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West Hawai'i Regional Fishery Management Area (WHRFMA) Rule Proposals

The Department of Land and Natural Resources (DLNR) is proposing a number of rule changes affecting the WHRFMA. Due to the complexity and potential confusion in just amending the current WHRFMA Administrative Rule (chapter 13-60.3), DLNR is proposing to repeal this chapter and concurrently adopt a new chapter (13-60.4) incorporating proposed changes.

The recommended rule changes are the result of over ten years of committee meetings, research and community discussions involving over 550 community members, facilitated by the West Hawai'i Fisheries Council (WHFC).

These changes will ensure continued resource sustainability, enhance nearshore resources, and minimize user conflicts in the WHRFMA. Except for minor changes to address inconsistencies, ambiguity, and to clarify or remove superfluous language, all other existing rules governing the WHRFMA remain substantively the same.

The following new provisions are proposed for the WHRFMA:

- Establishment of a list of 40 fish species permitted for aquarium take. Only fish found on this "White List" could be collected live for aquarium use. Size and bag limits would be established for three of the species on the White List. (See following table for details).

White List - This measure will help protect populations of species that are rare, potentially overfished and/or are not suitable for home aquariums. This rule will reduce the threat of population decline of rare species, a major concern for stakeholders interested in the long term health and biodiversity of our coral reefs.

Yellow tang size/bag limits - Protecting yellow tang > 4.5" Total Length (TL) will help maintain breeding populations and ensure long-term sustainability of the aquarium fishery. Adult yellow tang can live and breed for decades (the oldest individual aged to date is 41 years old). Very small/young yellow tang (<2" TL) do not survive transport and handling well, and therefore should not be taken in large numbers by aquarium fishers.

Kole size/bag limits - of 5 fish/aquarium collector/day >4" TL limits aquarium take of this species which is an important food fish. Given that this species is fished for two purposes, maintaining viable adult populations is of utmost concern and an adult take limit for the aquarium trade makes sense.

Achilles bag limit - is an initial effort to bolster populations which have declined substantially on our reefs. Achilles tang is another species that is fished both as juveniles for the aquarium trade and as adults for food.

- Prohibition of SCUBA/Rebreather spearfishing and/or possession of such gear and a spear or speared aquatic life.

Spearfishing on SCUBA is banned in most other regions in the Pacific because the potential for over exploitation using this fishing method is so high particularly at night when fish are extremely vulnerable. There have been a number of examples (e.g., American Samoa) where relatively few fishers using this technology have led to the rapid declines of local populations of species that are economically, culturally and ecologically valuable (e.g., parrotfish).

- Prohibition of take or possession of nine species of inshore sharks and rays and two invertebrate crown-of-thorns predators (See following table for details).

Shark and ray protection - The life histories of sharks and rays make them more vulnerable to fishing pressure than most other fish species. For example, sharks and rays start reproducing at an advanced age and produce relatively very few offspring per year. Live sharks and rays on our reefs play important ecological roles and are also extremely important economically to our ocean recreation industries. The benefits of maintaining viable populations greatly outweighs any value that would be gained by the relatively few individuals that may fish these species.

Triton's Trumpet and Horned Helmet shell protection – Both of these species are one of the few predators on Crown-of-Thorns starfish, significant predators of live coral.
Note: Cultural take of protected species will be possible via permit.

- Establishment of a 1,500 foot section of Ka'ōhe Bay (Pebble Beach), South Kona, as a Fish Replenishment Area (FRA) where no aquarium collecting or recreational fish feeding will be allowed.

Resolution of long-standing conflict between aquarium collectors and Ka'ōhe community.

Several other WHRFMA rule changes are also proposed to enhance enforcement of aquarium collecting regulations and to clarify existing rule provisions. These include the following:

- Establishment of a West Hawai'i Aquarium Permit for both recreational and commercial collectors to take aquarium fish in the WHRFMA. The terms and conditions of this permit are the specific provisions included in the rule.

This permit will help to educate aquarium collectors about the rules governing aquarium collecting in West Hawaii, as well as facilitating enforcement actions as collectors cannot claim they "did not

know" what the rules were. Hopefully at some time in the near future the permit will also form the basis of a limited entry West Hawai'i aquarium fishery.

- Possession of aquarium collecting gear or aquarium fish on a vessel after sunset or before sunrise is permissible only when prior notification is made to the DAR-Kona office.
- Nets or containers used to capture or hold aquarium fish must be labeled with the commercial marine license (CML) number(s) of the persons who own or are using such equipment.
- Minimum mesh size requirements for "lay nets" do not apply to nets permitted for use under an aquarium permit, and labeled with the CML number of the person owning or using the net.
- Clarification that "total length" will be the standard used for fish length measurements.

These provisions are to enhance enforcement of aquarium related rules.

In addition to the above provisions there are also proposed rule changes involving updates to two Fisheries Management Areas (FMA) within the WHRFMA and an update to DLNR's lay net rule.

- Clarification of the boundaries of the Puakō Bay and Puakō Reef Fisheries Management Area (FMA) (out to the edge of the fringing reef), the types of nets prohibited (all except thrownets), inclusion of a more accurate map of the FMA and the incorporation of Hawaiian language diacritical marks in the rule (chapter 13-54).

This rule clarification is designed to eliminate ongoing problems with possible illegal aquarium collecting which has occurred at Puakō.

- Clarification of the no-netting boundaries within the Keauhou Bay Fisheries Management Area rule (chapter 13-57) to be consistent with the no-netting boundaries established under the WHRFMA rule and inclusion of a more accurate map of the FMA.

This rule clarification is necessary to make the WHRFMA rule and the older Keauhou Bay FMA rule have the same no-netting boundaries.

- Technical amendments to the department's statewide lay net rule (chapter 13-75-12.4) for consistency with the proposed WHRFMA rule (chapter 13-60.4) and to reflect differences between the rules.

Rule clarification is necessary to make it clear that, as in statewide gill net rules, an individual can set only one laynet within a 24 hour period and that there are some differences in WHRFMA laynet rules – primarily that laynetting at night is okay in West Hawai'i.

‘White List’ of Species Permitted for Aquarium Collecting

Common Name	Hawaiian/Local Name	Scientific Name
Yellow Tang	Lau’ipala	<i>Zebrasoma flavescens</i>
Chevron Tang	Hawaiian Kole	<i>Ctenochaetus hawaiiensis</i>
Goldring Surgeonfish	Kole	<i>Ctenochaetus strigosus</i>
Achilles Tang	Pāku’iku’i	<i>Acanthurus achilles</i>
Tinker’s Butterflyfish		<i>Chaetodon tinkeri</i>
Orangespine Unicornfish	Umauma lei	<i>Naso lituratus</i>
Forcepsfish	Lauwiliwili nukunuku ‘oi’oi	<i>Forcipiger flavissimus</i>
Goldrim Surgeonfish		<i>Acanthurus nigricans</i>
Potter’s Angelfish		<i>Centropyge potteri</i>
Fourspot Butterflyfish	Lauhau	<i>Chaetodon quadrimaculatus</i>
Yellowtail Coris	Hīnālea ‘akilolo	<i>Coris gaimard</i>
Ornate Wrasse	Lā’ō	<i>Halichoeres ornatissimus</i>
Orangeband Surgeonfish	Na’ena’e	<i>Acanthurus olivaceus</i>
Bird Wrasse	Hīnālea ‘i’iwi	<i>Gomphosus varius</i>
Eyestripe Surgeonfish	Palani	<i>Acanthurus dussumieri</i>
Multiband Butterflyfish	Kīkākapu	<i>Chaetodon multicinctus</i>
Saddle Wrasse	Hīnālea lauwili	<i>Thalassoma duperrey</i>
Brown Surgeonfish	Mā’i’i’i	<i>Acanthurus nigrofuscus</i>
Flame Wrasse		<i>Cirrhitilabrus jordani</i>
Thompson’s Surgeonfish		<i>Acanthurus thompsoni</i>
Peacock Grouper	Roi	<i>Cephalopholis argus</i>
Bluestripe Snapper	Ta’ape	<i>Lutjanus kasmira</i>
Redbarred Hawkfish	Piliko’a	<i>Cirrhilabrus fasciatus</i>
Psychedelic Wrasse		<i>Anampses chrysocephalus</i>
Hi Whitespotted Toby		<i>Canthigaster jactator</i>
Fisher’s Angelfish		<i>Centropyge fisheri</i>
Hi Dascyllus	‘Ālo’ilo’i	<i>Dascyllus albisella</i>
Milletseed Butterflyfish	Lauwiliwili	<i>Chaetodon miliaris</i>
Blacklip Butterflyfish		<i>Chaetodon kleinii</i>
Pyramid Butterflyfish		<i>Hemitaurichthys polylepis</i>
Shortnose Wrasse		<i>Macropharyngodon geoffroy</i>
Black Durgon	Humuhumu ‘ele’ele	<i>Melichthys niger</i>
Spotted Boxfish	Moa	<i>Ostracion meleagris</i>
Blackside Hawkfish		<i>Paracirrhites forsteri</i>
Hi Longfin Anthias		<i>Pseudanthias hawaiiensis</i>
Eightline Wrasse		<i>Pseudocheilinus octotaenia</i>
Fourline Wrasse		<i>Pseudocheilinus tetrataenia</i>
Smalltail Wrasse		<i>Pseudojuloides cerasinus</i>
Lei Triggerfish	Humuhumu lei	<i>Sufflamen bursa</i>
Gilded Triggerfish		<i>Xanthichthys auromarginatus</i>

Size and Bag Limits on 3 Aquarium Species on the White List

Yellow Tang	
Fish < 2" TL – 5 fish/person/day	Fish >4.5" TL – 5 fish/person/day
Goldring Surgeonfish (Kole) AQ only	
Fish >4" TL – 5 fish/person/day	
Achilles Tang (Paku'iku'i) AQ only	
10 fish/person/day	

All take of the following species is prohibited

Common Name	Scientific Name	Hawaiian Name
Spotted Eagleray	<i>Aetobatus narinari</i>	Hīhīmanu
Broad Stingray	<i>Dasyatis lata</i>	Hīhīmanu
Pelagic Stingray	<i>Pteroplatytrygon violacea</i>	Hīhīmanu
Hawaiian Stingray	<i>Dasyatis hawaiiensis</i>	Hīhīmanu
Tiger Shark	<i>Galeocerdo cuvier</i>	Manō/niuhi
Whale Shark	<i>Rhincodon typus</i>	Lele wa'a
Whitetip Reef Shark	<i>Triaenodon obesus</i>	Manō lālākea
Blacktip Reef Shark	<i>Carcharhinus melanopterus</i>	Manō pā'ele
Gray Reef Shark	<i>Carcharhinus amblyrhynchos</i>	Manō
Triton's Trumpet	<i>Charonia tritonis</i>	'Ōlē
Horned Helmet	<i>Cassis cornuta</i>	Pū puhi