

Fishery Conservation and Management

§ 665.221

§ 665.210 Hawaii restricted bottomfish species.

Hawaii restricted bottomfish species means the following species:

Local name	English common name	Scientific name
lehi	silver jaw jobfish	<i>Aphareus rutilans.</i>
ehu	squirrelfish snapper ..	<i>Etelis carbunculus.</i>
onaga	longtail snapper	<i>Etelis coruscans.</i>
opakapaka	Pink snapper	<i>Pristipomoides filamentosus.</i>
kalekale	snapper	<i>Pristipomoides sieboldii.</i>
gindai	snapper	<i>Pristipomoides zonatus.</i>
hapu'upu'u	sea bass	<i>Epinephelus quernus.</i>

§ 665.211 Total Allowable Catch (TAC) limit.

(a) TAC limits will be set annually for the fishing year by NMFS, as recommended by the Council, based on the best available scientific, commercial, and other information, and taking into account the associated risk of over-fishing.

(b) The Regional Administrator shall publish a notice indicating the annual TAC limit in the FEDERAL REGISTER by August 31 of each year, and shall use other means to notify permit holders of the TAC limit for the year.

(c) When the TAC limit specified in this section is projected to be reached based on analyses of available information, the Regional Administrator shall publish a notice to that effect in the FEDERAL REGISTER and shall use other means to notify permit holders. The notice will include an advisement that the fishery will be closed beginning at a specified date, which is not earlier than 14 days after the date of filing the closure notice for public inspection at the Office of the Federal Register, until the end of the fishing year in which the TAC is reached.

(d) On and after the date specified in § 665.211(c), no person may fish for or possess any Hawaii Restricted

Bottomfish Species as specified in § 665.210 in the MHI management sub-area, except as otherwise allowed in this section.

(e) On and after the date specified in § 665.211(c), no person may sell or offer for sale Hawaii Restricted Bottomfish Species as specified in § 665.210, except as otherwise authorized by law.

(f) Fishing for, and the resultant possession or sale of, Hawaii Restricted Bottomfish Species by vessels legally registered to Mau Zone, Ho'omaluu Zone, or PRIA bottomfish fishing permits and conducted in compliance with all other laws and regulations, is exempted from this section.

§ 665.212 Non-commercial bag limits.

No more than a total of five fish (all species combined) identified as Hawaii Restricted Bottomfish Species as specified in § 665.210, may be harvested, possessed, or landed by any individual participating in a non-commercial vessel-based fishing trip in the MHI management subarea. Charter boat customers are also subject to the bag limit.

§§ 665.213–665.219 [Reserved]

§ 665.220 Hawaii coral reef ecosystem fisheries. [Reserved]

§ 665.221 Definitions.

As used in §§ 665.220 through 665.239: *Hawaii coral reef ecosystem management unit species (Hawaii coral reef ecosystem MUS)* means all of the Currently Harvested Coral Reef Taxa and Potentially Harvested Coral Reef Taxa listed in this section and which spend the majority of their non-pelagic (post-settlement) life stages within waters less than or equal to 50 fathoms in total depth.

Hawaii Currently Harvested Coral Reef Taxa:

Family name	Local name	English common name	Scientific name
Acanthuridae (Surgeonfishes)	na'ena'e	orange-spot surgeonfish	<i>Acanthurus olivaceus.</i>
	Pualu	yellowfin surgeonfish	<i>Acanthurus xanthopterus.</i>
	Manini	convict tang	<i>Acanthurus triostegus.</i>
	Palani	eye-striped surgeonfish	<i>Acanthurus dussumieri.</i>
	Maiko	blue-lined surgeon	<i>Acanthurus nigroris.</i>
	maiko, maikoiko	whitebar surgeonfish	<i>Acanthurus leucopareius.</i>
		whitecheek surgeonfish	<i>Acanthurus nigricans.</i>
	'api	white-spotted surgeonfish	<i>Acanthurus guttatus.</i>
	Pualu	ringtail surgeonfish	<i>Acanthurus blochii.</i>
	mai'i'i	brown surgeonfish	<i>Acanthurus nigrofuscus.</i>
	Kole	yellow-eyed surgeonfish	<i>Ctenochaetus strigosus.</i>

Family name	Local name	English common name	Scientific name	
Acanthuridae (Surgeonfishes)	NA	striped bristletooth	<i>Ctenochaetus striatus</i> .	
	Kala	bluespine unicornfish	<i>Naso unicornus</i> .	
	kalalei, umaumalei	orangespine unicornfish	<i>Naso lituratus</i> .	
	kala holo	black tongue unicornfish	<i>Naso hexacanthus</i> .	
	Kala	whitemargin unicornfish	<i>Naso annulatus</i> .	
Balistidae (Triggerfish)	kala lolo	spotted unicornfish	<i>Naso brevirostris</i> .	
	lau'ipala	gray unicornfish	<i>Naso caesius</i> .	
	lau'ipala	yellow tang	<i>Zebrasoma flavescens</i> .	
	humuhumu hi'ukole	pinktail triggerfish	<i>Melichthys vidua</i> .	
Carangidae (Jacks)	humuhumu 'ele'ele	black triggerfish	<i>Melichthys niger</i> .	
	humuhumu nukunuku apua'a	picasso fish	<i>Rhinacanthus aculeatus</i> .	
	akule, hahalu	bridled triggerfish	<i>Sufflamen fraenatum</i> .	
	'opelu, 'opelu mama	bigeye scad	<i>Selar crumenophthalmus</i> .	
Carcharhinidae (Sharks)	Man	mackerel scad	<i>Decapterus macarellus</i> .	
	Man	grey reef shark	<i>Carcharhinus amblyrhynchos</i> .	
Holocentridae (Soldierfish/ Squirrelfish)	Man	galapagos shark	<i>Carcharhinus galapagensis</i> .	
	man lalakea	blacktip reef shark	<i>Carcharhinus melanopterus</i> .	
	menpachi, 'u'u	whitetail reef shark	<i>Triacodon obesus</i> .	
	menpachi, 'u'u	bigscale soldierfish	<i>Myripristis berndti</i> .	
	menpachi, 'u'u	brick soldierfish	<i>Myripristis amaena</i> .	
	menpachi, 'u'u	yellowfin soldierfish	<i>Myripristis chryseres</i> .	
	'ala'ihī	pearly soldierfish	<i>Myripristis kuntee</i> .	
	'ala'ihī	file-lined squirrelfish	<i>Sargocentron microstoma</i> .	
	'ala'ihī	crown squirrelfish	<i>Sargocentron diadema</i> .	
	'ala'ihī	peppered squirrelfish	<i>Sargocentron punctatissimum</i> .	
Kuhliidae (Flagtails)	'ala'ihī	blue-lined squirrelfish	<i>Sargocentron tiere</i> .	
	'ala'ihī	Hawaiian squirrelfish	<i>Sargocentron xantherythrum</i> .	
Kyphosidae (Rudderfish)	'ala'ihī	saber or long jaw squirrelfish	<i>Sargocentron spiniferum</i> .	
	'ala'ihī	spotfin squirrelfish	<i>Neoniphon spp.</i>	
Labridae (Wrasses)	'aholehole	Hawaiian flag-tail	<i>Kuhlia sandvicensis</i> .	
	Nenuē	rudderfish	<i>Kyphosus biggibus</i> .	
	Nenuē	rudderfish	<i>Kyphosus cinerascens</i> .	
	Nenuē	rudderfish	<i>Kyphosus vaigiensis</i> .	
	'a'awa	saddleback hogfish	<i>Bodianus bilunulatus</i> .	
	po'ou	ring-tailed wrasse	<i>Oxycheilinus unifasciatus</i> .	
	laenihi, nabeta	razor wrasse	<i>Xyrichtys pavo</i> .	
	kupoupou ho'u	cigar wrasse	<i>Chelilio inermis</i> .	
	Mullidae (Goatfishes)	weke	surge wrasse	<i>Thalassoma purpureum</i> .
		weke nono	red ribbon wrasse	<i>Thalassoma quinquevittatum</i> .
weke'ula		sunset wrasse	<i>Thalassoma lutescens</i> .	
weke'a or weke a'a		rockmover wrasse	<i>Novaculichthys taeniourus</i> .	
kumu, moano		yellow goatfish	<i>Mulloidichthys spp.</i>	
Munu		orange goatfish	<i>Mulloidichthys pfluegeri</i> .	
moano kea, moano kale		yellowfin goatfish	<i>Mulloidichthys vanicolensis</i> .	
Malu		yellowstripe goatfish	<i>Mulloidichthys flavolineatus</i> .	
Moano		banded goatfish	<i>Parupeneus spp.</i>	
weke pueo		doublebar goatfish	<i>Parupeneus bifasciatus</i> .	
Mugilidae (Mulletts)	Uouoa	yellow saddle goatfish	<i>Parupeneus cyclostomas</i> .	
	'ama'ama	side-spot goatfish	<i>Parupeneus pleurostigma</i> .	
Muraenidae (Moray eels)	puhi paka	multi-barred goatfish	<i>Parupeneus multifasciatus</i> .	
	Puhi	bandtail goatfish	<i>Upeneus arge</i> .	
Octopodidae (Octopus)	puhi laumilo	stripped mullet	<i>Mugil cephalus</i> .	
	Puhi	false mullet	<i>Neomyxus leuciscus</i> .	
Polynemidae	he'e mauī, tako	yellowmargin moray eel	<i>Gymnothorax flavimarginatus</i> .	
	he'e, tako	giant moray eel	<i>Gymnothorax javanicus</i> .	
Priacanthidae (Big-eyes)	Moi	undulated moray eel	<i>Gymnothorax undulatus</i> .	
	'aweoweo	dragon eel	<i>Enchelycore pardalis</i> .	
Scaridae (Parrotfish)	'aweoweo	octopus	<i>Octopus cyanea</i> .	
	uhu, palukaluka	octopus	<i>Octopus ornatus</i> .	
Sphyracidae (Barracuda)	panuhunuhu	threadfin	<i>Polydactylus sexfilis</i> .	
	kawe'le'a, kaku	glasseye	<i>Heteropriacanthus cruentatus</i> .	
Turbinidae	Kaku	bigeye	<i>Priacanthus hamrur</i> .	
	kihikihi	parrotfish	<i>Scarus spp.</i>	
Zanclidae	uhu, palukaluka	stareye parrotfish	<i>Calotomus carolinus</i> .	
	kikakapu	Heller's barracuda	<i>Sphyracna helleri</i> .	
Chaetodontidae	kikakapu	great barracuda	<i>Sphyracna barracuda</i> .	
	kikakapu	green snails turban shells	<i>Turbo spp.</i>	
Sabellidae	kikakapu	moorish idol	<i>Zanclus cornutus</i> .	
	kikakapu	butterflyfish	<i>Chaetodon auriga</i> .	
	kikakapu	raccoon butterflyfish	<i>Chaetodon lunula</i> .	
	kikakapu	saddleback butterflyfish	<i>Chaetodon ephippium</i> .	
		featherduster worm		

Fishery Conservation and Management

§ 665.221

Hawaii Potentially Harvested Coral Reef Taxa:

Local name	English common name	Scientific name
Hinalea	wrasses (Those species not listed as CHCRT).	Labridae.
Man	sharks (Those species not listed as CHCRT).	Carcharhinidae, Sphyrnidae.
Hihimanu	rays and skates	Dasyatidae, Myliobatidae.
roi, hapu'upu 'u	groupers, seabass (Those species not listed as CHCRT or in BMUS).	Serranidae.
dobe, kagami, pa'opa'o, papa, omaka, ulua.	tilefishes	Malacanthidae.
'u'u	jacks and scads (Those species not listed as CHCRT or in BMUS).	Carangidae.
weke, moano, kumu	solderfishes and squirrelfishes (Those species not listed as CHCRT).	Holocentridae.
na'ena 'e, maikoiko	goatfishes (Those species not listed as CHCRT).	Mullidae.
Puhi	surgeonfishes (Those species not listed as CHCRT).	Acanthuridae.
'upapalu	remoras	Echeneidae.
Nehu	eels (Those species not listed as CHCRT).	Muraenidae, Congridae, Ophichthidae.
'o'opu	cardinalfishes	Apogonidae.
to'au	herrings	Clupeidae.
Nunu	anchovies	Engraulidae.
nunu peke	coral crouchers	Caracanthidae.
Kihikihi	gobies	Gobiidae.
Kikakapu	snappers (Those species not listed as CHCRT or in BMUS).	Lutjanidae.
Mamo	trumpetfish	<i>Aulostomus chinensis</i> .
nohu, okoze	cornetfish	<i>Fistularia commersoni</i> .
pa o'o	moorish Idols	Zanclidae.
Kaku	butterflyfishes	Chaetodontidae.
paki'i	angelfishes	Pomacanthidae.
Makukana	damselfishes	Pomacentridae.
humu humu	scorpionfishes, lionfishes	Scorpaenidae.
Nenu	blennies	Blenniidae.
po'opa'a	barracudas (Those species not listed as CHCRT).	Sphyraenidae.
'o'opu hue, fugu	sandperches	Pinguipedidae.
namako, lole, wana	flounders and soles	Bothidae, Soleidae, Pleurmetidae.
ko'a	trunkfishes	Ostraciidae.
ko'a	trigger fishes (Those species not listed as CHCRT).	Balistidae.
ko'a	rudderfishes (Those species not listed as CHCRT).	Kyphosidae.
ko'a	hawkfishes (Those species not listed as CHCRT).	Cirrhitidae.
ko'a	puffer fishes and porcupine fishes	Tetradontidae.
ko'a	frogfishes	Antennariidae.
ko'a	pipefishes and seahorses	Syngnathidae.
ko'a	sea cucumbers and sea urchins (Those species not listed as CHCRT).	Echinoderms.
ko'a	ahermatypic corals	Mollusca.
ko'a	mushroom corals	Azooxanthellates.
ko'a	small and large coral polyps	Fungiidae.
ko'a	soft corals and gorgonians	Actinaria.
ko'a	anemones	Zoanthinaria.
ko'a	soft zoanthid corals	Solanderidae.
ko'a	hydroid corals	Sylasteridae.
ko'a	lace corals	Crustaceans.
ula, a'ama, mo'ala, 'alakuma	lobsters, shrimps, mantis shrimps, true crabs and hermit crabs (Those species not listed as CMUS).	Hydrozoans, Bryzoans.
limu	black-lip pearl oyster	<i>Pinctada margaritifera</i> .
limu	other clams	Other Bivalves.
limu	sea squirts	Tunicates.
limu	sponges	Porifera.
tako, he'e	octopi	Cephalopods.
limu	sea snails	Gastropoda.
limu	sea slugs	Opisthobranchs.
limu	seaweed	Algae.
		Live rock.

Local name	English common name	Scientific name
	segmented worms (Those species not listed as CHCRT).	Annelids.

All other Hawaii coral reef ecosystem MUS that are marine plants, invertebrates, and fishes that are not listed in the Hawaii CHCRT table or are not Hawaii bottomfish, crustacean, precious coral, seamount groundfish or western Pacific pelagic MUS.

§ 665.222 Management area.

The Hawaii coral reef ecosystem management area is as follows:

- (a) The U.S. EEZ around the Hawaiian Archipelago lying to the east of 160°50' W. long.
- (b) The inner boundary of the management area is the seaward boundary of the State of Hawaii.
- (c) The outer boundary of the management area is the outer boundary of the U.S. EEZ.

§ 665.223 Relation to other laws.

To ensure consistency between the management regimes of different Federal agencies with shared management responsibilities of fishery resources within the Hawaii coral reef ecosystem management area, fishing for Hawaii coral reef ecosystem MUS is not allowed within the boundary of a National Wildlife Refuge unless specifically authorized by the USFWS, regardless of whether that refuge was established by action of the President or the Secretary of the Interior.

§ 665.224 Permits and fees.

(a) *Applicability.* Unless otherwise specified in this subpart, §665.13 applies to Hawaii coral reef ecosystem permits.

(1) *Special permit.* Any person of the United States fishing for, taking or retaining Hawaii coral reef ecosystem MUS must have a special permit if they, or a vessel which they operate, is used to fish for any:

- (i) Hawaii coral reef ecosystem MUS in low-use MPAs as defined in §665.199;
- (ii) Hawaii Potentially Harvested Coral Reef Taxa in the coral reef ecosystem management area; or
- (iii) Hawaii coral reef ecosystem MUS in the coral reef ecosystem management area with any gear not specifically allowed in this subpart.

(2) *Transshipment permit.* A receiving vessel must be registered for use with a transshipment permit if that vessel is

used in the Hawaii coral reef ecosystem management area to land or transship PHCRT, or any Hawaii coral reef ecosystem MUS harvested within low-use MPAs.

(3) *Exceptions.* The following persons are not required to have a permit under this section:

- (i) Any person issued a permit to fish under any FEP who incidentally catches Hawaii coral reef ecosystem MUS while fishing for bottomfish MUS, crustacean MUS, western Pacific pelagic MUS, precious coral, or seamount groundfish.
- (ii) Any person fishing for Hawaii CHCRT outside of an MPA, who does not retain any incidentally caught Hawaii PHCRT; and
- (iii) Any person collecting marine organisms for scientific research as described in §665.17, or §600.745 of this chapter.

(b) *Validity.* Each permit will be valid for fishing only in the fishery management area specified on the permit.

(c) *General requirements.* General requirements governing application information, issuance, fees, expiration, replacement, transfer, alteration, display, sanctions, and appeals for permits are contained in §665.13.

(d) *Special permit.* The Regional Administrator shall issue a special permit in accordance with the criteria and procedures specified in this section.

(1) *Application.* An applicant for a special or transshipment permit issued under this section must complete and submit to the Regional Administrator a Special Coral Reef Ecosystem Fishing Permit Application Form issued by NMFS. Information in the application form must include, but is not limited to a statement describing the objectives of the fishing activity for which a special permit is needed, including a general description of the expected disposition of the resources harvested under the permit (*i.e.*, stored live, fresh, frozen, preserved, sold for food,