

Fishery Conservation and Management

§ 665.210

name of the operator, intended departure and return date, and a telephone number at which the owner or operator may be contacted during the business day (8 a.m. to 5 p.m.) to indicate whether an observer will be required on the subject fishing trip.

(b) The operator of a fishing vessel that has taken Hawaii bottomfish MUS in the Ho'omaluu Zone must contact the USCG, by radio or otherwise, at the 14th District, Honolulu, HI; Pacific Area, San Francisco, CA; or 17th District, Juneau, AK, at least 24 hours before landing, and report the port and the approximate date and time at which the bottomfish will be landed.

§ 665.206 Gear restrictions.

(a) *Bottom trawls and bottom set gillnets.* Fishing for Hawaii bottomfish and seamount groundfish MUS with bottom trawls and bottom set gillnets is prohibited.

(b) *Possession of gear.* Possession of a bottom trawl and bottom set gillnet by any vessel having a permit under §665.203 or otherwise established to be fishing for Hawaii bottomfish or seamount groundfish MUS in the management subareas is prohibited.

(c) *Poisons and explosives.* The possession or use of any poisons, explosives, or intoxicating substances for the purpose of harvesting Hawaii bottomfish and seamount groundfish MUS is prohibited.

§ 665.207 At-sea observer coverage.

(a) All fishing vessels subject to §§665.200 through 665.212 must carry an observer when directed to do so by the Regional Administrator.

(b) PIRO will advise the vessel owner or operator of any observer requirement within 72 hours (not including weekends or holidays) of receipt of the notice provided pursuant to §665.205(a). If an observer is required, the owner or operator will be informed of the terms and conditions of observer coverage, and the time and place of embarkation of the observer.

(c) All observers must be provided with sleeping, toilet, and eating accommodations at least equal to that provided to a full crew member. A mattress or futon on the floor, or a cot, is not acceptable in place of a regular

bunk. Meal and other galley privileges must be the same for the observer as for other crew members.

(d) Female observers on a vessel with an all-male crew must be accommodated either in a single-person cabin or, if reasonable privacy can be ensured by installing a curtain or other temporary divider, in a two-person cabin shared with a licensed officer of the vessel. If the cabin assigned to a female observer does not have its own toilet and shower facilities that can be provided for the exclusive use of the observer, then a schedule for time-sharing of common facilities must be established and approved by the Regional Administrator prior to the vessel's departure from port.

§ 665.208 Protected species conservation.

The Regional Administrator may change the size of the protected species study zones defined in §665.201 of this subpart:

(a) If the Regional Administrator determines that a change in the size of the study zones would not result in fishing for bottomfish in the NWHI that would adversely affect any species listed as threatened or endangered under the ESA.

(b) After consulting with the Council.

(c) Through notification in the FEDERAL REGISTER published at least 30 days prior to the effective date or through actual notice to the permit holders.

§ 665.209 Fishing moratorium at Hancock Seamounts.

Fishing for, and possession of, Hawaii bottomfish and seamount groundfish MUS in the Hancock Seamounts Ecosystem Management Area is prohibited until the Regional Administrator determines that the armorhead stock is rebuilt.

[75 FR 69016, Nov. 10, 2010]

§ 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> .

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Local name	English common name	Scientific name
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 7 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'omalulu Zone, or PRIA bottomfish fishing permits and conducted in compliance with all other laws and regulations, is exempted from this section.

[75 FR 2205, Jan. 14, 2010, as amended at 76 FR 15222, Mar. 21, 2011]

§ 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>
	NA	striped bristletooth	<i>Ctenochaetus striatus.</i>
	Kala	bluespine unicornfish	<i>Naso unicornus.</i>
	kalalei, umaumalei	orangespine unicornfish	<i>Naso lituratus.</i>