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Title 50 —Wildlife and Fisheries

Chapter VI —Fishery Conservation and Management, National Oceanic and Atmospheric Administration, Department of Commerce

Part 665 —Fisheries in the Western Pacific

Subpart I —Rose Atoll Marine National Monument

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

Source: 75 FR 2205, Jan. 14, 2010, unless otherwise noted.

§ 665.965 Fishing permit procedures and criteria.

(a) *Rose Atoll Monument non-commercial fishing permit —*

- (1) **Applicability.** Both the owner and operator of a vessel used to non-commercially fish for, take, retain, or possess MUS in the Monument must have a permit issued under this section, and the permit must be registered for use with that vessel.
- (2) **Eligibility criteria.** A permit issued under this section may be issued only to a community resident of American Samoa.
- (3) **Terms and conditions.**
 - (i) Customary exchange of fish harvested under a non-commercial permit within the Monument is allowed, except that customary exchange by fishermen engaged in recreational fishing is prohibited.
 - (ii) Monetary reimbursement under customary exchange shall not exceed actual fishing trip expenses, including but not limited to ice, bait, fuel, or food.

(b) *Rose Atoll Monument recreational charter permit —*

- (1) **Applicability.** Both the owner and operator of a vessel that is chartered to fish recreationally for, take, retain, or possess MUS in the Monument must have a permit issued under this section, and the permit must be registered for use with that vessel. Charter boat customers are not required to obtain a permit.
- (2) **Permit eligibility criteria.** To be eligible for a permit issued under this section, a charter business must be established legally under the laws of American Samoa.
- (3) **Terms and conditions.**
 - (i) The sale or exchange through barter or trade of fish caught by a charter boat fishing in the Monument is prohibited.
 - (ii) No MUS harvested under a recreational charter fishing permit may be used for the purposes of customary exchange.

- (c) **Application.** An application for a permit required under this section must be submitted to PIRO as described in § 665.13.

- (d) **Transfer.** A permit issued under this section is not transferrable.

- (e) **Reporting and recordkeeping.** The operator of a vessel subject to the requirements of this section must comply with the terms and conditions described in § 665.14.

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