

Area 2A shall be valid only for either the directed commercial fishery in Area 2A during the season set out in § 301.7(a) or the incidental catch fishery during the salmon troll fishery described in § 301.7(j), but not both.

(n) A vessel operating in a commercial fishery in Area 2A must obtain its license prior to May 1.

3. In § 301.7, paragraph (b) is revised and a new paragraph (j) is added to read as follows:

§ 301.7 Fishing periods.

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(b) Each fishing period for directed halibut fishing in Area 2A shall begin at 0800 hours and terminate at 1800 hours Pacific Standard or Pacific Daylight Time, as applicable, on the dates set out in the table in paragraph (a) of this section, unless the Commission specifies otherwise.

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(j) Notwithstanding paragraphs (a) and (b) of this section, an incidental catch fishery is authorized during salmon troll seasons implemented by NMFS. Vessels participating in the salmon troll fishery in Area 2A may retain halibut caught incidentally during authorized periods, in conformance with the NMFS regulations announced in the Federal Register with the annual salmon management measures. NMFS will specify the ratio of halibut to salmon that may be retained during this fishery.

4. In § 301.10, a new paragraph (j) is added to read as follows:

§ 301.10 Catch limits.

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(j) Notwithstanding paragraph (i) of this section, the catch limit in Area 2A shall be divided between a directed halibut fishery to operate during the fishing periods set out in § 301.7(a) and an incidental halibut catch fishery during the salmon troll fishery in Area 2A described in § 301.7(j). Inseason actions to transfer catch between these fisheries may occur in conformance with § 301.23 of this part.

(1) The catch limit in the directed halibut fishery is 87,550 lb (39.71 mt).

(2) The catch limit in the incidental catch fishery during the salmon troll fishery is 15,450 lb (7.01 mt).

5. In § 301.11, a new paragraph (n) is added to read as follows:

§ 301.11 Fishing period limits.

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(n) The fishing period limits in Area 2A apply only to the directed halibut fishery.

6. Section 301.20 is revised and implemented as a domestic regulation to read as follows:

§ 301.20 Fishing by U.S. treaty Indian tribes.

(a) Halibut fishing by members of treaty Indian tribes located in the State of Washington shall be governed by this section.

(b) For purposes of this part, treaty Indian tribes means the Hoh, Jamestown Klallam, Lower Elwha Klallam, Lummi, Makah, Port Gamble Klallam, Quileute, Quinault, Skokomish, Suquamish, Swinomish, and Tulalip tribes.

(c) Subarea 2A-1 includes all U.S. waters off the coast of Washington that are north of lat. 46°53'18" N. and east of long. 125°44'00" W., and all inland marine waters of Washington.

(d) Commercial fishing for halibut by treaty Indians is permitted only in subarea 2A-1 from March 1 through October 31, or until 159,000 lb (72.12 mt) is taken by treaty Indians, whichever occurs first.

(e) Commercial fishing periods and management measures to implement paragraph (d) of this section will be set by treaty Indian tribal regulations.

(f) Commercial fishing for halibut by treaty Indians shall comply with the provisions of §§ 301.12, 301.15, and 301.17, except that the 72-hour fishing restriction preceding the opening of a halibut fishing period shall not apply to treaty Indian fishing.

(g) Ceremonial and subsistence fishing for halibut in subarea 2A-1 is permitted with hook-and-line gear from January 1 to December 31, and is estimated to take 16,000 lb (7.3 mt).

(h) No size or bag limits shall apply to the ceremonial and subsistence fishery, except that when commercial halibut fishing is prohibited pursuant to paragraph (d) of this section, treaty Indians may take and retain not more than two halibut per person per day.

(i) Halibut taken for ceremonial and subsistence purposes shall not be offered for sale or sold.

(j) Any member of a U.S. treaty Indian tribe, as defined in paragraph (b) of this section, who is engaged in commercial or ceremonial and subsistence fishing under this part must have on his or her person a valid treaty Indian identification card issued pursuant to 25 CFR part 249, subpart A, and must comply with the treaty Indian vessel and gear identification requirements of Final Decision No. 1 and subsequent orders in United States v. Washington, 384 F. Supp. 312 (W.D. Wash. 1974).

(k) The following table sets forth the fishing areas of each of the 12 treaty Indian tribes fishing pursuant to this section. Within subarea 2A-1, boundaries of a tribe's fishing area may be revised as ordered by a Federal court.

TRIBE***Boundaries

HOH***Between 47°54'18" N. lat. (Quillayute River) and 47°21'00" N. lat. (Quinault River), and east of 125°44'00" W. long.

JAMESTOWN KLALLAM***Those locations in the Strait of Juan de Fuca and Puget Sound as determined in or in accordance with Final Decision No. 1 and subsequent orders in United States v. Washington, 384 F. Supp. 312 (W.D. Wash. 1974), and particularly at 626 F. Supp. 1486, to be places at which the Jamestown Klallam Tribe may fish under rights secured by treaties with the United States.

LOWER ELWHA

KLALLAM***Those locations in the Strait of Juan de Fuca and Puget Sound as determined in or in accordance with Final Decision No. 1 and subsequent orders in United States v. Washington, 384 F. Supp. 312 (W.D. Wash. 1974), and particularly at 459 F. Supp. 1049 and 1066 and 626 F. Supp. 1443, to be places at which the Lower Elwha Klallam Tribe may fish under rights secured by treaties with the United States.

LUMMI***Those locations in the Strait of Juan de Fuca and Puget Sound as determined in or in accordance with Final Decision No. 1 and subsequent orders in United States v. Washington, 384 F. Supp. 312 (W.D. Wash. 1974), and particularly at 384 F. Supp. 360, as modified in Subproceeding No. 89-08 (W.D. Wash. February 13, 1990) (decision and order re: cross-motions for summary judgement), to be places at which the Lummi Tribe may fish under rights secured by treaties with the United States.

MAKAH***North of 48°02'15" N. lat. (Norwegian Memorial), west of 123°42'30" W. long., and east of 125°44'00" W. long.

PORT GAMBLE KLALLAM***Those locations in the Strait of Juan de Fuca and Puget Sound as determined in or in accordance with Final Decision No. 1 and subsequent orders in United States v. Washington, 384 F. Supp. 312 (W.D. Wash. 1974), and particularly at 626 F. Supp. 1442, to be places at which the Port Gamble Klallam Tribe may fish under rights secured by treaties with the United States.

QUILEUTE***Between 48°07'36" N. lat. (Sand Point) and 47°31'42" N. lat. (Queets River), and east of 125°44'00" W. long.

QUINAULT***Between 47°40'06" N. lat. (Destruction Island) and 46°53'18" N. lat. (Point Chehalis), and east of 125°44'00" W. long.

SKOKOMISH***Those locations in the Strait of Juan de Fuca and Puget Sound as determined in or in accordance with Final Decision No. 1