

Department of Land and Natural Resources (DLNR)
Division of Aquatic Resources (DAR)
State of Hawaii

Commercial Kala Dealer Registration
Specific Terms and Conditions

“Registrant” refers to any commercial marine dealer licensee, as defined in section 13-74-1, HAR (see below), that is registered as a commercial kala dealer. The commercial kala dealer registration allows the registrant, to possess more than the daily possession limit of four kala per person. I understand that:

1. I must obtain a commercial marine dealer license which includes commercial marine dealer reporting requirements defined in section 13-74-46, HAR, before I can register as a commercial kala dealer. The commercial kala dealer registration will expire on the commercial marine dealer license expiration date.
2. There is no fee to register as a commercial kala dealer.
3. My commercial kala dealer registration will be valid from the date of registration.
4. Registration is non-transferrable, but employees of a registered business may be covered under the business’ registration.
5. It is illegal for any commercial marine dealer to purchase, obtain, exchange, transfer, possess, or sell any kala unless the commercial marine dealer is registered with the department as a commercial kala dealer.
6. It is illegal for any commercial marine dealer licensee to purchase, obtain, exchange, transfer, possess, or sell any kala from any person who does not have both a valid commercial marine license and a valid commercial kala fishing permit.
7. The annual catch limit (ACL) for the commercial kala fishery is 15,000 pounds, and commercial kala catch will begin to be tallied on August 1 of each year. When the ACL is reached the commercial kala fishing season will be closed and commercial harvest or sale of kala will be prohibited.
8. If the ACL is reached, the department will notify commercial kala fishing permittees and registered commercial kala dealers that the commercial kala fishing season is closed. Notice will be made in writing by mail or email to the address on file with the department no less than three days prior to the closure of the season. Remaining kala inventory is to be reported to DLNR-DAR.
9. I may only sell or serve kala if it was caught legally during the open season.
10. I must register each business or store operation separately.
11. Upon demand of any officer authorized to enforce the laws of the State, I must present receipts documenting from whom I bought the kala and to whom it was resold (other businesses). I must keep these receipts for one year from the date of sale at the place of business where the kala was sold.
12. The department may establish additional restrictions on the commercial take or possession of kala pursuant to adaptive management authority under section 187A-5(b), HRS.

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Definitions

For purposes of these Specific Terms and Conditions for commercial kala dealer registration:

“Annual catch limit” or “ACL” is the maximum commercial harvest in a given fishing year established for any marine fishery subject to closure. The catch is measured in whole wet weight through cumulative reported landings by commercial marine licensees and cumulative reported purchases by commercial marine dealers.

“Commercial kala dealer” means any commercial marine dealer that purchases, obtains, exchanges, transfers, possess, or sells kala.

“Commercial marine dealer” means any person who sells or exchanges, or who is an agent in the transfer of marine life obtained directly from a commercial marine licensee, or any commercial marine licensee who sells or exchanges marine life at retail. All commercial marine dealers are subject to the commercial marine dealer reporting requirements outlined in section 13-74-46, HAR.

“Commercial marine licensee” means a person who has been issued a commercial marine license pursuant to section 13-74-20, HAR, and section 189-2, HRS.

“Commercial purpose” means the taking of marine life for profit or gain or as a means of livelihood where the marine life is taken in or outside of the State, or where the marine life is sold, offered for sale, landed, or transported for sale anywhere in the State.

“Kala” means any fish known as *Naso unicornis*, *Naso brevirostris*, *Naso annulatus*, or any recognized synonym. Kala are also known as bluespine unicornfish, short-nosed unicornfish, spotted unicornfish, or whitemargin unicornfish.

“Sell” means to solicit and receive an order for; to have, or keep, or offer, or expose for sale; to deliver for value or in any other way than purely gratuitously; to peddle; to keep with intent to sell; and to traffic in.