



NOAA FISHERIES

Pacific Islands Regional Office

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Compliance Guide Main Hawaiian Islands Bottomfish Fishing

(revised April 2014)

This guide provides information for fishermen on how to comply with Federal bottomfish requirements in the main Hawaiian Islands (MHI), that is, the waters from three to 200 nautical miles (nm) 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, Code of Federal Regulations, Part 665, [Section 665.200](#). 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

Q1. What is the purpose of the regulations?

The Western Pacific Fishery Management Council (Council) recommended the regulations provide for the sustainable harvest of bottomfish, and 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.

Q2. 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)

LOCAL NAME	COMMON NAME	SCIENTIFIC NAME
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

LOCAL NAME	COMMON NAME	SCIENTIFIC NAME
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>

Q3. Where do the regulations apply?

The Federal regulations apply to anyone who fishes for bottomfish from a vessel in waters from 3 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.

Q4. 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 possess or sell Deep 7 bottomfish are also affected by the prohibition on the possession and sale of Deep 7 bottomfish during a fishery closure.

Bag Limit

Q5. 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.

Q6. 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 condition.

Annual Catch Limit

Q7. What is the annual catch limit and to whom does it apply?

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

Q8. When is the fishing year?

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

Q9. How will I know the limit for the year?

NMFS publishes the specification in the *Federal Register*, posts it at www.fpir.noaa.gov, and notifies the public through other means. The same information may be found at www.hawaiibottomfish.info.

Q10. How will I know if the limit is reached?

NMFS posts a running estimate of the bottomfish catch at www.fpir.noaa.gov. The same information may be found at www.hawaiibottomfish.info. When the limit is projected to be reached, NMFS will notify bottomfish fishermen¹ 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 and www.hawaiibottomfish.info), and other means.

Q11. What if the limit is not reached during the fishing year?

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

Q12. 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 it immediately, regardless of 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.

Q13. 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.

Q14. May I keep Deep 7 bottomfish that were legally caught in the MHI prior to the closure in my refrigerator or freezer?

Yes.

Q15. 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.

¹ Information from DLNR and NMFS permit databases.

Q16. 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.

Q17. 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).

Vessel Marking

Q18. 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

Q19. Who needs a Federal MHI 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.

Q20. How do I determine if I need a State CML or a Federal MHI Non-commercial Bottomfish Permit?

If you fish for bottomfish species, and do not sell, barter, or trade² any fish, then either a Federal MHI Non-commercial Bottomfish Permit or a State CML will satisfy the Federal permit requirement. According to Federal regulations, if you sell, barter, or trade fish at any time during the year, you must have a State CML.

Q21. How do I apply for a Federal MHI Non-commercial Bottomfish Permit?

You may request a permit application from the following sources:

- Website: www.fpir.noaa.gov/SFD/SFD_permits_index.html
- Email: piro-permits@noaa.gov
- Phone: (808) 725-5190

Q22. Is there a fee for the Federal MHI Non-commercial 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.

Q23. Where do I send the completed permit application and fee?

Mail the completed application, fee, and required documents to:

Permits
Sustainable Fisheries
NMFS Pacific Islands Regional Office
1845 Wasp Blvd., Bldg. 176
Honolulu, HI 96818

Q24. How long is the Federal MHI Non-commercial Bottomfish Permit valid?

A Federal MHI Non-commercial Bottomfish Permit is valid for one year from the date of issuance.

² 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.

Reporting

Q25. 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.)

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.

Q26. 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.

Q27. 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 MHI Non-commercial Bottomfish 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.

Q28. When am I required to submit my Federal logbook form?

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

Q29. Where can I obtain a Federal logbook, and where do I send it when completed?

To obtain or submit logbooks or sales reports, please contact:

Fisheries Monitoring Branch
NMFS Pacific Islands Fisheries Science Center
1845 Wasp Blvd., Bldg. 176
Honolulu, HI 96818
Tel: (808) 725-5326
Email: kurt.kawamoto@noaa.gov
Website: www.pifsc.noaa.gov/fmb/fmap/federal_forms

Q30. What if I am on a fishing trip where some fishermen have State CMLs and some have Federal MHI Non-commercial Bottomfish Permits (“mixed trip”)?

The following table describes how the non-commercial bag limits³ and reporting requirements apply when on purely commercial, purely non-commercial, or “mixed” trips.

If the vessel operator has:and the crew has:	Does the Federal bag limit apply?	Can any fish from the trip be sold?	Reporting
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 MHI 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 MHI Non-commercial Bottomfish Permit	Only Federal MHI 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 MHI Non-commercial Bottomfish Permit	Mix of State CMLs and Federal MHI 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

Q31. 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.

Q32. Does the NOAA Office of Law Enforcement (OLE) 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.

Q33. 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 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.

³See Question 6

Q34. Where can I obtain additional copies of this guide or receive more information about these regulations?

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1845 Wasp Blvd., Bldg. 176
Honolulu, HI 96818
Tel: 808-725-5000
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NMFS Pier 38 Service Center
1139 N. Nimitz Hwy, Suite 220
Honolulu, HI 96817
Tel: 808-944-2300

Division of Aquatic Resources
Department of Land and Natural Resources (DLNR)
State of Hawaii
1151 Punchbowl St. Room 330
Honolulu, HI 96813
Tel: 808-587-0100
Fax: 808-587-0115
Email: dlnr.aquatics@hawaii.gov
Website: www.hawaii.gov/dlnr/dar

Western Pacific Fishery Management Council
1164 Bishop St. Suite 1400
Honolulu, HI 96813
Tel: (808) 522-8220
Fax: (808) 522-8226
Website: www.wpcouncil.org

Hawaii Bottomfish Information
www.hawaiibottomfish.info