S. Fork Tolt River). |
| 17110011 | Snohomish | WA | X | X | X | n/a. |
| 17110012 | Lake Washington | WA | X | X | | Cedar Falls (Masonry) Dam (Cedar River). |
| 17110013 | Duwamish | WA | X | X | X | n/a. |
| 17110014 | Puyallup | WA | X | X | X | n/a. |
| 17110015 | Nisqually | WA | X | X | X | n/a. |
| 17110016 | Deschutes | WA | X | X | | n/a. |
| 17110017 | Skokomish | WA | X | X | X | n/a. |
| 17110018 | Hood Canal | WA | X | X | X | n/a. |
| 17110019 | Puget Sound | WA | X | X | X | n/a. |
| 17110020 | Dungeness-Elwha | WA | X | X | X | n/a. |
| 17110021 | Crescent-Hoko | WA | X | X | | n/a. |
| 18010101 | Smith River | CA/OR | X | X | | n/a. |
| 18010102 | Mad-Redwood | CA | X | X | | Robert W. Matthews Dam. |

| 4th Field hydrologic unit code | Hydrologic unit name | State(s) | Chinook salmon | Coho salmon | Puget Sound pink salmon | Impassable dam(s) |
|---|---|---|---|---|---|---|
| 18010103 | Upper Eel | CA | X | X | | Scott Dam. |
| 18010104 | Middle Fork Eel | CA | X | X | | n/a. |
| 18010105 | Lower Eel | CA | X | X | | n/a. |
| 18010106 | South Fork Eel | CA | X | X | | n/a. |
| 18010107 | Mattole | CA | X | X | | n/a. |
| 18010108 | Big-Navarro-Garcia | CA | X | X | | n/a. |
| 18010109 | Gualala-Salmon | CA | X | X | | n/a. |
| 18010110 | Russian | CA | X | X | | Coyote Valley Dam (E. Fork Russian R.) Warm Springs Dam (Dry Cr.). |
| 18010206 | Upper Klamath | CA/OR | X | X | | Keno Dam. |
| 18010207 | Shasta | CA | X | X | | Dwinnell Dam. |
| 18010208 | Scott | CA | X | X | | n/a. |
| 18010209 | Lower Klamath | CA/OR | X | X | | n/a. |
| 18010210 | Salmon | CA | X | X | | n/a. |
| 18010211 | Trinity | CA | X | X | | Lewiston Dam. |
| 18010212 | South Fork Trinity | CA | X | X | | n/a. |
| 18020104 | Sacramento-Stone Corral | CA | X | | | n/a. |
| 18020111 | Lower American | CA | X | | | Nimbus Dam. |
| 18020115 | Upper Stony | CA | X | | | Black Butte Dam. |
| 18020116 | Upper Cache | CA | X | | | Capay Dam.[3] |
| 18020125 | Upper Yuba | CA | X | | | n/a. |
| 18020126 | Upper Bear | CA | X | | | Camp Far West Dam. |
| 18020151 | Cow Creek | CA | X | | | n/a. |
| 18020152 | Cottonwood Creek | CA | X | | | n/a. |
| 18020153 | Battle Creek | CA | X | | | n/a. |
| 18020154 | Clear Creek-Sacramento River | CA | X | | | Keswick Dam (Sacramento R.), Whiskeytown Dam (Clear Creek). |
| 18020155 | Paynes Creek-Sacramento River | CA | X | | | n/a. |
| 18020156 | Thomes Creek-Sacramento River | CA | X | | | n/a. |
| 18020157 | Big Chico Creek-Sacramento River. | CA | X | | | n/a. |
| 18020158 | Butte Creek | CA | X | | | n/a. |
| 18020159 | Honcut Headwaters-Lower Feather. | CA | X | | | Feather River Fish Barrier Dam. |
| 18020161 | Upper Coon-Upper Auburn[4] | CA | X | | | n/a. |
| 18020162 | Upper Putah | CA | X | | | Monticello Dam. |
| 18020163 | Lower Sacramento | CA | X | | | n/a. |
| 18040001 | Middle San Joaquin-Lower Chowchilla[5] | CA | X | | | Buchanan Dam (Chowchilla River), Bear Dam (Bear Creek), Owens Dam (Owens Creek) Mariposa Dam. |
| 18040002 | Lower San Joaquin River[5] | CA | X | | | n/a. |
| 18040003 | San Joaquin Delta | CA | X | | | n/a. |
| 18040007 | Fresno River | CA | X | | | Hidden Dam. |
| 18040008 | Upper Merced | CA | X | | | Crocker-Huffman Diversion Dam. |
| 18040009 | Upper Tuolumne | CA | X | | | La Grange Dam (Tuolumne R.). |
| 18040010 | Upper Stanislaus | CA | X | | | Goodwin Dam. |
| 18040011 | Upper Calaveras | CA | X | | | New Hogan Dam. |
| 18040012 | Upper Mokelumne | CA | X | | | Camanche Dam. |
| 18040013 | Upper Cosumnes | CA | X | | | n/a. |
| 18050001 | Suisun Bay | CA | X | | | n/a. |
| 18050002 | San Pablo Bay | CA | X | X | | San Pablo Dam (San Pablo Cr.). |
| 18050003 | Coyote | CA | X | X | | LeRoy Anderson Dam. |
| 18050004 | San Francisco Bay | CA | X | X | | n/a. |
| 18050005 | Tomales-Drake Bays | CA | X | X | | Nicasio Dam (Nicasio Cr.) Peters Dam (Lagunitas Cr.). |
| 18050006 | San Francisco Coastal South | CA | | X | | n/a. |
| 18060015 | Monterey Bay[6] | CA | | X | | Newell Dam (Newell Cr.) |

[1] Cougar Dam is a barrier to coho salmon only. Chinook salmon are trapped and hauled above the dam.
[2] Big Cliff Dam is a barrier to coho salmon only. Chinook salmon are trapped and hauled above the dam.
[3] Capay Dam was selected as the upstream extent of EFH because it was identified as a complete barrier by NMFS biologists and is located in the vicinity of the historical upstream extent of Chinook salmon distribution.
[4] Natural ''lower falls'' are downstream of any artificial barriers that would meet the criteria for designating them as the upstream extent of EFH; therefore, the upstream extent of EFH within this HU is at the ''lower falls''.
[5] EFH for Chinook salmon in the Middle San Joaquin-Lower Chowchilla HU (18040001) and Lower San Joaquin River HU (18040002) includes the San Joaquin River, its eastern tributaries, and the lower reaches of the western tributaries. Although there is no evidence of current or historical Chinook salmon distribution in the western tributaries (Yoshiyama *et al.* 2001), the lower reaches of these tributaries could provide juvenile rearing habitat or refugia from high flows during floods as salmon migrate along the mainstem in this area.

[6] EFH for coho salmon in the Monterey Bay HU does not include the sections south of the Pajaro HU (18060002).

[79 FR 75450, Dec. 18, 2014]

## Subpart I—Coastal Pelagics Fisheries

SOURCE: 64 FR 69893, Dec. 15, 1999, unless otherwise noted.

### § 660.501 Purpose and scope.

This subpart implements the Fishery Management Plan for Coastal Pelagic Species (FMP). These regulations govern commercial fishing for CPS in the EEZ off the coasts of Washington, Oregon, and California.

### § 660.502 Definitions.

In addition to the definitions in the Magnuson-Stevens Act and in § 600.10 of this chapter, the terms used in this subpart have the following meanings:

*Actively managed species* (AMS) means those CPS for which the Secretary has determined that harvest guidelines or quotas are needed by Federal management according to the provisions of the FMP.

*Advisory Subpanel* (AP) means the Coastal Pelagic Species Advisory Subpanel that comprises members of the fishing industry and public appointed by the Council to review proposed actions for managing the coastal pelagic fisheries.

*Biomass* means the estimated amount, by weight, of a coastal pelagic species population. The term biomass means total biomass (age 1 and above) unless stated otherwise.

*Coastal pelagic species (CPS)* means northern anchovy (*Engraulis mordax*), Pacific mackerel (*Scomber japonicus*), Pacific sardine (*Sardinops sagax*), jack mackerel (*Trachurus symmetricus*), and market squid (*Loligo opelescens*).

*Coastal Pelagic Species Management Team (CPSMT)* means the individuals appointed by the Council to review, analyze, and develop management measures for the CPS fishery.

*Comparable capacity* means gross tonnage plus 10 percent of the vessel's calculated gross tonnage.

*Council* means the Pacific Fishery Management Council, including its CPSMT, AP, Scientific and Statistical Committee (SSC), and any other committee established by the Council.

*Finfish* means northern anchovy, Pacific mackerel, Pacific sardine, and jack mackerel.

*Fishery Management Area* means the EEZ off the coasts of Washington, Oregon, and California between 3 and 200 nautical miles offshore, bounded in the north by the Provisional International Boundary between the United States and Canada, and bounded in the south by the International Boundary between the United States and Mexico.

*Fishing trip* means a period of time between landings when fishing is conducted.

*Gross tonnage* (GT) means gross tonnage as determined by the formula in 46 CFR 69.209(a) for a vessel not designed for sailing (.67 × length × breadth × depth/100). A vessel's length, breadth, and depth are those specified on the vessel's certificate of documentation issued by the U.S. Coast Guard or State.

*Harvest guideline* means a specified numerical harvest objective that is not a quota. Attainment of a harvest guideline does not require complete closure of a fishery. It is operationally similar to an Annual Catch Target (ACT) (as defined at § 600.310(f)(2) of this chapter).

*Harvesting vessel* means a vessel involved in the attempt or actual catching, taking or harvesting of fish, or any activity that can reasonably be expected to result in the catching, taking or harvesting of fish.

*Initial harvest guideline* means a specified numerical harvest objective set at the beginning of the fishing season.

*Krill* means all species of euphausiids that occur in the EEZ off the West Coast.

*Land* or *Landing* means to begin transfer of fish from a fishing vessel. Once transfer begins, all fish onboard the vessel are counted as part of the landing.

*Limited entry fishery* means the commercial fishery consisting of vessels

fishing for CPS in the CPS Management Zone under limited entry permits issued under § 660.512.

*Live bait fishery* means fishing for CPS for use as live bait in other fisheries.

*Nonreduction fishery* means fishing for CPS for use as dead bait or for processing for direct human consumption.

*Owner*, means a person who is identified as the current owner in the Certificate of Documentation (CG–1270) issued by the U.S. Coast Guard for a documented vessel, or in a registration certificate issued by a state or the U.S. Coast Guard for an undocumented vessel.

*Person*, means any individual, corporation, partnership, association or other entity (whether or not organized or existing under the laws of any state), and any Federal, state, or local government, or any entity of any such government that is eligible to own a documented vessel under the terms of 46 U.S.C. 12102(a).

*Processing* or *to process* means preparing or packaging coastal pelagic species to render the fish suitable for human consumption, pet food, industrial uses or long-term storage, including, but not limited to, cooking, canning, smoking, salting, drying, filleting, freezing, or rendering into meal or oil, but does not mean heading and gutting unless there is additional preparation.

*Prohibited harvest species* means all krill species in the EEZ off the West Coast.

*Prohibited Species* means all species of trout and salmon (*Salmonidae*) and Pacific halibut (*Hippoglossus stenolepis*).

*Quota* means a specified numerical harvest objective for a single species of CPS, the attainment (or expected attainment) of which causes the complete closure of the fishery for that species.

*Reduction fishery* means fishing for CPS for the purposes of conversion into fish flour, fish meal, fish scrap, fertilizer, fish oil, other fishery products, or byproducts for purposes other than direct human consumption.

*Regional Administrator* means the Regional Administrator, West Coast Region, NMFS,501 W. Ocean Boulevard, Suite 4200, Long Beach, CA 90802–4213, or a designee.

*Reserve* means a portion of the harvest guideline or quota set aside at the beginning of the year for specific purposes, such as for individual harvesting groups to ensure equitable distribution of the resource or to allow for uncertainties in preseason estimates of DAP and JVP.

*Sustainable Fisheries Division* (SFD) means the Assistant Regional Administrator for Sustainable Fisheries, Southwest Region, NMFS, or a designee.

*Totally lost* means that the vessel being replaced no longer exists *in specie*, or is absolutely and irretrievably sunk or otherwise beyond the possible control of the owner, or the costs of repair (including recovery) would exceed the repaired value of the vessel.

*Trip limit* means the total allowable amount of a CPS species by weight or by percentage of weight of fish on board the vessel that may be taken and retained, possessed, or landed from a single fishing trip by a vessel that harvests CPS.

[64 FR 69893, Dec. 15, 1999, as amended at 68 FR 3822, Jan. 27, 2003; 71 FR 37001, June 29, 2006; 74 FR 33373, July 13, 2009; 76 FR 70363, Nov. 14, 2011; 83 FR 6473, Feb. 14, 2018]

### § 660.503 Management subareas.

The fishery management area is divided into subareas for the regulation of fishing for CPS, with the following designations and boundaries:

(a) *CPS Limited Entry Zone* means the EEZ between:

(1) Northern boundary—at 39°00′00″ N. lat. off California; and

(2) Southern boundary—the United States-Mexico International Boundary, which is a line connecting the following coordinates:

32°35′22″ N. lat., 117°27′49″ W. long.
32°37′37″ N. lat., 117°49′31″ W. long.
31°07′58″ N. lat., 118°36′18″ W. long.
30°32′31″ N. lat., 121°51′58″ W. long.

(b) *Subarea A* means the EEZ between:

(1) Northern boundary—the United States-Canada Provisional International Boundary, which is a line connecting the following coordinates:

48°29′37.19″ N. lat. 124°43′33.19″ W. long.
48°30′11″ N. lat. 124°47′13″ W. long.

48°30′22″ N. lat. 124°50′21″ W. long.
48°30′14″ N. lat. 124°54′52″ W. long.
48°29′57″ N. lat. 124°59′14″ W. long.
48°29′44″ N. lat. 125°00′06″ W. long.
48°28′09″ N. lat. 125°05′47″ W. long.
48°27′10″ N. lat. 125°08′25″ W. long.
48°26′47″ N. lat 125°09′12″ W. long.
48°20′16″ N. lat. 125°22′48″ W. long.
48°18′22″ N. lat. 125°29′58″ W. long.
48°11′05″ N. lat. 125°53′48″ W. long.
47°49′15″ N. lat. 126°40′57″ W. long.
47°36′47″ N. lat. 127°11′58″ W. long.
47°22′00″ N. lat. 127°41′23″ W. long.
46°42′05″ N. lat. 128°51′56″ W. long.
46°31′47″ N. lat. 129°07′39″ W. long.; and

(2) Southern boundary—at 39°00′00″ N. lat. (Pt. Arena).

(c) *Subarea B* means the EEZ between:

(1) Northern boundary—at 39°00′00″ N. lat. (Pt. Arena); and

(2) Southern boundary—the United States-Mexico International Boundary described in paragraph (a)(2) of this section.

[64 FR 69893, Dec. 15, 1999, as amended at 68 FR 52527, Sept. 4, 2003]

### § 660.504 Vessel identification.

(a) *Official number*. Each fishing vessel subject to this subpart must display its official number on the port and starboard sides of the deckhouse or hull, and on an appropriate weather deck so as to be visible from enforcement vessels and aircraft.

(b) *Numerals*. The official number must be affixed to each vessel subject to this subpart in block Arabic numerals at least 14 inches (35.56 cm) in height. Markings must be legible and of a color that contrasts with the background.

### § 660.505 Prohibitions.

In addition to the general prohibitions specified in § 600.725 of this chapter, it is unlawful for any person to do any of the following:

(a) In the CPS Limited Entry Zone, take and retain, possess or land more than 5 mt of CPS finfish, other than live bait, on a harvesting vessel without a limited entry permit.

(b) In the CPS Limited Entry Zone, take and retain, possess or land more than 125 mt of CPS finfish on a harvesting vessel.

(c) Sell CPS without an applicable commercial state fishery license.

(d) Fish in the reduction fishery for CPS in any closed area specified in § 660.507.

(e) Fish in the reduction fishery for northern anchovy using gear not authorized under § 660.506.

(f) When fishing for CPS, fail to return a prohibited species to the sea immediately with a minimum of injury.

(g) Falsify or fail to affix and maintain vessel markings as required by § 660.504.

(h) Fish for CPS in violation of any terms or conditions attached to an exempted fishing permit issued under § 600.745 of this chapter.

(i) When a directed fishery has been closed, take and retain, possess, or land more than the incidental trip limit announced in the FEDERAL REGISTER, or a directed trip limit as described in § 660.511(d).

(j) Refuse to submit fishing gear or fish subject to such person's control to inspection by an authorized officer, or to interfere with or prevent, by any means, such an inspection.

(k) Falsify or fail to make and/or file any and all reports of fishing, landing, or any other activity involving CPS, containing all data, and in the exact manner, required by the applicable State law, as specified in § 660.3.

(l) Fail to carry aboard a vessel that vessel's limited entry permit issued under § 660.512 or exempted fishing permit issued under § 660.516.

(m) Make a false statement on an application for issuing, renewing, transferring, or replacing a limited entry permit for the CPS fishery.

(n) When fishing for CPS, deploy a net if a southern sea otter is observed within the area that would be encircled by the purse seine net.

(o) Fish for, target, harvest or land a prohibited harvest species in any fishery within the EEZ off the West Coast.

[64 FR 69893, Dec. 15, 1999, as amended at 72 FR 29892, May 30, 2007; 74 FR 33373, July 13, 2009; 83 FR 6473, Feb. 14, 2018; 83 FR 28784, June 21, 2018]

### § 660.506 Gear restrictions.

The only fishing gear authorized for use in the reduction fishery for northern anchovy off California are round

haul nets that have a minimum wet-stretch mesh size of 10/16 of an inch (1.59 cm) excluding the bag portion of a purse seine. The bag portion must be constructed as a single unit and must not exceed a rectangular area, adjacent to 20 percent of the total corkline of the purse seine. Minimum mesh size requirements are met if a stainless steel wedge can be passed with only thumb pressure through 16 of 20 sets of 2 meshes each of wet mesh. The wedges used to measure trawl mesh size are made of 20 gauge stainless steel and will be no wider than 10/16 of an inch (1.59 cm) less one thickness of the metal at the widest part.

### § 660.507 Closed areas to reduction fishing.

The following areas are closed to reduction fishing:

(a) *Farallon Islands closure* (see Figure 1 to this subpart). The portion of Subarea A bounded by—

(1) A straight line joining Pigeon Point Light (37°10.9′ N. lat., 122°23.6′ W. long.) and the U.S. navigation light on Southeast Farallon Island (37°42.0′ N. lat., 123°00.1′ W. long.); and

(2) A straight line joining the U.S. navigation light on Southeast Farallon Island (37°42.0′ N. lat., 123°00.1′ W. long.) and the U.S. navigation light on Point Reyes (37°59.7′ N. lat., 123°01.3′ W. long.).

(b) *Subarea B closures.* Those portions of Subarea B described as—

(1) *Oxnard closure* (see Figure 1 to this subpart). The area that extends offshore 4 miles from the mainland shore between lines running 250° true from the steam plant stack at Manadalay Beach (34°12.4′ N. lat., 119°15.0′ W. long.) and 220° true from the steam plant stack at Ormond Beach (34°07.8′ N. lat., 119°10.0′ W. long.).

(2) *Santa Monica Bay closure* (see Figure 1 to this subpart). Santa Monica Bay shoreward of that line from Malibu Point (34°01.8′ N. lat., 188°40.8′ W. long.) to Rocky Point (Palos Verdes Point) (33°46.5′ N. lat., 118°25.7′ W. long.).

(3) *Los Angeles Harbor closure* (see Figure 1 to this subpart). The area outside Los Angeles Harbor described by a line extending 6 miles 180° true from Point Fermin (33°42.3′ N. lat., 118°17.6′ W. long.) and then to a point located 3 miles offshore on a line 225° true from Huntington Beach Pier (33°39.2′ N. lat., 118°00.3′ W. long.).

(4) *Oceanside to San Diego closure* (see Figure 1 to this subpart). The area 6 miles from the mainland shore south of a line running 225° true from the tip of the outer breakwater (33°12.4′ N. lat., 117°24.1′ W. long.) of Oceanside Harbor to the United States-Mexico International Boundary.

### § 660.508 Annual specifications.

(a) The Regional Administrator will determine any harvest guideline, quota, Annual Catch Limit (ACL) (defined at § 600.310(f)(2)) or Annual Catch Target (ACT) (defined at § 600.310(f)(2) of this chapter) in accordance with the framework process in the FMP.

(b) Any harvest guideline, quota, ACL, or ACT, including any apportionment between the directed fishery and set-aside for incidental harvest, will be published in the FEDERAL REGISTER.

(c) The announcement of each harvest guideline, quota, ACL or ACT will contain the following information if available or applicable:

(1) The estimated biomass or MSY proxy on which the harvest guideline, quota, ACL or ACT was determined;

(2) The portion, if appropriate, of the harvest guideline, quota, ACL or ACT set aside to allow for incidental harvests after closure of the directed fishery;

(3) The estimated level of the incidental trip limit that will be allowed after the directed fishery is closed; and

(4) The allocation, if appropriate, between Subarea A and Subarea B.

(d) As necessary, harvest guidelines, quotas, OFLs (defined at § 600.310(f)(2)), ABCs (defined at § 600.310(f)(2) of this chapter), ACLs or ACTs, will receive public review according to the following procedure:

(1) Meetings will be held by the Council's CPSMT and AP, where the estimated biomass and/or other biological or management benchmarks will be reviewed and public comments received. Each of these meetings will be announced in the FEDERAL REGISTER before the date of the meeting, if possible.

(2) All materials relating to the estimated biomass and/or other biological or management benchmarks will be

forwarded to the Council and its Scientific and Statistical Committee and will be available to the public from the Regional Administrator when available.

(3) At a regular meeting of the Council, the Council will review the estimated biomass and/or other biological or management benchmarks and offer time for public comment. If the Council requests a revision, justification must be provided.

(4) The Regional Administrator will review the Council's recommendations, justification, and public comments and base his or her final decision on the requirements of the FMP and other applicable law.

(e) *Pacific mackerel*. Every 2 years the Regional Administrator will determine, and publish in the FEDERAL REGISTER, harvest specifications for 2 consecutive fishing seasons for Pacific mackerel.

[76 FR 70363, Nov. 14, 2011, as amended at 82 FR 35688, Aug. 1, 2017]

### § 660.509 Accountability measures (season closures).

(a) *General rule for this subpart*. When the directed fishery allocation, incidental allocation, annual catch limit is reached for any CPS species, the fishery for that CPS species will be closed until the beginning of the next fishing period or season. The Regional Administrator shall announce in the FEDERAL REGISTER the date of such closure, as well as any incidental harvest level(s) recommended by the Council and approved by NMFS.

(b) *Pacific Sardine*. When the allocation and reallocation levels for Pacific sardine in § 660.511(f) through (h) are reached, the Pacific sardine fishery shall be closed until either it re-opens per the allocation scheme in § 660.511(g) and (h) or the beginning of the next fishing season as stated in § 660.510(a). The Regional Administrator shall announce in the FEDERAL REGISTER the date of the closure of the directed fishery for Pacific sardine.

[76 FR 70364, Nov. 14, 2011, as amended at 84 FR 25202, May 31, 2019]

### § 660.510 Fishing seasons.

All seasons will begin at 0001 hours and terminate at 2400 hours local time. Fishing seasons for the following CPS species are:

(a) *Pacific sardine*. July 1 to June 30, or until closed under § 660.509.

(b) *Pacific mackerel*. July 1 to June 30, or until closed under § 660.509.

[64 FR 69893, Dec. 15, 1999, as amended at 79 FR 11344, Feb. 28, 2014]

### § 660.511 Catch restrictions.

(a) All CPS harvested shoreward of the outer boundary of the EEZ (0–200 nautical miles off shore) will be counted toward the catch limitations specified in this section.

(b) The trip limit for harvesting vessels fishing in the CPS Limited Entry Zone for CPS other than live bait without a limited entry permit is 5 mt tons of all CPS finfish combined.

(c) The trip limit for vessels with a limited entry permit on a fishing trip in which the vessel fishes or lands fish in the Limited Entry Zone is 125 mt of all CPS finfish combined.

(d) After the directed fishery for a CPS is closed under § 660.509, no person may take and retain, possess or land more of that species than the incidental trip limit set by the Regional Administrator, except the following directed fisheries may continue until the effective date of a FEDERAL REGISTER document published by the Regional Administrator that the annual catch limit has been reached or is projected to be reached:

(1) Fishing exclusively for live bait;

(2) Minor directed fishing for finfish that does not exceed 1 mt per day per vessel or person, and which is limited to 1 fishing trip per day by any vessel.

(e) While fishing for CPS, all species of trout and salmon (*Salmonidae*) and Pacific halibut (*Hippoglossus stenolepis*) are prohibited species and must be released immediately with a minimum of injury.

(f) On July 1, 40 percent of the initial harvest guideline for Pacific sardine is allocated coastwide within the fishery management area.

(g) On September 15, 25 percent of the initial harvest guideline for Pacific sardine plus the remaining unharvested

portion of the July 1 allocation in paragraph (f) of this section is allocated coastwide within the fishery management area.

(h) On January 1, 35 percent of the initial harvest guideline for Pacific sardine plus the remaining unharvested portion of the September 15 allocation is allocated coastwide within the fishery management area.

(i) The following harvest specifications apply for Pacific mackerel:

(1) For the Pacific mackerel fishing season July 1, 2019, through June 30, 2020, the harvest guideline is 11,109 mt and the ACT is 10,109 mt; and

(2) For the Pacific mackerel fishing season July 1, 2020, through June 30, 2021, the harvest guideline is 7,950 mt and the ACT of 6,950 mt.

(j) When an ACT in paragraph (i) of this section has been reached or exceeded, then for the remainder of the Pacific mackerel fishing season, Pacific mackerel may not be targeted and landings of Pacific mackerel may not exceed: 45 percent of landings when Pacific mackerel are landed in CPS fisheries (in other words, no more than 45 percent by weight of the CPS landed per trip may be Pacific mackerel), or up to 3 mt of Pacific mackerel when landed in non-CPS fisheries. The Regional Administer shall announce in the FEDERAL REGISTER the date that an ACT is reached or exceeded, and the date and time that the restrictions described in this paragraph go into effect.

(k) The following ACLs apply to fishing for monitored stocks of CPS finfish:

(1) Northern Anchovy (Central Subpopulation): 23,573 mt.

(2) [Reserved]

[64 FR 69893, Dec. 15, 1999, as amended at 68 FR 52527, Sept. 4, 2003; 71 FR 37001, June 29, 2006; 79 FR 11344, Feb. 28, 2014; 83 FR 6473, Feb. 14, 2018; 83 FR 28784, June 21, 2018; 84 FR 25202, May 31, 2019; 84 FR 65927, Dec. 2, 2019]

### § 660.512 Limited entry fishery.

(a) *General*. (1) This section applies to fishing for or landing CPS finfish in the limited entry fishery in the Limited Entry Zone.

(2) Effective January 1, 2000, the owner of a vessel with more than 5 mt of CPS finfish on board in the CPS Limited Entry Zone, other than live bait, must have a limited entry permit registered for use with that vessel.

(3) Only a person eligible to own a documented vessel under the terms of 46 U.S.C. 12102(a) qualifies to be issued or may hold, by ownership or otherwise, a limited entry permit.

(b) *Initial qualification*. (1) A limited entry permit for a vessel will be issued only if that vessel landed 100 mt of CPS finfish from January 1, 1993, through November 5, 1997.

(2) A limited entry permit will be issued only to the current owner of the vessel, unless:

(i) The previous owner of a vessel qualifying for a permit, by the express terms of a written contract, reserved the right to the limited entry permit, in which case the limited entry permit will be issued to the previous owner based on the catch history of the qualifying vessel, or

(ii) A vessel that would have qualified for a limited entry permit was totally lost prior to issuance of a limited entry permit. In this case, the owner of the vessel at the time it was lost retains the right to a permit for a replacement vessel, unless the owner conveyed the right to another person by the express terms of a written contract. The lost vessel must be replaced within 2 years of the date that the qualifying vessel was lost, and the replaced vessel must be of equal or less net tonnage.

(c) *Documentation and burden of proof*. A vessel owner (or person holding limited entry rights under the express terms of a written contract as specified in paragraph (a)(2)) of this section applying for issuance, renewal, transfer, or registration of a limited entry permit must prove that the qualification requirements are met by submitting the following documentation:

(1) A certified copy of the vessel's documentation as a fishing vessel of the United States (U.S. Coast Guard or state) is the best evidence of vessel ownership;

(2) A certified copy of a state fish landing receipt is the best evidence of a landing of a vessel;

(3) A copy of a written contract reserving or conveying limited entry rights is the best evidence of reserved or acquired rights; and

(4) Other relevant, credible evidence that the applicant may wish to submit or that the SFD may request or require.

(d) *Fees*. The Regional Administrator may charge fees to cover administrative expenses related to issuing limited entry permits, as well as renewing, transferring, and replacing permits. The amount of the fee is calculated in accordance with the procedures of the NOAA Finance Handbook for determining the administrative costs of each special product or service. The fee may not exceed such costs and is specified with each application form. The appropriate fee must accompany each application.

(e) *Initial decisions*. (1) The SFD will make initial decisions regarding issuing, renewing, transferring, and registering limited entry permits.

(2) Adverse decisions shall be in writing and shall state the reasons for the adverse decision.

(3) The SFD may decline to act on an application for issuing, renewing, transferring, or registering a limited entry permit and will notify the applicant, if the permit sanction provisions of the Magnuson-Stevens Act at 16 U.S.C. 1858(a) and implementing regulations at 15 CFR part 904, subpart D, apply.

(f) *Initial issuance*. (1) The SFD will issue limited entry permits.

(2) In order to receive a final decision on a limited entry permit application before January 1, 2000, an applicant must submit the application to the SFD on or before February 14, 2000.

(3) A separate, complete, and accurate application form, accompanied by any required supporting documentation and the appropriate fee, must be submitted for each vessel for which a limited entry permit is sought.

(4) Upon receipt of an incomplete or improperly executed application, the SFD will notify the applicant of the deficiency. If the applicant fails to correct the deficiency within 30 days following the date of notification, the application will be considered void.

(5) The SFD may request further documentation before acting on an application.

(6) The SFD will not accept applications for a limited entry permit after July 1, 2000.

(g) *Appeals*. (1) Any applicant for an initial permit may appeal the initial issuance decision to the Regional Administrator. To be considered by the Regional Administrator, such appeal must be in writing and state the reasons for the appeal, and must be submitted within 30 days of the action by the Regional Administrator. The appellant may request an informal hearing on the appeal.

(2) Upon receipt of an appeal authorized by this section, the Regional Administrator will notify the permit applicant, or permit holder as appropriate, and will request such additional information and in such form as will allow action upon the appeal.

(3) Upon receipt of sufficient information, the Regional Administrator will decide the appeal in accordance with the permit eligibility criteria set forth in this section and in the FMP, as appropriate, based upon information relative to the application on file at NMFS and the Council and any additional information submitted to or obtained by the Regional Administrator, the summary record kept of any hearing and the hearing officer's recommended decision, if any, and such other considerations as the Regional Administrator deems appropriate. The Regional Administrator will notify all interested persons of the decision, and the reasons therefor, in writing, normally within 30 days of the receipt of sufficient information, unless additional time is needed for a hearing.

(4) If a hearing is requested or if the Regional Administrator determines that one is appropriate, the Regional Administrator may grant an informal hearing before a hearing officer designated for that purpose after first giving notice of the time, place, and subject matter of the hearing to the applicant. The appellant and, at the discretion of the hearing officer, other interested persons may appear personally or be represented by counsel at the hearing and submit information and present arguments as determined appropriate by the hearing officer. Within 30 days of the last day of the hearing, the hearing officer shall recommend in

writing a decision to the Regional Administrator.

(5) The Regional Administrator may adopt the hearing officer's recommended decision, in whole or in part, or may reject or modify it. In any event, the Regional Administrator will notify interested persons of the decision, and the reason(s) therefore, in writing, within 30 days of receipt of the hearing officer's recommended decision. The Regional Administrator's action shall constitute final action for the agency for the purposes of the APA.

(6) Any time limit prescribed in this section may be extended for a period not to exceed 30 days by the Regional Administrator for good cause, either upon his or her own motion or upon written request from the appellant stating the reason(s) therefore.

(h) *Issuance of new permits.* (1) When the aggregate gross tonnage of all vessels participating in the limited entry fishery declines below 5,650.9 metric tons (mt), the Council will review the status of the fishery, taking into consideration:

(i) The changes in gross tonnage that have and are likely to occur in the transfer of limited entry permits;

(ii) The actual harvesting capacity as experienced in the current fishery in comparison to the capacity goal;

(iii) Comments of the CPSMT;

(iv) Any other relevant factors related to maintaining the capacity goal.

(2) Following its review, the Council will recommend to NMFS whether additional permit(s) should be issued and if the new permit(s) should be temporary or permanent. The issuance of new permit(s) shall be based on the following:

(i) The qualifying criteria in paragraph (b) of this section, but vessels that were issued a permit before December 31, 2000, are not eligible.

(ii) If no vessel meets the qualifying criteria in paragraph (b), then the permit(s) will be issued to the vessel(s) with total landings nearest 100 mt during the qualifying period of paragraph (b).

(iii) No vessel will be issued a permit under this paragraph (h) that is currently registered for use with a permit.

(3) The Regional Administrator will review the Council's recommendation and determine whether issuing additional permit(s) is consistent with the FMP and with paragraph (h)(2) of this section. If issuing additional permit(s) is appropriate, the Regional Administrator will:

(i) Issue the appropriate number of permits consistent with the Council's recommendation; and

(ii) Publish a document in the FEDERAL REGISTER notifying the public that new permits or a new permit has been issued, the conditions attached to any permit, and the reasons for the action.

[64 FR 69893, Dec. 15, 1999, as amended at 68 FR 3822, Jan. 27, 2003]

### § 660.513 Permit conditions.

(a) A limited entry permit expires on failure to renew the limited entry permit as specified in § 660.515.

(b) A limited entry permit may not be used with a vessel unless it is registered for use with that vessel. Limited entry permits will be registered for use with a particular vessel at the time the permit is issued, renewed, or transferred.

(c) Limited entry permits issued or applied for under this subpart are subject to sanctions pursuant to the Magnuson-Stevens Act, 16 U.S.C. 1858(g), and 15 CFR part 904, subpart D.

### § 660.514 Transferability.

(a) *General.* (1) The SFD will process applications for transferring limited entry permits to a different owner and/or to a different vessel according to this section.

(2) After January 27, 2003, the SFD will issue a limited entry permit to the owner of each vessel permitted to participate in the limited entry fishery for CPS. This permit will replace the existing permit and will include the gross tonnage of the vessel, which will constitute an endorsement for that vessel for the purpose of regulating the transfer of limited entry permits.

(b) *Criteria.* (1) When the aggregate gross tonnage of all vessels participating the limited entry fishery is at or below 5,650.9 mt, a permit may be transferred to a different owner or to a

different vessel in the following circumstances only:

(i) A permit may be transferred to a vessel without a permit if the vessel without a permit has a comparable capacity to the capacity on the permit or is less than comparable capacity on the permit.

(ii) When a permit is transferred to a vessel without a permit that has less gross tonnage than that of the permitted vessel, the excess gross tonnage may not be separated from the permit and applied to a second vessel.

(iii) A permit may be transferred to a vessel without a permit that is of greater than comparable capacity only if two or more permits are transferred to the vessel without a permit to equal the gross tonnage of the vessel. The number of permits required will be determined by adding together the comparable capacity of all permits being transferred. Any gross tonnage in excess of that needed for a vessel remains with the permit.

(2) When a vessel with multiple permits leaves the fishery, the permits may be sold separately and applied to other vessels according to the criteria in this section.

(c) *Stipulations.* (1) The gross tonnage endorsement of a permit is integral to the permit for the duration of the permit, regardless of the gross tonnage of any vessel to which the permit is transferred.

(2) Permits may be used only on the vessel for which they are registered by the SFD. All permits that authorize a vessel to operate in the limited entry fishery must be on board the vessel during any fishing trip on which CPS is harvested or is on board.

(3) A permit may be transferred only once during a calendar year.

(d) *Vessel alterations.* (1) A permitted vessel's length, breadth, or depth may be altered to increase the gross tonnage of the vessel only if the aggregate gross tonnage of all vessels participating in the limited entry fishery equals, or is below 5,650.9 mt, and only under the following conditions:

(i) The gross tonnage of the altered vessel, calculated according to the formula in 46 CFR 69.209(a), does not exceed 110 percent of the vessel's original gross tonnage endorsement, and

(ii) A new certificate of documentation is obtained from the U.S. Coast Guard or State. Modifications exceeding 110 percent of the vessel's gross tonnage endorsement will require registration of the vessel under an additional permit or permits or under a permit with a sufficient gross tonnage endorsement.

(2) A copy of the certificate of documentation indicating changes in length, depth, or breadth must be provided to the SFD.

(3) The revised gross tonnage will not be valid as an endorsement until a revised permit is issued by the SFD.

(e) *Applications.* (1) All requests for the transfer of a limited entry permit will be made to the SFD in writing and shall contain the following information:

(i) Name, address, and phone number of the owner of the permitted vessel.

(ii) Name of the permitted vessel and documentation number of the vessel.

(iii) Name, address, and phone number of the owner of the vessel to which the permit is to be transferred.

(iv) Name and documentation number of the vessel to which the permit is to be transferred.

(v) Signature(s) of the owner(s) of the vessels participating in the transfer.

(vi) Any other information that the SFD may request.

(2) No permit transfer is effective until the transfer has been authorized by the SFD.

(f) *Capacity reduction.* (1) When the aggregate gross tonnage of the limited entry fleet reaches 5,933.5 mt, a permit may be transferred to a vessel without a permit only if the vessel without a permit is of the same or less gross tonnage.

(2) When the aggregate gross tonnage of the limited entry fleet reaches 5,933.5 mt, alterations in the length, depth, or breadth of a permitted vessel may not result in an increase in the gross tonnage of the vessel.

[68 FR 3823, Jan. 27, 2003]

### § 660.515 Renewal of limited entry permits.

(a) Each limited entry permit must be renewed by January 1 of even numbered years.

(b) The SFD will send notices to renew limited entry permits to the most recent address of the permit holder.

(c) The permit owner must provide SFD with notice of any address change within 15 days of the change.

(d) The permit holder must submit applications for renewal of a permit on forms available from the SFD.

(e) The permit owner is responsible for renewing a limited entry permit.

(f) An expired permit cannot be used to fish for CPS in the limited entry fishery.

### § 660.516 Exempted fishing.

(a) *General*. In the interest of developing an efficient and productive fishery for CPS, the Regional Administrator may issue exempted fishing permits (EFP) for the harvest of CPS that otherwise would be prohibited.

(b) No exempted fishing for CPS may be conducted unless authorized by an EFP issued for the participating vessel in accordance with the criteria and procedures specified in § 600.745 of this chapter.

### § 660.517 Framework for revising regulations.

(a) *General*. NMFS will establish and adjust specifications and management measures in accordance with procedures and standards in Amendment 8 to the FMP.

(b) *Annual actions*. Annual specifications are developed and implemented according to § 660.508.

(c) *Routine management measures*. Consistent with section. 2.1 of Amendment 8 to the FMP, management measures designated as routine may be adjusted during the year after recommendation from the Council, approval by NMFS, and publication in the FEDERAL REGISTER.

(d) *Changes to the regulations*. Regulations under this subpart may be promulgated, removed, or revised. Any such action will be made according to the framework measures in section 2 of Amendment 8 to the FMP and will be published in the FEDERAL REGISTER.

### § 660.518 Pacific Coast Treaty Indian Rights.

(a) Pacific Coast treaty Indian tribes have treaty rights to harvest CPS in their usual and accustomed fishing areas in the EEZ.

(b) For the purposes of this section, Pacific Coast treaty Indian tribes means the Hoh, Makah, and Quileute Indian Tribes and the Quinault Indian Nation, and their ''usual and accustomed fishing areas'' are described at § 660.4, subpart A.

(c) Boundaries of a tribe's fishing area may be revised as ordered by a Federal court.

(d) *Procedures*. The rights referred to in paragraph (a) of this section will be implemented in accordance with the procedures and requirements of the framework contained in Amendment 9 to the FMP and in this Subpart.

(1) The Secretary, after consideration of the tribal request, the recommendation of the Council, and the comments of the public, will implement Indian fishing rights.

(2) The rights will be implemented either through an allocation of fish that will be managed by the tribes or through regulations that will apply specifically to the tribal fisheries.

(3) An allocation or a regulation specific to the tribes shall be initiated by a written request from a Pacific Coast treaty Indian tribe to the NMFS Southwest Regional Administrator at least 120 days prior to the start of the fishing season as specified at § 660.510 and will be subject to public review according to the procedures in § 660.508(d).

(4) The Regional Administrator will announce the annual tribal allocation at the same time as the annual specifications.

(e) The Secretary recognizes the sovereign status and co-manager role of Indian tribes over shared Federal and tribal fishery resources. Accordingly, the Secretary will develop tribal allocations and regulations in consultation with the affected tribe(s) and, insofar as possible, with tribal consensus.

[66 FR 44987, Aug. 27, 2001, as amended at 81 FR 36808, June 8, 2016]

### § 660.519 Scientific observers.

All fishing vessels operating in the coastal pelagic species fishery, including catcher/processors, at-sea processors, and vessels that harvest in Washington, Oregon, or California and land catch in another area, may be required to accommodate NMFS- certified observers aboard to collect scientific data. An observer program will be considered only for circumstances where other data collection methods are deemed insufficient for management of the fishery. Any observer program will be implemented in accordance with § 660.517.

[66 FR 44987, Aug. 27, 2001]

### § 660.520 Reporting requirements.

(a) *Otter interaction*. (1) If a southern sea otter is entangled in a net, regardless of whether the animal is injured or killed, the vessel operator must report this interaction within 24 hours to the Regional Administrator.

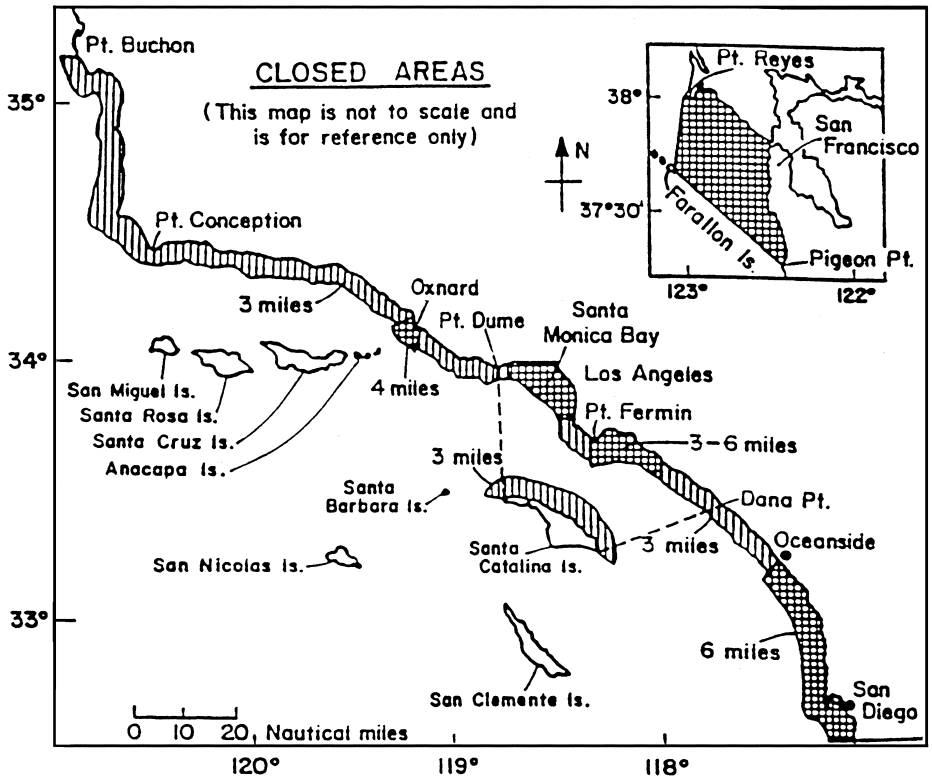
(2) While fishing for CPS, vessel operators must record all observations of otter interactions (defined as otters within encircled nets or coming into contact with nets or vessels, including but not limited to entanglement) with their purse seine net(s) or vessel(s). With the exception of an entanglement, which must be initially reported as described in paragraph (a)(1)of this section, all other observations must be reported within 20 days to the Regional Administrator.

(3) When contacting NMFS after an interaction, vessel operators must provide the location (latitude and longitude) of the interaction and a description of the interaction itself. If available, location information should also include water depth, distance from shore, and relation to port or other landmarks. Descriptive information of the interaction should include: whether or not the otters were seen inside or outside the net; if inside the net, had the net been completely encircled; whether any otters came in contact with either the net or the vessel; the number of otters present; duration of interaction; the otter's behavior during interaction; measures taken to avoid interaction.

(b) [Reserved]

[72 FR 29892, May 30, 2007]

FIGURE 1 TO SUBPART I OF PART 660—EXISTING CALIFORNIA AREA CLOSURES (HATCHED AREAS EXTEND TO 3 MILES OFFSHORE; CROSS-HATCHED AREAS EXTEND BEYOND 3 MILES OFFSHORE) AND OPTIONAL CATALINA CHANNEL FOREIGN VESSEL CLOSURE (OUTLINED BY DASHED LINES)




## Subpart J—West Coast Groundfish Electronic Monitoring Program

SOURCE: 84 FR 31160, June 28, 2019, unless otherwise noted.

### §660.600 Applicability.

(a) *General.* This subpart contains requirements for vessels using EM in lieu of observers, as authorized under §660.140(h)(1)(i) (Shorebased IFQ Program) and §660.150(j)(1)(i) (MS Co-op Program), and requirements for EM service providers. Vessel owners, operators, and managers are jointly and severally liable for a vessel's compliance with EM requirements under this subpart. This subpart also contains requirements for a first receiver receiving catch from a trip monitored by EM (*see* §660.604(u)). The table below provides references to the sections that contain vessel owner, operator, first receiver, and service provider responsibilities.

| West coast groundfish fishery | Section |
|---|---|
| (1) Limited entry trawl fishery: | |
| (i) Vessel owners | 660.604 |
| (ii) Vessel operators | 660.604 |
| (iii) First receivers | 660.604 |
| (iv) Service providers | 660.603 |
| (2) [Reserved]. | |

(b) *EM program purpose.* The purpose of the EM program is to provide NMFS with the best scientific information

available to determine individual accountability for catch (including discards) of IFQ species and compliance with requirements of the Shorebased IFQ Program (§ 660.140) and MS Co-op Program (§ 660.150). NMFS will develop EM Program Guidelines, which will document best practices and other information that NMFS will use to evaluate proposed service and vessel monitoring plans submitted by EM service providers and vessel owners under this subpart, and to evaluate the performance of EM service providers and vessels, in meeting the requirements of this subpart to achieve the purpose of the EM program. NMFS will develop the EM Program Guidelines in consultation with the Council and publish notice of their availability in the FEDERAL REGISTER. NMFS will maintain the EM Program Guidelines on its website and make them available to vessel owners and operators and EM service providers to assist in developing service plans and vessel monitoring plans that comply with the requirements of this subpart and meet the purpose of the EM program.

**§ 660.601 Definitions.**

These definitions are specific to this subpart. General groundfish definitions are found at § 660.11, subpart C, and trawl fishery definitions are found at § 660.111, subpart D.

*Active sampling unit* means the portion of the groundfish fleet in which an observer coverage plan is being applied.

*Discard control point* means the location on the vessel designated by a vessel operator where allowable discarding may occur.

*Discard event* means a single occurrence of discarding of fish or other species.

*Electronic Monitoring* or *EM* consists of the use of an electronic monitoring system (EMS) to passively monitor fishing operations through observing or tracking.

*Electronic Monitoring Authorization* means the official document provided by NMFS that allows a vessel with a limited entry trawl permit to use electronic monitoring under the provisions of this subpart.

*Electronic Monitoring System* or *EMS* means a data collection tool that uses a software operating system connected to an assortment of electronic components, including video recorders, to create a collection of data on vessel activities.

*Electronic Monitoring System Certification Form* means the official document provided by NMFS, signed by a representative of a NMFS-permitted electronic monitoring service provider that attest that an EM system and associated equipment meets the performance standards defined at § 660.604(j) of this subpart, as required by § 660.604(e)(3)(i).

*EM data* means the information output of the Electronic Monitoring System (*e.g.*, imagery, sensor data, and other associated data files).

*EM data processing* means the review, interpretation, and analysis of EM data and associated meta data.

*EM dataset* means a collection of EM data from a single EM trip or group of EM trips.

*EM Program* means the Electronic Monitoring Program of the West Coast Region, National Marine Fisheries Service.

*EM Service Plan* means the document required under § 660.603 that describes in detail how the EM service provider will provide EM services.

*EM service provider* means any person, including their employees or agents, that is granted a permit by NMFS to provide EM services for vessels as required under § 660.603 and § 660.604.

*EM technician* means an employee of the EM service provider that provides support for EM systems and technical assistance.

*EM trip* means any fishing trip for which electronic monitoring is the declared monitoring type.

*Initial Administrative Determination (IAD)* means a formal, written determination made by NMFS on an application or permit request that is subject to an appeal within NMFS.

*Non-trawl shorebased IFQ vessel* means a vessel on a declared limited entry groundfish non-trawl, shorebased IFQ trip.

*Pacific whiting fishery* refers to the Pacific whiting primary season fisheries described at § 660.131. The Pacific whiting fishery is composed of vessels

participating in the C/P Co-op Program, the MS Co-op Program, or the Pacific whiting IFQ fishery.

*Pacific whiting IFQ fishery* is composed of vessels on Pacific whiting IFQ trips.

*Pacific whiting IFQ trip* means a trip in which a vessel uses midwater groundfish trawl gear during the dates of the Pacific whiting primary season to target Pacific whiting, and Pacific whiting constitutes 50 percent or more of the catch by weight at landing as reported on the state landing receipt. Vessels on Pacific whiting IFQ trips must have a valid declaration for limited entry midwater trawl, Pacific whiting shorebased IFQ.

*Shorebased IFQ Program* or *Shorebased IFQ sector*, refers to the fishery described at § 660.140, subpart D, and includes all vessels on IFQ trips.

*Vessel Monitoring Plan* (*VMP*) means the document that describes how fishing operations on the vessel will be conducted and how the EM system and associated equipment will be configured to meet the performance standards and purpose of the EM Program.

**§ 660.602 Prohibitions.**

In addition to the general prohibitions specified in § 600.725 of this chapter, it is unlawful for any person to:

(a) *Electronic monitoring program.* (1) Make a false or inaccurate/incorrect statement on an application for issuance, renewal, or changes to an EM Authorization or NMFS-accepted VMP.

(2) Fish for or land fish from a trip without electronic monitoring or observer coverage when a vessel is required to carry electronic monitoring or an observer under §§ 660.140(h) or 660.150(j).

(3) Fish for or land fish from a trip taken under electronic monitoring without a valid EM Authorization and NMFS-accepted vessel monitoring plan onboard, and a valid gear and monitoring declaration with NMFS OLE as required by § 660.604(c)(1) and § 660.604(m).

(4) Fail to comply with the terms of a NMFS-accepted VMP.

(5) Fail to notify the NMFS West Coast Groundfish Observer Program at least 48-hours prior to departing port of the vessel operator's intent to take a trip under EM, as required by § 660.604(n).

(6) Fail to conduct a pre-departure test of the EM system prior to departing port as required by § 660.604(l)(2).

(7) Fish on an EM trip without a fully functional EM system, unless authorized by a NMFS-accepted VMP as required by § 660.604(l)(3).

(8) Fail to make the EM system, associated equipment, logbooks, EM data, and other records available for inspection immediately upon request by NMFS, its agent, or authorized officers, as required by §§ 660.604(o) and 660.604(t).

(9) Discard species other than those allowed to be discarded as specified at § 660.604(p).

(10) Fail to handle fish and other marine organisms in a manner that enables the EM system to record it as required by § 660.604(r).

(11) Fail to submit complete and accurate logbook(s) and EM data for each EM trip as specified at § 660.604(s),

(12) Tamper with, disconnect, damage, destroy, alter, or in any way distort, render useless, inoperative, ineffective, or inaccurate any component of the EM system or associated equipment.

(13) Assault, resist, oppose, impede, intimidate, harass, sexually harass, bribe, or interfere with an EM service provider, EM field services staff, or EM data processing staff.

(14) Interfere with or bias the sampling procedure employed by EM data processing staff including either mechanically or manually sorting or discarding catch outside of camera view or inconsistent with the NMFS-accepted VMP.

(15) Fail to meet the vessel owner or operator responsibilities specified in § 660.604.

(16) Fail to meet the first receiver responsibilities specified at § 660.604(u).

(17) Fail to meet the EM service provider responsibilities specified in § 660.603.

(18) Fish without an observer when a vessel is required to carry an observer under subpart J of this part if:

(i) The vessel is inadequate for observer deployment as specified at § 600.746 of this chapter;

(ii) The vessel does not maintain safe conditions for an observer as specified at § 660.604(n);

(iii) NMFS, the observer provider, or the observer determines the vessel is inadequate or unsafe pursuant to vessel responsibilities to maintain safe conditions as specified at § 660.604(n);

(19) Fail to meet the vessel responsibilities and observer coverage requirements specified at § 660.604(n).

(b) [Reserved]

### § 660.603 Electronic monitoring provider permits and responsibilities.

(a) *General*. This section contains requirements for EM service providers providing EM services, pursuant to contracts with vessel owners whose vessels operate in the Shorebased IFQ Program (§ 660.140) or the MS Co-op Program (§ 660.150) and use EM under this subpart. A person must obtain a permit and endorsement as provided under § 660.603(b) in order to be an EM service provider. An EM service provider must:

(1) Operate under a NMFS-accepted EM Service Plan (*see* § 660.603(b)(3)(vii)).

(2) Provide and manage EM systems, field services, and technical assistance as required under § 660.603(k);

(3) Provide technical and litigation information to NMFS or its agent (*see* § 660.603(l)).

(4) Provide technical support to contracted fishing vessels 24-hours per day, seven days per week, and year-round as provided under § 660.603(k)(4);

(5) Provide EM data processing, reporting, and record retention services to contracted vessels using EM (*see* § 660.603(m)).

(6) Comply with data integrity and security requirements, including requirements pertaining to hard drives and data files containing EM data, (*see* § 660.603(n)).

(b) *Provider permits*. To be an EM service provider, a person must obtain an EM service provider permit and endorsement by submitting an application to the NMFS West Coast Region Fisheries Permit Office. A person may meet some requirements of this section through a partnership or subcontract with another entity, in which case the application for an EM service provider permit must include information about the partnership. An applicant may submit an application at any time. If a new EM service provider, or an existing EM service provider seeking to deploy a new EMS or software version, submits an application by June 1, NMFS will issue a new permit by January 1 of the following calendar year. Applications submitted after June 1 will be processed as soon as practicable. NMFS will only process complete applications. Additional endorsements to provide observer or catch monitor services may be obtained under § 660.18.

(1) *Contents of provider application*. To be considered for an EM service provider permit and endorsement, the service provider must submit a complete application that includes the following information. The same information must be included for any partners or subcontractors if the applicant intends to satisfy any of the EM service provider requirements through a partnership or contractual relationship with another entity.

(i) Certify that the applicant meets the following eligibility criteria:

(A) The EM service provider and its employees do not have a conflict of interest as defined at § 660.603(h), and,

(B) The EM service provider is willing and able to comply with all applicable requirements of this section and to operate under a NMFS-accepted EM Service Plan.

(ii) Applicant's contact information.

(iii) Legal name of applicant organization. If the applicant organization is a United States business entity, include the state registration number.

(iv) Description of the management, organizational structure, and ownership structure of the applicant's business, including identification by name and general function of all controlling management interests in the company, including but not limited to owners, board members, officers, authorized agents, and employees. List all office locations and their business mailing address, business phone, fax number, and email addresses. If the applicant is a corporation, the articles of incorporation must be provided. If the applicant is a partnership, the partnership agreement must be provided.

(v) A narrative statement describing prior relevant experience in providing

EM services, technical support, or fishery data analysis services, including recruiting, hiring, training, deploying, and managing of individuals in marine work environments and of individuals working with fishery data, in the groundfish fishery or other fisheries of similar scale.

(vi) A statement signed under penalty of perjury by an authorized agent of the applicant about each owner, or owners, board members, and officers if a corporation, authorized agents, and employees, regarding:

(A) Conflict of interest as described in § 660.603(h),

(B) Criminal convictions,

(C) Federal contracts they have had and the performance rating they received on each contract, and

(D) Any previous history of decertification or permit sanction action while working as an observer, catch monitor, observer provider, catch monitor provider, or electronic monitoring provider.

(vii) *EM Service Plan*. An EM Service Plan that describes in detail how the applicant will provide EM services for vessels. To ensure that the EM Program achieves its purpose, NMFS will develop EM Program Guidelines (*see* § 660.600(b)) and use them to evaluate proposed EM Service Plans. NMFS may consider alternative, but equivalent, methods proposed by EM service providers and vessel owners in their plans to meet the requirements of this subpart, if they achieve the purpose of the EM program. An EM Service Plan must include descriptions of the following (using pictures and diagrams where appropriate):

(A) Contact information for a primary point of contact for program operations inseason;

(B) A plan for provision of services including communications, service locations, response timelines, and procedures for services, repairs, technical support, and other program services;

(C) Procedures for hiring and training of competent program staff to carry out EM field services and data services, including procedures to maintain the skills of EM data processing staff in:

(*1*) Use of data processing software;

(*2*) Species identification;

(*3*) Fate determination and metadata reporting requirements;

(*4*) Data processing procedures;

(*5*) Data tracking; and,

(*6*) Reporting and data upload procedures.

(D) Procedures for tracking hard drives and/or data files throughout their use cycle, including procedures to ensure the integrity and security of hard drives or data files in transit, and for removing EM data from hard drives or other medium before returning them to the field;

(E) Procedures for data processing, including tracking of EM datasets throughout their processing cycle and documenting any access and modifications;

(F) Procedures for correction and resubmission of EM summary data reports and other reports that NMFS has determined are not of sufficient quality to meet the purpose of the EM program, as described at § 660.603(m)(5), and to ensure that future reports are sufficient for use by NMFS.

(G) Policies on data access, handling, and release to prevent unauthorized disclosure of EM data and other records specified in this section by the EM provider as required under § 660.603(n);

(H) Procedures for retention of records as required under § 660.603(m)(6);

(I) Identifying characteristics of the EMS to be deployed and the video review software to be used in the fishery, including but not limited to: Manufacturer, brand name, model name, model number, software version and date, firmware version number and date, hardware version number and date, monitor/terminal number and date, pressure sensor model number and date, drum rotation sensor model number and date, and GPS model number and date.

(J) EM system and software specifications, including a narrative statement describing how the EM system and associated equipment meets the performance standards at § 660.604(j).

(K) EM video review software specifications, including a narrative statement describing how the software meets the EM Program Guidelines and will provide NMFS with data to

achieve the purpose of the EM Program as defined at § 660.600(b).

(viii) Provide NMFS the following, if requested:

(A) Two EM system units loaded with software for a minimum of 90 calendar days for testing and evaluation.

(B) Thorough documentation for the EM system, including: User manuals, any necessary interfacing software, performance specifications, technical support information, and tamperproof or tamper evident features.

(C) The results of at-sea trials of the EM system.

(D) Two copies of video review and analysis software for a minimum of 90 calendar days for testing and evaluation.

(E) Thorough documentation for the video review and analysis software, including: User manuals, performance specifications, and technical support information.

(F) Descriptions of database models and analysis procedures for EM data and associated meta data to produce required reports.

(2) *Application evaluation*. NMFS may request additional information or revisions from the applicant until NMFS is satisfied that the application is complete. Complete applications will be forwarded to the EM Program for review and evaluation by the EM provider permit review board. If the applicant is an entity, the review board also will evaluate the application criteria for each owner, board member, officer, authorized agent, and employee. NMFS will evaluate the application based on the EM Program Guidelines (*see* § 660.600(b)) and the following criteria:

(i) The applicant's relevant experience and qualifications;

(ii) Review of any conflict of interest as described in § 660.603(h);

(iii) Review of any criminal convictions;

(iv) Review of the proposed EM Service Plan, including evaluation of EM equipment and software;

(v) Satisfactory performance ratings on any federal contracts held by the applicant;

(vi) Review of any history of decertification or permit sanction as an observer, catch monitor, observer provider, catch monitor provider, or EM service provider; and,

(vii) Review of any performance history as an EM service provider.

(3) *Agency determination on an application*. Based on a complete application, if NMFS determines that the applicant has met the requirements of this section, NMFS will issue an initial administrative determination (IAD). If the application is approved, the IAD will serve as the EM service provider's permit and endorsement. If the application is denied, the IAD will provide an explanation of the denial in writing. The applicant may appeal NMFS' determination following the process at § 660.19.

(4) *Effective dates*. The provider permit is valid from the effective date identified on the permit until the permit expiration date of December 31 of the following year. Provider permit holders must renew biennially by following the renewal process specified in paragraph (f) of this section.

(5) *Expiration of the provider permit*—(i) *Expiration due to inactivity*. After a period of 24 continuous months during which no EM services are provided by the provider in the Pacific coast groundfish fishery, NMFS will issue an IAD describing the intent to expire the provider permit or to remove the appropriate endorsement(s) and the timeline to do so. A provider that receives an IAD may appeal under § 660.19. The provider permit and endorsements will remain valid until a final agency decision is made or until the permit expiration date, whichever is earlier.

(ii) *Expiration due to failure to renew*. Failure to renew biennially will result in expiration of the provider permit and endorsements on the permit expiration date.

(iii) *Invalidation due to lapse in eligibility*. NMFS may invalidate an EM service provider permit if NMFS determines that the EM service provider no longer meets the eligibility criteria defined at paragraph (b)(1)(i) of this section. NMFS will first notify the EM service provider of the deficiencies in writing and the EM service provider must correct the deficiencies following the instructions provided. If the deficiencies are not resolved upon review

of the first trip following the notification, NMFS will notify the EM service provider in writing that the provider permit is invalid and that the EM service provider is no longer eligible to provide EM services for vessels for the remainder of that calendar year. The EM service provider may reapply for an EM service provider permit and endorsement for the following calendar year.

(iv) *Obtaining a new permit or endorsement following an expiration or invalidated permit.* A person holding an expired or invalidated permit or endorsement may reapply for a new provider permit or endorsement at any time consistent with paragraph (b) of this section.

(c) *Changes to a NMFS-accepted EM Service Plan.* An EM service provider may make changes to a NMFS-accepted EM Service Plan by submitting a revised plan or plan addendum to NMFS in writing. NMFS will review and accept the change if it meets all the requirements of this section. A plan addendum must contain:

(1) The date and the name and signature of an authorized agent of the EM service provider;

(2) Address, telephone number, fax number and email address of the person submitting the addendum;

(3) A complete description of the proposed EM Service Plan change.

(d) *Change of provider permit ownership and transfer restrictions.* If an EM service provider changes ownership during the term of an EM service provider permit, the new owner must apply for a new provider permit.

(e) *Provider permit sanctions.* Procedures governing sanctions of permits are found at subpart D of 15 CFR part 904.

(f) *Renewing a provider permit.* To maintain a valid provider permit, provider permit holders must reapply biennially prior to the permit expiration date. NMFS will mail a provider permit application form to existing permit holders on or about July 15 of the year that the permit is due to expire. Providers who want to have their permits effective for January 1 of the following calendar year must submit their complete application form to NMFS by September 1. If a provider fails to renew the provider permit, the provider permit and endorsements will expire on the permit expiration date.

(g) *Fees.* NMFS may charge a fee to cover administrative expenses related to issuance of permits including initial issuance, renewal, replacement, and appeals.

(h) *Limitations on conflict of interest for providers and employees.* (1) EM service providers and their employees must not have a direct financial interest, other than the provision of observer, catch monitor, EM, or other biological sampling services, in any federal or state managed fisheries, including but not limited to:

(i) Any ownership, mortgage holder, or other secured interest in a vessel, first receiver, shorebased or floating stationary processor facility involved in the catching, taking, harvesting or processing of fish;

(ii) Any business involved with selling supplies or services to any vessel, first receiver, shorebased or floating stationary processing facility; or

(iii) Any business involved with purchasing raw or processed products from any vessel, first receiver, shorebased or floating stationary processing facilities.

(2) EM service providers and their employees must not solicit or accept, directly or indirectly, any gratuity, gift, favor, entertainment, loan, employment, or anything of monetary value from any person who conducts fishing or fish processing activities that are regulated by NMFS, or who has interests that may be substantially affected by the performance or nonperformance of the provider's contractual duties.

(3) The EM service provider may not employ any person to handle hard drives or EM data from a vessel by which the person was previously employed in the last two years.

(4) Provisions of contracts or agreements for remuneration of EM services under this section do not constitute a conflict of interest.

(i) *Insurance.* The EM service provider must maintain sufficient commercial liability insurance to cover bodily injury and property damage caused by their employees while on a contracted vessel and State Worker's

Compensation insurance. The EM service provider shall provide copies of these insurance policies to the vessel owner, operator, or vessel manager, when requested.

(j) *Warranties.* None of the provisions of this section are intended to preclude any state or federal statutes or regulations governing warranties.

(k) *Field and technical support services.* The EM service provider must provide and manage EM systems, installation, maintenance and technical support, as described below and according to a NMFS-accepted EM Service Plan, which is required under § 660.603(b)(1)(vii), and as described in the EM Program Manual or other written and oral instructions provided by the EM Program, such that the EM program achieves its purpose as defined at § 660.600(b).

(1) At the time of installation, the EM service provider must:

(i) Install an EM system that meets the performance standards under § 660.604(j);

(ii) Ensure that the EM system is set up, wires run, system powered, and tested with the vessel in operation;

(iii) Brief the vessel operator on system operation, maintenance, and procedures to follow for technical support or field service;

(iv) Provide necessary information for the vessel operator to complete the VMP, such as images and diagrams of camera views and vessel layout, specific information about system settings, and designated discard control points; and,

(v) Complete an EM System Certification Form for the vessel owner.

(2) The EM service provider must communicate with vessel operators and NMFS to coordinate service needs, resolve specific program issues, and provide feedback on program operations.

(3) The EM service provider must provide maintenance and support services, including maintaining an EM equipment inventory, such that all deployed EM systems perform according to the performance standards at § 660.604(j) and that field service events are scheduled and carried out with minimal delays or disruptions to fishing activities.

(4) The EM service provider must provide technical assistance to vessels, upon request, in EM system operation, the diagnosis of the cause of malfunctions, and assistance in resolving any malfunctions. Technical support must be available 24-hours per day, seven days per week, and year-round.

(5) The EM service provider must submit to NMFS reports of requests for technical assistance from vessels, including when the call or visit was made, the nature of the issue, and how it was resolved.

(l) *Technical assistance and litigation information.* As a requirement of its permit, the EM service provider must provide the following to NMFS or authorized officers, upon request.

(1) Assistance in EM system operation, diagnosing and resolving technical issues, and recovering corrupted or lost data.

(2) Responses to inquiries related to data summaries, analyses, reports, and operational issues with vessel representatives.

(3) Technical and expert information, if the EM system/data are being admitted as evidence in a court of law. All technical aspects of a NMFS-approved EM system may be analyzed in court for, inter alia, testing procedures, error rates, peer review, technical processes and general industry acceptance. To substantiate the EM system data and address issues raised in litigation, an EM service provider must provide information, including but not limited to:

(i) If the technologies have previously been subject to such scrutiny in a court of law, a brief summary of the litigation and any court findings on the reliability of the technology.

(ii) [Reserved]

(4) All software necessary for accessing, viewing, and interpreting the data generated by the EM system, including maintenance releases to correct errors in the software or enhance the functionality of the software.

(5) Notification NMFS within 24 hours after the EM service provider becomes aware of the following:

(i) Any information, allegations, or reports regarding possible harassment of EM provider staff;

(ii) Any information, allegations, or reports regarding possible EM system tampering;

(iii) Any information, allegations, or reports regarding any action prohibited under §§ 660.12(f) or 660.602(a)(13); or,

(iv) Any information, allegations or reports regarding EM service provider staff conflicts of interest.

(6) Notification to NMFS of any change of management or contact information or a change to insurance coverage.

(7) A copy of any contract between the service provider and entities requiring EM services;

(8) Proof of sufficient insurance as defined in paragraph (i);

(9) Copies of any information developed and used by the EM service provider and distributed to vessels, including, but not limited to, informational pamphlets, payment notifications, and description of EM service provider duties; and,

(10) EM data and associated meta data, and other records specified in this section.

(m) *Data services.* For vessels with which it has a contract (see § 660.604(k)), the EM service provider must provide and manage EM data processing, reporting, and record retention services, as described below and according to a NMFS-approved EM Service Plan, which is required under § 660.603(b)(1)(vii), and as described in the EM Program Manual or other written and oral instructions provided by the EM Program, and such that the EM Program achieves its purpose as defined at § 660.600(b).

(1) The EM service provider must process vessels' EM data according to a prescribed coverage level or sampling scheme, as specified by NMFS, and determine an estimate of discards for each trip using standardized estimation methods specified by NMFS. NMFS will maintain manuals for EM data processing protocols on its website.

(2) The EM service provider must ensure that its data processing staff are fully trained in:

(i) Use of data processing software;

(ii) Species identification;

(iii) Fate determination and metadata reporting requirements;

(iv) Data processing procedures;

(v) Data tracking; and,

(vi) Reporting and data upload procedures.

(3) The EM service provider must track hard drives and EM datasets throughout their cycles, including documenting any access and modifications. EM data must be removed from hard drives or other medium before returning them to the field.

(4) The EM service provider must communicate with vessel operators and NMFS to coordinate data service needs, resolve specific program issues, and provide feedback on program operations. The EM service provider must provide feedback to vessel representatives, field services staff, and NMFS regarding:

(i) Adjustments to system settings;

(ii) Changes to camera positions;

(iii) Advice to vessel personnel on duty of care responsibilities;

(iv) Advice to vessel personnel on catch handling practices; and,

(v) Any other information that would improve the quality and effectiveness of data collection on the vessel.

(5) On behalf of vessels with which it has a contract (see § 660.604(k)), the EM service provider must submit to NMFS EM summary reports, including discard estimates, fishing activity information, and meta data (*e.g.*, image quality, reviewer name), and incident reports of compliance issues according to a NMFS-accepted EM Service Plan, which is required under § 660.603(b)(1)(vii), and as described in the EM Program Manual or other written and oral instructions provided by the EM Program, such that the EM program achieves its purpose as defined at § 660.600(b). If NMFS determines that the information does not meet these standards, NMFS may require the EM service provider to correct and resubmit the datasets and reports.

(6) *Retention of records.* Following an EM trip, the EM service provider must maintain all of a vessel's EM data and other records specified in this section, or used in the preparation of records or reports specified in this section or corrections to these reports, for a period of not less than three years after the date of landing for that trip. EM data and other records must be stored such

that the integrity and security of the records is maintained for the duration of the retention period. The EM service provider must produce EM data and other records immediately upon request by NMFS or an authorized officer.

(n) *Data integrity and security*. The EM service provider must ensure the integrity and security of vessels' EM data and other records specified in this section. The EM service provider and its employees:

(1) Must not handle or transport hard drives or other medium containing EM data except to carry out EM services required by this section in accordance with a NMFS-accepted EM Service Plan.

(2) Must not write to or modify any EM hard drive or other medium that contains EM data before it has been copied and catalogued.

(3) Must not release a vessel's EM data and other records specified in this section (including documents containing such data and observations or summaries thereof) except to NMFS and authorized officers as provided in § 660.603(m)(6), or as authorized by the owner or operator of the vessel.

### § 660.604 Vessel and first receiver responsibilities.

(a) *General*. This section lays out the requirements for catcher vessels to obtain an exemption to use EM in place of 100-percent observer coverage required by the Shorebased IFQ Program (§ 660.140(h)(1)(i)) and MS Co-op Program (§ 660.150(j)(1)(i)(B)). Requirements are also described for first receivers receiving landings from EM trips.

(b) *Vessel owner responsibilities*. To use EM under this section, vessel owners must:

(1) Obtain an EM Authorization from the NMFS West Coast Region Fisheries Permit Office (*see* § 660.604(e));

(2) Install an EM system using a NMFS-permitted EM service provider that meets performance standards under § 660.604(j);

(3) Have a signed EM system certification form (*see* § 660.604(e)(3)(i));

(4) Have a NMFS-accepted vessel monitoring plan (*see* § 660.604(e)(3)(iii));

(5) Ensure that the vessel operator attends a mandatory EM orientation session provided by the NMFS West Coast Region EM Program (NMFS may waive this requirement on a case-by-case basis, such as when the vessel operator has prior EM experience);

(6) Maintain logbooks and other records for three years and provide them to NMFS or authorized officers for inspection (*see* § 660.604(t)).

(7) Obtain EM data processing, reporting, and recordkeeping services from a NMFS-permitted EM service provider (*see* § 660.604(k)).

(c) *Vessel operator responsibilities*. To use EM under this section, vessel operators must:

(1) Maintain a valid EM Authorization and NMFS-accepted vessel monitoring plan onboard the vessel at all times that the vessel is fishing on an EM trip or when fish harvested during an EM trip are onboard the vessel;

(2) Ensure that the EM system is installed, operated, and maintained consistent with performance standards (*see* § 660.604(l));

(3) Comply with a NMFS-accepted vessel monitoring plan (*see* § 660.604(e)(3)(iii);

(4) Make declaration reports to OLE prior to leaving port (*see* § 660.604(m));

(5) Provide advance notice to the NMFS WCGOP at least 48 hours prior to departing port (*see* § 660.604(n));

(6) Comply with observer requirements, if NMFS notifies the vessel owner, operator, or manager that the vessel is required to carry an observer (*see* § 660.604(n));

(7) Ensure retention and handling of all catch as provided under §§ 660.604(p) and 660.604(r); and

(8) Comply with recordkeeping, reporting, and inspection requirements (*see* §§ 660.604(o), (s) and (t)).

(d) *First receiver responsibilities*. First receivers receiving catch from trips taken under EM must follow special disposition and sorting requirements for prohibited and protected species (*see* § 660.604(u)).

(e) *Electronic Monitoring Authorization*. To obtain an EM Authorization, a vessel owner must submit an initial application to the NMFS West Coast Region Fisheries Permit Office, then a final application that includes an EM

system certification and a vessel monitoring plan (VMP). NMFS will only review complete applications. A vessel owner may submit an application at any time. Vessel owners that want to have their Authorizations effective for January 1 of the following calendar year must submit their complete application to NMFS by October 1. Vessel owners that want to have their Authorizations effective for May 15 must submit their complete application to NMFS by February 15 of the same year.

(1) *Initial application*. To be considered for an EM Authorization, the vessel owner must submit a completed application form provided by NMFS, signed and dated by an authorized representative of the vessel, and meet the following eligibility criteria:

(i) The applicant owns the vessel proposed to be used;

(ii) The vessel has a valid Pacific Coast Groundfish limited entry, trawl-endorsed permit registered to it;

(iii) If participating in the mothership sector, the vessel has a valid MS/CV endorsement;

(iv) The vessel is participating in the Pacific whiting IFQ fishery, mothership sector, or the Shorebased IFQ sector using groundfish non-trawl gear;

(v) The vessel is able to accommodate the EM system, including providing sufficient uninterrupted electrical power, suitable camera mounts, adequate lighting, and fittings for hydraulic lines to enable connection of a pressure transducer;

(vi) The vessel owner and operator are willing and able to comply with all applicable requirements of this section and to operate under a NMFS-accepted VMP.

(2) *Review of initial application*. Based on a complete initial application, if NMFS determines that the applicant meets the eligibility criteria in paragraph (e)(1) of this section, NMFS will notify the applicant in writing that the initial application has been accepted for further consideration. An applicant who receives such notice may install an EM system on his or her vessel and proceed with submission of a final application as provided under paragraph (e)(3) of this section. If an initial application has not been accepted, NMFS will provide the applicant an explanation of the denial in writing. The applicant may appeal NMFS' determination following the process at § 660.25(g).

(3) *Final application*. A final application must be complete and must include:

(i) *EM system certification*. A certification form, provided by NMFS, signed by a representative of a NMFS-permitted EM service provider that attests that an EM system and associated equipment that meets the performance standards at paragraph (k) of this section was installed on the vessel, that the system was tested while the vessel was underway, and that the vessel operator was briefed on the EM system operation and maintenance. NMFS will maintain a list of permitted EM service providers on its website.

(ii) *Tentative fishing plan*. A description of the vessel owner's fishing plans for the year, including which fishery the vessel owner plans to participate in, from what ports, and when the vessel owner intends to use EM and observers. This information is for purposes of planning observer deployments and is not binding.

(iii) *Vessel monitoring plan*. A complete vessel monitoring plan for the vessel that accurately describes how fishing operations on the vessel will be conducted and how the EM system and associated equipment will be configured to meet the performance standards at paragraph (k) of this section. NMFS will develop EM Program Guidelines containing best practices and templates and make them available on NMFS' website to assist vessel owners in developing VMPs (*see* § 660.600(b)). NMFS may consider alternative, but equivalent, methods proposed by EM service providers and vessel owners in their plans to meet the requirements of this subpart, if they achieve the purpose of the EM program. An EM service provider may prepare and submit a VMP on behalf of the applicant. The VMP must include descriptions of the following (using pictures and diagrams where appropriate):

(A) General vessel information including the vessel name, hull number, gear type(s), home port, captain name, and target fishery or sector;

(B) The coordinates of the home port box, if a geo-referenced port box will be used to trigger data collection;

(C) A diagram of the vessel layout with measurements of the deck and denoting the location of any designated discard control points;

(D) The number and location of cameras and with images of corresponding views;

(E) The location of lighting, control center, GPS, sensors, monitor, and other EM equipment;

(F) Frame rates, image resolution, frequency of data logging, sensor trigger threshold values, and other EM system specifications;

(G) The location and procedures for any catch handling, including designated discard control points within camera view, procedures for sorting and measuring discards, the number of crew sorting catch, and what steps will be taken to ensure that all catch remains in camera view;

(H) The measurements of all bins, baskets, compartments, and other tools that will be used to calculate estimates of weight;

(I) The detailed steps that will be taken to minimize the potential for EM system malfunctions and the steps that will be taken, when malfunctions occur, to ensure the adequate monitoring of catch;

(J) The name, address, phone number, and email address of a primary point of contact for vessel operations;

(K) The name, address, and phone number of the vessel's EM service provider, and contact information for a primary point of contact at the EM service provider;

(L) The name, address, phone number, and signature of the applicant, and the date of the application; and,

(M) Any other information required by NMFS.

(iv) Any updates to information submitted in the initial application, including updates to proposed, self-enforcing agreements, if applicable (*see* paragraph (e)(5) of this section).

(4) *Review of final application*. NMFS may request additional information or revisions from the applicant until NMFS is satisfied that the application is complete. Based on a complete application, if NMFS determines that the applicant has met the requirements of this section, NMFS will issue an IAD and an EM Authorization. If the application is denied, the IAD will provide an explanation of the denial in writing. The applicant may appeal NMFS' determination following the process at § 660.25(g). NMFS will evaluate an application based on the EM Program Guidelines (*see* § 660.600(b)) and the following criteria, at a minimum:

(i) Review of the vessel owner's and operator's eligibility based on the eligibility criteria at paragraph (e)(1);

(ii) Review of the proposed VMP; and,

(iii) Review of the proposed self-enforcing agreement, if applicable.

(5) *Self-enforcing agreement*. In the future, through a proposed and final rulemaking, NMFS may allow for and provide requirements related to the use of voluntary self-enforcing agreements. This agreement would allow a group of eligible vessels to encourage compliance with the requirements of this section through private, contractual arrangements. If such arrangements are used, participating vessel owners must submit the proposed agreement to NMFS for review and acceptance as part of the application process as provided under paragraphs (e)(1) and (3) of this section. The existence of a self-enforcing agreement among EM vessels does not foreclose the possibility of independent enforcement action by NMFS OLE or authorized officers.

(f) *Changes to a NMFS-accepted VMP*. A vessel owner may make changes to a NMFS-accepted VMP by submitting a revised plan or plan addendum to NMFS in writing. NMFS will review and accept the change if it meets all the requirements of this section. A VMP addendum must contain:

(1) The date and the name and signature of the vessel owner;

(2) Address, telephone number, fax number and email address of the person submitting the addendum;

(3) A complete description of the proposed VMP change.

(g) *Change in ownership of a vessel*. If a vessel changed ownership, the new owner must apply for a new EM Authorization.

(h) *Effective dates*. (1) The EM Authorization is valid from the effective date identified on the Authorization until

the expiration date of December 31. EM Authorization holders must renew annually by following the renewal process specified in paragraph (e) of this section. Failure to renew annually will result in expiration of the EM Authorization and endorsements on the Authorization expiration date.

(2) NMFS may invalidate an EM Authorization if NMFS determines that the vessel, vessel owner, and/or operator no longer meets the eligibility criteria specified at paragraph (e)(1) of this section. NMFS would first notify the vessel owner of the deficiencies in writing and the vessel owner must correct the deficiencies following the instructions provided. If the deficiencies are not resolved upon review of the first trip following the notification, NMFS will notify the vessel owner in writing that the EM Authorization is invalid and that the vessel is no longer exempt from observer coverage at §§ 660.140(h)(1)(i) and 660.150(j)(1)(i)(B) for that authorization period. The holder may reapply for an EM Authorization for the following authorization period.

(3) A vessel owner holding an expired or invalidated authorization may reapply for a new EM Authorization at any time consistent with paragraph (e) of this section.

(i) *Renewing an EM Authorization*. To maintain a valid EM Authorization, vessel owners must renew annually prior to the permit expiration date. NMFS will mail EM Authorization renewal forms to existing EM Authorization holders each year on or about: September 1 for non-trawl shorebased IFQ vessels and January 1 for Pacific whiting IFQ and MS/CV vessels. Vessel owners who want to have their Authorizations effective for January 1 of the following calendar year must submit their complete renewal form to NMFS by October 15. Vessel owners who want to have their EM Authorizations effective for May 15 of the following calendar year must submit their complete renewal form to NMFS by February 15.

(j) *EM System Performance Standards*. The specifications (*e.g.*, image resolution, frame rate, user interface) and configuration of an EM system and associated equipment (*e.g.*, number and placement of cameras, lighting) used to meet the requirements of this section must be sufficient to:

(1) Allow easy and complete viewing, identification, and quantification, of catch items discarded at sea, including during low light conditions;

(2) Continuously record vessel location (latitude/longitude coordinates), velocity, course, and sensor data (*i.e*, hydraulic and winch activity);

(3) Allow the identification of the time, date, and location of a haul/set or discard event;

(4) Record and store image data from all hauls/sets and the duration that fish are onboard the vessel until offloading begins;

(5) Continuously record and store raw sensor data (*i.e.*, GPS and gear sensors) for the entire fishing trip;

(6) Prevent radio frequency interference (RFI) with vessel monitoring systems (VMS) and other equipment;

(7) Allow the vessel operator to test and monitor the functionality of the EM system prior to and during the fishing trip to ensure it is fully functional;

(8) Prevent tampering or, if tampering does occur, show evidence of tampering; and,

(9) Provide image and sensor data in a format that enables their integration for analysis.

(k) *EM data services*. A vessel owner with a valid EM Authorization must obtain EM data processing, reporting, and record retention services from a NMFS-permitted EM service provider, as described at § 660.603(m). If the vessel owner changes EM service providers, the vessel owner must ensure the continuity of EM data retention for the entire duration of the required retention period as specified § 660.603(m)(6). NMFS will maintain a list of permitted EM service providers on its website.

(l) *EM system operation and maintenance*. The EM system must be recording imagery and sensor data at all times that fish harvested during an EM trip are onboard the vessel until offloading begins. For the purposes of this section, a fully functional EM system is defined as an EM system and associated equipment that meets the performance standards listed in paragraph (j) of this section.

(1) *Duties of care.* The operator of a vessel with a valid EM Authorization must maintain the EM system in good working order, including:

(i) Ensuring the EM system is powered continuously during the fishing trip;

(ii) Ensuring the system is functioning for the entire fishing trip and that camera views are unobstructed and clear in quality, such that the performance standards listed in paragraph (j) of this section are met; and,

(iii) Ensuring EM system components are not tampered with, disabled, destroyed, operated or maintained improperly.

(2) *Pre-departure test.* Prior to departing port, the operator of a vessel with a valid EM Authorization must turn the EM system on and conduct a system function test following the instructions from the EM service provider. The vessel operator must verify that the EM system has adequate memory to record the entire trip and that the vessel is carrying one or more spare hard drives with sufficient capacity to record the entire trip.

(3) *EM system malfunctions.* The operator of a vessel with a valid EM Authorization is prohibited from fishing on an EM trip without a fully functional EM system, unless an alternate arrangement has been specified in the NMFS-accepted VMP. In the event of an EM system malfunction, the vessel operator may voluntarily obtain observer coverage and revise the vessel's declaration following the process at § 660.13(d)(4), in which case the vessel operator is no longer exempt from the observer requirements at §§ 660.140(h) and 660.150(j).

(m) *Declaration reports.* The operator of a vessel with a valid EM Authorization must make a declaration report to NMFS OLE prior to leaving port following the process described at § 660.13(d)(4). A declaration report will be valid until another declaration report revising the existing gear or monitoring declaration is received by NMFS OLE. A vessel operator declaring a limited entry midwater trawl, Pacific whiting shorebased IFQ trip or limited entry midwater trawl, Pacific whiting mothership sector (catcher vessel or mothership) trip may only revise the existing monitoring declaration twice during the same calendar year. NMFS may waive this limitation with prior notice if it is determined to be unnecessary for purposes of planning observer deployments. Additional revisions may be made if the EM system has malfunctioned and the vessel operator has chosen to carry an observer, as allowed under paragraph (m)(3); or subsequently, the EM system has been repaired; and upon expiration or invalidation of the vessel's EM Authorization.

(n) *Observer requirements.* The operator of a vessel with a valid EM Authorization must provide advanced notice to NMFS, at least 48 hours prior to departing port, of the vessel operator's intent to take a trip under EM, including: vessel name, permit number; contact name and telephone number for coordination of observer deployment; date, time, and port of departure; and the vessel's trip plan, including area to be fished and gear type to be used. NMFS may waive this requirement for vessels declared into the Pacific whiting IFQ fishery or mothership sector with prior notice. If NMFS notifies the vessel owner, operator, or manager of any requirement to carry an observer, the vessel may not be used to fish for groundfish without carrying an observer. The vessel operator must comply with the following requirements on a trip that the vessel owner, operator, or manager has been notified is required to carry an observer.

(1) *Notice of departure basic rule.* At least 24 hours (but not more than 36 hours) before departing on a fishing trip, a vessel operator that has been notified by NMFS that his vessel is required to carry an observer, or that is operating in an active sampling unit, must notify NMFS (or its designated agent) of the vessel's intended time of departure. Notice will be given in a form to be specified by NMFS.

(2) *Optional notice—weather delays.* A vessel operator that anticipates a delayed departure due to weather or sea conditions may advise NMFS of the anticipated delay when providing the basic notice described in paragraph (n)(1) of this section. If departure is delayed beyond 36 hours from the time the original notice is given, the vessel

operator must provide an additional notice of departure not less than 4 hours prior to departure, in order to enable NMFS to place an observer.

(3) *Optional notice—back-to-back fishing trips.* A vessel operator that intends to make back-to-back fishing trips (*i.e.*, trips with less than 24 hours between offloading from one trip and beginning another), may provide a notice of departure as described in paragraph (n)(1) of this section for both trips, prior to making the first trip. A vessel operator that has given such notice is not required to give additional notice of the second trip.

(4) *Cease fishing report.* Within 24 hours of ceasing the taking and retaining of groundfish, vessel owners, operators, or managers must notify NMFS or its designated agent that fishing has ceased. This requirement applies to any vessel that is required to carry an observer, or that is operating in a segment of the fleet that NMFS has identified as an active sampling unit.

(5) *Waiver.* The West Coast Regional Administrator may provide written notification to the vessel owner stating that a determination has been made to temporarily waive coverage requirements because of circumstances that are deemed to be beyond the vessel's control.

(6) *Accommodations and food.* (i) Accommodations and food for trips less than 24 hours must be equivalent to those provided for the crew.

(ii) Accommodations and food for trips of 24 hours or more must be equivalent to those provided for the crew and must include berthing space, a space that is intended to be used for sleeping and is provided with installed bunks and mattresses. A mattress or futon on the floor or a cot is not acceptable if a regular bunk is provided to any crew member, unless other arrangements are approved in advance by the Regional Administrator or designee.

(7) *Safe conditions.* (i) The vessel operator must maintain safe conditions on the vessel for the protection of observers including adherence to all U.S. Coast Guard and other applicable rules, regulations, statutes, and guidelines pertaining to safe operation of the vessel, including, but not limited to rules of the road, vessel stability, emergency drills, emergency equipment, vessel maintenance, vessel general condition and port bar crossings, and provisions at §§ 600.725 and 600.746 of this chapter. An observer may refuse boarding or reboarding a vessel and may request a vessel to return to port if operated in an unsafe manner or if unsafe conditions are identified.

(ii) The vessel operator must have on board a valid Commercial Fishing Vessel Safety Decal that certifies compliance with regulations found in 33 CFR chapter I and 46 CFR chapter I, a certificate of compliance issued pursuant to 46 CFR 28.710 or a valid certificate of inspection pursuant to 46 U.S.C. 3311.

(8) *Observer communications.* The vessel operator must facilitate observer communications by:

(i) Allowing observer(s) to use the vessel's communication equipment and personnel, on request, for the entry, transmission, and receipt of work related messages, at no cost to the observer(s) or the U.S. or designated agent; and

(ii) Ensuring that the vessel's communications equipment, used by observers to enter and transmit data, is fully functional and operational.

(9) *Vessel position.* The vessel operator must allow observer(s) access to the vessel's navigation equipment and personnel, on request, to determine the vessel's position.

(10) *Access.* The vessel operator must allow observer(s) free and unobstructed access to the vessel's bridge, trawl or working deck, holding bins, sorting areas, cargo hold, and any other space that may be used to hold, process, weigh, or store fish at any time.

(11) *Prior notification.* The vessel operator must notify observer(s) at least 15 minutes before fish are brought on board, or fish and fish products are transferred from the vessel, to allow sampling the catch or observing the transfer.

(12) *Records.* The vessel operator must allow observer(s) to inspect and copy any state or federal logbook maintained voluntarily or as required by regulation.

(13) *Assistance.* The vessel operator must provide all other reasonable assistance to enable observer(s) to carry

out their duties, including, but not limited to:

(i) Measuring decks, codends, and holding bins.

(ii) Providing a designated safe working area on deck for the observer(s) to collect, sort and store catch samples.

(iii) Collecting samples of catch.

(iv) Collecting and carrying baskets of fish.

(v) Allowing the observer(s) to collect biological data and samples.

(vi) Providing adequate space for storage of biological samples.

(vii) Providing time between hauls to sample and record all catch.

(viii) Sorting retained and discarded catch into quota pound groupings.

(ix) Stowing all catch from a haul before the next haul is brought aboard.

(14) *Sampling station*. To allow the observer to carry out the required duties, the vessel operator must provide an observer sampling station that meets the following requirements so that the observer can carry out required duties.

(i) The observer sampling station must be available to the observer at all times.

(ii) The observer sampling station must be located within 4 m of the location from which the observer samples unsorted catch. Unobstructed passage must be provided between the observer sampling station and the location where the observer collects sample catch. To the extent possible, the area should be free and clear of hazards including, but not limited to, moving fishing gear, stored fishing gear, inclement weather conditions, and open hatches.

(15) *Transfers at sea*. Observers may be transferred at-sea between a MS vessel and a catcher vessel. Transfers at-sea between catcher vessels is prohibited. For transfers, both vessels must:

(i) Ensure that transfers of observers at sea via small boat under its own power are carried out during daylight hours, under safe conditions, and with the agreement of observers involved.

(ii) Notify observers at least 3 hours before observers are transferred, such that the observers can finish any sampling work, collect personal belongings, equipment, and scientific samples.

(iii) Provide a safe pilot ladder and conduct the transfer to ensure the safety of observers during transfers.

(iv) Provide an experienced crew member to assist observers in the small boat in which any transfer is made.

(16) *Housing on vessel in port*. During all periods an observer is housed on a vessel, the vessel operator must ensure that at least one crew member is aboard.

(o) *Inspection*. The operator of a vessel with a valid EM Authorization must make the EM system and associated equipment available for inspection immediately upon request by NMFS or any authorized officer.

(p) *Retention requirements*—(1) *Pacific whiting IFQ and MS/CV vessels*. The operator of a vessel on a declared limited entry midwater trawl, Pacific whiting shorebased IFQ trip or limited entry midwater trawl, Pacific whiting mothership sector (catcher vessel or mothership) trip, EM trip must retain all fish until landing, with exceptions listed in paragraphs (p)(1)(i) through (v) of this section.

(i) Minor operational discards are permitted. Minor operational discards include mutilated fish; fish vented from an overfull codend, fish spilled from the codend during preparation for transfer to the mothership; and fish removed from the deck and fishing gear during cleaning. Minor operational discards do not include discards that result when more catch is taken than is necessary to fill the hold or catch from a tow that is not delivered.

(ii) Large individual marine organisms (*i.e.*, all marine mammals, sea turtles, and non-ESA-listed seabirds, and fish species longer than 6 ft (1.8 m) in length) may be discarded. For any ESA-listed seabirds that are brought on board, vessel operators must follow any relevant instructions for handling and disposition under § 660.21(c)(1)(v).

(iii) Crabs, starfish, coral, sponges, and other invertebrates may be discarded.

(iv) Trash, mud, rocks, and other inorganic debris may be discarded.

(v) A discard that is the result of an event that is beyond the control of the

vessel operator or crew, such as a safety issue or mechanical failure, is permitted.

(2) *Non-trawl shorebased IFQ*. A vessel operator on a declared limited entry groundfish non-trawl, shorebased IFQ trip must retain all salmon and must discard Dungeness crab caught seaward of Washington or Oregon, Pacific halibut, green sturgeon, eulachon, sea turtles, and marine mammals. All other catch may be discarded following instructions in the VMP, except as required by the Seabird Avoidance Program at § 660.21(c)(1)(v).

(q) *Changes to retention requirements*. Retention requirements for non-trawl shorebased IFQ vessels have been designated as ''routine,'' which means that they can be changed after a single Council meeting following the procedures described at § 660.60(c).

(r) *Catch handling*. The vessel operator of a vessel on an EM trip must ensure that all catch is handled in a manner that enables the EM system to record it and that is consistent with the specific catch handling instructions in the NMFS-accepted VMP.

(s) *Reporting requirements*—(1) *Discard logbook*. The operator of a vessel with a valid EM Authorization must complete, submit, and maintain onboard the vessel an accurate federal discard logbook for each EM trip on forms supplied by or approved by NMFS. If authorized in writing by NMFS, a vessel owner or operator may submit reports electronically, for example by using a VMS or other media. A state logbook that contains all the required information may be submitted in place of a federal discard logbook. If operating an MS/CV vessel, the vessel operator must provide logbook information to the mothership observer by transmitting the logbook information via radio or email to the mothership at the completion of each haul.

(2) *Submission of logbooks*. Vessel operators must submit copies of the federal discard logbook and state retained logbook to NMFS or its agent within 24-hours of the end of each EM trip.

(3) *Submission of EM data*. Vessel operators must submit EM data to the vessel owner's contracted EM service provider using a method that documents time, date, and location of transmission and receipt. Deadlines for submission are as follows:

(i) *Pacific whiting IFQ vessels*. EM data from an EM trip must be submitted within 10 calendar days of the end of that EM trip.

(ii) *Mothership catcher vessels*. EM data from an EM trip must be submitted within 24-hours of the catcher vessel's return to port.

(iii) *Non-trawl shorebased IFQ vessels*. EM data from an EM trip must be submitted within 10 calendar days of the end of that EM trip.

(t) *Retention of records*. The operator of a vessel with a valid EM Authorization must maintain federal discard logbooks onboard the vessel until the end of the fishing year during which the EM trips were conducted, and make the report forms available to observers, NMFS staff, or authorized officers, immediately upon request. The vessel owner must maintain the federal discard logbooks and other records specified in this section, or used in the preparation of records or reports specified in this section or corrections to these reports, for a period of not less than three years after the date of landing from an EM trip. The vessel owner must make such records available for inspection by NMFS staff or authorized officers, immediately upon request.

(u) *First receiver requirements*—(1) *Prohibited species handling and disposition*. To ensure compliance with fishery regulations at 50 CFR part 300, subparts E and F, and part 600, subpart H; with the Pacific Salmon Fishery Management Plan; and with the Pacific Halibut Catch Share Plan; the handling and disposition of all prohibited species in EM trip landings are the responsibility of the first receiver and must be consistent with the following requirements:

(i) Any prohibited species landed at first receivers must not be transferred, processed, or mixed with another landing until the catch monitor has: Recorded the number and weight of salmon by species; inspected all prohibited species for tags or marks; and, collected biological data, specimens, and genetic samples.

(ii) No part of any prohibited species may be retained for personal use by a vessel owner or crew member, or by a

first receiver or processing crew member. No part of any prohibited species may be allowed to reach commercial markets.

(iii) Prohibited species suitable for human consumption at landing must be handled and stored to preserve the quality. Priority in disposition must be given to the donation to surplus food collection and distribution system operated and established to assist in bringing donated food to nonprofit charitable organizations and individuals for the purpose of reducing hunger and meeting nutritional needs.

(iv) The first receiver must report all prohibited species landings on the electronic fish ticket and is responsible for maintaining records verifying the disposition of prohibited species. Records on catch disposition may include, but are not limited to: Receipts from charitable organizations that include the organization's name and amount of catch donated; cargo manifests setting forth the origin, weight, and destination of all prohibited species; or disposal receipts identifying the recipient organization and amount disposed. Any such records must be maintained for a period not less than three years after the date of disposal and such records must be provided to NMFS or authorized officers immediately upon request.

(2) *Protected Species handling and disposition*. All protected species must be abandoned to NMFS or the U.S. Fish and Wildlife Service or disposed of consistent with paragraphs (u)(2)(i) and (ii) of this section. No part of any protected species may be retained for personal use by a vessel owner or crew member, or by a first receiver or processing crew member. No part of any protected species may be allowed to reach commercial markets.

(i) *Eulachon and green sturgeon*. Must be sorted and reported by species on electronic fish tickets and state landing receipts and may not be reported in unspecified categories. Whole body specimens of green sturgeon must be retained, frozen, stored separately by delivery, and labeled with the vessel name, electronic fish ticket number, and date of landing. Arrangements for transferring the specimens must be made by contacting NMFS Southwest Fisheries Science Center at 831–420–3903 within 72 hours after the completion of the offload.

(ii) *Seabirds, marine mammals, and sea turtles*. Albatross must reported to the U.S. Fish and Wildlife Service (541–867–4558 extension 237 or 503–231–6179 as soon as possible and directions for surrendering must be followed. Marine mammals and sea turtles must be reported to NMFS as soon as possible (206–526–6550) and directions for surrendering or disposal must be followed. Whole body specimens must be labeled with the vessel name, electronic fish ticket number, and date of landing. Whole body specimens must be kept frozen or on ice until arrangements for surrendering or disposing are completed. Unless directed otherwise, after reporting is completed, seabirds, marine mammals, and sea turtles may be disposed by incinerating, rendering, composting, or returning the carcasses to sea.

[84 FR 31160, June 28, 2019; 84 FR 36035, July 26, 2019; 84 FR 67680, Dec. 11, 2019]

## Subpart K—Highly Migratory Fisheries

SOURCE: 69 FR 18453, Apr. 7, 2004, unless otherwise noted.

### § 660.701 Purpose and scope.

This subpart implements the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species (FMP). These regulations govern commercial and recreational fishing for HMS in the U.S. EEZ off the coasts of Washington, Oregon, and California and in adjacent high seas waters.

### § 660.702 Definitions.

*Basket-style longline gear* means a type of longline gear that is divided into units called *baskets*, each consisting of a segment of main line to which 10 or more branch lines with hooks are spliced. The mainline and all branch lines are made of multiple braided strands of cotton, nylon, or other synthetic fibers impregnated with tar or other heavy coatings that cause the lines to sink rapidly in seawater.

*Closure,* when referring to closure of a fishery, means that taking and retaining, possessing, or landing the particular species or species group is prohibited.

*Commercial fishing* means:

(1) Fishing by a person who possesses a commercial fishing license or is required by law to possess such license issued by one of the states or the Federal Government as a prerequisite to taking, retaining, possessing, landing and/or sale of fish; or

(2) Fishing that results in or can be reasonably expected to result in sale, barter, trade or other disposition of fish for other than personal consumption.

*Commercial fishing gear* includes the following types of gear and equipment used in the highly migratory species fisheries:

(1) *Harpoon*. Gear consisting of a pointed dart or iron attached to the end of a pole or stick that is propelled only by hand and not by mechanical means.

(2) *Surface hook-and-line*. Fishing gear, other than longline gear, with one or more hooks attached to one or more lines (includes troll, rod and reel, handline, albacore jig, live bait, and bait boat). Surface hook and line is always attached to the vessel.

(3) *Drift gillnet*. A panel of netting, 14 inch (35.5 cm) stretched mesh or greater, suspended vertically in the water by floats along the top and weights along the bottom. A drift gillnet is not stationary or anchored to the bottom.

(4) *Purse seine*. An encircling net that may be closed by a purse line threaded through the bottom of the net. Purse seine gear includes ring net, drum purse seine, and lampara nets.

(5) *Pelagic longline*. A main line that is suspended horizontally in the water column and not stationary or anchored, and from which dropper lines with hooks (gangions) are attached. Legal longline gear also includes basket-style longline gear.

*Council* means the Pacific Fishery Management Council, including its Highly Migratory Species Management Team (HMSMT), Scientific and Statistical Committee (SSC), Highly Migratory Species Advisory Subpanel (HMSAS), and any other committee established by the Council.

*Fishing trip* is a period of time between landings when fishing is conducted.

*Fishing year* is the year beginning at 0801 GMT (0001 local time) on April 1 and ending at 0800 GMT on March 31 (2400 local time) of the following year.

*Harvest guideline* means a specified numerical harvest objective that is not a quota. Attainment of a harvest guideline does not require closure of a fishery.

*Highly Migratory Species (HMS)* means species managed by the FMP, specifically:

*Billfish/Swordfish:*
- striped marlin (*Tetrapturus audax*)
- swordfish (*Xiphias gladius*)

*Sharks:*
- common thresher shark (*Alopias vulpinus*)
- shortfin mako or bonito shark (*Isurus oxyrinchus*)
- blue shark (*Prionace glauca*)

*Tunas:*
- north Pacific albacore (*Thunnus alalunga*)
- yellowfin tuna (*Thunnus albacares*)
- bigeye tuna (*Thunnus obesus*)
- skipjack tuna (*Katsuwonus pelamis*)
- Pacific bluefin tuna (*Thunnus orientalis*)

*Other:*
- dorado or dolphinfish (*Coryphaena hippurus*)

*Highly Migratory Species Advisory Subpanel* (HMSAS) means the individuals comprised of members of the fishing industry and public appointed by the Council to review proposed actions for managing highly migratory species fisheries.

*Highly Migratory Species Fishery Management Plan* (FMP) means the Fishery Management Plan for the U.S. West Coast Fisheries for Highly Migratory Species developed by the Pacific Fishery Management Council and approved by the Secretary of Commerce and amendments to the FMP.

*Highly Migratory Species Management Team* (HMSMT) means the individuals appointed by the Council to review, analyze, and develop management measures for highly migratory species fisheries.

*Incidental catch or incidental species* means HMS caught while fishing for the primary purpose of catching other species with gear not authorized by the FMP.

*Injury*, when referring to marine mammals and sea turtles, means the animal has been released with obvious physical injury or with attached fishing gear.

*Land or landing* means offloading fish from a fishing vessel or arriving in port to begin offloading fish or causing fish to be offloaded from a fishing vessel.

*Mesh size* means the opening between opposing knots in a net. Minimum mesh size means the smallest distance allowed between the inside of one knot to the inside of the opposing knot when the mesh is stretched, regardless of twine size.

*Offloading* means removing HMS from a vessel.

*Permit holder* means a permit owner.

*Permit owner* means a person who owns an HMS permit for a specific vessel fishing with specific authorized fishing gear.

*Person, as it applies to fishing conducted under this subpart*, means any individual, corporation, partnership, association or other entity (whether or not organized or existing under the laws of any state), and any Federal, state, or local government, or any entity of any such government that is eligible to own a documented vessel under the terms of 46 U.S.C. 12102(a).

*Processing or to process* means the preparation or packaging of HMS to render it suitable for human consumption, industrial uses or long-term storage, including, but not limited to, cooking, canning, smoking, salting, drying, filleting, freezing, or rendering into meal or oil, but does not mean heading and gutting or freezing at sea unless additional preparation is done.

*Prohibited species* means any highly migratory species for which quotas or catch limits under the FMP have been achieved and the fishery closed; salmon; great white shark; basking shark; megamouth shark; and Pacific halibut.

*Quota* means a specified numerical harvest objective, the attainment (or expected attainment) of which causes closure of the fishery for that species or species group.

*Recreational charter vessel* means a vessel that carries fee-paying passengers for the purpose of recreational fishing.

*Recreational fishing* means fishing with authorized recreational fishing gear for personal use only and not for sale or barter.

*Regional Administrator* means the Regional Administrator for the West Coast Region, National Marine Fisheries Service, or a designee.

*Special Agent-In-Charge* (SAC) means the Special Agent-In-Charge, NMFS, Office of Enforcement, West Coast Division, or a designee of the Special Agent-In-Charge.

*Sustainable Fisheries Division* (SFD) means the Assistant Regional Administrator for Sustainable Fisheries, West Coast Region, NMFS, or his or her designee.

*Tranship* means offloading or otherwise transferring HMS or products thereof to a receiving vessel.

*Vessel monitoring system unit* (VMS unit) means an automated, remote system and mobile transceiver unit that is approved by NMFS and provides information about a vessel's identity, location, and activity for the purposes of routine monitoring, control, surveillance and enforcement of area and time restrictions and other fishery management measures.

[69 FR 18453, Apr. 7, 2004, as amended at 76 FR 56328, Sept. 13, 2011; 80 FR 10394, Feb. 26, 2015; 80 FR 46520, Aug. 5, 2015; 83 FR 11150, Mar. 14, 2018; 85 FR 7250, Feb. 7, 2020]

### § 660.703 Management area.

The fishery management area for the regulation of fishing for HMS has the following designations and boundaries:

(a) Southern boundary—the United States-Mexico International Boundary, which is a line connecting the following coordinates:

32°35′22″ N. lat. 117°27′49″ W. long.
32°37′37″ N. lat. 117°49′31″ W. long.
31°07′58″ N. lat. 118°36′18″ W. long.
30°32′31″ N. lat. 121°51′58″ W. long.

(b) Northern boundary—the United States-Canada Provisional International Boundary, which is a line connecting the following coordinates:

48°29′37.19″ N. lat. 124°43′33.19″ W. long.
48°30′11″ N. lat. 124°47′13″ W. long.
48°30′22″ N. lat. 124°50′21″ W. long.

48°30′14″ N. lat. 124°54′52″ W. long.
48°29′57″ N. lat. 124°59′14″ W. long.
48°29′44″ N. lat. 125°00′06″ W. long.
48°28′09″ N. lat. 125°05′47″ W. long.
48°27′10″ N. lat. 125°08′25″ W. long.
48°26′47″ N. lat 125°09′12″ W. long.
48°20′16″ N. lat. 125°22′48″ W. long.
48°18′22″ N. lat. 125°29′58″ W. long.
48°11′05″ N. lat. 125°53′48″ W. long.
47°49′15″ N. lat. 126°40′57″ W. long.
47°36′47″ N. lat. 127°11′58″ W. long.
47°22′00″ N. lat. 127°41′23″ W. long.
46°42′05″ N. lat. 128°51′56″ W. long.
46°31′47″ N. lat. 129°07′39″ W. long.

(c) Adjacent waters on the high seas in which persons subject to this subpart may fish.

### § 660.704 Vessel identification.

(a) *Applicability*. This section only applies to commercial fishing vessels that fish for HMS off, or land HMS in the States of California, Oregon, and Washington. This section does not apply to recreational charter vessels that fish for HMS off or land HMS in the States of California, Oregon, and Washington. Each fishing vessel must be marked for identification purposes, as follows:

(1) A vessel used to fish on the high seas within the Convention Area as defined in § 300.211 of this title must be marked in accordance with the requirements at §§ 300.14 and 300.217 of this title.

(2) A vessel not used to fish on the high seas within the Convention Area as defined in § 300.211 of this title must be marked in accordance with either:

(i) Sections 300.14 and 300.217 of this title, or

(ii) The vessel's official number must be affixed to the port and starboard sides of the deckhouse or hull, and on an appropriate weather deck so as to be visible from enforcement vessels and aircraft. The official number must be affixed to each vessel subject to this section in block Arabic numerals at least 10 inches (25.40 cm) in height for vessels more than 25 ft (7.62 m) but equal to or less than 65 ft (19.81 m) in length; and 18 inches (45.72 cm) in height for vessels longer than 65 ft (19.81 m) in length. Markings must be legible and of a color that contrasts with the background.

(b) [Reserved]

[76 FR 73520, Nov. 29, 2011]

### § 660.705 Prohibitions.

In addition to the general prohibitions specified in § 600.725 of this chapter, it is unlawful for any person to do any of the following:

(a) Fish for HMS in the U.S. EEZ off the Pacific coast without a permit issued under § 660.707 for the use of authorized fishing gear.

(b) Fish with gear in any closed area specified in this subpart that prohibits the use of such gear.

(c) Land HMS at Pacific coast ports without a permit issued under § 600.707 for the use of authorized fishing gear.

(d) Sell HMS without an applicable commercial state fishery license.

(e) When fishing for HMS, fail to return a prohibited species to the sea immediately with a minimum of injury, except under the following circumstances:

(1) Any prohibited species may be retained for examination by an authorized observer or to return tagged fish as specified by the tagging agency.

(2) Salmon may be retained if harvested in accordance with subpart H of this part, and other applicable law.

(3) Great white sharks, basking sharks, and megamouth sharks may be retained if incidentally caught and subsequently sold or donated to a recognized scientific or educational organization for research or display purposes.

(4) Pacific halibut may be retained if harvested in accordance with part 300, subpart E of this Title, and other applicable law.

(f) Falsify or fail to affix and maintain vessel markings as required by § 660.704.

(g) Fish for HMS in violation of any terms or conditions attached to an exempted fishing permit issued under § 600.745 of this chapter.

(h) When a directed fishery has been closed for a specific species, take and retain, possess, or land that species after the closure date.

(i) Refuse to submit fishing gear or fish subject to such person's control to inspection by an authorized officer, or to interfere with or prevent, by any means, such an inspection.

(j) Falsify or fail to make and/or file any and all reports of fishing, landing, or any other activity involving HMS, containing all data, and in the exact manner, required by the applicable state law, as specified in § 660.708(b).

(k) Fail to carry aboard a vessel that vessel's permit issued under § 660.707 or exempted fishing permit issued under § 660.718, except if the permit was issued while the vessel was at sea.

(l) Fail to install, activate, repair, replace, carry, operate or maintain a VMS unit as required under § 660.712 and § 660.713.

(m) Interfere with, tamper with, alter, damage, disable, or impede the operation of a VMS unit or to attempt any of the same; or to move or remove a VMS unit without the prior permission of the SAC.

(n) Make a false statement, oral or written, to an authorized officer, regarding the use, operation, or maintenance of a VMS unit.

(o) Fish for, catch, or harvest HMS with longline or drift gillnet gear without an operating VMS unit on board the vessel after installation of the VMS unit.

(p) Possess on board a vessel without an operating VMS unit HMS harvested with longline or drift gillnet gear after installation of the VMS unit.

(q) Direct fishing effort toward the harvest of swordfish (*Xiphias gladius*) using longline gear deployed west of 150° W. long. and north of the equator (0° lat.) on a vessel registered for use of longline gear in violation of § 660.712(a)(1).

(r) Possess a light stick on board a longline vessel when fishing west of 150° W. long. and north of the equator (0° lat.) in violation of § 660.712(a)(6)

(s) If no observer is on the vessel and J-type fishing hooks are used, possess more than 10 swordfish; if no observer on the vessel and only circle-type fishing hooks are used, possess more than 25 swordfish on board a longline vessel from a fishing trip where any part of the trip included fishing west of 150° W. long. and north of the equator (0° lat.) in violation of § 660.712(a)(9).

(t) Interfere with, impede, delay, or prevent the installation, maintenance, repair, inspection, or removal of a VMS unit.

(u) Interfere with, impede, delay, or prevent access to a VMS unit by a NMFS observer.

(v) Connect or leave connected additional equipment to a VMS unit without the prior approval of the SAC.

(w) Fish for HMS with a vessel registered for use of longline gear within closed areas or by use of unapproved gear configurations in violation of § 660.712(a)(2), (a)(3), (a)(7), (a)(8), or (a)(9).

(x) Fail to use a line setting machine or line shooter, with weighted branch lines, to set the main longline when operating a vessel that is registered for use of longline gear and equipped with monofilament main longline, when making deep sets north of 23° N. lat. in violation of § 660.712(c)(1)(i) and (c)(1)(ii).

(y) Fail to employ basket-style longline gear such that the mainline is deployed slack when operating a vessel registered for use of longline gear north of 23° N. lat. in violation of § 660.712 (c)(1)(iii).

(z) Fail to maintain and use blue dye to prepare thawed bait when operating a vessel registered for use of longline gear that is fishing north of 23° N. lat., in violation of § 660.712(c)(2) and (c)(3).

(aa) Fail to retain, handle, and discharge fish, fish parts, and spent bait strategically when operating a vessel registered for use of longline gear that is fishing north of 23° N. lat. in violation of § 660.712 (c)(4) through (c)(7).

(bb) Fail to handle short-tailed albatrosses that are caught by pelagic longline gear in a manner that maximizes the probability of their long-term survival, in violation of § 660.712(c)(8).

(cc) Fail to handle seabirds other than short-tailed albatross that are caught by pelagic longline gear in a manner that maximizes the probability of their long-term survival in violation of § 660.712(c)(17).

(dd) Own a longline vessel registered for use of longline gear that is engaged in longline fishing for HMS without a valid protected species workshop certificate issued by NMFS or a legible copy thereof in violation of § 660.712(e)(3).

(ee) Fish for HMS on a vessel registered for use of longline gear without

having on board a valid protected species workshop certificate issued by NMFS or a legible copy thereof in violation of § 660.712(e).

(ff) Fail to carry line clippers, dip nets, and wire or bolt cutters on a vessel registered for use as a longline vessel in violation of § 660.712(b).

(gg) Fail to comply with sea turtle handling, resuscitation, and release requirements specified in § 660.712(b)(4) through (7) when operating a vessel.

(hh) Fail to comply with seabird take mitigation or handling techniques required under § 660.712(c)

(ii) Fish for HMS with a vessel registered for use as a longline vessel without being certified by NMFS for completion of an annual protected species workshop as required under § 660.712(e).

(jj) Fail to notify the Regional Administrator at least 24 hours prior to departure on a fishing trip using longline gear as required under § 660.712(f).

(kk) Except when fishing under a western Pacific longline limited entry permit issued under § 660.21, direct fishing effort toward the harvest of swordfish or fail to have and use gear in waters west of 150° W. long. in violation of § 660.720.

(ll) Except when fishing under a western Pacific longline limited entry permit issued under § 660.21, possess a light stick on board a longline vessel on the high seas of the Pacific Ocean west of 150° W. long. north of the equator in violation of § 660.720 (a)(ii).

(mm) Except when fishing under a western Pacific longline limited entry permit issued under § 660.21, possess more than 10 swordfish on board a longline vessel from a fishing trip where any part of the trip included fishing on the high seas of the Pacific Ocean west of 150° W. long. north of the equator in violation of § 660.720(a)(3).

(nn) Except when fishing under a western Pacific longline limited entry permit issued under § 660.21, fail to employ basket-style longline gear such that the mainline is deployed slack when fishing on the high seas of the Pacific Ocean west of 150° W. long. north of the equator, in violation of § 660.720 (a)(iv).

(oo) Except when fishing under a western Pacific longline limited entry permit issued under § 660.21, when a conventional monofilament longline is deployed by a vessel subject to this section, deploy fewer than 15 branch lines between any two floats, in violation of § 660.720 (a)(v). Vessel operators using basket-style longline gear may not set less than 10 branch lines between any 2 floats when fishing in waters west of 150° W. long. north of the equator.

(pp) Except when fishing under a western Pacific longline limited entry permit issued under § 660.21, fail to deploy longline gear such that the deepest point of the main longline between any two floats, *i.e.*, the deepest point in each sag of the main line, is at a depth greater than 100 m (328.1 ft or 54.6 fm) below the sea surface, in violation of § 660.720 (a)(vi).

(qq) Take and retain, possess on board, or land, fish in excess of any bag limit specified in § 660.721.

(rr) Fail to notify NMFS or the NMFS-designated observer provider at least 48 hours prior to departure on a fishing trip using drift gillnet gear as required under § 660.713.

(ss) Fail to submit a declaration report to the NMFS Office of Law Enforcement prior to departure on a fishing trip using drift gillnet gear as required under § 660.713.

(tt) Fish with a large-mesh drift gillnet (mesh size ≥ 14 inches) in the U.S. West Coast Exclusive Economic Zone during the time the fishery is closed pursuant to § 660.713(h)(2)(ii).

(uu) Retain on board, transship, or land any fish caught with a large-mesh drift gillnet (mesh size ≥ 14 inches) later than 4 days after the effective date of a drift gillnet fishery closure and before the drift gillnet fishery reopens pursuant to § 660.713(h)(2)(ii).

[69 FR 18453, Apr. 7, 2004, as amended at 72 FR 58259, Oct. 15, 2007; 77 FR 15975, Mar. 19, 2012; 80 FR 10395, Feb. 26, 2015; 80 FR 46520, Aug. 5, 2015; 85 FR 7250, Feb. 7, 2020]

### § 660.706 Pacific Coast Treaty Indian rights.

(a) Pacific Coast treaty Indian tribes have treaty rights to harvest HMS in their usual and accustomed (U&A) fishing areas in the EEZ.

(b) Pacific Coast treaty Indian tribes means the Hoh, Makah, and Quileute Indian Tribes and the Quinault Indian Nation.

(c) The Pacific Coast treaty Indian tribes' U&A fishing areas within the EEZ are set forth in § 660.4 of this chapter.

(d) *Procedures.* The rights referred to in paragraph (a) of this section will be implemented by the Secretary of Commerce, 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 of fish that will be managed by the tribes, or through regulations that will apply specifically to the tribal fisheries. An allocation or a regulation specific to the tribes shall be initiated by a written request from a Pacific Coast treaty Indian tribe to the NMFS West Coast Regional Administrator, at least 120 days prior to the time the allocation is desired to be effective, and will be subject to public review through the Council process. The Secretary of Commerce recognizes the sovereign status and comanager role of Indian tribes over shared Federal and tribal fishery resources. Accordingly, the Secretary of Commerce will develop tribal allocations and regulations in consultation with the affected tribe(s) and, insofar as possible, with tribal consensus.

(e) *Identification.* A valid treaty Indian identification card issued pursuant to 25 CFR part 249, subpart A, is prima facie evidence that the holder is a member of the Pacific Coast treaty Indian tribe named on the card.

(f) Fishing (on a tribal allocation or under a Federal regulation applicable to tribal fisheries) by a member of a Pacific Coast treaty Indian tribe within that tribe's U&A fishing area is not subject to provisions of the HMS regulations applicable to non-treaty fisheries.

(g) Any member of a Pacific Coast treaty Indian tribe must comply with any applicable Federal and tribal laws and regulations, when participating in a tribal HMS fishery implemented under paragraph (d) of this section.

(h) Fishing by a member of a Pacific Coast treaty Indian tribe outside that tribe's U&A fishing area, or for a species of HMS not covered by a treaty allocation or applicable Federal regulation, is subject to the HMS regulations applicable to non-treaty fisheries.

[69 FR 18453, Apr. 7, 2004, as amended at 81 FR 36808, June 8, 2016]

### § 660.707 Permits.

(a) *General.* This section applies to vessels that fish for HMS off or land HMS in the States of California, Oregon, and Washington.

(1) A commercial fishing vessel of the United States must be registered for use under a general HMS permit that authorizes the use of specific gear, and a recreational charter vessel must be registered for use under a HMS permit if that vessel is used:

(i) To fish for HMS in the U.S. EEZ off the States of California, Oregon, and Washington; or

(ii) To land or transship HMS shoreward of the outer boundary of the U.S. EEZ off the States of California, Oregon, and Washington.

(2) The permit must be on board the vessel and available for inspection by an authorized officer, except that if the permit was issued while the vessel was at sea, this requirement applies only to any subsequent trip.

(3) A permit is valid only for the vessel for which it is registered. A permit not registered for use with a particular vessel may not be used.

(4) Only a person eligible to own a documented vessel under the terms of 46 U.S.C. 12102(a) may be issued or may hold (by ownership or otherwise) a general HMS permit.

(b) *Application.* (1) Following publication of the final rule implementing the FMP, NMFS will issue general HMS permits to the owners of those vessels on a list of vessels obtained from owners previously applying for a permit under the authority of the High Seas Fishing Compliance Act, the Tuna Conventions Act of 1950, the Marine Mammal Protection Act, and the Fishery Management Plan for Pelagic Fisheries of the Western Pacific Region, or whose vessels are listed on the vessel register of the Inter-American Tropical Tuna Commission.

(2) All permits issued by NMFS in accordance with paragraph (b)(1) of this

section will authorize the use of specific fishing gear by the identified commercial fishing vessels.

(3) An owner of a vessel subject to these requirements who has not received a permit under this section from NMFS and who wants to engage in the fisheries must apply to the SFD for the required permit in accordance with the following:

(i) A West Coast Region Federal Fisheries application form may be obtained from the SFD or downloaded from the West Coast Region home page (*http://www.westcoast.fisheries.noaa.gov/permits/commercial_fishing_research_permits.html*) to apply for a permit under this section. A completed application is one that contains all the necessary information and signatures required.

(ii) A minimum of 15 days should be allowed for processing a permit application. If an incomplete or improperly completed application is filed, the applicant will be sent a notice of deficiency. If the applicant fails to correct the deficiency within 30 days following the date of notification, the application will be considered abandoned.

(iii) A permit will be issued by the SFD. If an application is denied, the SFD will indicate the reasons for denial.

(iv)(A) Any applicant for an initial permit may appeal the initial issuance decision to the Regional Administrator. To be considered by the Regional Administrator, such appeal must be in writing and state the reasons for the appeal, and must be submitted within 30 days of the action by the Regional Administrator. The appellant may request an informal hearing on the appeal.

(B) Upon receipt of an appeal authorized by this section, the Regional Administrator will notify the permit applicant, or permit holder as appropriate, and will request such additional information and in such form as will allow action upon the appeal.

(C) Upon receipt of sufficient information, the Regional Administrator will decide the appeal in accordance with the permit provisions set forth in this section at the time of the application, based upon information relative to the application on file at NMFS and the Council and any additional information submitted to or obtained by the Regional Administrator, the summary record kept of any hearing and the hearing officer's recommended decision, if any, and such other considerations as the Regional Administrator deems appropriate. The Regional Administrator will notify all interested persons of the decision, and the reasons for the decision, in writing, normally within 30 days of the receipt of sufficient information, unless additional time is needed for a hearing.

(D) If a hearing is requested, or if the Regional Administrator determines that one is appropriate, the Regional Administrator may grant an informal hearing before a hearing officer designated for that purpose after first giving notice of the time, place, and subject matter of the hearing to the applicant. The appellant, and, at the discretion of the hearing officer, other interested persons, may appear personally or be represented by counsel at the hearing and submit information and present arguments as determined appropriate by the hearing officer. Within 30 days of the last day of the hearing, the hearing officer shall recommend in writing a decision to the Regional Administrator.

(E) The Regional Administrator may adopt the hearing officer's recommended decision, in whole or in part, or may reject or modify it. In any event, the Regional Administrator will notify interested persons of the decision, and the reason(s) therefore, in writing, within 30 days of receipt of the hearing officer's recommended decision. The Regional Administrator's decision will constitute the final administrative action by NMFS on the matter.

(F) Any time limit prescribed in this section may be extended for a period not to exceed 30 days by the Regional Administrator for good cause, either upon his or her own motion or upon written request from the appellant stating the reason(s) therefore.

(4) General HMS permits issued under this subpart will remain valid until the first date of renewal, and permits may be subsequently renewed for 2-year terms. The first date of renewal will be the last day of the vessel owner's birth

month in the second calendar year after the permit is issued (e.g., if the birth month is March and the permit is issued on October 3, 2007, the permit will remain valid through March 31, 2009).

(5) Replacement permits may be issued without charge to replace lost or mutilated permits. Replacement permits may be obtained by submitting to the SFD c/o the Regional Administrator a complete, signed vessel permit application. An application for a replacement permit is not considered a new application.

(6) Any permit that has been altered, erased, or mutilated is invalid.

(c) *Display*. Any permit issued under this subpart, or a facsimile of the permit, must be on board the vessel at all times while the vessel is fishing for, taking, retaining, possessing, or landing HMS shoreward of the outer boundary of the fishery management area unless the vessel was at sea at the time the permit was issued. Any permit issued under this section must be displayed for inspection upon request of an authorized officer.

(d) *Sanctions*. Procedures governing sanctions and denials are found at subpart D of 15 CFR part 904.

(e) *Fees*. An application for a permit, or renewal of an existing permit under this section will include a fee for each vessel. The fee amount required will be calculated in accordance with the NOAA Finance Handbook and specified on the application form.

(f) *Federal limited entry drift gillnet permit*—(1) *General*. This section applies to individuals fishing with large-mesh (14 inch or greater stretched mesh) drift gillnet (DGN) gear. Individuals who target, retain, transship, or land fish captured with a large-mesh DGN must possess a valid Federal limited entry DGN permit. Federal limited entry DGN permits are issued to an individual, and a vessel must be specified on the permit.

(2) *Initial qualification*. Upon publication of NMFS' final rule to establish the Federal limited entry DGN permit, all State of California limited entry DGN permit holders are eligible to obtain a Federal limited entry DGN permit. If a 2017–2018 California state DGN permit renewal application is not received by the California Department of Fish and Wildlife or postmarked by March 31, 2018, the permit holder is not eligible to receive a 2018–2019 Federal limited entry DGN permit.

(3) *Documentation and burden of proof*. An individual applying for issuance, renewal, transfer, or assignment of a Federal limited entry DGN permit must prove that they meet the qualification requirements by submitting the following documentation, as applicable: A certified copy of the assigned vessel's documentation as a fishing vessel of the United States (U.S. Coast Guard or state) is the best evidence of vessel identification; a copy of a current State of California limited entry DGN permit is the best evidence of initial qualification for a Federal limited entry DGN permit; a copy of a written contract reserving or conveying limited entry rights is the best evidence of reserved or acquired rights; and other relevant, credible evidence that the applicant may wish to submit or that the SFD may request or require.

(4) *Fees*. Any processing fee will be determined by the service costs needed to process a permit request. If a fee is required, it would cover administrative expenses related to issuing limited entry permits, as well as renewing, transferring, assigning, and replacing permits. The amount of any fee will be calculated in accordance with the procedures of the NOAA Finance Handbook for determining the administrative costs of each special product or service. A fee may not exceed such costs and is specified with each application form. The appropriate fee must accompany each application.

(5) *Initial decisions*. (i) The SFD will make initial decisions regarding issuing, renewing, transferring, and assigning limited entry permits.

(ii) Adverse decisions shall be in writing and shall state the reasons for the adverse decision.

(iii) The SFD may decline to act on an application for issuing, renewing, transferring, or assigning a limited entry permit and will notify the applicant, if the permit sanction provisions of the Magnuson-Stevens Act at 16 U.S.C. 1858(a) and implementing regulations at 15 CFR part 904, subpart D, apply.

(6) *Issuance.* Federal limited entry DGN permits will be issued by the SFD. If an application is denied, the SFD will indicate the reasons for denial. A DGN permit will be issued to an individual and assigned to a specific vessel. A permit holder may assign the permit to another vessel once per permit year (April 1 to March 31).

(7) *Appeals.* Any applicant for an initial permit may appeal the initial issuance decision to the Regional Administrator. Appeals will be made and processed following procedures as described at paragraph (b)(3)(iv) of this section.

(8) *Transfers.* Federal limited entry DGN permits may be transferred to another individual only if the current permit holder has held the Federal DGN permit for a minimum of three consecutive years (counted April 1 to March 31 of the following year). At the time of the establishment of the Federal limited entry DGN permit system, the length of time an individual has held a State of California limited entry DGN permit carries over (e.g., if an individual has held a California DGN permit for two years, they are eligible to transfer the Federal DGN permit after holding the Federal DGN permit for one year). Exceptions to this limitation on permit transfer may be made under the following circumstances:

(i) The permit holder suffers from a serious illness or permanent disability that prevents the permit holder from earning a livelihood from commercial fishing.

(ii) If a deceased permit holder's estate or heirs submit a transfer request within six months of the permit holder's death.

(iii) Upon dissolution of marriage if the permit is held as community property.

(9) *Renewals.* (i) The SFD will send notices to renew limited entry permits to the most recent address of the permit holder on file.

(ii) The permit owner is responsible for renewing a limited entry permit.

(iii) The deadline for receipt or postmark of a Federal DGN permit renewal application is April 30 of the permit year (*i.e.,* April 30, 2019 for 2019–2020 fishing season). Federal DGN permits must be renewed yearly.

(iv) A DGN permit that is allowed to expire will not be renewed unless the permit owner requests reissuance by July 31 (three months after the renewal application deadline) and NMFS determines that failure to renew was proximately caused by illness, injury, or death of the permit owner. If the permit expires, it will be forfeited and NMFS will not reissue the permit to anyone.

(10) *Owner on-board requirement.* (i) Except as provided in paragraphs (f)(10)(ii) through (v) of this section, the DGN permit holder must be on-board the vessel and in possession of a valid Federal limited entry DGN permit when engaged in DGN fishing activity.

(ii) A permit holder may designate another individual to fish under their permit for up to 15 days per fishing year (April 1 to March 31 of the following year); the substitute must comply with all other Federal permitting requirements. A permit holder shall notify NMFS of a substitution at least 24 hours prior to the commencement of the trip.

(iii) If the person who owns a Federal DGN permit is prevented from being on-board a fishing vessel because the person died, is ill, or is injured, NMFS may allow an exemption to the owner on-board requirement for more than 15 days. The person requesting the exemption must send a letter to NMFS requesting an exemption from the owner on-board requirements, with appropriate evidence as described at paragraph (f)(10)(iv) or (v) of this section. All exemptions for death, injury, or illness will be evaluated by NMFS and a decision will be made in writing to the permit owner (or, in the case of the death of the permit owner, to the estate or heirs of the permit owner) within 60 calendar days of receipt of the original exemption request.

(iv) Evidence of death of the permit owner shall be provided to NMFS in the form of a copy of a death certificate. In the interim before the estate is settled, if the deceased permit owner was subject to the owner on-board requirements, the estate of the deceased permit owner may send a letter to NMFS with a copy of the death certificate, requesting an exemption from the

owner-on-board requirements. An exemption due to death of the permit owner will be effective only until such time that the estate of the deceased permit owner has registered the deceased permit owner's permit to a beneficiary, transferred the permit to another owner, or three years after the date of death as proven by a death certificate, whichever is earliest. An exemption from the owner-on-board requirement will be conveyed in a letter from NMFS to the estate of the permit owner and is required to be on the vessel during DGN fishing operations.

(v) Evidence of illness or injury that prevents the permit owner from participating in the fishery shall be provided to NMFS in the form of a letter from a certified medical practitioner. This letter must detail the relevant medical conditions of the permit owner and how those conditions prevent the permit owner from being on-board a fishing vessel during DGN fishing. An exemption due to injury or illness will be effective only for the fishing year of the request for exemption. In order to extend a medical exemption for a succeeding year, the permit owner must submit a new request and provide documentation from a certified medical practitioner detailing why the permit owner is still unable to be on-board a fishing vessel. An exemption from the owner-on-board requirement will be conveyed in a letter from NMFS to the permit owner and is required to be on the vessel during DGN fishing operations.

[69 FR 18453, Apr. 7, 2004, as amended at 72 FR 10937, Mar. 12, 2007; 74 FR 37178, July 28, 2009; 83 FR 11150, Mar. 14, 2018]

### § 660.708 Reporting and recordkeeping.

(a) *Logbooks*. The operator of any commercial fishing vessel and any recreational charter vessel fishing for HMS in the management area must maintain on board the vessel an accurate and complete record of catch, effort, and other data on report forms provided by the Regional Administrator or a state agency. All information specified on the forms must be recorded on the forms within 24 hours after the completion of each fishing day. The original logbook form for each day of the fishing trip must be submitted to either the Regional Administrator or the appropriate state management agency within 30 days of each landing or transhipment of HMS. Each form must be signed and dated by the fishing vessel operator.

(1) Logbooks that meet the logbook reporting requirement may be found at *http://swr.nmfs.noaa.gov/logbooks.htm* and include:

(i) The logbook required under 50 CFR 300.21 implementing the Tuna Conventions Act of 1950;

(ii) The logbook required under § 660.14 implementing the Fishery Management Plan for Pelagic Fisheries of the Western Pacific Region;

(iii) Any logbook required by the fishery management agency of the States of California, Oregon, or Washington.

(2) Any holder of a permit who does not submit logbooks under any of the above authorities must submit a written request to the SFD for the appropriate logbook. The applicant must provide his or her name and address, the name of the vessel, and the type of fishing gear used.

(3) The Regional Administrator may, after consultation with the Council, act to modify the information to be provided on the fishing record forms.

(b) Any person who is required to do so by the applicable state law must make and/or file, retain, or make available any and all reports of HMS containing all data, and in the exact manner, required by the applicable state law.

[69 FR 18453, Apr. 7, 2004, as amended at 80 FR 62501, Oct. 16, 2015]

### § 660.709 Annual specifications.

(a) *Procedure*. (1) Each year, the HMSMT will deliver a stock assessment and fishery evaluation report to the Council for all HMS with any necessary recommendations for harvest guidelines, quotas or other management measures to protect HMS, including updated maximum sustainable yield (MSY) and optimum yield (OY) estimates based on the best available science. The Council's Scientific and Statistical Committee may review the estimates and make a recommendation on their suitability for management.

As described in the fishery management plan, the Council will periodically review these recommendations and decide whether to adopt updated numerical estimates of MSY and OY, which are then submitted as recommendations for NMFS to review as part of the management measures review process.

(2) Based on recommendations of the Council, the Regional Administrator will approve or disapprove any harvest guideline, quota, or other management measure including updated MSY and OY estimates after reviewing such recommendations to determine compliance with the FMP, the Magnuson Act, and other applicable law. The Regional Administrator will implement through rulemaking any approved harvest guideline, quota, or other management measure adopted under this section.

(b) Fishing seasons for all species will begin on April 1 of each year at 0001 hours local time and terminate on March 31 of each year at 2400 hours local time.

(c) Harvest guidelines, quotas, and other management measures announced for a particular year will be in effect the following year unless changed through the public review process described in paragraph (a) of this section.

(d) Irrespective of the normal review process, the Council may propose management action to protect HMS at any time. The Council may adopt a management cycle different from the one described in the fishery management plan provided that such change is made by a majority vote of the Council and a 6-month notice of the change is given.

[69 FR 18453, Apr. 7, 2004, as amended at 76 FR 56328, Sept. 13, 2011; 83 FR 19982, May 7, 2018]

### § 660.710 Closure of directed fishery.

(a) When a quota has been taken, the Regional Administrator will announce in the FEDERAL REGISTER the date of closure of the fishery for the species of concern.

(b) When a harvest guideline has been taken, the Regional Administrator will initiate review of the species of concern according to section 8.4.8 of the FMP and publish in the FEDERAL REGISTER any necessary and appropriate regulations following Council recommendations.

### § 660.711 General catch restrictions.

(a) *Incidental landings*. HMS caught by gear not authorized by this subpart may be landed in incidental amounts as follows:

(1) Drift gillnet vessels with stretched mesh less than 14 inches may land up to 10 HMS per trip, except that no swordfish may be landed.

(2) Bottom longline vessels may land up to 20 percent by weight of management unit sharks in landings of all species, or 3 individual sharks of the species in the management unit, whichever is greater.

(3) Trawl and pot gear vessels may land up to 1 percent by weight of management unit sharks in a landing of all species or 2 individual sharks of the species in the management unit, whichever is greater.

(b) *Marlin prohibition*. The sale of striped marlin by a vessel with a permit under this subpart is prohibited.

(c) *Sea turtle handling and resuscitation*. All sea turtles taken incidentally in fishing operations by any HMS vessel other than vessels subject to § 660.712 must be handled in accordance with 50 CFR 223.206(d)(1).

[69 FR 18453, Apr. 7, 2004, as amended at 80 FR 46520, Aug. 5, 2015]

### § 660.712 Longline fishery.

(a) *Gear and fishing restrictions*. (1) Owners and operators of vessels registered for use of longline gear may not use longline gear to fish for or target HMS within the U.S. EEZ.

(2) Owners and operators of vessels registered for use of longline gear may not make shallow sets with longline gear to fish for or target swordfish (*Xiphias gladius*) west of 150° W. long. and north of the equator (0° N. lat.).

(3) A person aboard a vessel registered for use of longline gear fishing for HMS west of 150° W. long. and north of the equator (0° N. lat.) may not possess or deploy any float line that is shorter than or equal to 20 m (65.6 ft or 10.9 fm). As used in this paragraph, float line means a line used to suspend the main longline beneath a float.

(4) From April 1 through May 31, owners and operators of vessels registered for use of longline gear may not use longline gear in waters bounded on the south by 0° lat., on the north by 15° N. lat., on the east by 145° W. long., and on the west by 180° long.

(5) From April 1 through May 31, owners and operators of vessels registered for use of longline gear may not receive from another vessel HMS that were harvested by longline gear in waters bounded on the south by 0° lat., on the north by 15° N. lat., on the east by 145° W. long., and on the west by 180° long.

(6) From April 1 through May 31, owners and operators of vessels registered for use of longline gear may not land or transship HMS that were harvested by longline gear in waters bounded on the south by 0° lat., on the north by 15° N. lat., on the east by 145° W. long., and on the west by 180° long.

(7) No light stick may be possessed on board a vessel registered for use of longline gear during fishing trips that include any fishing west of 150° W. long. and north of the equator (0° N. lat.). A light stick as used in this paragraph is any type of light emitting device, including any flourescent glow bead, chemical, or electrically powered light that is affixed underwater to the longline gear.

(8) When a conventional monofilament longline is deployed in waters west of 150° W. long. and north of the equator (0° N. lat.) by a vessel registered for use of longline gear, no fewer than 15 branch lines may be set between any two floats. Vessel operators using basket-style longline gear must set a minimum of 10 branch lines between any 2 floats when fishing in waters north of the equator.

(9) Longline gear deployed west of 150° W. long. and north of the equator (0° N. lat.) by a vessel registered for use of longline gear must be deployed such that the deepest point of the main longline between any two floats, *i.e.*, the deepest point in each sag of the main line, is at a depth greater than 100 m (328.1 ft or 54.6 fm) below the sea surface.

(10) If no observer is on board the vessel, owners and operators of longline vessels registered for use of longline gear may land or possess no more than 10 swordfish from a fishing trip when using any J-type fishing hooks, and no more than 25 swordfish from a fishing trip when using only circle hook-type fishing hooks. If a NMFS-approved observer is on board the vessel for the duration of the fishing trip, there is no limit on the amount of swordfish retained.

(11) Owners and operators of longline vessels registered for use of longline gear are subject to the provisions at 50 CFR part 223 prohibiting shallow sets to target swordfish in waters beyond the U.S. EEZ and east of 150° W. long.

(b) *Sea turtle take mitigation measures.* (1) Owners and operators of vessels registered for use of longline gear must carry aboard their vessels line clippers meeting the minimum design standards specified in paragraph (b)(2) of this section, dip nets meeting minimum standards specified in paragraph (b)(3) of this section, and wire or bolt cutters capable of cutting through the vessel's hooks. These items must be used to disengage any hooked or entangled sea turtles with the least harm possible to the sea turtles and as close to the hook as possible in accordance with the requirements specified in paragraphs (b)(4) through (b)(7) of this section.

(2) Line clippers are intended to cut fishing line as close as possible to hooked or entangled sea turtles. NMFS has established minimum design standards for line clippers. The Arceneaux line clipper (ALC) is a model line clipper that meets these minimum design standards and may be fabricated from readily available and low-cost materials (see figure 1 to § 660.32). The minimum design standards are as follows:

(i) The cutting blade must be curved, recessed, contained in a holder, or otherwise afforded some protection to minimize direct contact of the cutting surface with sea turtles or users of the cutting blade.

(ii) The blade must be capable of cutting 2.0-2.1 mm monofilament line and nylon or polypropylene multistrand material commonly known as braided mainline or tarred mainline.

(iii) The line clipper must have an extended reach handle or pole of at least 6 ft (1.82 m).

(iv) The cutting blade must be securely fastened to the extended reach handle or pole to ensure effective deployment and use.

(3) Dip nets are intended to facilitate safe handling of sea turtles and access to sea turtles for purposes of cutting lines in a manner that minimizes injury and trauma to sea turtles. The minimum design standards for dip nets that meet the requirements of this section are:

(i) The dip net must have an extended reach handle of at least 6 ft (1.82 m) of wood or other rigid material able to support a minimum of 100 lbs (34.1 kg) without breaking or significant bending or distortion.

(ii) The dip net must have a net hoop of at least 31 inches (78.74 cm) inside diameter and a bag depth of at least 38 inches (96.52 cm). The bag mesh openings may be no more than 3 inches × 3 inches (7.62 cm × 7.62 cm).

(4) All incidentally taken sea turtles brought aboard for dehooking and/or disentanglement must be handled in a manner to minimize injury and promote post-hooking survival.

(i) When practicable, comatose sea turtles must be brought on board immediately, with a minimum of injury, and handled in accordance with the procedures specified in paragraphs (b)(5) and (b)(6) of this section.

(ii) If a sea turtle is too large or hooked in such a manner as to preclude safe boarding without causing further damage/injury to the turtle, line clippers described in paragraph (b)(2) of this section must be used to clip the line and remove as much line as possible prior to releasing the turtle.

(iii) If a sea turtle is observed to be hooked or entangled by longline gear during hauling operations, the vessel operator must immediately cease hauling operations until the turtle has been removed from the longline gear or brought on board the vessel.

(iv) Hooks must be removed from sea turtles as quickly and carefully as possible. If a hook cannot be removed from a turtle, the line must be cut as close to the hook as possible.

(5) If the sea turtle brought aboard appears dead or comatose, the sea turtle must be placed on its belly (on the bottom shell or plastron) so that the turtle is right side up and its hindquarters elevated at least 6 inches (15.24 cm) for a period of no less than 4 hours and no more than 24 hours. The amount of the elevation depends on the size of the turtle; greater elevations are needed for larger turtles. A reflex test, performed by gently touching the eye and pinching the tail of a sea turtle, must be administered by a vessel operator, at least every 3 hours, to determine if the sea turtle is responsive. Sea turtles being resuscitated must be shaded and kept damp or moist but under no circumstance may be placed into a container holding water. A water-soaked towel placed over the eyes, carapace, and flippers is the most effective method to keep a turtle moist. Those that revive and become active must be returned to the sea in the manner described in paragraph (b)(6) of this section. Sea turtles that fail to revive within the 24-hour period must also be returned to the sea in the manner described in paragraph (b)(6)(i) of this section.

(6) Live turtles must be returned to the sea after handling in accordance with the requirements of paragraphs (b)(4) and (b)(5) of this section:

(i) By putting the vessel engine in neutral gear so that the propeller is disengaged and the vessel is stopped, and releasing the turtle away from deployed gear; and

(ii) Observing that the turtle is safely away from the vessel before engaging the propeller and continuing operations.

(7) In addition to the requirements in paragraphs (b) and (c) of this section, a vessel operator shall perform sea turtle handling and resuscitation techniques consistent with 50 CFR 223.206(d)(1), as appropriate.

(c) *Longline Seabird mitigation measures.* (1) Seabird mitigation techniques. Owners and operators of vessels registered for use of longline gear must ensure that the following actions are taken when fishing north of 23° N. lat.:

(i) Employ a line setting machine or line shooter to set the main longline when making deep sets west of 150° W. long. using monofilament main longline;

(ii) Attach a weight of at least 45 g to each branch line within 1 m of the

hook when making deep sets using monofilament main longline;

(iii) When using basket-style longline gear, ensure that the main longline is deployed slack to maximize its sink rate;

(2) Use completely thawed bait that has been dyed blue to an intensity level specified by a color quality control card issued by NMFS;

(3) Maintain a minimum of two cans (each sold as 0.45 kg or 1 lb size) containing blue dye on board the vessel;

(4) Discharge fish, fish parts (offal), or spent bait while setting or hauling longline gear, on the opposite side of the vessel from where the longline gear is being set or hauled;

(5) Retain sufficient quantities of fish, fish parts, or spent bait, between the setting of longline gear for the purpose of strategically discharging it in accordance with paragraph (a)(6) of this section;

(6) Remove all hooks from fish, fish parts, or spent bait prior to its discharge in accordance with paragraph (c)(4) of this section; and

(7) Remove the bill and liver of any swordfish that is caught, sever its head from the trunk and cut it in half vertically, and periodically discharge the butchered heads and livers in accordance with paragraph (a)(6) of this section.

(8) If a short-tailed albatross is hooked or entangled by a vessel registered for use of longline gear, owners and operators must ensure that the following actions are taken:

(i) Stop the vessel to reduce the tension on the line and bring the bird on board the vessel using a dip net;

(ii) Cover the bird with a towel to protect its feathers from oils or damage while being handled;

(iii) Remove any entangled lines from the bird;

(iv) Determine if the bird is alive or dead.

(A) If dead, freeze the bird immediately with an identification tag attached directly to the specimen listing the species, location and date of mortality, and band number if the bird has a leg band. Attach a duplicate identification tag to the bag or container holding the bird. Any leg bands present must remain on the bird. Contact NMFS, the Coast Guard, or the U.S. Fish and Wildlife Service at the numbers listed on the Short-tailed Albatross Handling Placard distributed at the NMFS protected species workshop, inform them that you have a dead short-tailed albatross on board, and submit the bird to NMFS within 72 hours following completion of the fishing trip.

(B) If alive, handle the bird in accordance with paragraphs (c)(9) through (c)(14) of this section.

(9) Place the bird in a safe enclosed place;

(10) Immediately contact NMFS, the Coast Guard, or the U.S. Fish and Wildlife Service at the numbers listed on the Short-tailed Albatross Handling Placard distributed at the NMFS protected species workshop and request veterinary guidance;

(11) Follow the veterinary guidance regarding the handling and release of the bird.

(12) Complete the short-tailed albatross recovery data form issued by NMFS.

(13) If the bird is externally hooked and no veterinary guidance is received within 24-48 hours, handle the bird in accordance with paragraphs (c)(17)(iv) and (v) of this section, and release the bird only if it meets the following criteria:

(i) Able to hold its head erect and respond to noise and motion stimuli;

(ii) Able to breathe without noise;

(iii) Capable of flapping and retracting both wings to normal folded position on its back;

(iv) Able to stand on both feet with toes pointed forward; and

(v) Feathers are dry.

(14) If released under paragraph (c)(13) of this section or under the guidance of a veterinarian, all released birds must be placed on the sea surface.

(15) If the hook has been ingested or is inaccessible, keep the bird in a safe, enclosed place and submit it to NMFS immediately upon the vessel's return to port. Do not give the bird food or water.

(16) Complete the short-tailed albatross recovery data form issued by NMFS.

(17) If a seabird other than a short-tailed albatross is hooked or entangled

by a vessel registered for use of longline gear, owners and operators must ensure that the following actions are taken:

(i) Stop the vessel to reduce the tension on the line and bring the seabird on board the vessel using a dip net;

(ii) Cover the seabird with a towel to protect its feathers from oils or damage while being handled;

(iii) Remove any entangled lines from the seabird;

(iv) Remove any external hooks by cutting the line as close as possible to the hook, pushing the hook barb out point first, cutting off the hook barb using bolt cutters, and then removing the hook shank;

(v) Cut the fishing line as close as possible to ingested or inaccessible hooks;

(vi) Leave the bird in a safe enclosed space to recover until its feathers are dry; and

(vii) After recovered, release seabirds by placing them on the sea surface.

(d) *Vessel monitoring system.* (1) Only a VMS unit owned by NMFS and installed by NMFS complies with the requirement of this subpart.

(2) After the holder of a permit to use longline gear has been notified by the SAC of a specific date for installation of a VMS unit on the permit holder's vessel, the vessel must carry the VMS unit after the date scheduled for installation.

(3) A longline permit holder will not be assessed any fee or other charges to obtain and use a VMS unit, including the communication charges related directly to requirements under this section. Communication charges related to any additional equipment attached to the VMS unit by the owner or operator shall be the responsibility of the owner or operator and not NMFS.

(4) The holder of a longline permit and the master of the vessel operating under the permit must:

(i) Provide opportunity for the SAC to install and make operational a VMS unit after notification.

(ii) Carry the VMS unit on board whenever the vessel is at sea.

(iii) Not remove or relocate the VMS unit without prior approval from the SAC.

(5) The SAC has authority over the installation and operation of the VMS unit. The SAC may authorize the connection or order the disconnection of additional equipment, including a computer, to any VMS unit when deemed appropriate by the SAC.

(e) *Protected species workshop.* (1) Each year both the owner and the operator of a vessel registered for use of longline gear must attend and be certified for completion of a workshop conducted by NMFS on mitigation, handling, and release techniques for turtles and seabirds and other protected species.

(2) A protected species workshop certificate will be issued by NMFS annually to any person who has completed the workshop.

(3) An owner of a vessel registered for use of longline gear must have on file a valid protected species workshop certificate or copy issued by NMFS in order to maintain or renew their vessel registration.

(4) An operator of a vessel registered for use of longline gear must have on board the vessel a valid protected species workshop certificate issued by NMFS or a legible copy thereof.

(f) An operator of a vessel registered for use of longline gear must notify the Regional Administrator at least 24 hours prior to embarking on a fishing trip regardless of the intended area of fishing.

(g) An operator of a vessel registered for use of longline gear in waters east of 150° W. long. and beyond the EEZ is subject to the requirements at 50 CFR part 223.

[69 FR 18453, Apr. 7, 2004, as amended at 77 FR 15975, Mar. 19, 2012]

### § 660.713 Drift gillnet fishery.

(a) *Take Reduction Plan gear restrictions.* Gear restrictions resulting from the Pacific Offshore Cetacean Take Reduction Plan established under the authority of the Marine Mammal Protection Act of 1972 can be found at 50 CFR 229.31.

(b) *Other gear restrictions.* (1) The maximum length of a drift gillnet on board a vessel shall not exceed 6,000 ft (1828 m).

(2) Up to 1,500 ft (457 m) of drift gillnet in separate panels of 600 ft

(182.88 m) may be on board the vessel in a storage area.

(c) *Protected Resource Area closures.* (1) Pacific leatherback conservation area. No person may fish with, set, or haul back drift gillnet gear in U.S. waters of the Pacific Ocean from August 15 through November 15 in the area bounded by straight lines connecting the following coordinates in the order listed:

(i) Pt. Sur at 36°18.5′ N. lat., to

(ii) 34°27′ N. lat. 123°35′ W. long., to

(iii) 34°27′ N. lat. 129° W. long., to

(iv) 45° N. lat. 129° W. long., thence to

(v) the point where 45° N. lat. intersects the Oregon coast.

(2) *Pacific loggerhead conservation area.* No person may fish with, set, or haul back drift gillnet gear in U.S. waters of the Pacific Ocean east of the 120° W. meridian from June 1 through August 31 during a forecasted, or occurring, El Nino event off the coast of southern California.

(i) *Notification of an El Nino event.* The Assistant Administrator will publish in the FEDERAL REGISTER a notification that an El Nino event is occurring, or is forecast to occur, off the coast of southern California and the requirement of a closure under this paragraph (c)(2). Furthermore, the Assistant Administrator will announce the requirement of such a closure by other methods as are necessary and appropriate to provide actual notice to the participants in the California/Oregon drift gillnet fishery.

(ii) *Determination of El Nino conditions.* The Assistant Administrator will rely on information developed by NOAA offices which monitor El Nino events, such as NOAA's Climate Prediction Center and the West Coast Office of NOAA's Coast Watch program, in order to determine whether an El Nino is forecasted or occurring for the coast of southern California. The Assistant Administrator will use the monthly sea surface temperature anomaly charts to determine whether there are warmer than normal sea surface temperatures present off of southern California during the months prior to the closure month for years in which an El Nino event has been declared by the NOAA Climate Prediction Center. Specifically, the Assistant Administrator, will use sea surface temperature data from the third and second months prior to the month of the closure for determining whether El Nino conditions are present off of southern California.

(iii) *Reopening.* If, during a closure as described within this paragraph (c)(2), sea surface temperatures return to normal or below normal, the Assistant Administrator may publish a FEDERAL REGISTER notice announcing that El Nino conditions are no longer present off the coast of southern California and may terminate the closure prior to August 31.

(d) *Mainland area closures.* The following areas off the Pacific coast are closed to driftnet gear:

(1) Within the U.S. EEZ from the United States-Mexico International Boundary to the California-Oregon border from February 1 through April 30.

(2) In the portion of the U.S. EEZ within 75 nautical miles from the mainland shore from the United States-Mexico International Boundary to the California-Oregon border from May 1 through August 14.

(3) In the portion of the U.S. EEZ within 25 nautical miles of the coastline from December 15 through January 31 of the following year from the United States-Mexico International Boundary to the California-Oregon border.

(4) In the portion of the U.S. EEZ from August 15 through September 30 within the area bounded by line extending from Dana Point to Church Rock on Santa Catalina Island, to Point La Jolla, CA.

(5) In the portion of the U.S. EEZ within 12 nautical miles from the mainland shore north of a line extending west of Point Arguello, CA, to the California-Oregon border.

(6) In the portion of the U.S. EEZ within the area bounded by a line from the lighthouse at Point Reyes to Noonday Rock, to Southeast Farallon Island to Pillar Point, CA.

(7) In the portion of the U.S. EEZ off the Oregon coast east of a line approximating 1000 fathoms as defined by the following coordinates:

42°00′00″ N. lat. 125°10′30″ W. long.

42°25′39″ N. lat. 124°59′09″ W. long.

42°30′42″ N. lat. 125°00′46″ W. long.

42°30′23″ N. lat. 125°04′14″ W. long.
43°02′56″ N. lat. 125°06′57″ W. long.
43°01′29″ N. lat. 125°10′55″ W. long.
43°50′11″ N. lat. 125°19′14″ W. long.
44°03′23″ N. lat. 125°12′22″ W. long.
45°00′06″ N. lat. 125°16′42″ W. long.
45°25′27″ N. lat. 125°16′29″ W. long.
45°45′37″ N. lat. 125°15′19″ W. long.
46°04′45″ N. lat. 125°24′41″ W. long.
46°16′00″ N. lat. 125°20′32″ W. long.

(8) In the portion of the U.S. EEZ north of 46°16′ N. latitude (Washington coast).

(e) *Channel Islands area closures.* The following areas off the Channel Islands are closed to driftnet gear:

(1) *San Miguel Island closures.* (i) Within the portion of the U.S. EEZ north of San Miguel Island between a line extending 6 nautical miles west of Point Bennett, CA, and a line extending 6 nautical miles east of Cardwell Point, CA.

(ii) Within the portion of the U.S. EEZ south of San Miguel Island between a line extending 10 nautical miles west of Point Bennett, CA, and a line extending 10 nautical miles east of Cardwell Point, CA.

(2) *Santa Rosa Island closure.* Within the portion of the U.S. EEZ north of San Miguel Island between a line extending 6 nautical miles west from Sandy Point, CA, and a line extending 6 nautical miles east of Skunk Point, CA, from May 1 through July 31.

(3) *San Nicolas Island closure.* In the portion of the U.S. EEZ within a radius of 10 nautical miles of 33°16′41″ N. lat., 119°34′39″ W. long. (west end) from May 1 through July 31.

(4) *San Clemente Island closure.* In the portion of the U.S. EEZ within 6 nautical miles of the coastline on the easterly side of San Clemente Island within a line extending 6 nautical miles west from 33°02′16″ N. lat., 118°35′27″ W. long. and a line extending 6 nautical miles east from the light at Pyramid Head, CA.

(f) *Pre-trip notification requirements.* (1) Drift gillnet vessel owners or operators are required to notify NMFS or the NMFS-designated observer provider at least 48 hours prior to departing on each fishing trip. The vessel owners or operators must communicate to the observer provider: the owner's or operator's name, contact information, vessel name, port of departure, estimated date and time of departure, and a telephone number at which the owner or operator may be contacted during the business day (Monday through Friday between 8 a.m. to 4:30 p.m., Pacific Time) to indicate whether an observer will be required on the subject fishing trip. Contact information for the current observer provider can be obtained by calling the NMFS West Coast Region Sustainable Fisheries Division at 562–980–4025.

(2) Drift gillnet vessel owners or operators must provide the NMFS Office of Law Enforcement for the West Coast Region (OLE) with a declaration report before the vessel leaves port to fish for thresher shark/swordfish with large-mesh drift gillnet gear in state and federal waters between 0 and 200 nautical miles offshore of California, Oregon, or Washington. Declaration reports will include: The vessel name and/or identification number, and gear type.

(i) Upon receipt of a declaration report, OLE will provide a confirmation code or receipt to confirm that a valid declaration report was received for the vessel. Retention of the confirmation code or receipt to verify that a valid declaration report was filed and the declaration requirement was met is the responsibility of the vessel owner or operator.

(ii) The vessel operator must send a new declaration report before leaving port on a trip during which the fishing gear that will be used is different from the gear type most recently declared for the vessel. A declaration report will be valid until another declaration report revising the existing gear declaration is received by OLE.

(iii) OLE's declaration hotline is 1–888–585–5518. The business hours for the OLE are Monday through Friday, except Federal holidays, 8 a.m. to 4:30 p.m., Pacific Time; voice messages left on the hotline will be retrieved at the start of the next business day.

(g) *Vessel Monitoring System (VMS) requirements.* Drift gillnet vessel owners are required to install an OLE type-approved VMS mobile transceiver unit (VMS unit) and to arrange for a OLE type-approved communications service provider to receive and relay transmissions to the OLE prior to fishing for

thresher shark/swordfish with large-mesh drift gillnet gear.

(1) *What is a VMS?* A VMS consists of an OLE type-approved VMS unit that automatically determines the vessel's position and transmits it to an OLE type-approved communications service provider. The communications service provider receives the transmission and relays it to the OLE.

(2) *What vessels are required to have a VMS?* Any vessel registered for use with both a limited-entry California state large-mesh thresher shark/swordfish drift gillnet permit and a federal highly migratory species permit that fishes in state or federal waters off the coasts of California, Oregon, or Washington (0–200 nm offshore).

(3) *How are VMS units and communications dervice providers approved by OLE?*

(i) VMS unit manufacturers or communication service providers will submit products or services to the OLE for evaluation based on the published specifications.

(ii) The OLE will publish a list of OLE type-approved VMS units and communication service providers for the DGN fishery in the FEDERAL REGISTER or notify the public through other appropriate media; and the OLE may publish amendments to the list as necessary.

(4) *What are the vessel owner's responsibilities?* If you are a vessel owner that must participate in the VMS program, you or the vessel operator on your behalf must:

(i) Obtain an OLE type-approved VMS unit and have it installed on board your vessel in accordance with the instructions provided by the OLE. You may obtain a copy of the VMS installation and operation instructions from the Special-Agent-In-Charge (SAC).

(ii) Activate the VMS unit, submit an activation report and an initial declaration report, and receive confirmation from the OLE that the VMS transmissions are being received at least 72 hours prior to leaving port on a fishing trip for which VMS is required. Instructions for submitting an activation report may be obtained from the SAC. An activation report must again be submitted to the OLE following reinstallation of a VMS unit or change in service provider before the vessel may be used to fish in a fishery requiring the VMS.

(A) *Activation reports.* If you are a vessel owner who must use VMS and you are activating a VMS unit for the first time, or reactivating a VMS unit following a reinstallation or change in service provider, you or the vessel operator on your behalf must fax to the OLE an activation report that includes: vessel name, vessel owner's name, address and telephone number, vessel operator's name, address and telephone number, USCG vessel documentation number/state registration number; and, if applicable, the relevant state and federal permit numbers for which vessel or owner is registered, VMS unit manufacturer, VMS communications service provider, VMS unit identification, and a statement signed and dated by the vessel owner confirming compliance with the installation procedures provided by the SAC and identifying whether the VMS unit is primary or backup. Immediately following submission of an activation report, submit an initial declaration report as described in paragraph (f)(2) of this section using the OLE's declaration hotline included in paragraph (f)(2)(iii) of this section.

(B) *Transferring ownership of the VMS unit.* Ownership of the VMS unit may be transferred from one vessel owner to another vessel owner if all of the following documents are provided to the OLE: a new activation report, which identifies that the VMS unit was previously registered to another vessel, a notarized bill of sale showing proof of ownership of the VMS unit, and documentation from the communications service provider showing proof that the service agreement for the previous vessel was terminated and that a service agreement was established for the new vessel.

(iii) Continuously operate and maintain the VMS unit in good working order 24 hours a day throughout the fishing year. The VMS unit must accurately transmit a signal indicating the vessel's position at least once every hour, 24 hours a day throughout the year, unless a valid exemption report, as described in paragraph (g)(4)(iv)(F) of this section, has been confirmed by

the OLE. A reduced signal transmission rate, at least once every 4 hours, may be authorized by the OLE when a vessel remains in port for an extended period of time.

(iv) Submit an exemption report to be confirmed by the OLE as valid, as described at paragraph (g)(4)(iv)(F) of this section, and comply with all conditions and requirements of the VMS exemption identified in this section and specified in the exemption report for a vessel to be exempted from the requirement of continuously operating and maintaining the VMS unit 24 hours a day throughout the fishing year.

(A) *Haul out exemption*. When it is anticipated that a vessel will be continuously out of the water for more than 7 consecutive days and the OLE has confirmed a valid exemption report has been received for the vessel, electrical power to the VMS unit may be removed and transmissions may be discontinued. Under this exemption, VMS transmissions can be discontinued from the time the vessel is removed from the water until the time that the vessel is placed back in the water.

(B) *Outside areas exemption*. When the vessel will be continuously operating seaward of the U.S. exclusive economic zone (EEZ; beyond 200 nm) off the coasts of California, Oregon, or Washington for more than 7 consecutive days and the OLE has confirmed a valid exemption report has been received for the vessel, the VMS unit transmissions may be reduced or discontinued from the time the vessel leaves the EEZ off the coasts of California, Oregon, or Washington until the time that the vessel re-enters the EEZ off the coasts of California, Oregon, or Washington. If the vessel is equipped with a VMS unit that OLE has approved for this exemption and after the OLE has received an exemption report for the vessel, the vessel owner or operator can request that the OLE reduce or discontinue the VMS transmissions.

(C) *Long-term departure exemption*. A vessel participating in the DGN fishery that is required to have VMS under paragraph (g) of this section may be exempted from VMS provisions after the end of the fishing season in which it fished, provided that a completed exemption report including a statement signed by the vessel owner indicating that the vessel will not be used to take and retain or possess or land swordfish taken in state or federal waters off the coasts of California, Oregon, or Washington during the upcoming fishing year is submitted to the OLE.

(D) *Emergency exemption*. Vessels required to have VMS under paragraph (g) of this section may be exempted from VMS provisions in emergency situations that are beyond the vessel owner's control, including but not limited to: fire, flooding, or extensive physical damage to critical areas of the vessel. A vessel owner may request an emergency exemption from the VMS requirements specified in paragraph (g) of this section for his/her vessel by contacting the OLE and submitting the following information in writing: the reasons for seeking an exemption including any supporting documents (e.g., repair invoices, photographs showing damage to the vessel, insurance claim forms, etc.), the time period for which the exemption is requested, and the location of the vessel while the exemption is in effect. The OLE will issue a written determination granting or denying the emergency exemption request. A vessel will not be covered by the emergency exemption until the OLE issues a determination granting the exemption. If an exemption is granted, the duration of the exemption will be specified in the OLE determination.

(E) *Submission of exemption reports*. Long-term departure exemption reports must be signed by the vessel owner and submitted by fax or by emailing an electronic copy of the actual report to the OLE. If an emergency exemption request will be submitted, initial contact with the OLE must be made by telephone, fax or email within 24 hours from when the emergency incident occurred. All emergency exemption requests must be submitted in writing within 72 hours from when the incident occurred. Submission methods for exemption reports, except long-term departures and emergency exemption requests, may include email, facsimile, or telephone. The OLE will provide, through appropriate media, instructions to the public on

submitting exemption reports. Instructions and other information needed to make exemption reports may be mailed to the vessel owner's address of record. Owners of vessels required to use the VMS who do not receive instructions by mail are responsible for contacting OLE during business hours at least 3 days before the exemption is needed to obtain information necessary for exemption reports. The OLE must be contacted during business hours (Monday through Friday, except federal holidays, between 8 a.m. to 4:30 p.m., Pacific Time). Any other categories of exemptions that have not been specified in paragraph (g) of this section may be submitted to the OLE through the VMS unit or another method deemed appropriate by the OLE. Before a request for a new category of exemption can be approved by OLE, it must be announced in the FEDERAL REGISTER.

(F) *Valid exemption reports.* For an exemption report to be valid, the OLE must receive and confirm it at least 2 hours and not more than 24 hours before the exempted activities defined at paragraphs (g)(4)(iv)(A) through (D) of this section. An exemption report is valid until NMFS receives a report canceling the exemption. An exemption cancellation must be received at least 2 hours before the vessel re-enters the EEZ following an outside areas exemption; at least 2 hours before the vessel is placed back in the water following a haul-out exemption; or at least 2 hours before a vessel resumes fishing with a large-mesh drift gillnet after a long-term departure exemption. If a vessel is required to submit an activation report under paragraph (g)(4)(ii) of this section before returning to fish, that report may substitute for the exemption cancellation. After an emergency situation occurs that disrupts the VMS transmission, initial contact must be made with the OLE within 24 hours and a written emergency exemption request submitted within 72 hours from when the incident occurred. If the emergency situation, upon which an emergency exemption is based, is resolved before the exemption expires, an exemption cancellation must be received by OLE at least 2 hours before the vessel resumes fishing.

(v) When aware that transmission of automatic position reports has been interrupted, or when notified by OLE that automatic position reports are not being received, contact OLE and follow the instructions provided to you. Such instructions may include, but are not limited to, manually communicating the vessel's position to a location designated by the OLE or returning to port until the VMS unit is operable.

(vi) After a fishing trip during which interruption of automatic position reports has occurred, the vessel's owner or operator must replace or repair the VMS unit prior to the vessel's next fishing trip. Repair or reinstallation of a VMS unit or installation of a replacement unit, including any changes in communications service providers shall be in accordance with the instructions provided by the OLE.

(vii) Make the VMS units available for inspection by OLE personnel, USCG personnel, state enforcement personnel or any authorized officer.

(viii) Ensure that the VMS unit is not tampered with, disabled, destroyed, operated, or maintained improperly.

(ix) Pay all charges levied by the communication service provider as necessary to ensure continuous operation of the VMS units.

(5) *What is the contact information for the OLE SAC?* For issues related to day-to-day operation of VMS units, including declaration reports, activation reports and exemption reports, the SAC's designee is the OLE VMS Program Manager's office located at 7600 Sand Point Way NE., Seattle, WA 98115–6349; phone: (888) 585–5518; fax: (206) 526–6528); and email: *wcd.vms@noaa.gov*.

(h) *Limits on protected species mortalities and injuries.* (1) Maximum 2-year hard caps are established on the number of sea turtle and marine mammal mortalities and injuries that occur as a result of observed interactions with large-mesh drift gillnets (mesh size ≥ 14 inches) deployed by vessels registered for use under HMS permits. Mortalities and injuries during the current fishing season (May 1 through January 31) and the previous fishing season are counted towards the hard caps. The mortality and injury hard caps are as follows:

TABLE 1 TO PARAGRAPH (h)

| Species | Rolling 2-year hard cap |
|---|---|
| Fin Whale | 2 |
| Humpback Whale | 2 |
| Sperm Whale | 2 |
| Leatherback Sea Turtle | 2 |
| Loggerhead Sea Turtle | 2 |
| Olive Ridley Sea Turtle | 2 |
| Green Sea Turtle | 2 |
| Short-fin Pilot Whale (CA/OR/WA stock) | 4 |
| Bottlenose Dolphin (CA/OR/WA stock) | 4 |

(2) Upon determination by the Regional Administrator that, based on data from NMFS observers or a NMFS Electronic Monitoring program, the fishery has reached any of the protected species hard caps during a given 2-year period:

(i) As soon as practicable, the Regional Administrator will file for publication at the Office of the Federal Register a notification that the fishery has reached a protected species hard cap. The notification will include an advisement that the large-mesh drift gillnet (mesh size ≥ 14 inches) fishery shall be closed, and that drift gillnet fishing in the U.S. West Coast Exclusive Economic Zone by vessels registered for use under HMS permits will be prohibited beginning at a specified date and ending at a specified date. Drift gillnet fishing will then be allowed beginning May 1 of the year when observed mortality and injury of each species during the previous two May 1 through January 31 fishing seasons is below its hard cap value. Coincidental with the filing of the notification, the Regional Administrator will also provide actual notice that the large-mesh drift gillnet (mesh size ≥ 14 inches) fishery shall be closed, and that drift gillnet fishing in the U.S. West Coast Exclusive Economic Zone by vessels registered for use under HMS permits will be prohibited beginning at a specified date, to all holders of HMS permits with a drift gillnet endorsement via VMS communication, postal mail, and a posting on the NMFS regional website.

(ii) Beginning on the fishery closure date published in the FEDERAL REGISTER and indicated by the Regional Administrator in the notification provided to vessel operators and permit holders under paragraph (h)(2)(i) of this section, and until the specified ending date, the large-mesh drift gillnet (mesh size ≥ 14 inches) fishery shall be closed. During the closure period commercial fishing vessels registered for use under HMS permits may not be used to target, retain on board, transship, or land fish captured with a large-mesh drift gillnet (mesh size ≥ 14 inches), with the exception that any fish already on board a fishing vessel on the effective date of the document may be retained on board, transshipped, and/or landed, to the extent authorized by applicable laws and regulations, provided such fish are landed within 4 days after the effective date published in the fishing closure document.

[69 FR 18453, Apr. 7, 2004, as amended at 72 FR 31757, June 8, 2007; 78 FR 54551, Sept. 4, 2013; 80 FR 10395, Feb. 26, 2015; 85 FR 7250, Feb. 7, 2020]

### § 660.714 Purse seine fishery. [Reserved]

### § 660.715 Harpoon fishery. [Reserved]

### § 660.716 Surface hook-and-line fishery. [Reserved]

### § 660.717 Framework for revising regulations.

(a) *General.* NMFS will establish and adjust specifications and management measures in accordance with procedures and standards in the FMP.

(b) *Annual actions.* Annual specifications are developed and implemented according to § 660.709.

(c) *Routine management measures.* Consistent with section 3.4 of the FMP, management measures designated as routine may be adjusted during the year after recommendation from the Council, approval by NMFS, and publication in the FEDERAL REGISTER.

(d) *Changes to the regulations.* Regulations under this subpart may be promulgated, removed, or revised. Any such action will be made according to the framework measures in section 8.3.4 of the FMP and will be published in the FEDERAL REGISTER.

### § 660.718 Exempted fishing.

(a) In the interest of developing an efficient and productive fishery for HMS, the Regional Administrator may issue exempted fishing permits (EFP)

for the harvest of HMS that otherwise would be prohibited.

(b) No exempted fishing for HMS may be conducted unless authorized by an EFP issued for the participating vessel in accordance with the criteria and procedures specified in 50 CFR 600.745.

### § 660.719 Scientific observers.

(a) All fishing vessels with permits issued under this subpart and operating in HMS fisheries, including catcher/processors, at-sea processors, and vessels that embark from a port in Washington, Oregon, or California and land catch in another area, may be required to accommodate an NMFS certified observer on board to collect scientific data.

(b) All vessels with observers on board must comply with the safety regulations at 50 CFR 600.746.

(c) NMFS shall advise the permit holder or the designated agent of any observer requirement in response to any pre-trip notification in this subpart.

(d) When NMFS notifies the permit holder or designated agent of the obligation to carry an observer in response to a notification under this subpart or as a condition of an EFP issued under 50 CFR 660.718, the vessel may not engage in the fishery without taking the observer.

(e) A permit holder must accommodate a NMFS observer assigned under this section. The Regional Administrator's office, and not the observer, will address any concerns raised over accommodations.

(f) The permit holder, vessel operator, and crew must cooperate with the observer in the performance of the observer's duties, including:

(1) Allowing for the embarking and debarking of the observer.

(2) Allowing the observer access to all areas of the vessel necessary to conduct observer duties.

(3) Allowing the observer access to communications equipment and navigation equipment as necessary to perform observer duties.

(4) Allowing the observer access to VMS units to verify operation, obtain data, and use the communication capabilities of the units for official purposes.

(5) Providing accurate vessel locations by latitude and longitude or loran coordinates, upon request by the observer.

(6) Providing sea turtle, marine mammal, or sea bird specimens as requested.

(7) Notifying the observer in a timely fashion when commercial fishing operations are to begin and end.

(g) The permit holder, operator, and crew must comply with other terms and conditions to ensure the effective deployment and use of observers that the Regional Administrator imposes by written notice.

(h) The permit holder must ensure that assigned observers are provided living quarters comparable to crew members and are provided the same meals, snacks, and amenities as are normally provided to other vessel personnel.

### § 660.720 Interim protection for sea turtles.

(a) Until the effective date of §§ 660.707 and 660.712 (d) and (e), it is unlawful for any person who is not operating under a Hawaii longline limited access permit under § 660.21(b) to do any of the following:

(1) Direct fishing effort toward the harvest of swordfish (*Xiphias gladius*) using longline gear deployed on the high seas of the Pacific Ocean west of 150° W. long. and north of the equator (0° lat.).

(2) Possess a light stick on board a longline vessel on the high seas of the Pacific Ocean west of 150° W. long. north of the equator. A light stick as used in this paragraph is any type of light emitting device, including any fluorescent glow bead, chemical, or electrically powered light that is affixed underwater to the longline gear.

(3) An operator of a longline vessel subject to this section may land or possess no more than 10 swordfish from a fishing trip where any part of the trip included fishing west of 150° W. long. and north of the equator (0° N. lat.).

(4) Fail to employ basket-style longline gear such that the mainline is deployed slack when fishing on the high seas of the Pacific Ocean west of 150° W. long. north of the equator.

(5) When a conventional monofilament longline is deployed by a vessel subject to this section, no fewer than 15 branch lines may be set between any two floats. Vessel operators using basket-style longline gear must set a minimum of 10 branch lines between any 2 floats when fishing in waters west of 150° W. long. north of the equator.

(6) Longline gear deployed by a vessel subject to this section must be deployed such that the deepest point of the main longline between any two floats, *i.e.*, the deepest point in each sag of the main line, is at a depth greater than 100 m (328.1 ft or 54.6 fm) below the sea surface.

(b) [Reserved]

### § 660.721 Recreational fishing bag limits and filleting requirements.

This section applies to recreational fishing for albacore tuna in the U.S. EEZ off the coast of California, Oregon, and Washington and for bluefin tuna in the U.S. EEZ off the coast of California. In addition to individual fishermen, the operator of a U.S. sportsfishing vessel that fishes for albacore or bluefin tuna is responsible for ensuring that the bag and possession limits of this section are not exceeded. The bag limits of this section apply on the basis of each 24-hour period at sea, regardless of the number of trips per day. The provisions of this section do not authorize any person to take and retain more than one daily bag limit of fish during 1 calendar day. Federal recreational HMS regulations are not intended to supersede any more restrictive state recreational HMS regulations relating to federally-managed HMS.

(a) *Albacore Tuna Daily Bag Limit*. Except pursuant to a multi-day possession permit referenced in paragraph (c) of this section, a recreational fisherman may take and retain, or possess onboard no more than:

(1) Ten albacore tuna if any part of the fishing trip occurs in the U.S. EEZ south of a line running due west true from 34°27′ N. latitude (at Point Conception, Santa Barbara County) to the U.S.-Mexico border.

(2) Twenty-five albacore tuna if any part of the fishing trip occurs in the U.S. EEZ north of a line running due west true from 34°27′ N. latitude (at Point Conception, Santa Barbara County) to the California-Oregon border.

(b) *Bluefin Tuna Daily Bag Limit*. A recreational fisherman may take and retain, or possess on board no more than two bluefin tuna during any part of a fishing trip that occurs in the U.S. EEZ off California south of a line running due west true from the California—Oregon border [42°00′ N. latitude].

(c) *Possession Limits*. If the State of California requires a multi-day possession permit for albacore or bluefin tuna harvested by a recreational fishing vessel and landed in California, aggregating daily trip limits for multi-day trips would be deemed consistent with Federal law.

(d) *Boat Limits* Off the coast of California, boat limits apply, whereby each fisherman aboard a vessel may continue to use recreational angling gear until the combined daily limits of HMS for all licensed and juvenile anglers aboard has been attained (additional state restrictions on boat limits may apply). Unless otherwise prohibited, when two or more persons are angling for HMS species aboard a vessel in the EEZ, fishing may continue until boat limits are reached.

(e) *Restrictions on Filleting of Tuna South of Point Conception*. South of a line running due west true from Point Conception, Santa Barbara County (34°27′ N. latitude) to the U.S.-Mexico border, any tuna that has been filleted must be individually bagged as follows:

(1) The bag must be marked with the species' common name; and

(2) The fish must be cut into the following six pieces with all skin attached: the four loins, the collar removed as one piece with both pectoral fins attached and intact, and the belly cut to include the vent and with both pelvic fins attached and intact.

[72 FR 58259, Oct. 15, 2007, as amended at 80 FR 44891, July 28, 2015]

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665.264 Gear restrictions.
665.265 Size restrictions.
665.266 Area restrictions.
665.267 Seasons.
665.268 Closures.
665.269 Annual Catch Limits (ACL).
665.270 Gold coral harvest moratorium.

## Subpart D—Mariana Archipelago Fisheries

665.398 Management areas.
665.399 Area restrictions.
665.400 Mariana bottomfish fisheries [Reserved]