DEPARTMENT OF LAND AND NATURAL RESOURCES

Adoption of Chapter 13-60.7
Hawaii Administrative Rules

April 29, 2009

SUMMARY

Chapter 13-60.7, Hawaii Administrative Rules, entitled "Kahekili Herbivore Fisheries Management Area, Maui", is adopted.
§13-60.7-1 Purpose. The Kahekili Herbivore Fisheries Management Area, Maui is designated to control the overabundance of marine algae on and about coral reefs within this area by increasing the local abundance of certain herbivorous fishes and sea urchins by fisheries management methods. Natural controls of marine algae are intended to help the marine ecosystem in the area return to a healthy balance. [Eff JUL 25 2009] (Auth: HRS §§187A-5, 188-53) (Imp: HRS §188-53)

§13-60.7-2 Definitions. As used in this chapter, unless the context clearly indicates otherwise:

"Acanthuridae" means the family of fishes commonly referred to as surgeonfish or tangs
(including but not limited to 'api, kala, kole, manini, and palani).

"Board" means the board of land and natural resources.

"Department" means the department of land and natural resources.

"Hanakaʻōlō Beach" means the beach fronting the southern portion of Kāʻanapali Beach on the southern side of Kekaʻa Point (Black Rock).

"Herbivore" means any marine organism that feeds primarily on algae (limu).

"Kahekili Herbivore Fisheries Management Area" ("area") means the marine managed area of north Kāʻanapali, Maui from Kekaʻa Point to Honokowai Park as described in section 13-60.7-3.

"Kāʻanapali Beach" means the north Kāʻanapali beach area from Kekaʻa Point to Honokowai Point.

"Kekaʻa Point" means the prominent lava rock point that separates Hanakaʻōlō Beach on the south from Kāʻanapali Beach on the north. This point is often referred to as Black Rock.

"Kyphosidae" means the family of fishes commonly referred to as sea chubs, rudderfish, or nenue.

"Scaridae" means the family of fishes commonly referred to as parrotfish or uhu.

"Sea urchins" are invertebrate marine animals of the class Echinoidea, variously referred to as, but not limited to, wanaʻi, hālula, hāʻukeʻuke, hāwae or ʻina. [Eff JUL 25 2009] (Auth: HRS §187A-5, 188-53) (Imp: HRS §188-53)

§13-60.7-3 Boundaries. (a) The Kahekili Herbivore Fisheries Management Area shall include that portion of submerged lands and overlying waters of the north Kāʻanapali area as follows:

(1) The southern boundary shall begin at the highwater mark of the shoreline on Hanakaʻōlō Beach and run directly west (90°) to a point offshore along the southern rocky shoreline of Kekaʻa Point for a distance of 335 yards.
(2) The northern boundary shall begin at the highwater mark of the shoreline on the southern end of Honokowai Beach Park and run directly west (90°) to a point offshore for a distance of 1,292 yards.

(3) A straight line shall then run directly north (0°) and connect offshore points of the southern Hanakaʻōī Beach boundary with the northern Honokowai boundary.

(b) Boundaries are further described and include both landward and seaward GPS coordinates in the map entitled “Kahekili Herbivore Fisheries Management Area, Maui, Hawaiʻi” attached at the end of this chapter and made a part hereof. [Eff JUL 25 2009] (Auth: HRS §§187A-5, 188-53) (Imp: HRS §188-53)

§13-60.7-4 Regulated activities. (a) No person shall engage in the following activities within the Kahekili Herbivore Fisheries Management Area:

(1) Injure, kill, possess, or remove any fish of the families Kyphosidae (sea chubs, nene), Scaridae (parrotfish, uhu), or Acanthuridae (surgeonfish, tangs).

(2) Injure, kill, possess, or remove any sea urchins.

(3) Feed or deliberately introduce any food material, substance, or attractant, directly or in the vicinity of any aquatic organism, by any means or for any purpose except as allowed in subsection (b).

(b) A person may engage in the following activities within the Kahekili Herbivore Fisheries Management Area:

(1) Fish for, injure, kill, possess, or remove any fish or invertebrate not prohibited in subsection (1) and subject to the provisions of all other existing statutes and rules.

(2) Use bait and other fish attractants in the process of fishing for any marine life not prohibited in paragraph (1) or other statutes or rules. [Eff JUL 25 2009] (Auth: HRS §§187A-5, 188-53) (Imp: HRS §188-53)
§13-60.7-5 Exceptions; permits. The department may issue permits to engage in activities otherwise prohibited by law and section 13-60.7-4, in accordance with sections 187A-6 and 190-4, Hawaii Revised Statutes, provided that:

(1) The board may impose terms and conditions it deems necessary to carry out the purpose of this chapter, including requiring a report or reports of any marine life taken from the area;

(2) The board may revoke any permit for any infraction of the terms and conditions of the permit;

(3) A person whose permit was revoked shall not be eligible to apply for another such permit until one year after the date of revocation; and


§13-60.7-6 Penalty. Any person violating the provisions of this chapter may be punished as provided by sections 187A-12.5, 188-70, or chapter 199D, Hawaii Revised Statutes, and as may be otherwise provided by law. [Eff JUL 25 2009 ] (Auth: HRS §§187A-5, 188-53) (Imp: HRS §§188-53, 188-70, 199D)
Chapter 13-60.7, Hawaii Administrative Rules, on the Summary Page dated April 29, 2009, was adopted on April 29, 2009, following a public hearing held on February 4, 2009, after public notice was given in the Honolulu Star-Bulletin and the Maui News on December 28, 2008.

The adoption of chapter 13-60.7 shall take effect ten days after filing with the Office of the Lieutenant Governor.

Laura H. Thielen, Chairperson
Board of Land and Natural Resources

APPROVED:

Linda Lingle
Governor
State of Hawaii
Dated: 7/15/09

APPROVED AS TO FORM:

JUL 15 2009
Filed