

DEPARTMENT OF LAND AND NATURAL RESOURCES

Adoption of Chapter 13-60.7
Hawaii Administrative Rules

April 29, 2009

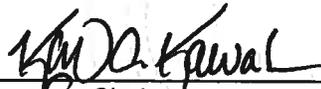
SUMMARY

Chapter 13-60.7, Hawaii Administrative Rules,
entitled "Kahekili Herbivore Fisheries Management
Area, Maui", is adopted.

This is to certify that this is a true and correct copy
of the document on file in the office of the State
Department of Land and Natural Resources,
Honolulu, Hawaii

JUL 31 2009

Date


for Chairperson

HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 4

FISHERIES

PART II MARINE FISHERIES MANAGEMENT AREAS

CHAPTER 60.7

KAHEKILI HERBIVORE FISHERIES MANAGEMENT AREA, MAUI

- §13-60.7-1 Purpose
- §13-60.7-2 Definitions
- §13-60.7-3 Boundaries
- §13-60.7-4 Regulated activities
- §13-60.7-5 Exceptions; permits
- §13-60.7-6 Penalty

§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.

"Hanaka`ō`ō Beach" means the beach fronting the southern portion of Kā`anapali Beach on the southern side of Keka`a 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 Kā`anapali, Maui from Keka`a Point to Honokowai Park as described in section 13-60.7-3.

"Kā`anapali Beach" means the north Kā`anapali beach area from Keka`a Point to Honokowai Point.

"Keka`a Point" means the prominent lava rock point that separates Hanaka`ō`ō Beach on the south from Kā`anapali 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 nenu.

"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, wana; hālula, hā`uke`uke, hāwa`e or `ina. [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 Kā`anapali area as follows:

- (1) The southern boundary shall begin at the highwater mark of the shoreline on Hanaka`ō`ō Beach and run directly west (90°) to a point offshore along the southern rocky shoreline of Keka`a 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 Hanaka`ō`ō 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, Hawai'i" 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, nenu), 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 to 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
- (4) The department may limit permits to purposes of public health, safety, and welfare; for resource management, or as described in section 187A-6, Hawaii Revised Statutes.

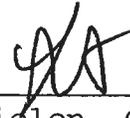
[Eff **JUL 25 2009**] (Auth: HRS §§187A-5, 187A-6, 188-53) (Imp: HRS §§187A-6, 188-53)

§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)

DEPARTMENT OF LAND AND NATURAL RESOURCES

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

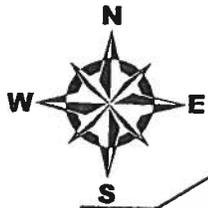
APPROVED AS TO FORM:

Deputy Attorney General

JUL 15 2009

Filed

Kahekili Herbivore Fisheries Management Area, Maui, Hawai'i



1292 Yards

Honokowai Beach Park

Offshore Boundary
Honokowai Beach Park, Southern Edge
20°57'14.65"N, 156°41'53.78"W

Onshore Boundary
Honokowai Beach Park, Southern Edge
20°57'14.65"N, 156°41'12.912"W

Honokowai Point

3351 Yards

Ka'anapali Beach

Kahekili Beach Park

Offshore Boundary
Hanaka'ō'ō Beach
20°55'35.04"N, 156°41'53.78"W

Onshore Boundary
Hanaka'ō'ō Beach
20°55'35.04"N, 156°41'43.296"W

Keka'a Point

335 Yards

0 0.125 0.25 0.5 Miles

2065

2065