



## Preliminary Options for MHI Bottomfish Regulatory Changes

160<sup>th</sup> Council Meeting  
June 25-26, 2014  
Honolulu, Hawaii

### Introduction

In 2007, the Council recommended, and NMFS implemented, a regulatory package for the management of the MHI Bottomfish fishery. These regulations stipulate that vessels targeting and landing deep-7 bottomfish from federal waters in the MHI must obtain a federal permit and report their catch on a per-trip basis. In addition, non-commercial fishermen are limited to a total of 5 deep-7 bottomfish per person per day, in any combination, that they are able to retain on a given trip.

During the first few years of the new management regime, the fishery hit its quota which triggered the State and Federal agencies to close the fishery for part of the year. As the MHI bottomfish fishery has transitioned to being primarily a single day fishery, fishermen would fish up until the end of the closure date then deliver their product to the market/auction. The regulations also prohibit the possession of deep-7 bottomfish caught from the MHI following the closure of the fishery, creating a problem for restaurants, markets and seafood processors who purchase deep-7 species after the fishery has been closed. In response, some markets have rejected purchasing deep-7 bottomfish caught and delivered to market up to one week prior to the closure.

These provisions were included as a preventative measure to limit non-commercial deep-7 landings while the commercial sector quota was being implemented and refined. Given that the fishery monitoring and management transition to an ACL-based fishery is fully implemented, the Council may consider revisiting the purpose and function of this management provision in the larger context of the regime.

### Purpose and Need

Given that the fishery monitoring and management transition to an ACL-based fishery is fully implemented, the purpose and function of this management provision in the larger context of the regime needs to be reconsidered. The current Federal MHI Non-commercial Bottomfish Permit numbers are very low. That level of participation is due to either non-compliance or non-commercial fishermen purchasing State of Hawaii Commercial Marine Licenses to avoid the non-commercial bag limits. The utility of the bag limits is in question as they were put in place while the commercial limits were being refined. As the ACT for the MHI Bottomfish fishery has been set on the entire fishery, the bag limits may not be necessary. This action would provide potential relief to Non-commercial fishermen from regulations on bag limits, permitting and reporting.

The regulations also prohibit the possession of deep-7 bottomfish caught from the MHI creating a problem for restaurants, markets and seafood processors who purchase deep-7 species after the

fishery has been closed. Most of the deep-7 bottomfish have a useable shelf-life from 3-7 days, meaning markets have the ability to hold the fish and sell it up to a week after the closure of the fishery. However, due to the fear of not being able to get rid of the fish by the closure date (especially for fish caught at or near the closure date) and not being in compliance with the law, some markets have rejected purchasing deep-7 bottomfish caught and delivered to market up to one week prior to the closure. This action would both provide fishermen the ability to fish up to any potential closure and sell their fish to market as well as provide the market with the ability to legally sell fish that were caught during the open season after the closure.

### **Options for Consideration**

#### ***Issue 1: MHI Bottomfish Fishery Non-commercial Bag Limit***

##### ***Option 1a) No Action-Keep the bag limit at 5 of any Deep-7 species***

This option would keep the current bag limit at a total of 5 fish made up of any of the deep-7 species. The current limit was put in place due to the uncertainty in harvest amount of the non-commercial bottomfish fishing sector. The low participation numbers in the Federal MHI non-commercial bottomfishing permit has not provided sufficient data to be useful in improving non-commercial sector harvest. The State of Hawaii is also proposing to increase its bag limits for non-commercial bottomfish fishing to 10 fish, which would be double the current Federal limit, creating a possible enforcement problem as well as incongruent fishing regulations.

##### ***Option 1c) Increase the bag limit to match the State of Hawaii proposed bag limit of 10***

Should the State of Hawaii increase its proposed bag limit to a total of 10 fish from any of the deep-7 bottomfish, this option would provide the same limit in Federal waters. This provides congruent regulations and less confusion for bottomfish fishermen. The assumptions of non-commercial harvest in the fishery have not been updated so the justification of increasing the bag limit may be lacking.

##### ***Option 1d) Remove the bag limit***

The original bag limit was established to be precautionary while the Council established its Annual Catch Limits for the fishery. With the ACL established and based upon a stock assessment that incorporates an estimation of the non-commercial catch and its uncertainty, there may not be a need to have limits on sectors in the fishery.

#### ***Issue 2: Market Grace Period***

##### ***Option 2a) No Action***

Currently, there is no grace period for selling fish caught legally before the closure date after the closure date. Under this option, there would be no grace period and fishermen would continue to have problems with fish markets that stop accepting fish prior to the closure to avoid being in violation should the fish not sell before the fishery is closed.

##### ***Option 2b) Provide a market grace limit of 3 days***

This option provides a grace period for selling fish caught prior to the closure up to 3 days after the closure. This is the lower limit of how long bottomfish can be held fresh by a fish market and provides the fishermen the ability to fish right up till the closure date and sell their catch.

*Option 2c) Provide a market grace limit of 5 days*

This option is similar to the previous option but provides a grace period of up to 5 days after the closure, which is the upper limit of how long some of the deep-7 bottomfish can be held fresh by the market. The 5 day grace period allows for fish markets/sellers more flexibility in buying and selling deep-7 bottomfish.

**Proposed Action**

The Council may consider preliminary options to improve the MHI Bottomfish management regime with regard to non-commercial bag limits and market delays for the sale of bottomfish once the fishery is closed at the 160<sup>th</sup> Council Meeting and direct staff to prepare a regulatory based upon these options for analysis at its next meeting.

**Summary Table of Options**

<i>Issue</i>	<i>Option</i>
1) MHI BF NC Bag Limit	a) No Action
	c) Increase bag limits
	d) Remove bag limits
2) Market Grace Period	a) No Action
	b) Allow 3-day grace period
	c) Allow 5-day grace period