

HAWAII ADMINISTRATIVE RULES

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 4 FISHERIES

PART II MARINE FISHERIES MANAGEMENT AREAS

CHAPTER 56

KAUNAKAKAI HARBOR, MOLOKAI

- §13-56-1 Definitions
- §13-56-2 Prohibited activities
- §13-56-3 Permitted activities
- §13-56-4 Penalty

§13-56-1 Definitions. As used in this chapter, "Kaunakakai Harbor" means the harbor situated at Kaunakakai, island of Molokai, Hawaii, with portions of the commercial harbor designated "Area 1A" and "Area 1B" separated by a line extending from the Channel Range Lights, and portions of the small craft harbor designated "Area 2" bounded by lines as delineated on the "Map of Kaunakakai Harbor, Molokai 10/27/89" at the end of this chapter which is made part of this section. [Eff: DEC 8 1990 ] (Auth: HRS §§187A-5, 188-53) (Imp: HRS §§187A-5, 188-53)

§13-56-2 Prohibited activities. No person shall engage in the following activities within Kaunakakai Harbor:

- in "AREA 1A" - Use any type of fishing nets or obstruct passage of vessels, except as provided in section 13-56-3(a), "Area 1A;"
- in "AREA 1B" - Use any type of fishing nets except thrownets; and
- in "AREA 2" - Use any type of fishing nets, except a handheld net as provided in section 13-56-3(a), "Area 2," (2). [Eff: DEC 8 1990] (Auth: HRS §§187A-5, 188-53) (Imp: HRS §§187A-5, 188-53)

§13-56-3 Permitted activities. (a) A person may engage in the following activities, subject to applicable laws and rules within Kaunakakai Harbor:

- in "AREA 1A" - (1) Fish with thrownets or poles

and lines;

- (2) With a bait license issued by the department of land and natural resources, fish with small mesh nets to take any baitfish for which open season is declared, for bait purposes only;
- (3) Fish with nets, subject to the following conditions
  - (A) The person must possess a permit from the board of land and natural resources with terms and conditions necessary; and
  - (B) The person must have prior clearance from the department of transportation's authority over Kaunakakai Harbor, any time a fishing net or nets are set, and
  - (C) At night (between sunset and the following sunrise), nets shall not be set (put into the water), nor shall any net be allowed to remain in the water except during active unloading of fish from that net.

in "AREA 1B" -

Fish with thrownets or poles and lines;

in "AREA 2" -

- (1) Fish with poles and lines, and
- (2) Use a hand-held net no longer than three feet (0.92 meter) in any dimension to take shrimp or to land fish already hooked.

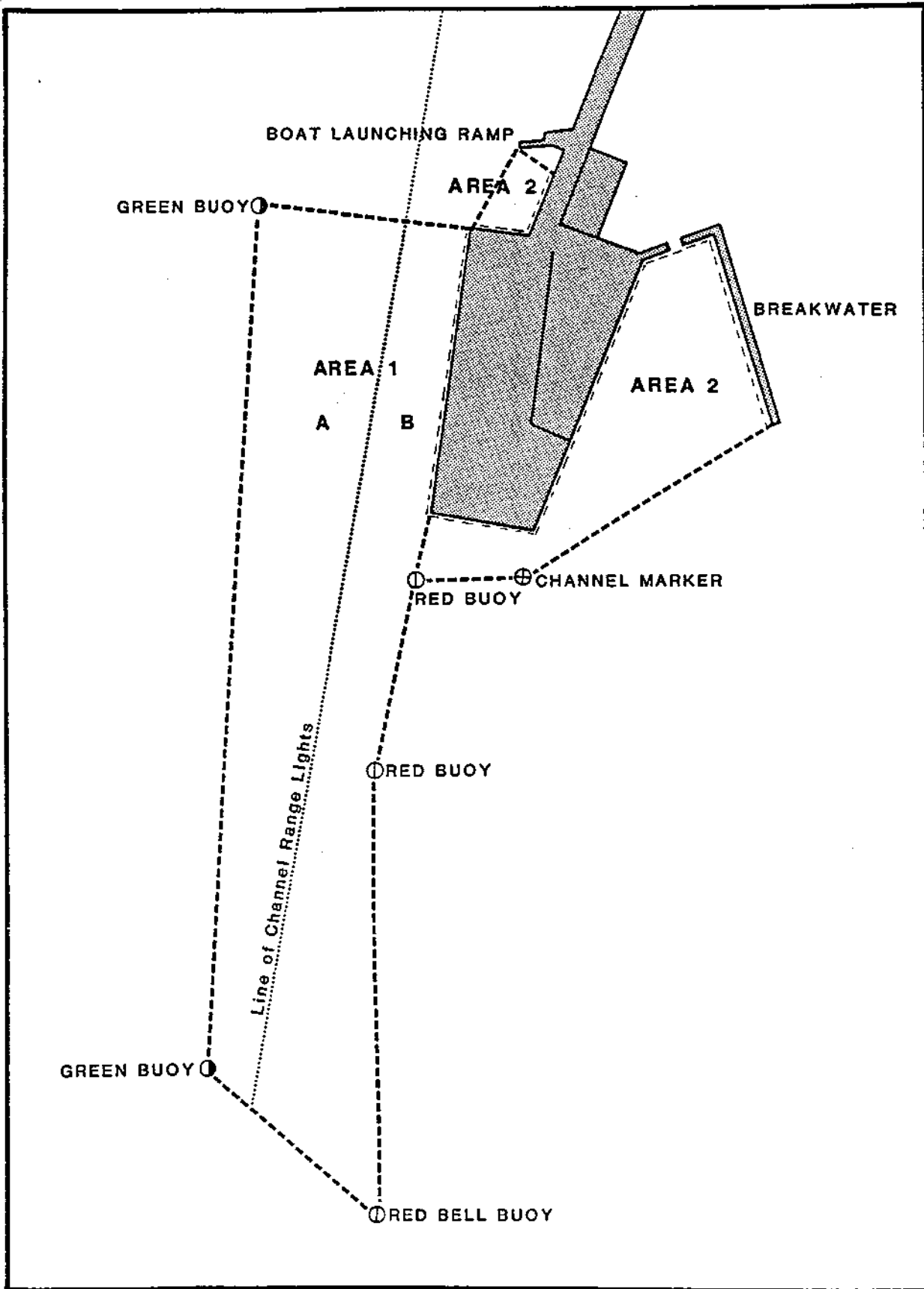
(b) The department may issue permits to engage in activities otherwise prohibited by law or section 13-56-2 for scientific, propagation, or other purposes as provided by law.

(c) The board may revoke any permit for any infraction of the terms and conditions of the permit; and a person whose permit is revoked shall not be eligible to apply for another permit until the expiration of one year from the date of revocation as provided by law. [Eff: DEC 8 1990 ] (Auth: HRS §§187A-

5, 188-53) (Imp: HRS §§187A-5, 187A-6, 188-45, 188-53)

§13-56-4 Penalty. Any person violating the provisions of this chapter, or the terms and conditions of any permit issued as provided by this chapter, shall be punished as provided by section 188-70, Hawaii Revised Statutes. [Eff: DEC 8 1990 ] (Auth: HRS §§187A-5, 188-53) (Imp: HRS §§187A-13, 188-70)

§13-56-5 Harbor use priority. Nothing in this chapter shall be interpreted as allowing, within any portion of Kaunakakai Harbor activities which may be otherwise prohibited by law or by rules of the department of transportation. [ Eff: DEC 8 1990 ] (Auth: HRS §§187A-5, 188-53) (Imp: HRS §§187A-5, 188-53)



Map of Kaunakakai Harbor, Molokai 10/27/89