

§ 665.199

50 CFR Ch. VI (10–1–14 Edition)

§ 665.199 Area restrictions [Reserved]

Hawaii bottomfish management unit species (Hawaii bottomfish MUS) means the following species:

§ 665.200 Hawaii bottomfish and seamount groundfish fisheries. [Reserved]

§ 665.201 Definitions.

As used in §§ 665.200 through 665.219:

Local name	English common name	Scientific name
Lehi	silver jaw jobfish	<i>Aphareus rutilans.</i>
Uku white papio, ulua au	gray jobfish	<i>Aprion virescens.</i>
kea	giant trevally	<i>Caranx ignobilis.</i>
ulua la'uli	black jack	<i>Caranx lugubris.</i>
hpu'upu'u	sea bass	<i>Epinephalus quernus.</i>
Ehuonaga, 'ula'ula	red snapper	<i>Etelis carbunculus.</i>
koa'e	longtail snapper	<i>Etelis coruscans.</i>
ta'ape	blue stripe snapper	<i>Lutjanus kasmira.</i>
kalekale	yellowtail snapper	<i>Pristipomoides auricilla.</i>
'papakapa	pink snapper	<i>Pristipomoides filamentosus.</i>
kalekale	pink snapper	<i>Pristipomoides seiboldii.</i>
gindai	snapper	<i>Pristipomoides zonatus.</i>
pig ulua, butaguchi	thicklip trevally	<i>Pseudocaranx dentex.</i>
kahala	amberjack	<i>Seriola dumeril.</i>

Hawaii restricted bottomfish species fishing year means the year beginning at 0001 HST on September 1 and ending at 2400 HST on August 31 of the next calendar year.

Main Hawaiian Islands non-commercial bottomfish permit means the permit required by § 665.203(a)(2) to own or fish from a vessel that is used in any non-commercial vessel-based fishing, landing, or transshipment of any Hawaii bottomfish MUS in the MHI Management Subarea.

Protected species study zone means the waters within 50 nm, as designated by the Regional Administrator pursuant to § 665.208, around the following islands of the NWHI and as measured from the following coordinates:

Name	N. lat.	W. long.
Nihoa Island	23°05'	161°55'
Necker Island	23°35'	164°40'
French Frigate Shoals	23°45'	166°15'
Gardner Pinnacles	25°00'	168°00'
Maro Reef	25°25'	170°35'
Laysan Island	25°45'	171°45'
Lisianski Island	26°00'	173°55'
Pearl and Hermes Reef	27°50'	175°50'
Midway Island	28°14'	177°22'
Kure Island	28°25'	178°20'

Seamount Groundfish means the following species:

Common name	Scientific name
Armorhead	<i>Pseudopentaceros wheeleri.</i>
Alfonsin	<i>Beryx splendens.</i>

Common name	Scientific name
Raffish	<i>Hyperoglyphe japonica.</i>

§ 665.202 Management subareas.

(a) The Hawaii fishery management area is divided into subareas with the following designations and boundaries:

(1) Main Hawaiian Islands means the U.S. EEZ around the Hawaiian Archipelago lying to the east of 161°20' W. long.

(2) Northwestern Hawaiian Islands means the EEZ around the Hawaiian Archipelago lying to the west of 161°20' W. long. For the purposes of regulations issued under this subpart, Midway Island is treated as part of the NWHI Subarea.

(i) Ho'omalulu Zone means that portion of the EEZ around the NWHI west of 165° W. long.

(ii) Mau Zone means that portion of the EEZ around the NWHI between 161°20' W. long. and 165° W. long.

(3) Hancock Seamounts Ecosystem Management Area means that portion of the EEZ in the Northwestern Hawaiian Islands west of 180° W. long. and north of 28° N. lat.

(b) The inner boundary of each management subarea is a line coterminous with the seaward boundaries of the State of Hawaii.

(c) The outer boundary of each management subarea is a line drawn in

such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured.

[75 FR 2205, Jan. 14, 2010, as amended at 75 FR 69015, Nov. 10, 2010]

§ 665.203 Permits.

(a) *Applicability*—(1) *Northwestern Hawaiian Islands*. The owner of any vessel used to fish for, land, or transship Hawaii bottomfish MUS shoreward of the outer boundary of the NWHI subarea must have a permit issued under this section, and the permit must be registered for use with that vessel. PIRO will not register a single vessel for use with a Ho'omalulu Zone permit and a Mau Zone permit at the same time. Mau Zone permits issued before June 14, 1999, became invalid June 14, 1999, except that a permit issued to a person who submitted a timely application under paragraph (b)(3) of this section is valid until the permit holder either receives a Mau Zone limited entry permit or until final agency action is taken on the permit holder's application. The Ho'omalulu Zone and the Mau Zone limited entry systems described in this section are subject to abolition, modification, or additional effort limitation programs.

(2) *MHI non-commercial*. The owner of a vessel that is used for and any person who participates in non-commercial, vessel-based fishing, landing, or transshipment of Hawaii bottomfish MUS in the MHI management subarea is required to obtain an MHI non-commercial bottomfish permit or a State of Hawaii Commercial Marine License. If one or more persons on a vessel-based bottomfish fishing trip holds an MHI non-commercial permit, then the entire trip is considered non-commercial, and not commercial. However, if any commercial fishing occurs during or as a result of a vessel-based fishing trip, then the fishing trip is considered commercial, and not non-commercial. Charter boat customers are not subject to the requirements of the section.

(b) *Submission*. (1) An application for a permit required under this section must be submitted to PIRO as described in § 665.13.

(2) Ho'omalulu Zone limited access permit. In addition to an application

under § 665.13(c), each applicant for a Ho'omalulu Zone permit must also submit a supplementary information sheet provided by PIRO, which must be signed by the vessel owner or a designee and include the following information:

(i) The qualification criterion that the applicant believes he or she meets for issuance of a limited access permit;

(ii) A copy of landings receipts or other documentation, with a certification from a state or Federal agency that this information is accurate, to demonstrate participation in the NWHI bottomfish fishery; and

(iii) If the application is filed by a partnership or corporation, the names of each of the individual partners or shareholders and their respective percentages of ownership of the partnership or corporation.

(3) Mau Zone limited access permit. PIRO will not accept applications for a new Mau Zone permit after June 14, 1999. In addition to an application under § 665.13(c), each applicant for a Mau Zone permit must also submit a supplementary information sheet provided by PIRO, which must be signed by the vessel owner or a designee and include the following information:

(i) The qualification criterion that the applicant believes he or she meets for issuance of a limited access permit;

(ii) Copy of State of Hawaii catch report(s) to demonstrate that the permitted vessel had made qualifying landings of bottomfish from the Mau Zone; and

(iii) If the application is filed by a partnership or corporation, the names of each of the individual partners or shareholders and their respective percentage of ownership of the partnership or corporation.

(c) Sale or transfer of Ho'omalulu limited access permits to new vessel owners.

(1) A Ho'omalulu zone permit may not be sold or otherwise transferred to a new owner.

(2) A Ho'omalulu zone permit or permits may be held by a partnership or corporation. If 50 percent or more of the ownership of the vessel passes to persons other than those listed in the original application, the permit will