

HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 4 FISHERIES

PART II MARINE FISHERIES MANAGEMENT AREAS

CHAPTER 53

MANELE HARBOR, LANAI

- §13-53-1 Definitions
- §13-53-2 Prohibited activities
- §13-53-3 Permitted activities
- §13-53-4 Penalty

§13-53-1 Definitions. As used in this chapter:

"Area 1" means that portion of the Manele Boat Harbor entrance channel bounded by a seaward boundary drawn by straight lines connecting the seaward tip of the three groins along the shoreline to the intercept of the seaward boundary extending from the northernmost tip of the breakwater to the seaward tip of the northernmost groin on the shoreline, thence to the shoreline and along the shoreline back to the tip of the southernmost groin, as delineated in the "Map of Manele Harbor, Lanai 10/19/87," located at the end of this chapter.

"Area 2" means that portion of the Manele Boat Harbor beginning at the tip of the southernmost groin north of the northernmost pier and following the seaward boundary of Area 1 to the intercept of the seaward boundary extending from the northernmost tip of the breakwater to the seaward tip of the northernmost groin on the shoreline thence to the breakwater and along the shoreline of the breakwater and harbor back to the tip of the southernmost groin, as delineated in the "Map of Manele Harbor, Lanai 10/19/87," located at the end of this chapter.

"Baitfishes" means those fish species listed in section 13-74-22.

"Bait license" means a license issued pursuant to section 13-74-22 to take baitfishes.

"Commercial fishermen" means a person who has a valid commercial marine license issued pursuant to section 13-74-20.

"Crab net" mean a type of fishing gear designed to primarily catch crabs, consisting of a cone or bag of soft, flexible mesh material and a rigid circular frame, to hold the mouth of the cone open, with no handle.

"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.

"Manele Boat Harbor" means the small boat harbor situated at Palawai and Kamao, Lanai, Hawaii.

"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.

"Landing nets" 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. The net is used to further secure the capture of marine life that has been first taken by hook or line.

"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.

"Throw net" means a type of fishing gear consisting of a net of flexible mesh material made into the shape of a circle or cone, with an extra panel of netting material, sometimes called the skirt, and weighted along the perimeter of the circle or cone. [Eff 6/8/84; am and comp 3/7/88; am and comp 7/21/01] (Auth: HRS §§187A-5, 188-53) (Imp: HRS §§187A-5, 188-53)

§13-53-2 Prohibited activities. (a) No person shall use or possess any net, except as provided in section 13-53-3, within areas 1 and 2 of the Manele Boat Harbor.

(b) Nothing in this chapter shall be construed as

allowing activities within any portion of the Manele Boat Harbor which may be otherwise prohibited by the division of boating and ocean recreation. [Eff 6/8/84; comp 3/7/88; am and comp 7/21/01] (Auth: HRS §§187A-5, 188-53) (Imp: HRS §§187A-5, 188-53)

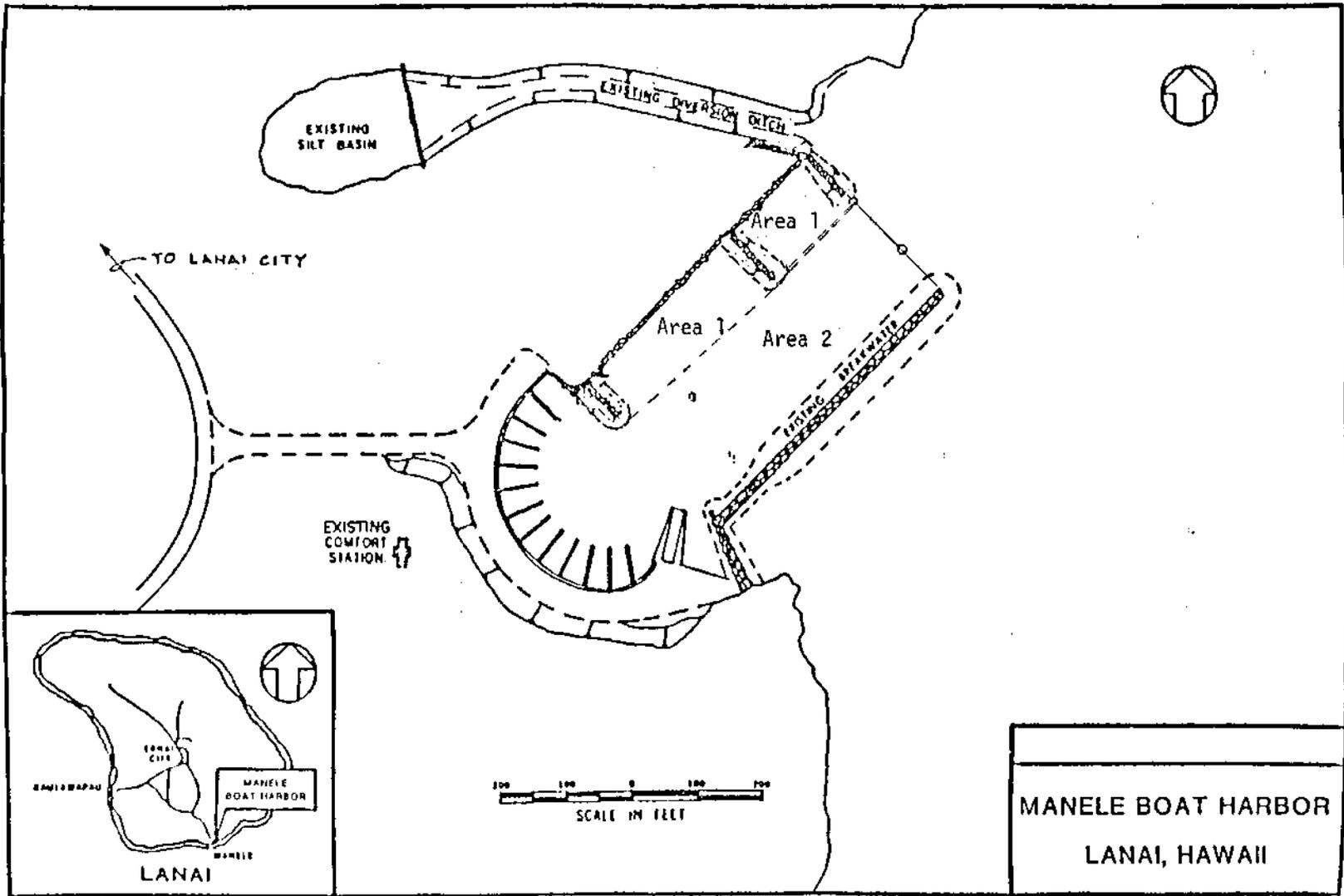
§13-53-3 Permitted activities. (a) A person may:

- (1) Use and possess landing nets; provided that the frame portion attached to the netting material of the landing net may not be more than three feet in any dimension, excluding the handle;
- (2) Use and possess crab nets, and hand nets for shrimp (opae) within areas 1 and 2; provided that the frame portion attached to the netting material of the crab or hand net may not be more than three feet in any dimension, excluding the handle; and
- (3) Possess but not use nets while on board vessels within area 2.

(b) Commercial fishermen with a bait license, may use and possess nets within areas 1 and 2 to take nehu, iao or other baitfishes. [Eff 6/8/84; comp 3/7/88; am and comp 7/21/01] (Auth: HRS §§187A-5, 188-53) (Imp: HRS §§187A-5, 188-45, 188-53)

§13-53-4 Penalty. Any person violating the provisions of this chapter shall be punished as provided by law." [Eff 6/8/84; comp 3/7/88; am and comp 7/21/01] (Auth: HRS §§187A-12.5, 188-53) (Imp: HRS §§187A-12.5, 188-70)

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MAP OF MANELE HARBOR, LANAI 10/19/87

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