

HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 4 FISHERIES

PART I MARINE LIFE CONSERVATION DISIRICTS

CHAPTER 30

MANELE-HULOPOE MARINE LIFE CONSERVATION DISTRICT, LANAI

- §13-30-1 Boundaries
- §13-30-1.1 Definitions
- §13-30-2 Prohibited activities
- §13-30-3 Permitted activities
- §13-30-4 Exceptions; permits
- §13-30-5 Penalty

Historical Note: Chapter 30 of Title 13 is based substantially upon Regulation 40 of the Division of Fish and Game, Department of Land and Natural Resources, State of Hawaii. [Eff 11/28/76; R 5/26/81]

§13-30-1 Boundaries. The Manele-Hulopoe Marine Life Conservation District, subzones A and B, shall include that portion of the submerged lands and overlying waters of Manele and Hulopoe bays, and adjoining areas beginning at the highwater mark at the shoreline and those lands described in the survey description entitled "Manele-Hulopoe Marine Life Conservation District, subzones A and B, situated in the offshore waters of Palawai and Kamao, Lanai, Hawaii" and as identified as C. S. F. No. 17,565, dated April 1, 1976, on file with the departments of land and natural resources, and accounting and general services, and delineated in "Map of the Manele-Hulopoe Marine Life Conservation District, Lanai 4/1/76" attached at the end of this chapter. [Eff 5/26/81; comp 7/21/01] (Auth: HRS §190-3) (Imp: HRS §§190-1, 190-2, 190-3)

§13-30-1.1 Definitions. As used in this chapter

unless otherwise provided:

"A'ama crab" means a species of small, intertidal crustaceans known as *Grapsus grapsus tenuicrustatus* or a recognized synonym. This species is also known as rock crab and weak-shelled rock crab.

"Finfish" means any vertebrate fish that uses fins to swim.

"Fishing gear" means any device used to take marine life.

"Hand net" means a type of hand held fishing gear consisting of a cone or bag of soft, flexible mesh material kept open with a rigid circular frame attached to one rigid handle.

"Knife" means a cutting instrument consisting of a sharpened blade with a handle.

"Net" means a type of fishing gear consisting primarily of mesh material made into various shapes, such as but not limited to, a bag, sack, pouch, enclosure, or curtain, used to entangle, surround, or concentrate aquatic life.

"Pole-and-line" means a type of fishing gear consisting primarily of a pole and a length of fishing line.

"Spear" means a type of fishing gear consisting of a straight rigid shaft with one or more sharpened points at one end of the shaft, along with, any device that aids in the aiming accuracy or the force of propulsion of the shaft. A spear includes, but is not limited to, spear gun, bow and arrow, Hawaiian sling, and three-prong spear. Also includes any similar device that is capable of impaling aquatic life to allow capture, with or without the aid of artificial propulsion.

"Take" means to fish for, catch, or harvest, or to attempt to fish for, catch, or harvest, aquatic life. The use of any gear, equipment, tool, or any means to fish for, catch, capture, or harvest, or to attempt to fish for, catch, capture, or harvest, aquatic life by any person who is in the water, or in a vessel on the water, or on or about the shore where aquatic life can be fished for, caught, or harvested, shall be construed as taking.

"Trap" means a type of fishing gear consisting primarily of mesh, perforated, or solid material made into the shape of a box, container, or enclosure, with one or more openings that allow aquatic life to enter into the interior of the box, container, or enclosure, but restrict exit out, thereby capturing the aquatic life within. [Eff and comp 7/21/01] (Auth:

HRS §190-3) (Imp: HRS §§190-1, 190-2, 190-3)

§13-30-2 Prohibited activities. Except as provided by sections 13-30-3 or 13-30-4 or as may be otherwise allowed by law, no person shall engage in the following activities in the Manele-Hulopoe Marine Life Conservation District:

- (1) Fish for, catch, take, injure, kill, possess, or remove any finfish, crustacean, mollusk including sea shell and opihi, live coral, algae or limu, or other marine life, or eggs thereof;
- (2) Take, alter, deface, destroy, possess, or remove any sand, coral, rock, or other geological feature, or specimen; or
- (3) Possess any fishing gear. [Eff 5/26/81; am and comp 7/21/01] (Auth: HRS §190-3)(Imp: HRS §§190-1, 190-3)

§13-30-3 Permitted activities. (a) A person may take, possess, or remove any finfish and a'ama crab by pole and line from the shoreline only.

(b) A person may possess the following fishing gears:

- (1) Pole and line;
- (2) One knife;
- (3) One hand net with a frame, not including the handle, that is no more than three feet in diameter;
- (4) Any legal fishing gear while on board a vessel that is directly transiting to or from the Manele Boat Harbor while within the marker buoys delineating the harbor channel and while within Manele Boat Harbor in subzone B only; provided that such fishing gear may not be in the water; and
- (5) As may be otherwise provided in chapter 53, Manele Harbor fisheries management area. [Eff 5/26/81; am and comp 7/21/01] (Auth: HRS §190-3) (Imp: HRS §§190-1, 190-3)

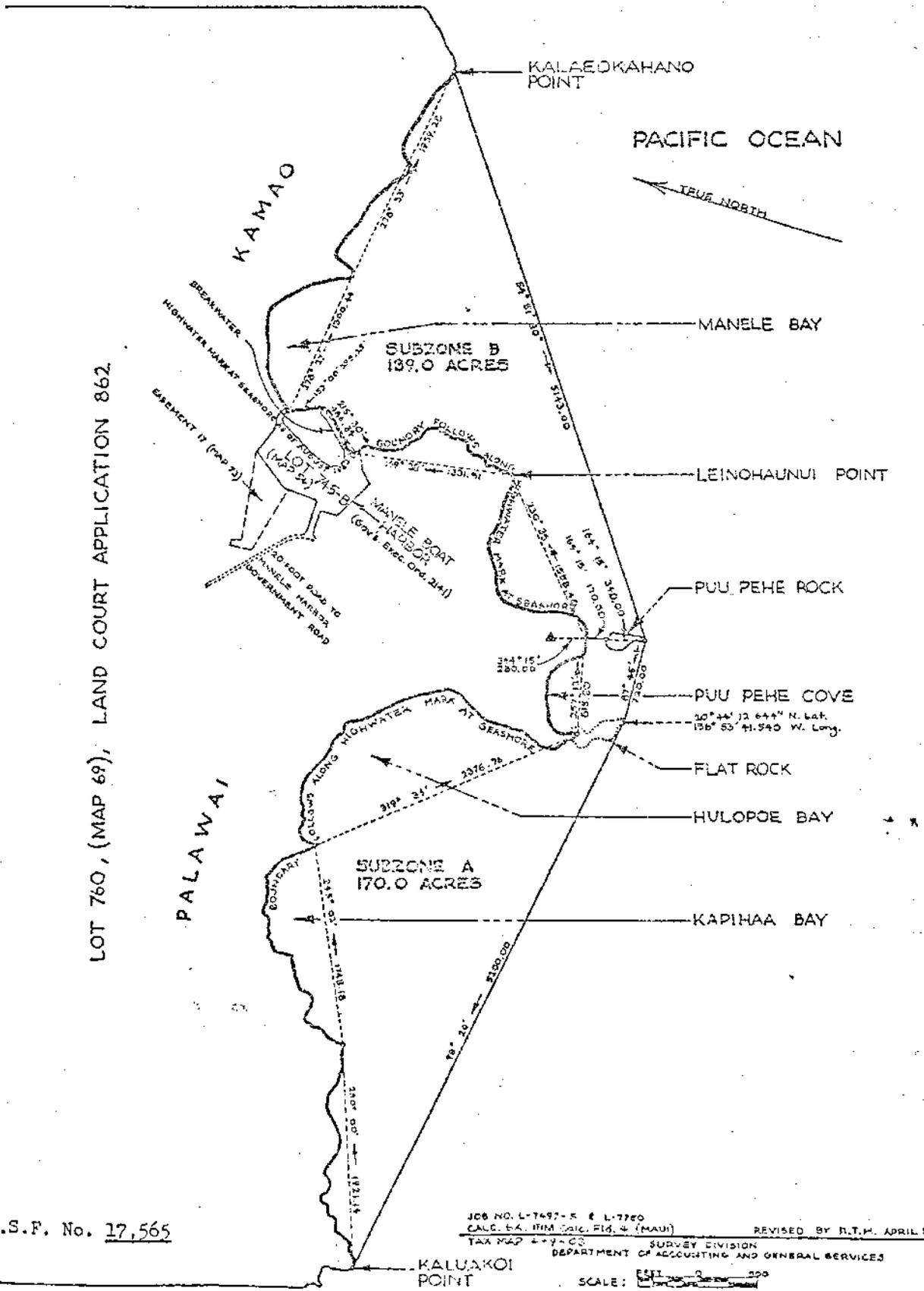
§13-30-4 Exceptions; permits. The department may issue permits to engage in activities otherwise prohibited by law and section 13-30-2 for scientific, propagation, or other purposes in accordance with

chapter 190 and section 187A-6, Hawaii Revised Statutes, provided that:

- (1) The board may impose terms and conditions it deems necessary to carry out the purpose of chapter 190, Hawaii Revised Statutes;
- (2) The board may revoke any permit for any infraction of the terms and conditions of the permit; and
- (3) A person whose permit was revoked shall not be eligible to apply for another permit until one year from the date of revocation. [Eff 5/26/81; am 3/2/87; am and comp 7/21/01]
(Auth: HRS §190-3) (Imp: HRS §§187A-6, 190-4)

§13-30-5 Penalty. A person violating the provisions of this chapter or the terms and conditions of any permit issued as provided by this chapter, shall be guilty of a petty misdemeanor, and punished as provided by law." [Eff 5/26/81; am and comp 7/21/01]
(Auth: HRS §§187A-12.5, 190-3) (Imp: HRS §§187A-12.5, 190-5)

MAP OF THE MANELE-HULOPOE MARINE LIFE CONSERVATION DISTRICT, LANAI 4/1/76



LOT 760, (MAP 69), LAND COURT APPLICATION 862

C.S.F. No. 17,565

JOB NO. L-7497-5 & L-7760
 CALC. BY: IHM 201c, FIG. 4 (MAUI)
 TAX MAP 4-7-68
 SURVEY DIVISION
 DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
 REVISED BY: R.T.M. APRIL 3, 1976
 SCALE: 1" = 100'