

HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 4 FISHERIES

PART II MARINE FISHERIES MANAGEMENT AREAS

CHAPTER 49.5

PORT ALLEN, KAUAI

- §13-49.5-1 Definitions
- §13-49.5-2 Prohibited activities
- §13-49.5-3 Exceptions; permits
- §13-49.5-4 Penalty

§13-49.5-1 Definitions. As used in this chapter unless otherwise provided:

"Area" means the fisheries management area at Port Allen.

"Hand net" means a net consisting of a bag of mesh material attached to a frame to hold the bag open and a handle. The net is small enough to use with one hand by one person.

"Landing net" means a hand net that is used to further secure capture of marine life, after the marine life has been first hooked or otherwise detained, to prevent the marine life from becoming unhooked or lost.

"Port Allen" means that portion of the submerged lands and overlying waters of Hanapepe bay beginning at the highwater mark at the shoreline and those lands seaward to an imaginary straight line drawn from the tip of the main breakwater southwest to Paakahi Point as delineated on "Map of Port Allen, Kauai Fisheries Management Area," dated 2/2/01 attached at the end of this chapter.

"Zone A" means that portion of Port Allen bounded by an imaginary straight line from the tip of the main breakwater northward to the bend in the breakwater of the small boat harbor as delineated on "Map of Port Allen, Kauai Fisheries Management Area," dated 2/2/01

attached at the end of this chapter. [Eff 1/11/02]  
(Auth: HRS §188-53) (Imp: HRS §188-53)

§13-49.5-2 Prohibited activities. It is unlawful for any person to engage in the following activities within Zone A:

- (1) Use any net, except for a landing net of any mesh size not exceeding three feet (0.91 meter) in any dimension;
- (2) Snag any fish; and
- (3) Possess or take more than seventy-five akule per person per day. [Eff 1/11/02] (Auth: HRS §188-53) (Imp: HRS §188-53)

§13-49.5-3 Exceptions; permits. The department may issue permits to engage in activities otherwise prohibited by law and section 13-49.5-2 in accordance with sections 187A-6 and 188-53, Hawaii Revised Statutes, provided that:

- (1) The board may impose terms and conditions it deems necessary to carry out the purpose of section 188-53, Hawaii Revised Statutes;
- (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- (3) A person whose permit was revoked shall not be eligible to apply for another permit until one year after the date of revocation; and
- (4) The department may limit the permits to purposes of public health, safety, and welfare, for resource management, or as described in section 187A-6, HRS. [Eff 1/11/02] (Auth: HRS §188-53) (Imp: HRS §188-53)

§13-49.5-4 Penalty. A person violating the provisions of this chapter shall be guilty of a petty misdemeanor, subject to administrative penalties, and punished as provided by law. [Eff 1/11/02] (Auth: HRS §§187A-12.5, 188-53, 188-70) (Imp: HRS §§187A-12.5, 188-70)

**Port Allen, Kauai Fisheries Management Area 2/2/01**

