

HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 4 FISHERIES

PART II MARINE FISHERIES MANAGEMENT AREAS

CHAPTER 60

KIHOLO BAY, HAWAII

§13-60-1	Definitions
§13-60-2	Boundaries
§13-60-3	Prohibited activities
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§13-60-1 Definitions. As used in this chapter unless otherwise provided:

"Aquarium purposes" means to hold salt water fish, fresh water nongame fish, or other aquatic life alive in a state of captivity as pets, for scientific study, or for public exhibition or display, or for sale for these purposes.

"Gill net" means any net set vertically in the water column that is designed to entangle and capture fish by the gills, fins, or other body parts, as the fish swim into the net. The net is usually rectangular in shape with a weighted bottom end and a floated top end to keep the net suspended upright.

"Kiholo Bay" means that bay situated at Kiholo, North Kona, island of Hawaii, Hawaii as described in section 13-60-2. [Eff: FEB 28 1997] (Auth: HRS §188-53) (Imp: HRS §188-53)

§13-60-2 Boundaries. The "Kiholo Bay Fisheries Management Area" shall include that portion of the submerged lands and overlying waters of Kiholo Bay beginning at the highwater mark at the shoreline and extending seaward out to an imaginary line drawn between a sign posted onshore at Hou Point and a sign posted

onshore at Nawaikulua Point, including the lagoon known as Wainanali'i Pond but not including Luahinewai Pond, and depicted in the "Map of the Kiholo Bay Fisheries Management Area, Hawaii, 4/10/96" made a part of this chapter and attached as Exhibit A at the end of this chapter. [Eff: FEB 28 1997] (Auth: HRS §188-53) (Imp: HRS §188-53)

§13-60-3 Prohibited activities. (a) Unless otherwise allowed by law, it is unlawful for any person to possess gillnets within the Kiholo Bay Fisheries Management Area.

(b) Nothing in this chapter shall be construed as allowing within the Kiholo Bay Fisheries Management Area any activity otherwise prohibited by statute or rules. [Eff: FEB 28 1997] (Auth: HRS §§187A-5, 188-53) (Imp: HRS §§187A-5, 188-53)

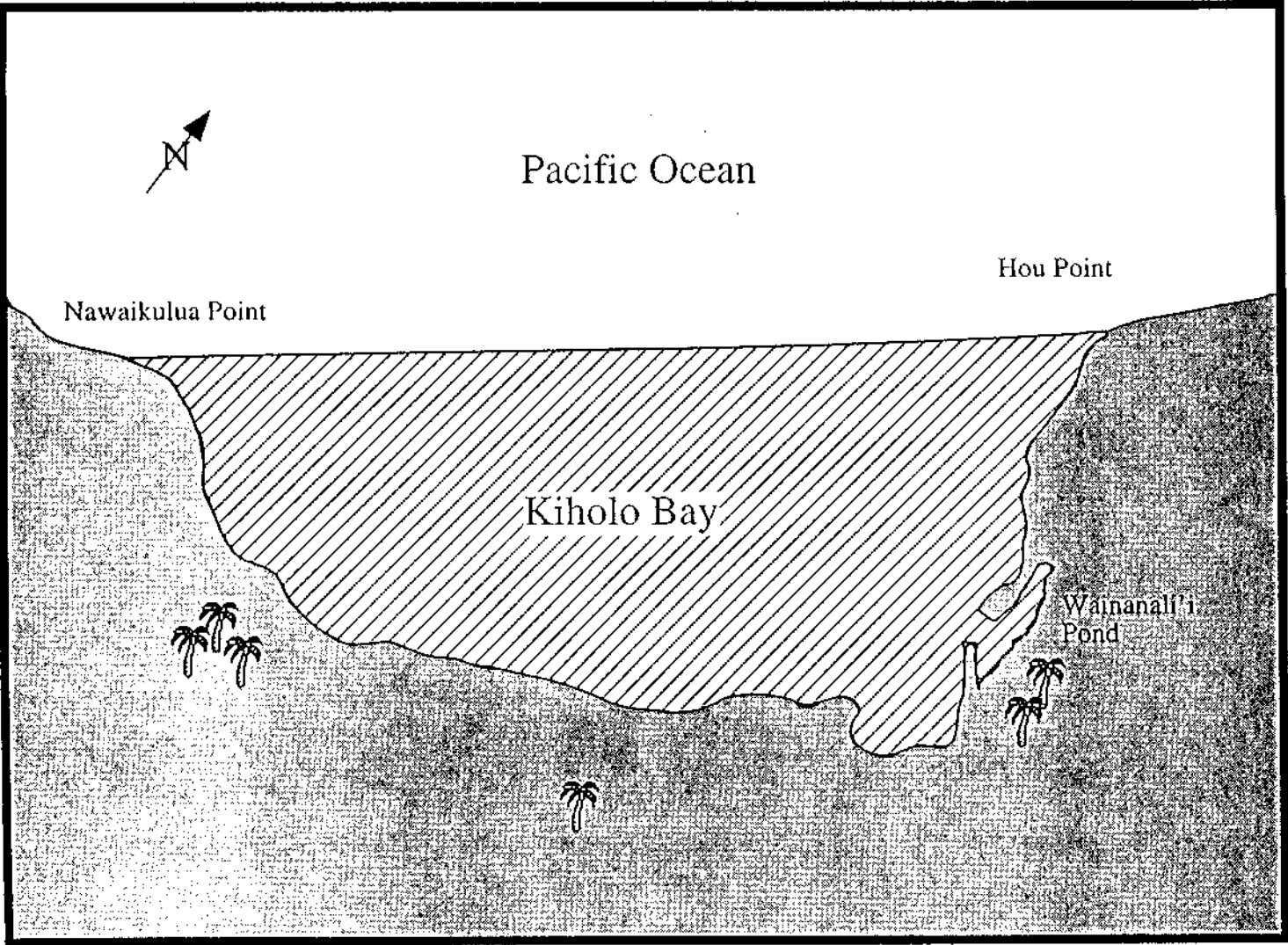
§13-60-4 Permitted activities. (a) The department may issue permits to engage in activities within the Kiholo Bay Fisheries Management Area that may be prohibited by law or section 13-60-3, under such terms and conditions as the department may require.

(b) 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.

(c) Any person issued an aquarium fish permit pursuant to section 188-31, HRS, or rule therein, may use small-meshed nets other than thrownets within the Kiholo Bay Fisheries Management Area; provided that the person is within visual range of the net at all times. [Eff: FEB 28 1997] (Auth: HRS §188-53) (Imp: HRS §188-53)

§13-60-5 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, or as may be otherwise provided by law. [Eff: FEB 28 1997] (Auth: HRS §188-53) (Imp: HRS §188-70)

Map of the Kiholo Bay Fisheries Management Area, Hawaii, 4/10/96



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Exhibit A