



## Frequently Asked Questions Concerning New Regulations for Bottomfish Fishing in the Main Hawaiian Islands

April 9, 2007

**Why do we need new regulations?** Federal scientists here in Hawaii have determined that current catch of bottomfish -- snapper, groupers and jacks such as opakapaka, hapuupuu and ulua – are too high to be sustainable and must be reduced. In other words, overfishing of some species is occurring. If this situation is not addressed immediately, the fishery risks going into what the Federal fisheries regulations call an “overfished” situation which would necessitate even more drastic measures to meet Federal mandates and to return the stocks to a healthy condition.

**Which species are included in the new regulations?** The new regulations focus on deepwater species – six snappers and a grouper: specifically onaga, ehu, gindai, opakapaka, kalekale, lehi, and hapuupuu (the Deep 7).

**What new regulations will be implemented?** The new regulations will include seasonal closures and catch limits (or total allowable catches, i.e., TACs) to reduce both commercial and non-commercial harvests. Regulations will involve coordinated action on both the Federal and State sides. To allow scientists to count all catches, there will be a modified State of Hawaii catch report form for the commercial fishery and new Federal permit and reporting requirements for the non-commercial fishery.

**What is meant by non-commercial?** Anyone who harvests bottomfish but does not sell any fish throughout the year is considered non-commercial. This category includes recreational, subsistence and all other non-commercial fishery participants.

**What is the timeline for the new regulations?** The new regulations will be implemented in four phases over the next 11 months, starting this May.

### PHASE 1: SEASONAL CLOSURE

On **May 15, 2007**, a seasonal closure, will come into effect for all waters around the Main Hawaiian Islands (MHI). Both **commercial** and **non-commercial** fishing for Deep 7 species will be prohibited. This includes both State (0-3 miles) and Federal (3-200 miles) waters. The closure will last until September 30, 2007. Fishing for or retaining MHI Deep 7 species will be prohibited during this time. The only Deep 7 fish that may be possessed or sold in Hawaii during this time is fish from the limited entry Northwestern Hawaiian Islands (NWHI) fishery or from out-of-state. [And remember that if you don't already have a NWHI limited entry permit, you are not allowed to fish west of 161.01 West at any time.] You may

still fish for, retain, and sell other bottomfish species, such as uku, weke ula, ulua, etc. in the main Hawaiian Islands during the closed season.

- **What happens if I'm fishing for uku or ulua but bring up one of the Deep 7?** Unintentional catches of the prohibited fish will need to be released and the fish reported as a "regulatory: discard on our new catch reporting forms.
- **What if the fish is damaged from coming up and won't survive if I release it?** Unfortunately, you will still have to release it. It may not be possessed or landed.

## **PHASE 2: MANDATORY PERMIT AND TAC (Total Allowable Catch)**

On **October 1, 2007**, when waters around the MHI reopen to fishing for Deep 7 species, Phase 2 will come into effect. Fishing for or possessing Deep 7 species in State or Federal waters around the MHI will require either a State or Federal fishing permit. Both the commercial and non-commercial fisheries will be open until the the Deep 7 TAC has been reached. Then the fishery will be closed until the following October 1<sup>st</sup>. [We expect the fishery to be open through the Christmas and New Year's season, and into the early spring, but we won't know until we see how much fishing goes on once the fishery opens October 1<sup>st</sup>.]

To assist with compliance, commercial fishermen will be required to use a modified commercial fishery reporting form.

- **What permit will commercial fishermen use?** Commercial fishermen will continue to use the current State commercial marine license.
- **How will the commercial fishery reporting form change?** The new State form will require reporting of fishing locations by latitude and longitude (to the nearest minute) on a per trip basis (rather than the current reporting of location by grids and submittal of reports on a monthly basis).
- **What permit will non-commercial fishery participants use and how will they get one?** Non-commercial fishery participants will be required to obtain a Federal permit. Applications for **non-commercial** MHI bottomfish permits will be available online and from the National Marine Fisheries Service's Pacific Islands Regional Office (PIRO). The fee for permits has not yet been determined, but will be calculated to cover permit issuance cost only. The online form will likely be found at: [http://www.fpir.noaa.gov/SFD/SFD\\_permits\\_11.html](http://www.fpir.noaa.gov/SFD/SFD_permits_11.html) More detailed information will be made available as the regulations are implemented.
- **What will the TAC be and what happens when it is reached?** The NMFS Pacific Islands Fisheries Science Center is in the process of calculating the TAC for the open season that will begin on October 1, 2007. This catch quota is based on commercial catch statistics over the past 50 years and the biological stock assessment models the Center scientists have developed. <http://www.pifsc.noaa.gov/bottomfish/>

- Once the commercial fishery reaches the TAC, both commercial and non-commercial fisheries will be closed until September 1, 2008. The TAC for the 2007-2008 fishing season will be based on the commercial catch only because the non-commercial fishery participants will not be required to report their catches at this time.
- **Do these new regulations take the place of existing State regulations for the fishery?** The new regulations are additional to existing regulations. All fishery participants will also need to continue to comply with all State rules including those regarding recreational bag limits, vessel registration, commercial marine license requirements, and closed areas.
- **What about the existing State Bottomfish Restricted Fishing Areas (BRFAs) and proposed Federal bottomfish area closures? Will these still be in effect?** Discussions are ongoing about the State BRFAs. As for the proposed Federal year-round closure of Penguin and Middle Banks, they will not be implemented. These banks will be closed only during the seasonal closure when the rest of the main Hawaiian Islands are also closed.

### PHASE 3: NON-COMMERCIAL REPORTING

Beginning **February 15, 2008**, **non-commercial** fishery participants fishing for or catching Deep 7 species will be required to fill out Federal catch reports. Reporting of all catches of Deep 7 species by **non-commercial** fishery participants (those without commercial marine licenses) in State or Federal waters around the MHI will be required. **Commercial** fishery catches will continue to be reported on State catch report forms.

- **Where will non-commercial participants get the Federal report forms?** **Non-commercial** participants will need to request Federal report forms from PIRO. The PIRO office is located at 1601 Kapiolani Blvd., Suite 1110, Honolulu, HI 96814. PIRO can also be contacted by phone at (808) 944-2200 and by fax at (808) 973-2941.
- **How often must non-commercial participants file the report form?** Non-commercial participants must complete and submit the forms within 24 hours of each fishing trip.

### PHASE 4: MANAGEMENT BY TAC

- Beginning **May 1, 2008**, **the seasonal closure will be reduced to a four-month closure:** All waters around the MHI will be closed to both **commercial** and **non-commercial** fishing for Deep 7 species from May 1-August 31. The only Deep 7 fish that may be possessed or sold in the MHI during this time will be fish from the limited-entry NWHI fishery, or fish that are imported from out-of-state. You may still fish for, retain, and sell other bottomfish species. This is expected to be the last seasonal closure for this fishery.

- Beginning **September 1, 2008**, the State's recreational bag limits will be eliminated and an annual TAC will be calculated to take into account both the commercial and non-commercial catches. All waters around the MHI will reopen to **commercial** and **non-commercial** fishing for Deep 7 species. However the **commercial** and **non-commercial** sectors will now be managed under a combined annual fishery-wide TAC. This TAC will apply to the Deep 7 species only, and once it is reached, all fishing for Deep 7 species around the MHI will be prohibited until the next September 1. Fishing for or retaining Deep 7 species will be prohibited in the MHI after it is announced that the fishery-wide TAC has been reached. The only Deep 7 fish that may be possessed or sold in the MHI during the closure is fish from the limited-entry NWHI fishery (until the closure of that fishery in 2011 as per the executive order establishing the NWHI Marine National Monument), or fish that are imported from out-of-state. You may still fish for other bottomfish species. The use of seasonal closures will be discontinued.
- This management regime for bottomfish is adaptive and will continue to evolve based on annual monitoring of the fishery, changes in the fishery and availability of new scientific information. Management agencies seek your input on how best to improve bottomfish management in Hawaii.

### **Contact information**

#### **Agencies that are involved in management of these regulations**

Hawaii Dept of Land & Natural Resources, Division of Aquatic Resources, (808) 587-0010  
 National Marine Fisheries Service, Pacific Islands Regional Office, (808) 944-2200  
 National Marine Fisheries Service, Pacific Islands Fisheries Science Center, (808) 983-5360  
 Western Pacific Regional Fishery Management Council, (808) 522-8220

#### **Agencies involved in enforcement of these regulations**

Hawaii Division of Conservation and Resource Enforcement, (808) 587-0066  
 National Marine Fisheries Service, Office of Law Enforcement, (808) 587-2727/(808)203-2500  
 US Coast Guard, 14<sup>th</sup> District, (808) 842-2600