would have allowed for higher total revenue and higher herring revenue than Alternative 2. Alternative 2 is the only alternative that meets the conservation and management objectives of the regulatory and statutory requirements. The impacts of adjustments to herring specifications and sub-ACLs for 2019, as implemented by this final rule, are not expected to disproportionately affect large or small entities.

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that, for each rule or group of related rules for which an agency is required to prepare a FRFA, the agency shall publish one or more guides to assist small entities in complying with the rule, and shall designate such publications as “small entity compliance guides.” The agency shall explain the actions a small entity is required to take to comply with a rule or group of rules. As part of this rulemaking process, a letter to permit holders that also serves as small entity compliance guide was prepared. Copies of this final rule are available from the Greater Atlantic Regional Fisheries Office (GARFO), and the compliance guide (i.e., fishery bulletin) will be sent to all holders of permits for the herring fishery. The guide and this final rule will be posted on the GARFO website.

Authority: 16 U.S.C. 1801 et seq.
Samuel D. Rauch III,
Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.
[FR Doc. 2019–01658 Filed 2–7–19; 8:45 am]
BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

50 CFR Part 665
[Docket No. 180202118–8999–01]
RIN 0648–BH63

Pacific Island Fisheries; Reclassifying Management Unit Species to Ecosystem Component Species

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: This final rule reclassifies certain management unit species in the Pacific Islands as ecosystem component species. The rule also updates the scientific and local names of certain species. The intent of this final rule is to prioritize conservation and management efforts and to improve efficiency of fishery management in the region.

DATES: This rule is effective March 11, 2019.

ADDRESSES: The Western Pacific Fishery Management Council (Council) prepared Amendment 4 to the Fishery Ecosystem Plan (FEP) for American Samoa, Amendment 5 to the FEP for the Marianas Archipelago, and Amendment 5 to the FEP for Hawaii. Those amendments, available as a single document, include an environmental assessment (EA) that describes the potential impacts on the human environment that would result from the action. This document is available at http://www.regulations.gov or from the Council, 1164 Bishop St., Suite 1400, Honolulu, HI 96813, tel (808) 522–8220, fax (808) 522–8226, or https://www.wpcouncil.org.

FOR FURTHER INFORMATION CONTACT: Kate Taylor, NMFS PIR Sustainable Fisheries, 808–725–5182.

SUPPLEMENTARY INFORMATION: The Council and NMFS manage fishing in the U.S. Exclusive Economic Zone (EEZ) around the U.S. Pacific Islands pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). In this rule, NMFS, as recommended by the Council, is reclassifying certain management unit species as ecosystem component species (ECS). The action focuses Federal conservation and management on the ECS (i.e., the targets of Federal fisheries).

The Council recommended amending the three FEPs to reclassify certain management unit species as ecosystem component species. The intent of these amendments is to focus management efforts on species that are in need of conservation and management, and improve efficiency of fishery management in the region. On August 8, 2018, NMFS published a notice of availability of the amendments, including an environmental assessment, and request for public comments (83 FR 39039); the comment period ended October 9, 2018. NMFS did not receive any comments directly related to the amendments, and on November 5, 2018, the Secretary of Commerce approved the FEP amendments. This final rule implements the FEP amendments. This action does not change any fishery operations in terms of location, target and non-target species, catch,
effort, fishermen participation, gear composition, seasonality, intensity, or bycatch. For newly designated ECS, the Council and NMFS would no longer establish annual catch limits or associated accountability measures. The Council and NMFS, in cooperation with the State of Hawaii, Territory of American Samoa and Guam and the Commonwealth of the Northern Mariana Islands will continue to monitor fisheries that catch ECS. If an ECS stock becomes a target of a Federal fishery in the future, NMFS and the Council may consider including that stock in the management unit to actively manage that stock.

This rule reduces the number of MUS from 205 species or families to 11 in the American Samoa FEP, from 227 species or families to 13 in the Marianas FEP, and from 173 species or families to 20 in the Hawaii FEP. Appendix B of the EA contains the complete list of ECS. This rule also updates several scientific and common names according to current scientific classifications. All existing management measures, including reporting and record keeping, prohibitions, and experimental fishing regulations apply to the associated ECS, unless otherwise specified.

You may find additional background information on this action in the preamble to the proposed rule (83 FR 46466, September 13, 2018).

Comments and Responses

On September 13, 2018, NMFS published a proposed rule and request for public comments (83 FR 46466). The comment period ended October 29, 2018. NMFS received one comment that generally supported the rule.

Changes From the Proposed Rule

This final rule contains no changes from the proposed rule.

Classification

The Administrator, Pacific Islands Region, NMFS, determined that this action is necessary for the conservation and management of Pacific Island fisheries, and that it is consistent with the Magnuson-Stevens Act and other applicable laws.

This final rule has been determined to be not significant for purposes of Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this action would not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule and is not repeated here. NMFS did not receive any comments regarding this certification. As a result, a regulatory flexibility analysis was not required and none was prepared.

List of Subjects in 50 CFR Part 665

Administrative practice and procedure, American Samoa, Ecosystem, Fisheries, Fishing, Guam, Hawaii, Northern Mariana Islands, Permits, Reporting and recordkeeping requirements.

Dated: February 1, 2019.

Samuel D. Rauch, III,
Deputy Assistant Administrator for Regulatory Programs National Marine Fisheries Service.

For the reasons set out in the preamble, NMFS amends 50 CFR part 665 as follows:

PART 665—FISHERIES IN THE WESTERN PACIFIC

1. The authority citation for 50 CFR part 665 continues to read as follows:

Authority: 16 U.S.C. 1801 et seq.

2. In § 665.1, revise paragraph (a) to read as follows:

§ 665.1 Purpose and scope.

(a) The regulations in this part govern fishing for Pacific Island management unit species (MUS) and ecosystem component species (ECS) by vessels of the United States that operate or are based inside the outer boundary of the U.S. EEZ around American Samoa, Hawaii, Guam, the Northern Mariana Islands, Palmyra Atoll, Kingman Reef, Jarvis Island, Baker Island, Howland Island, Johnston Atoll, and Wake Island.

3. In § 665.4, revise paragraph (c) to read as follows:

§ 665.4 Annual catch limits.

(c) Exceptions. The Regional Administrator is not required to specify an annual catch limit for an ECS, or for an MUS that is statutorily excepted from the requirement pursuant to 50 CFR 600.310(h)(2).

4. In § 665.12:

(a) Revise the definition of “American Samoa FEP”;

(b) Remove the definition of “Currently harvested coral reef taxa”;

(c) Revise the definitions of “Ecosystem component species”, “First level buyer”, “Hawaii FEP”, “Mariana FEP”, “No-take MPA”, “Offload”, and “Pelagics FEP”;

d. Remove the definition of “Potentially harvested coral reef taxa”;

e. Revise the definitions of “PRIA FEP”, “Special permit”, and “Tranship”.

The revisions read as follows:

§ 665.12 Definitions.

* * * * *

American Samoa FEP means the Fishery Ecosystem Plan for American Samoa, available from the Western Pacific Fishery Management Council or PIRO.

* * * * *

Ecosystem component species (ECS) means a stock that a Council or the Secretary has determined does not require conservation and management, but is identified in an FEP to achieve ecosystem management objectives.

* * * * *

First level buyer means:

(1) The first person who purchases, with the intention to resell, management unit species (MUS) or ECS, or portions thereof, that were harvested by a vessel that holds a permit or is otherwise regulated under crustacean fisheries in subparts B through E of this part; or

(2) A person who provides recordkeeping, purchase, or sales assistance in the first transaction involving MUS or ECS (such as the services provided by a wholesale auction facility).

* * * * *

Hawaii FEP means the Fishery Ecosystem Plan for the Hawaiian Archipelago, available from the Western Pacific Fishery Management Council or PIRO.

* * * * *

Mariana FEP means the Fishery Ecosystem Plan for the Mariana Archipelago, available from the Western Pacific Fishery Management Council or PIRO.

* * * * *

No-take MPA means an area of the U.S. EEZ that is closed to fishing for or harvesting of any MUS or ECS, as defined in subparts B through F of this part.

Offload means to remove MUS or ECS from a vessel.

* * * * *

Pelagics FEP means the Fishery Ecosystem Plan for Pelagic Fisheries of the Western Pacific, available from the Western Pacific Fishery Management Council or PIRO.

* * * * *

PRIA FEP means the Fishery Ecosystem Plan for the Pacific Remote Island Areas of Palmyra Atoll, Kingman
western Pacific pelagic MUS. The
within 72 hours of each landing of
submitted to the Regional Administrator
forms within 24 hours after the day of
on the forms must be recorded on the
vessel an accurate and complete NMFS
§ 665.801(e) must maintain on board the
person subject to the requirements of
* * * * *
§ 665.13 Permits and fees.
* * * * *
(k) Display. Any permit issued under
this subpart, or a facsimile of such
permit, must be on board the vessel at
times while the vessel is fishing, for
taking, retaining, possessing, or landing
MUS or ECS shoreward of the outer
boundary of the fishery management
area. Any permit issued under this
section must be displayed for inspection
upon request of an authorized officer.
* * * * *
§ 665.14 Reporting and recordkeeping.

(a) State reporting. Except for
precious coral and crustacean fisheries,
you may be required to do so by
applicable state law or regulation must
make and/or file all reports of MUS or
ECS landings containing all data and in
the exact manner required by applicable
state law or regulation.
* * * * *
(c) Transshipment logbooks. Any person subject to the requirements of
§§ 665.124(a)(2), § 665.224(a)(2),
§ 665.424(a)(2), § 665.624(a)(2), or
§ 665.801(e) must maintain on board
the vessel an accurate and complete NMFS
transshipment logbook containing
report forms provided by the Regional
Administrator. All information specified
on the forms must be recorded on the
forms within 24 hours after the day of
transshipment. Each form must be
signed and dated by the receiving vessel
operator. The original logbook for each
day of transshipment activity must be
submitted to the Regional Administrator
within 72 hours of each landing of
western Pacific pelagic MUS. The
original logbook for each day of
transshipment activity must be
submitted to the Regional Administrator
within 7 days of each landing of
coral reef ECS.
(d) Sales report. The operator of any
fishing vessel subject to the
requirements of § 665.142, § 665.242,
§ 665.442, or § 665.642, or the owner of
a medium or large fishing vessel subject
to the requirements of § 665.404(a)(2)
must submit to the Regional
Administrator, within 72 hours of
offloading of crustacean MUS or ECS, an
accurate and complete sales report on a
form provided by the Regional
Administrator. The form must be signed
and dated by the fishing vessel operator.
* * * * *
(g) * * * *
(2) Crustaceans. Upon request, any
first-level buyer must immediately
allow an authorized officer and any
employee of NMFS designated by the
Regional Administrator, to access,
inspect, and copy all records relating to the
harvest, sale, or transfer of
crustacean MUS or ECS taken by vessels
that have permits issued under this
subpart or §§ 665.140 through 665.145,
§§ 665.240 through 665.252, §§ 665.440
through 665.445, or §§ 665.640 through
665.645. This requirement may be met
by furnishing the information on a
worksheet provided by the Regional
Administrator. The information must
include, but is not limited to:
* * * * *
(ii) The amount, number, and size of
each MUS or ECS involved in each
transaction.
* * * * *
(3) Bottomfish and seamount
groundfish. Any person who is required
by state laws and regulations to
maintain records of landings and sales
for vessels regulated by this subpart and
by §§ 665.100 through 665.105, 665.200
through 665.212, 665.400 through
665.407, and 665.600 through 665.606
must make those records immediately
available for Federal inspection and
copying upon request by an authorized
officer.
(4) Coral reefs. Any person who has
a special permit and who is required by
state laws and regulations to maintain
and submit records of catch and effort,
landings and sales for coral reef ECS by
this subpart and §§ 665.120 through
665.128, §§ 665.220 through 665.228,
§§ 665.420 through 665.428, or
§§ 665.620 through 665.628 must make
those records immediately available for
Federal inspection and copying upon
request by an authorized officer as
defined in § 600.10 of this chapter.
* * * * *
7. In § 665.15, revise paragraphs (l),
(n), and (o) to read as follows:

§ 665.15 Prohibitions.
* * * * *
(l) Fish for, take or retain within a
no-take MPA, defined in § 665.99,
§ 665.199, § 665.399, or § 665.599, any
bottomfish MUS or ECS, crustacean
MUS or ECS, western Pacific pelagic
MUS, precious coral MUS or ECS,
seamount groundfish MUS, or coral reef
ecosystem ECS.
* * * * *
(n) Fish for, catch, or harvest MUS or
ECS without an operational VMS unit
on board the vessel after installation of
the VMS unit by NMFS, in violation of
§ 665.19(e)(2).
* * * * *
8. In § 665.17, revise paragraphs (a)
and (b) to read as follows:

§ 665.17 Experimental fishing.

(a) General. The Regional
Administrator may authorize, for
limited purposes, the direct or
incidental harvest of MUS or ECS that
would otherwise be prohibited by this
part. No experimental fishing may be
conducted unless authorized by an EFP
issued by the Regional Administrator in
accordance with the criteria and
procedures specified in this section.
EFPs will be issued without charge.
(b) Observers. No experimental fishing
for crustacean MUS or ECS may be
conducted unless a NMFS observer is
aboard the vessel.
* * * * *
9. Revise § 665.101 to read as follows:

§ 665.101 Definitions.
As used in §§ 665.100 through
665.119:
American Samoa bottomfish
ecosystem component species
(American Samoa bottomfish ECS)
means those species identified as ECS in
the American Samoa FEP and not
defined as American Samoa bottomfish
MUS.
American Samoa bottomfish
management unit species (American
Samoa bottomfish MUS) means the
following species:


<table>
<thead>
<tr>
<th>Local name</th>
<th>Common name</th>
<th>Scientific name</th>
</tr>
</thead>
<tbody>
<tr>
<td>palu-gutusiliva</td>
<td>red snapper, silvermouth</td>
<td>Aphareus rutilans.</td>
</tr>
<tr>
<td>asoama</td>
<td>gray snapper, jobfish</td>
<td>Aprion virens.</td>
</tr>
<tr>
<td>tafaui</td>
<td>black trevally, jack</td>
<td>Caranx lugubris.</td>
</tr>
<tr>
<td>papa, velo</td>
<td>lunartail snapper, jobfish</td>
<td>Variola louti.</td>
</tr>
<tr>
<td>palu malau</td>
<td>red snapper</td>
<td>Etelis carbunculus.</td>
</tr>
<tr>
<td>palu-loa</td>
<td>red snapper</td>
<td>Etelis coruscans.</td>
</tr>
<tr>
<td>filoa-paomumu</td>
<td>red snapper, jobfish</td>
<td>Lethrinus rubioperculatus.</td>
</tr>
<tr>
<td>savane</td>
<td>blueline snapper</td>
<td>Latanarius kasmira.</td>
</tr>
<tr>
<td>palu-ena e`na</td>
<td>pink snapper</td>
<td>Pristipomoides filamentosus.</td>
</tr>
<tr>
<td>palu-sina</td>
<td>yelloweye snapper</td>
<td>Pristipomoides flavipinnis.</td>
</tr>
<tr>
<td>palu-ulal, palu-sega</td>
<td>Snapper</td>
<td>Pristipomoides zonatus.</td>
</tr>
<tr>
<td>Variola louti.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

10. Revise § 665.103 to read as follows:

§ 665.103 Prohibitions.
In addition to the general prohibitions specified in § 600.725 of this chapter and § 665.15, it is unlawful for any person to fish for American Samoa bottomfish MUS or ECS using gear prohibited under § 665.104.

11. In § 665.104, revise paragraph (a) introductory text, (a)(3), and (b) introductory text and (b) to read as follows:

§ 665.104 Gear restrictions.
(a) Bottom trawls and bottom set gillnets. Fishing for American Samoa bottomfish MUS or ECS with bottom trawls and bottom set gillnets is prohibited.

12. Revise § 665.121 to read as follows:

§ 665.121 Definitions.
As used in §§ 665.120 through 665.139, American Samoa coral reef ecosystem component species (American Samoa coral reef ECS) means those species identified as ECS in the American Samoa FEP and not defined as MUS or another ECS in this subpart.

13. Revise § 665.123 to read as follows:

§ 665.123 Relation to other laws.
To ensure consistency between the management regimes of different Federal agencies with shared management responsibilities of fishery resources within the American Samoa fishery management area, fishing for American Samoa coral reef ECS is not allowed within the boundary of a National Wildlife Refuge unless specifically authorized by the USFWS, regardless of whether that refuge was established by an order of the President or the Secretary of the Interior.

14. In § 665.124, revise paragraphs (a)(1) and (2) and (a)(3)(i) and (ii) to read as follows:

§ 665.124 Permits and fees.
(a) * * *

15. In § 665.125, revise paragraphs (a) introductory text, (a)(3), and (b) introductory text to read as follows:

§ 665.125 Prohibitions.
(a) Fish for, take, retain, possess or land any American Samoa coral reef ecosystem ECS in any low-use MPA as defined in § 665.99 unless:

(b) Fish for, take, or retain any American Samoa coral reef ECS:

16. Revise § 665.126 to read as follows:

§ 665.126 Notifications.
Any special permit holder subject to the requirements of this subpart must contact the appropriate NMFS enforcement agent in American Samoa, Guam, or Hawaii at least 24 hours before landing any American Samoa coral reef ECS harvested under a special permit and report the port and the approximate date and time at which the catch will be landed.

17. In § 665.127, revise paragraphs (a) introductory text and (b) to read as follows:

§ 665.127 Allowable gear and gear restrictions.
(a) American Samoa coral reef ECS may be taken only with the following allowable gear and methods:

(b) American Samoa coral reef ECS may not be taken by means of poisons, explosives, or intoxicating substances. Possession or use of these materials by any permit holder under this subpart who is established to be fishing for coral reef ECS in the management area is prohibited.

18. In § 665.128, revise paragraph (a) introductory text to read as follows:

§ 665.128 Gear identification.
(a) Gear marking. The vessel number must be affixed to all fish and crab traps on board the vessel or deployed in the water by any vessel or person holding a permit under § 665.13 or § 665.124 or that is otherwise established to be fishing for American Samoa coral reef ecosystem ECS in the management area.

19. In § 665.141, add a definition for “American Samoa crustacean ecosystem component species (American Samoa crustacean ECS)” in alphabetical order and remove the definition of “American
§ 665.141 Definitions.

* * *

American Samoa crustacean ecosystem component species (American Samoa crustacean ECS) means those species identified as ECS in the American Samoa FEP.

* * *

20. In § 665.161, add a definition for “American Samoa precious coral ecosystem component species (American Samoa precious coral ECS)” in alphabetical order and remove the definition of “American Samoa precious coral management unit species”.

The addition reads as follows:

§ 665.161 Definitions.

* * *

American Samoa precious coral ecosystem component species (American Samoa precious coral ECS) means those species identified as ECS in the American Samoa FEP.

* * *

21. In § 665.162, revise paragraph (a) to read as follows:

§ 665.162 Permits.

(a) Any vessel of the United States fishing for, taking, or retaining American Samoa precious coral in any American Samoa precious coral permit area must have a permit issued under § 665.13.

* * *

22. In § 665.163, revise the introductory text of paragraphs (b) and (c) to read as follows:

§ 665.163 Prohibitions.

* * *

(b) Fish for, take, or retain any species of American Samoa precious coral ECS in any precious coral permit area:

* * *

(c) Take and retain, possess, or land any live Hemicorallium laauense, Pleurocorallium secundum, Corallium sp., or live black coral from any precious coral permit area that is less than the minimum height specified in § 665.165 unless:

* * *

23. In § 665.165, revise paragraphs (a) and (b) to read as follows:

§ 665.165 Size restrictions.

* * *

(a) Live Hemicorallium laauense, Pleurocorallium secundum, or Corallium sp. harvested from any precious coral permit area must have attained a minimum height of 10 inches (25.4 cm).

(b) Live black coral harvested from any precious coral permit area must have attained either a minimum stem diameter of 1 inch (2.54 cm), or a minimum height of 48 inches (122 cm).

24. In § 665.167, revise paragraph (d) to read as follows:

§ 665.167 Quotas.

* * *

(d) Exploratory areas. The American Samoa exploratory permit area X–P–AS has an annual quota of 1,000 kg for all American Samoa precious coral ECS combined with the exception of black corals.

25. In § 665.201, add a definition for “Hawaii bottomfish ecosystem component species (Hawaii bottomfish ECS)” in alphabetical order, revise the definitions of “Hawaii bottomfish management unit species (Hawaii bottomfish MUS)” and “Main Hawaiian Islands non-commercial bottomfish permit”, and in the definition of “Seamount Groundfish”, revise the entry for “Armorhead” to read as follows:

§ 665.201 Definitions.

* * *

Hawaii bottomfish ecosystem component species (Hawaii bottomfish ECS) means those species that are not listed as Hawaii bottomfish MUS and that are identified as ECS in Table 4 of the Hawaii FEP.

Hawaii bottomfish management unit species (Hawaii bottomfish MUS) means the following species:

<table>
<thead>
<tr>
<th>Local name</th>
<th>Common name</th>
<th>Scientific name</th>
</tr>
</thead>
<tbody>
<tr>
<td>lehi</td>
<td>silver jaw jobfish</td>
<td>Apherinus radianus</td>
</tr>
<tr>
<td>uku</td>
<td>gray jobfish</td>
<td>Aprion virescens</td>
</tr>
<tr>
<td>hapu‘upu‘u</td>
<td>sea bass</td>
<td>Hyporthodus quernus</td>
</tr>
<tr>
<td>ehu</td>
<td>squirrelfish snapper</td>
<td>Eelus coruscans</td>
</tr>
<tr>
<td>onaga</td>
<td>longtail snapper</td>
<td>Pristipomoides filamentosus</td>
</tr>
<tr>
<td>‘opakapaka</td>
<td>pink snapper</td>
<td>Pristipomoides seboldi</td>
</tr>
<tr>
<td>kalekale</td>
<td>pink snapper</td>
<td>Pristipomoides zonatus</td>
</tr>
<tr>
<td>gindai</td>
<td>snapper</td>
<td>Pristipomoides zonatus</td>
</tr>
</tbody>
</table>

* * *

Main Hawaiian Islands non-commercial bottomfish permit means the permit required by § 665.203(a)(2) to own or fish from a vessel that is used in any non-commercial vessel-based fishing, landing, or transshipment of any Hawaii bottomfish MUS or ECS in the MHI Management Subarea.

* * *

SEAMOUNT GROUNDFISH * * *

<table>
<thead>
<tr>
<th>Common name</th>
<th>Scientific name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Armorhead</td>
<td>Pentaceros wheeleri</td>
</tr>
</tbody>
</table>

* * *

26. In § 665.203, revise paragraphs (a)(1) and (2), (e)(1), and (j)(1) to read as follows:

§ 665.203 Permits.

(a) * *

(1) Northwestern Hawaiian Islands. The owner of any vessel used to fish for, land, or transship Hawaii bottomfish MUS or ECS shoreeward of the outer boundary of the NWHI subarea must have a permit issued under this section, and the permit must be registered for use with that vessel. PIRO will not register a single vessel for use with a Ho‘omalu Zone permit and a Mau Zone permit at the same time. Mau Zone permits issued before June 14, 1999, became invalid June 14, 1999, except that a permit issued to a person who submitted a timely application under paragraph (b)(3) of this section is valid until the permit holder either receives a Mau Zone limited entry permit or until final agency action is taken on the permit holder’s application. The Ho‘omalu Zone and the Mau Zone limited entry systems described in this section are subject to abolition, modification, or additional effort limitation programs.

(2) MHI non-commercial. The owner of a vessel that is used for and any person who participates in non-commercial, vessel-based fishing, landing, or transshipment of Hawaii bottomfish MUS or ECS in the MHI management subarea is required to
obtain an MHI non-commercial bottomfish permit or a State of Hawaii Commercial Marine License. If one or more persons on a vessel-based bottomfish fishing trip holds an MHI non-commercial permit, then the entire trip is considered non-commercial, and not commercial. However, if any commercial fishing occurs during or as a result of a vessel-based fishing trip, then the fishing trip is considered commercial, and not non-commercial. Charter boat customers are not subject to the requirements of the section.

32. Revise §665.221 to read as follows:

§665.221 Definitions.

As used in §§665.220 through 665.239, Hawaii coral reef ecosystem component species (Hawaii coral reef ECS) means those species identified as ECS in the Hawaii FEP and are not defined as MUS or another ECS in this subpart.

33. Revise §665.223 to read as follows:

§665.223 Relation to other laws.

To ensure consistency between the management regimes of different Federal agencies with shared management responsibilities of fishery resources within the Hawaii coral reef ecosystem management area, fishing for Hawaii coral reef ECS is not allowed within the boundary of a National Wildlife Refuge unless specifically authorized by the USFWS, regardless of whether that refuge was established by action of the President or the Secretary of the Interior.

34. In §665.224, revise paragraphs (a)(1) and (2) and (a)(3)(i) and (ii) to read as follows:

§665.224 Permits and fees.

(a) * *

(1) Special permit. Any person of the United States fishing for, taking or retaining Hawaii coral reef ECS must have a special permit if they, or a vessel which they operate, is used to fish for Hawaii coral reef ECS in low-use MPAs as defined in §665.199;
§ 665.261 Definitions.

41. In § 665.261, add a definition for

Monument is subject to the
or ECS within the Northwestern

§ 665.242 Definitions.

35. In § 665.225, revise paragraphs (a)

ECS; and

§ 665.227 Allowable gear and gear
restrictions.

(a) Hawaii coral reef ECS may be
taken only with the following allowable
gear and methods:

(b) Hawaii coral reef ECS may not be
taken by means of poisons, explosives,
or intoxicating substances. Possession or
use of these materials by any permit
holder under this subpart who is
established to be fishing for coral reef
ECS in the management area is
prohibited.

38. In § 665.228, revise paragraph (a)
to read as follows:

§ 665.228 Gear identification.

(a) The vessel number must be affixed
to all fish and crab traps on board the
vessel or deployed in the water by any
vessel or person holding a permit under
§ 665.13 or § 665.124 or that is
otherwise established to be fishing for
Hawaii coral reef ECS in the
management area.

39. In § 665.241, add a definition for
“Hawaii crustacean ecosystem
component species (Hawaii crustacean
ECS)” in alphabetical order and revise
the definition of “Hawaii crustacean
management unit species (Hawaii
crustacean MUS)” to read as follows:

§ 665.241 Definitions.

Hawaii crustacean ecosystem
component species (Hawaii crustacean
ECS) means those species identified as
ECS in the Hawaii FEP.

Hawaii crustacean management
unit species (Hawaii crustacean MUS)
means the following crustaceans:

<table>
<thead>
<tr>
<th>Local name</th>
<th>Common name</th>
<th>Scientific name</th>
</tr>
</thead>
<tbody>
<tr>
<td>papa'i kua loa</td>
<td>Kona crab</td>
<td>Ranina ranina.</td>
</tr>
<tr>
<td></td>
<td>deepwater shrimp, nylon shrimp</td>
<td>Heterocarpus sp.</td>
</tr>
</tbody>
</table>

§ 665.242 Permits.

(a) * * *

(4) Harvest of Hawaii crustacean MUS
either within the Northwestern
Hawaiian Islands Marine National
Monument is subject to the
requirements of 50 CFR part 404.

41. In § 665.261, add a definition for
“Hawaii precious coral ecosystem
component species (Hawaii precious
coral ECS)” in alphabetical order and
revise the definition of “Hawaii
precious coral management unit species
(Hawaii precious coral MUS)” to read as
follows:

§ 665.261 Definitions.

42. In § 665.262, revise paragraph (a)
to read as follows:

§ 665.262 Permits.

(a) Any vessel of the United States
fishing for, taking, or retaining Hawaii
precious coral MUS or ECS in any
Hawaiian Archipelago precious coral
permit area must have a permit issued
under § 665.13.

43. In § 665.263, revise the
introductory text of paragraphs (b) and
c) to read as follows:

§ 665.263 Prohibitions.

(b) Fish for, take, or retain any species
of Hawaii precious coral MUS or Hawaii
precious coral ECS in any precious coral
permit area:

(c) Take and retain, possess, or land
any live Hemicorallium laauense,
Heterocorallium secundum, Corallium
sp., or live black coral from any
precious coral permit area that is less
than the minimum height specified in § 665.265 unless:
* * * * *  

§ 665.265 Size restrictions.
  * * * * *  
  (a) Live Hemicorallium lauanense, Pleurocorallium secundum, or Corallium sp. harvested from any precious coral permit area must have attained a minimum height of 10 inches (25.4 cm).
  (b) Live black coral harvested from any precious coral permit area must have attained either a minimum stem diameter of 1 inch (2.54 cm), or a minimum height of 48 inches (122 cm).

§ 665.270 Gold coral harvest moratorium.  
Fishing for, taking, or retaining any gold coral MUS or ECS in any precious coral permit area is prohibited through June 30, 2023.

§ 665.403 Bottomfish fishery area management.
  (a) Guam large vessel bottomfish prohibited area (Area GU–1). A large vessel of the United States, as defined in § 665.12, may not be used to fish for Mariana bottomfish MUS or ECS in the Guam large vessel bottomfish prohibited area, defined as the U.S. EEZ waters surrounding Guam that are enclosed by straight lines connecting the following coordinates in the order listed:
  * * * * *  

§ 665.404 Permits.
  (a) * * *  
  (1) Guam large vessel. The owner of any large vessel used to fish for, land, or transship Mariana bottomfish MUS or ECS shoreward of the outer boundary of the Guam subarea must have a permit issued under this section, and the permit must be registered for use with that vessel.
  * * * * *  

§ 665.405 Prohibitions.
In addition to the general prohibitions specified in § 600.725 of this chapter and § 665.15, it is unlawful for any person to do any of the following:
  (a) Fish for Mariana bottomfish MUS or ECS using gear prohibited under § 665.406.
  (b) Use a large vessel that does not have a valid Guam bottomfish permit registered for use with that vessel to fish for, land, or transship Mariana bottomfish MUS or ECS shoreward of the outer boundary of the Guam management subarea of the bottomfish fishery management area in violation of § 665.405(a).
  (c) Use a large vessel to fish for Mariana bottomfish MUS or ECS within the Guam large vessel bottomfish prohibited area, as defined in § 665.405(a).
  (d) Land or transship, shoreward of the outer boundary of the Guam management subarea of the bottomfish fishery management area, Mariana bottomfish MUS or ECS that were harvested in violation of § 665.405(c).
  (e) Use a vessel to fish commercially for Mariana bottomfish MUS or ECS in the CNMI management subarea without a valid CNMI commercial bottomfish permit registered for use with that vessel, in violation of § 665.404(a)(2).
  (f) Falsify or fail to make, keep, maintain, or submit a Federal logbook as required under § 665.14(b) when using a vessel to engage in commercial fishing for Mariana bottomfish MUS or ECS in the CNMI management subarea in violation of § 665.14(b).

§ 665.421 Definitions.
As used in § 665.420 through 665.439, Mariana coral reef ecosystem component species (Mariana coral reef ECS) are those species identified in the Marianas Archipelago FEP and are not defined as MUS or another ECS in this subpart.

§ 665.423 Relation to other laws.
To ensure consistency between the management regimes of different Federal agencies with shared management responsibilities of fishery resources within the Mariana coral reef ecosystem management area, fishing for Mariana coral reef ECS is not allowed within the boundary of a National
Wildlife Refuge unless specifically authorized by the USFWS, regardless of whether that refuge was established by action of the President or the Secretary of the Interior.

52. In §665.424, revise paragraphs (a)(1) and (2) and (a)(3)(i) and (ii) to read as follows:

§ 665.424 Permits and fees.

(a) * * *

(1) Special permit. Any person of the United States fishing for, taking or retaining Mariana coral reef ECS must have a special permit if they, or a vessel which they operate, is used to fish for any:

(i) Mariana coral reef ecosystem MUS

(ii) Mariana coral reef ECS in the coral reef ecosystem management area; or

(iii) Mariana coral reef ECS in the Mariana coral reef ecosystem management area with any gear not specifically allowed in this subpart.

(2) Transshipment permit. A receiving vessel must be registered for use with a transshipment permit if that vessel is used in the Mariana coral reef ecosystem management area to land or transship any Mariana coral reef ECS harvested within low-use MPAs.

(b) Any person issued a permit to fish for, take, or retain Mariana coral reef ECS while fishing for bottomfish MUS or ECS, crustacean ECS, western Pacific pelagic MUS, groundfish MUS.

53. In §665.425, revise paragraphs (a) introductory text, (a)(3), and (b) introductory text to read as follows:

§ 665.425 Prohibitions.

(a) Fish for, take, retain, possess or land any Mariana coral reef ECS in any low-use MPA as defined in §665.399:

(i) Mariana coral reef ecosystem MUS

(ii) Mariana coral reef ECS in the coral reef ecosystem management area; or

(iii) Mariana coral reef ECS in the Mariana coral reef ecosystem management area with any gear not specifically allowed in this subpart.

(2) The Mariana coral reef ECS possessed on board the vessel originated outside the management area, and this can be demonstrated through receipts of purchase, invoices, fishing logbooks or other documentation.

(b) Fish for, take, or retain any Mariana coral reef ECS species:

§ 665.426 Notifications.

Any special permit holder subject to the requirements of this subpart must contact the appropriate NMFS enforcement agent in American Samoa, Guam, or Hawaii at least 24 hours before landing any Mariana coral reef ECS harvested under a special permit, and report the port and the approximate date and time at which the catch will be landed.

54. Revise §665.426, revise paragraphs (a) introductory text and (b) to read as follows:

§ 665.427 Allowable gear and gear restrictions.

(a) Mariana coral reef ECS may be taken only with the following allowable gear and methods:

(b) Mariana coral reef ECS may not be taken by means of poisons, explosives, or intoxicating substances. Possession or use of these materials by any permit holder under this subpart who is established to be fishing for coral reef ECS in the management area is prohibited.

55. In §665.427, revise paragraphs (a) introductory text and (b) to read as follows:

§ 665.428 Permits.

(a) Any vessel of the United States fishing for, taking, or retaining Mariana precious coral ECS in any Mariana Archipelago precious coral permit area must have a permit issued under §665.13.

(b) Any vessel of the United States fishing for, taking, or retaining Mariana precious coral ECS in any Mariana precious coral permit area:

(c) Take and retain, possess, or land any live Hemicorallium laauense, Pleurocorallium secundum, Corallium sp., or live black coral from any precious coral permit area that is less than the minimum height specified in §665.465 unless:

56. In §665.441, add a definition for “Mariana crustacean ecosystem component species (Mariana crustacean ECS)” in alphabetical order and remove the definition of “Mariana crustacean management unit species”.

The addition reads as follows:

§ 665.441 Definitions.

Mariana crustacean ecosystem component species (Mariana crustacean ECS) means those species identified as ECS in the Marianas Archipelago FEP.

57. In §665.442, revise paragraph (a)(2) to read as follows:

§ 665.442 Permits.

(a) * * *

(2) The owner of any vessel used to fish for Heterocarpus sp. in Crustacean Permit Area 5 must have a permit issued for that vessel.

58. Revise §665.443 to read as follows:

§ 665.443 Prohibitions.

In addition to the general prohibitions specified in §600.725 of this chapter and §665.13, it is unlawful for any person in Crustacean Permit Area 5 to fish for, take, or retain Heterocarpus sp. without a permit issued under §665.442.

59. In §665.461, add introductory text and a definition for “Mariana precious coral ecosystem component species (Mariana precious coral ECS)” in alphabetical order and remove the definition of “Mariana precious coral management unit species” to read as follows:

§ 665.461 Definitions.

As used in §§665.460 through 665.470:

Mariana precious coral ecosystem component species (Mariana precious coral ECS) means those species identified as ECS in the Marianas Archipelago FEP.

§ 665.462 Permits.

(a) Any vessel of the United States fishing for, taking, or retaining Mariana precious coral ECS in any Mariana Archipelago precious coral permit area must have a permit issued under §665.13.

(b) Fish for, take, or retain any species of Mariana precious coral ECS in any Mariana precious coral permit area:

(c) Take and retain, possess, or land any live Hemicorallium laauense, Pleurocorallium secundum, Corallium sp., or live black coral from any precious coral permit area that is less than the minimum height specified in §665.465 unless:

60. In §665.462, revise paragraph (a) to read as follows:

§ 665.463 Prohibitions.

(a) Use any vessel to fish for, take, retain, possess or land any Mariana precious coral ECS in any Mariana precious coral permit area, unless a permit has been issued for that vessel and area as specified in §665.13 and that permit is on board the vessel.

(b) Fish for, take, or retain any species of Mariana precious coral ECS in any Mariana precious coral permit area:

61. In §665.463, revise paragraphs (a), (b) introductory text, and (c) introductory text to read as follows:

§ 665.464 Permits.

(a) * * *

(2) The owner of any vessel used to fish for Heterocarpus sp. in Crustacean Permit Area 5 must have a permit issued for that vessel.

58. Revise §665.443 to read as follows:

§ 665.463 Prohibitions.

In addition to the general prohibitions specified in §600.725 of this chapter and §665.13, it is unlawful for any person in Crustacean Permit Area 5 to fish for, take, or retain Heterocarpus sp. without a permit issued under §665.442.

59. In §665.461, add introductory text and a definition for “Mariana precious coral ecosystem component species (Mariana precious coral ECS)” in alphabetical order and remove the definition of “Mariana precious coral management unit species” to read as follows:

§ 665.461 Definitions.

As used in §§665.460 through 665.470:

Mariana precious coral ecosystem component species (Mariana precious coral ECS) means those species identified as ECS in the Marianas Archipelago FEP.

* * * * *