



## NOAA FISHERIES SERVICE

Pacific Islands  
Regional Office

Compliance  
Guide

# Main Hawaiian Islands Bottomfish Fishing

(revised July 15, 2011)

This guide provides information for fishermen on how to comply with Federal bottomfish management measures in the main Hawaiian Islands (MHI), that is, the waters from three to 200 nautical miles offshore around the Hawaiian Islands and east of 161° 20' W. longitude.

This information pertains to final rules published in the *Federal Register* on April 4, 2008 (73 FR 18450), July 18, 2008 (73 FR 41296), and June 27, 2011 (76 FR 37285). For the complete set of official regulations, please refer to Title 50 of the Code of Federal Regulations, Part 665 (50 CFR 665). These regulations were implemented by the National Oceanic and Atmospheric Administration (NOAA), National Marine Fisheries Service (NMFS), and are authorized under the Magnuson-Stevens Fishery Conservation and Management Act (Public Law 94-265, as amended).

Regulations are subject to change, so fishermen must familiarize themselves with the most recent changes and are responsible for complying with them. Any discrepancy between this compliance guide and the regulations will be resolved in favor of the regulations published in the *Federal Register* on April 4, 2008 (73 FR 18450), July 18, 2008 (73 FR 41296), June 27, 2011 (76 FR 37285), and the Code of Federal Regulations. This compliance guide is issued in accordance with Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996: Title II of Public Law 104-21.

### GENERAL

#### Question 1. How and why did the regulations come about?

The Western Pacific Fishery Management Council (Council) recommended the regulations to provide for the sustainable harvest of bottomfish. The regulations include an annual catch quota and non-commercial bag limits for Deep 7 bottomfish, vessel marking requirements, Federal non-commercial bottomfish permits, as appropriate, and reporting requirements.

## Question 2. What are the bottomfish management unit species and the Deep 7 bottomfish?

Hawaii bottomfish management unit species consists of the Deep 7 bottomfish (Hawaii Restricted Bottomfish species) and other species listed in the following tables:

### Deep 7 (Hawaii Restricted Bottomfish Species)

<u>Local Name</u>	<u>Common name</u>	<u>Scientific Name</u>
Lehi	Silver jaw jobfish	<i>Aphareus rutilans</i>
Ehu	Squirrelfish snapper	<i>Etelis carbunculus</i>
Onaga	Longtail snapper	<i>E. coruscans</i>
Opakapaka	Pink snapper	<i>Pristipomoides filamentosus</i>
Kalekale	Snapper	<i>P. sieboldii</i>
Gindai	Snapper	<i>P. zonatus</i>
Hapu'upu'u	Sea bass	<i>Epinephelus quernus</i>

### Other Species

<u>Local Name</u>	<u>Common name</u>	<u>Scientific Name</u>
Uku	Gray jobfish, green jobfish	<i>Aprion virescens</i>
Ta'ape	Blue stripe snapper	<i>Lutjanus kasmira</i>
Yellowtail kalekale	Yellowtail snapper	<i>Pristipomoides auricilla</i>
White ulua	Giant trevally	<i>Caranx ignobilis</i>
Black ulua	Black jack	<i>C. lugubris</i>
Pig ulua, butaguchi	Thick lipped trevally	<i>Pseudocaranx dentex</i>
Kahala	Amberjack	<i>Seriola dumerili</i>

## Question 3. Where do the regulations apply?

The Federal regulations apply to anyone who fishes for bottomfish from a vessel in waters from three nautical miles (nm) to 200 nm offshore in the MHI. Many State and Federal regulations complement each other, and fishermen should check with the State of Hawaii Department of Land and Natural Resources (DLNR) for bottomfish fishery regulations that apply in State waters (that is, from the shoreline to 3 nm offshore). (DLNR contact information is found at the end of this guide.)

## Question 4. Who is affected by the regulations?

The regulations affect everyone who engages in vessel-based non-commercial (recreational and subsistence) or commercial bottomfish fishing in Federal waters of the MHI. Seafood dealers, markets, restaurants, and anyone else who possesses or sells Deep 7 bottomfish are also affected by the prohibition on the possession and sale of Deep 7 bottomfish during a fishery closure.

## **BAG LIMIT**

### **Question 5. What is the Federal non-commercial bag limit and to whom does it apply?**

The bag limit is five (5) Deep 7 bottomfish, in any combination of species, per person, per fishing trip, in Federal waters. The bag limit applies to each person fishing in Federal waters on a vessel on which any fisherman on board does not have a State of Hawaii Commercial Marine License. The bag limit also applies to charter boat customers.

### **Question 6. What if I accidentally catch more than five Deep 7 bottomfish?**

If you catch more than five Deep 7 bottomfish on a trip, you must release the excess fish, regardless of their condition.

## **ANNUAL CATCH QUOTA**

From 2008-2010, MHI Deep 7 bottomfish were managed, in part, under an annual total allowable catch (TAC) limit. The 2011 regulations still require an annual catch limit, and add accountability measures for adhering to the limit. The new regulations allow for a quota (annual catch target) set below the catch limit to account for management uncertainty. Management uncertainty is influenced by unreported recreational landings, accuracy of commercial catch reporting, weather influences on the fishing activity and productivity, monitoring and forecasting capabilities, and mortality of recreational catch discards associated with high-grading. The quota serves as a buffer to prevent the catch limit from being exceeded.

### **Question 7. What is a Quota and to whom does it apply?**

The quota is an annual, fishery-wide limit on Deep 7 bottomfish catch. The quota is set by NMFS each year, as recommended by the Council. Fishermen are encouraged to participate in the quota-related discussions at Council meetings. Setting the quota involves analyses of the status of the bottomfish stock, based on fishing records and other factors. The quota applies to both commercial and non-commercial fishermen, and when fishing records indicate that the quota is reached, all fishing for Deep 7 bottomfish in the MHI is prohibited until the start of the next fishing year.

### **Question 8. When is the fishing year?**

The fishing year starts on September 1 and runs through August 31 of the following year, unless the quota limit is reached before August 31.

### **Question 9. How will I know the quota for the year?**

NMFS publishes the quota specification in the *Federal Register*, posts it at [www.fpir.noaa.gov](http://www.fpir.noaa.gov), and notifies the public through other means. The same information may be found at [www.hawaiibottomfish.info](http://www.hawaiibottomfish.info).

### **Question 10. How will I know if the quota is reached?**

NMFS posts a running estimate of the bottomfish catch at [www.fpir.noaa.gov](http://www.fpir.noaa.gov). The same information may be found at [www.hawaiibottomfish.info](http://www.hawaiibottomfish.info). When the quota is projected to be reached, NMFS will notify

bottomfish fishermen<sup>1</sup> and the general public that the fishery for Deep 7 bottomfish will close on a specified date. NMFS will provide at least one week notice before the fishery is closed. Notices will include publications in the *Federal Register*, postings on websites ([www.fpir.noaa.gov](http://www.fpir.noaa.gov) and [www.hawaiibottomfish.info](http://www.hawaiibottomfish.info)), and other means.

**Question 11. What if the quota is not reached during the fishing year?**

If the quota is not reached during the fishing year, the fishery will remain open for the entire fishing year.

**Question 12. After the Deep 7 fishery is closed, may I fish for other bottomfish? What if I accidentally catch one of the Deep 7 bottomfish while I am fishing for other bottomfish?**

During a closure of the Deep 7 bottomfish fishery, you may fish for other bottomfish management unit species. If you catch any Deep 7 bottomfish, you must release them immediately, regardless of their condition. For information on methods of releasing accidentally-caught bottomfish that may enhance their survivability, please contact the Council (contact information at end of this guide) or visit [www.hawaiibottomfish.info](http://www.hawaiibottomfish.info).

**Question 13. While the fishery is closed, may I fish for or sell Deep 7 bottomfish caught in the MHI?**

No. During the closure, fishing for, and possession of, Deep 7 bottomfish is prohibited in Federal waters of the MHI. The regulations also prohibit anyone, including fishermen, dealers, fish markets, and restaurants, from selling Deep 7 bottomfish caught in the MHI during the closure.

**Question 14. May I keep Deep 7 bottomfish that were legally caught in the MHI prior to the closure in my refrigerator or freezer?**

Yes.

**Question 15. During the closure, may I sell Deep 7 bottomfish that were caught in the MHI prior to the closure of the fishery?**

No. Sale of any Deep 7 bottomfish from the MHI is prohibited during the closure.

**Question 16. Is it legal to possess or sell any Deep 7 bottomfish that were caught somewhere else during the closure?**

Deep 7 bottomfish that were caught legally in the Pacific Remote Islands Areas (PRIA), or legally imported into Hawaii may be possessed or sold during the closure.

**Question 17. How do I document that the fish I sell were caught legally?**

Documentation could include, but is not limited to, such sources as State fishing reports, dealer and auction records, or the State Special Marine Product License. Further information may be obtained from the DLNR (see contact information at the end of this guide).

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<sup>1</sup> Information from DLNR and NMFS permit databases.

## **VESSEL MARKING**

### **Question 18. Do I have to mark my vessel in a specific way for non-commercial bottomfish fishing?**

Yes. You must mark your vessel in accordance with State of Hawaii bottomfish vessel identification requirements, or Federal vessel identification requirements.

## **PERMITS**

### **Question 19. Who needs a Federal non-commercial bottomfish permit?**

Every person who fishes for bottomfish management unit species in Federal waters (3-200 nm) around the MHI must have a Federal MHI Non-Commercial Bottomfish Permit or a State of Hawaii Commercial Marine License (CML). This includes owners of vessels used for bottomfish fishing in Federal waters. Charterboat customers do not need permits.

### **Question 20. How do I determine if I need a State CML or a Federal non-commercial permit?**

If you fish for bottomfish species, and do not sell, barter, or trade<sup>2</sup> any fish, then either a Federal non-commercial bottomfish permit or a State CML will satisfy the Federal permit requirement. According to Federal regulations, if you sell, barter, or trade any fish at any time during the year, you must have a State CML.

### **Question 21. How do I get a non-commercial bottomfish permit?**

Permits are issued by NMFS Sustainable Fisheries Division, Pacific Islands Regional Office (PIRO), 1601 Kapiolani Blvd. Suite 1110, Honolulu, HI 96814. The application form is available at PIRO, and online at [www.fpir.noaa.gov](http://www.fpir.noaa.gov) and [www.hawaiibottomfish.info](http://www.hawaiibottomfish.info). Completed applications may be mailed or hand-delivered to PIRO. NMFS will begin processing your permit upon receipt of a completed application. Permits will generally be mailed to applicants. For questions regarding permits, please call PIRO permits at (808) 944-2275, or email [PIRO-permits@noaa.gov](mailto:PIRO-permits@noaa.gov).

### **Question 22. I live on a neighbor island. How do I get a permit?**

See Question 21.

### **Question 23. Is there a fee for the Federal bottomfish permit?**

Yes, a non-refundable processing fee will be charged for each permit application. Please see the current application form for the fee amount. Checks should be made payable to Department of Commerce, NOAA. Cash or money orders will not be accepted.

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<sup>2</sup> Commercial fishing under Federal law means fishing in which the fish harvested, either in whole or in part, are intended to enter commerce or enter commerce through sale, barter, or trade.

**Question 24. How long is the Federal permit valid?**

A Federal non-commercial bottomfish permit is valid for one year from the date of issuance.

**REPORTING**

**Question 25. What are the required Federal logbook forms?**

These are the forms on which a Federally-permitted vessel operator in the MHI non-commercial bottomfish fishery must report information about fishing activities. (State CML holders must report to DLNR on State forms.)

**Question 26. How do I get the Federal logbook forms?**

NMFS provides Federal bottomfish logbook forms when issuing initial Federal non-commercial bottomfish permits, and as needed thereafter.

**Question 27. What information do I report on my logbook form?**

The Federal forms are used to record your fishing effort, fishing participants, fishing locations, number and species of fish caught, whether fish were kept or released, the condition of any released fish, and interactions with protected species such as sea turtles, Hawaiian monk seals, other marine mammals, and seabirds. All catch and effort on bottomfish trips must be reported, including Deep 7 and other bottomfish, and any non-bottomfish, such as mahimahi or tunas caught while trolling during a bottomfish trip. The logbooks contain specific instructions for completing the forms.

**Question 28. Why does NMFS collect information on interactions between fisheries and protected resources?**

Scientists and fishery managers use the information on interactions with marine mammals, sea turtles, and seabirds to help reduce the impacts of fishing on these protected resources.

**Question 29. Who is required to submit the bottomfish logbook form?**

The vessel operator is required to complete one form per trip. If the vessel operator holds a State CML, all fishing activity and catch must be reported to the DLNR on the State reporting form. If the vessel operator holds a Federal non-commercial permit, all fishing activity and catch must be reported on a Federal logbook form to NMFS. The vessel owner and operator are both responsible for ensuring that completed, original, signed Federal non-commercial forms are submitted.

**Question 30. When am I required to submit my Federal logbook forms?**

You must submit Federal logbook forms to NMFS within 72 hours after the end of each fishing trip. The logbooks contain specific instructions for submitting the forms.

**Question 31. What if I am on a fishing trip where some fishermen have State CMLs and some have Federal non-commercial permits (“mixed trip”)?**

The following table describes how the non-commercial bag limits<sup>3</sup> and reporting requirements apply when on purely commercial, purely non-commercial, or “mixed” trips.

<b>If the vessel operator has:</b>	<b>....and the crew has:</b>	<b>Does the Federal bag limit apply?</b>	<b>Can any fish from the trip be sold?</b>	<b>Reporting</b>
State CML	Only State CMLs	No	Yes	Vessel operator reports activity and catch for entire trip on State form and submits the form to the State.
State CML	Mix of State CMLs and Federal non-commercial bottomfish permits	Yes (one bag limit per permitted person)	No	Vessel operator reports activity and catch for entire trip on State form and submits the form to the State.
Federal Non-commercial bottomfish permit	Only Federal non-commercial bottomfish permits	Yes (one bag limit per permitted person)	No	Vessel operator reports activity and catch for entire trip on Federal logbook form and either the vessel owner or operator must submit the form to NMFS.
Federal Non-commercial bottomfish permit	Mix of State CMLs and Federal non-commercial bottomfish permits	Yes (one bag limit per permitted person)	No	Vessel operator reports activity and catch for entire trip on Federal logbook form and either the vessel owner or operator must submit the form to NMFS.

**BOTTOMFISH CLOSED AREAS**

**Question 32. Are there any federal bottomfish closed areas around the MHI?**

No. Closed areas for bottomfish are all administered by the State of Hawaii. Federal law governs only non-commercial permits and bag limits, reporting, vessel marking, and annual quota in federal waters around the MHI.

**Question 33. Do NOAA Office for Law Enforcement (OLE) officers enforce certain State Bottomfish Restricted Fishing Areas that extend into federal waters around the MHI?**

No. NOAA OLE does not enforce any State of Hawaii laws or regulations.

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<sup>3</sup> See Question 6.

**Question 34. Do State of Hawaii Division of Conservation and Resources Enforcement (DOCARE) officers enforce certain State Bottomfish Restricted Fishing Areas (BRFAs) that extend into federal waters around the MHI?**

DOCARE officers will enforce BRFAs under Hawaii Administrative Rules Chapter 13-94-8 to the extent that this action lies within DOCARE's authority and jurisdiction to do so. Questions on enforcement of State fishing regulations should be directed to their office at the Kalanimoku Building, 1151 Punchbowl St., Honolulu, HI 96813, Tel: (808) 587-0400, email [DLNR@hawaii.gov](mailto:DLNR@hawaii.gov).

**For more information about bottomfish fishing regulations, contact:**

- NOAA NMFS Pacific Islands Regional Office  
Sustainable Fisheries Division  
1601 Kapiolani Blvd. 1110  
Honolulu, Hawaii 96814-4700  
[www.fpir.noaa.gov](http://www.fpir.noaa.gov)  
Questions about Federal permits or regulations: Call (808) 944-2275 or email [PIRO-permits@noaa.gov](mailto:PIRO-permits@noaa.gov).
- NOAA NMFS Pacific Islands Fisheries Science Center  
Fisheries Monitoring Branch  
2570 Dole St.  
Honolulu, HI 96822-2396  
[www.pifsc.noaa.gov](http://www.pifsc.noaa.gov)  
Questions about Federal logbook and reporting, or requests for more logbook forms: Write to FMB at the address above, fax (808) 983-2902, or email [hibottomfishlogs@noaa.gov](mailto:hibottomfishlogs@noaa.gov).
- State of Hawaii  
Department of Land and Natural Resources (DLNR)  
Division of Aquatic Resources  
1151 Punchbowl St. Room 330  
Honolulu, HI 96813  
[www.hawaii.gov/dlnr/dar](http://www.hawaii.gov/dlnr/dar)  
Tel: 808-587-0100, Fax: 808-587-0115  
email: [DLNR.aquatics@hawaii.gov](mailto:DLNR.aquatics@hawaii.gov)  
Commercial Marine Licenses are available online at <https://dlnr.ehawaii.gov/cmls>
- Western Pacific Fishery Management Council  
1164 Bishop St. Suite 1400  
Honolulu, HI 96813  
[www.wpcouncil.org](http://www.wpcouncil.org)  
Tel: (808) 522-8220, Fax: (808) 522-8226
- Hawaii Bottomfish Information  
[www.hawaiibottomfish.info](http://www.hawaiibottomfish.info)

Search the *Federal Register* at [www.gpoaccess.gov/fr/search.html](http://www.gpoaccess.gov/fr/search.html).

Search the Code of Federal Regulations at [ecfr.gpoaccess.gov](http://ecfr.gpoaccess.gov).