



**U.S. DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
**NATIONAL MARINE FISHERIES SERVICE**  
Pacific Islands Regional Office  
1601 Kapiolani Blvd., Suite 1110  
Honolulu, Hawaii 96814-4700  
(808) 944-2200 • Fax (808) 973-2941

**JUN 11 2007**

Dear Hawaii Seafood Importer, Wholesaler, Retailer, and Restaurateur:

Subject: Documentation of NWHI bottomfish & imported bottomfish during MHI closed season

NMFS has received several requests for clarification of what documentation is sufficient to show lawful possession or sale of legally taken/imported bottomfish in light of the requirements of the federal interim rule (72 FR 27065, May 14, 2007) governing the possession and/or sale of the Deep 7 bottomfish species during the 2007 main Hawaiian Islands bottomfish closed season (May 15 through September 30, 2007). While there is no single standard of documentation, NOAA's National Marine Fisheries Service has determined that the requirements of the State of Hawaii's Special Marine Product License (SMPL), issued by the Hawaii Division of Aquatic Resources, should provide acceptable documentation for determination of compliance with federal rule. The SMPL allows importers, wholesalers, retailers, or restaurants to possess and sell any species when the taking, possession, or sale of these species would otherwise be restricted within the State. The Hawaii Administrative Rule Chapter 13-74, section §13-74-42, (enclosed) specifies the documentation required of importers, wholesalers, retailers and restaurants.

If an importer, wholesaler, retailer, or restaurant has a valid state SMPL and maintains the documentation as required by Hawaii Administrative Rule Chapter 13-74, section §13-74-42, such documentation should prove acceptable for determination of compliance with the federal interim rule. Of course, in any given investigation, NOAA has the authority to seek additional documentation.

Consult [www.hawaiibottomfish.info](http://www.hawaiibottomfish.info) for the full text of the state's administrative rule and other information about Hawaii's bottomfish fishery.

If you have any questions, please call our office at 944-2200.

Sincerely,

William L. Robinson  
Regional Administrator

Enclosure



6/12/07

HAWAII ADMINISTRATIVE RULES  
TITLE 13  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
SUBTITLE 4 FISHERIES  
PART IV FISHERIES RESOURCE MANAGEMENT

Subchapter 4 Other Licenses and Permits

**§13-74-42 Special marine animal or product**

**possession and sale license.** (a) The department may issue a license to an importer, wholesaler, retailer, or restaurant to possess, sell, or offer for sale, any fish, shellfish, crustacean, or other marine animal, or any product made from such marine animals taken outside of the waters of the State, when such taking, possession, or sale of the same species is restricted if taken within the waters of the State.

(b) Licenses shall require the business' name, address, telephone number, name of applicant, and any other information the department may require.

(c) Each licensee shall furnish to the department monthly reports that include the following information:

(1) If licensee is an importer:

(A) Species imported, source, quantity, and arrival date;

(B) Name and address of buyers, species sold, quantity, and date of such sale;

(2) If licensee is a wholesaler:

(A) Source, quantity, and date purchased;

(B) Name and address of buyers, species sold, quantity, and date of such sale;

(3) If licensee is a retailer or restaurant:

(A) Source and date of purchase;

(B) Species and quantity sold.

(4) And any other such information the department may require.

(d) The fee for the special marine animal or product possession and sale license shall be \$2.50. Beginning September 1, 1999, the fee shall be \$50 and the duplicate license fee shall be \$10. [Eff: 8/12/93; am JAN 15 1999 ] (Auth: HRS §189-6) (Imp: HRS §189-6)

Historical note. §13-74-42 is based substantially upon chapter 13-71. [Eff: 5/26/81; R AUG 12 1993 ]