

Amendments to Chapter 13-60.4
Hawaii Administrative Rules

May 27, 2016

1. Section 13-60.4-2, Hawaii Administrative Rules, is amended to read as follows:

"§13-60.4-2 Geographical jurisdiction of chapter provisions. (a) The provisions of this chapter shall apply to the West Hawai'i regional fishery management area, bounded by the west coast of Hawai'i Island, from Ka Lae, Ka'ū (South Point) to 'Upolu Point, North Kohala, and extending from the upper reaches of the wash of the waves on shore, seaward to the limit of the State's police power and management authority.

(b) The following marine reserves, fish replenishment areas, and netting restricted areas shall be established within the boundaries of the West Hawai'i regional fishery management area (as depicted in the exhibit entitled ["Map of Fish Replenishment Area and Netting Restricted Area Boundaries", dated 9/21/11,] "Map of Marine Reserve, Fish Replenishment Area, and Netting Restricted Area Boundaries", dated 12/12/12, located at the end of this chapter):

- (1) Ka'ūpūlehu marine reserve, identified on shore to the north by the northern boundary of the Ka'ūpūlehu ahupua'a and to the south by the southern side of Kikaua Point (south of Kūki'o Bay);
- [(1)](2) North Kohala fish replenishment area, identified on shore to the north by Kamilo Gulch and to the south by the Kawaihae Lighthouse;
- [(2)](3) Puakō-'Anaeho'omalu fish replenishment area, identified on shore to the north by the southern end of the Puakō Bay and Puakō Reef fisheries management area and to the south by the southern side of 'Anaeho'omalu Bay (Kapalaoa);

- [(3) Ka'ūpūlehu fish replenishment area, identified on shore to the north by the northern boundary of the Ka'ūpūlehu ahupua'a and to the south by the southern side of Kikaua Point (south of Kūki'o Bay);]
- (4) Kaloko-Honokōhau fish replenishment area, identified on shore to the north by the southern boundary of Wāwālolli Zone (a Kona Coast fisheries management area defined in section 13-58-2) at Wawahiwa'a Point and to the south by Noio Point;
- (5) Kailua-Keauhou fish replenishment area, identified on shore to the north by the southern boundary of Kailua Bay Zone, Kona Coast fisheries management area defined in section 13-58-2, and to the south by the northern boundary of the Keauhou Bay fisheries management area defined in section 13-57-1;
- (6) Red Hill fish replenishment area, identified on shore to the north at Nenu Point and to the south by Keawakāheka Point;
- (7) Nāpo'opo'o-Hōnaunau fish replenishment area, identified on shore to the north by the southern boundary of Kealakekua Bay marine life conservation district (Manini Beach Point) and to the south by the southern boundary of Pu'uhonua o Hōnaunau (Ki'ilae);
- (8) Ho'okena fish replenishment area, identified on shore to the north by Loa Point and to the south by Ka'ū Loa Point;
- (9) Ka'ohe Beach fish replenishment area (Pebble Beach), identified on shore to the north by signage south of Ka'ū Loa Point, and to the south by signage north of 'Au'au Point;
- (10) Miloli'i fish replenishment area, identified on shore to the north by Makahiki Point and to the south by Kāki'o Point;
- (11) Kikaua Point-Mākole'a Point netting restricted area, identified on shore to the north by Kikaua Point (Kalae o Kikaua) and

to the south by Mākole‘ā Point (near Kekaha Kai State Park);

- (12) Nenu Point-Kealakekua Bay netting restricted area, identified on shore to the north by the northern boundary of the Red Hill fish replenishment area and to the south by the northern boundary of the Kealakekua Bay marine life conservation district;
- (13) Hanamalo Point-Kanewa‘a Point netting restricted area, identified on shore to the north by Hanamalo Point, inclusive of Okoe Bay and Kapu‘a Bay, and to the south by Kanewa‘a Point, South Kona; and
- (14) Kanonone-Kalipoa netting restricted area, identified on shore to the north by Kanonone, inclusive of Pōhue Bay, Kahakahakea, and identified to the south by Kalipoa, Ka‘ū.

Unless otherwise described, any area described in this chapter shall be described by four reference points identified by their latitude and longitude coordinates, as provided in the tables located at the end of this chapter entitled ["Table of Reference Coordinates to Fish Replenishment Area Boundaries", dated 9/21/11,] "Table of Reference Coordinates to Marine Reserve and Fish Replenishment Area Boundaries", dated 12/12/12, and ["Table of Reference Coordinates to Netting Restricted Area Boundaries", dated 9/21/11,] "Table of Reference Coordinates to Netting Restricted Area Boundaries", dated 12/12/12, and as may be further indicated by signage on or about the shoreline. The four points shall be identified as the landward northern point, the landward southern point, the seaward northern point, and the seaward southern point. The landward boundary for each of these areas shall be an imaginary line drawn along the highest wash of the waves between the landward northern point and the landward southern point. Should there be a stream or river flowing into the ocean, the landward boundary shall be an imaginary

straight line drawn between the shoreline on either side of the stream or river, as if the stream or river was not there. Imaginary straight lines drawn through the landward and seaward northern points, and through the landward and seaward southern points, shall constitute the northern and southern boundary lines of each area. The seaward boundary of each area shall be determined by an imaginary line drawn along the one hundred fathom (six hundred feet) depth contour, between the intersection of the one hundred fathom depth contour and the northern and southern boundary lines. Seaward GPS reference points are for guidelines and the one hundred fathom depth contour otherwise controls the seaward boundary. Any area designated in this chapter shall include the submerged lands and overlying waters within these four boundaries.

(c) The following areas, designated and subject to additional regulations in other chapters, shall also be considered and regulated as part of the West Hawai'i regional fishery management area:

- (1) Lapakahi marine life conservation district, as described in chapter 13-33;
- (2) Kawaihae Harbor fisheries management area, as described in chapter 13-55;
- (3) Wailea Bay marine life conservation district, as described in chapter 13-35;
- (4) Old Kona Airport marine life conservation district, as described in chapter 13-37;
- (5) Kealahou Bay marine life conservation district, as described in chapter 13-29;
- (6) Puakō Bay and Puakō Reef fisheries management area, as described in chapter 13-54;
- (7) Kiholo Bay fisheries management area, as described in chapter 13-60;
- (8) Kailua Bay fisheries management area, as described in chapter 13-52;
- (9) Keauhou Bay fisheries management area, as described in chapter 13-57;
- (10) Kona Coast fisheries management area, as described in chapter 13-58;

Except for the area encompassed by the Kawaihae Harbor fisheries management area, Kawaihae commercial harbor shall not be regulated as part of the West Hawai'i regional fishery management area.

(d) Nothing in this chapter shall be construed as allowing within the West Hawai'i regional fishery management area any activity otherwise prohibited by law or rules adopted by the department of land and natural resource or any other department of the State." [Eff 12/26/13, am] (Auth: HRS §§187A-5, 188-53, 188F-6, 190-3) (Imp: HRS §§187A-5, 188-53, 188F-2, 188F-3, 188F-4, 188F-6, 190-3)

2. Section 13-60.4-3, Hawaii Administrative Rules, is amended by adding a new definition to read as follows:

"Deploy" means to place the specified gear in the water, in whole or in part."

3. Section 13-60.4-3, Hawaii Administrative Rules, is amended by adding a new definition to read as follows:

"Fishing gear" means any net, spear, rod, reel, hook-and-line, slurp gun, or any other equipment or gear adapted, designed, or commonly used to take or capture aquatic life."

4. Section 13-60.4-3, Hawaii Administrative Rules, is amended by adding a new definition to read as follows:

"Hook-and-line" means a fishing line to which one or more hooks or other tackle are attached. A hook-and-line may include a fishing rod or reel or both to deploy and retrieve the line, and the use of a landing net to land hooked fish."

5. Section 13-60.4-3, Hawaii Administrative Rules, is amended by adding a new definition to read as follows:

"Kona crab net" means a mesh net encircled by a rigid frame no more than three feet in length in any direction."

6. Section 13-60.4-3, Hawaii Administrative Rules, is amended by adding a new definition to read as follows:

"Marine reserve" means an area where any and all extraction of reef-related marine life, either alive or dead, or any portion of the reef structure, including coral, rocks, plants, algae, sand, shells, or any feature of the natural reef, shall be prohibited, except as allowed in this chapter."

7. Section 13-60.4-5, Hawaii Administrative Rules, is amended to read as follows:

"§13-60.4-5 Activities prohibited within selected areas. (a) No person may engage in fish feeding while within any of the marine reserves, fish replenishment areas, or netting restricted areas described in section 13-60.4-2(b) or any of the other areas listed in section 13-60.4-2(c).

(b) While within the fish replenishment areas described in section [13-60.4-2(b)(1) to (10),] 13-60.4-2(b)(2) to (10), or while within any of the areas listed in section 13-60.4-2(c) other than the Kiholo Bay fisheries management area, no person may:

- (1) Collect aquatic life for aquarium purposes; or
- (2) Possess any aquarium collecting gear, or take or possess any specimen of aquatic life for aquarium purposes, except that aquarium collecting gear or aquatic life collected for aquarium purposes may be possessed while onboard a vessel in active transit through the areas, provided that no collecting gear

is in the water during the transit. Boats that are adrift, anchored, or moored are not considered to be in active transit.

(c) No person may lay net fish while within the following areas, as described in section 13-60.4-2(b) and in the tables located at the end of this chapter entitled ["Table of Reference Coordinates to Fish Replenishment Area Boundaries", dated 9/21/11,] "Table of Reference Coordinates to Marine Reserve and Fish Replenishment Area Boundaries", dated 12/12/12, and ["Table of Reference Coordinates to Netting Restricted Area Boundaries", dated 9/21/11:] "Table of Reference Coordinates to Netting Restricted Area Boundaries", dated 12/12/12:

- (1) Puakō-‘Anaeho‘omalu fish replenishment area;
- [(2)] (2) Ka‘ūpūlehu fish replenishment area;
- (3)] (2) Kikaua Point-Mākole‘ā netting restricted area (Kekaha Kai State Park);
- [(4)] (3) Nenuē Point (Red Hill fish replenishment area)-Kealakekua Bay netting restricted area;
- [(5)] (4) Hanamalo Point-Kanewa‘a Point netting restricted area;
- [(6)] (5) Kanonohe-Kalīpoa netting restricted area; and
- [(7)] (6) Kaloko-Honokōhau fish replenishment area, except that a person may lay net fish in the Kaloko-Honokōhau fish replenishment area using only a locally-constructed, handmade lay net of natural fibers, that is registered and used in compliance with section 13-60.4-6.

(d) Except as provided in subsection (e), and subject to all other applicable laws, while within the Ka‘ūpūlehu marine reserve no person may:

- (1) Take or attempt to take any specimen of aquatic life, provided that the following species may be taken by hook-and-line seaward of the twenty fathom (120 feet) depth contour: *Pristipomoides filamentosus* (‘ōpakapaka), *Pristipomoides sieboldii* (kalekale), *Aphareus rutilans* (lehi),

Pristipomoides zonatus (gindai), *Etelis* *coruscans* (onaga), *Etelis carbunculus* (ehu), *Epinephelus quernus* (hāpu'upu'u), *Aprion virescens* (uku), *Lutjanus kasmira* (ta'ape), *Cephalopholis argus* (roi), *Lutjanus fulvus* (toau), *Iniistius pavo* (nabeta), *Katsuwonus pelamis* (aku), *Thunnus spp.* (ahi and tomo), Family Istiophoridae (a'u), *Acanthocybium solandri* (ono), *Coryphaena spp.* (mahimahi); and provided further that *Ranina ranina* (kona crab) may be taken by kona crab nets only, while seaward of the twenty fathom (120 feet) depth contour;

(2) Possess any specimen of marine life other than the species listed in subsection (d)(1) above;

(3) Possess or use any fishing gear other than hook-and-line or kona crab nets or both; or

(4) Deploy any fishing gear (including hook-and-line or kona crab nets) shoreward of the twenty fathom (120 feet) depth contour.

(e) The department may issue permits in accordance with sections 187A-6 and 188-53, Hawaii Revised Statutes, for the take of non-native or invasive species of fish and invasive algae from the Ka'ūpūlehu Marine Reserve.

(f) Subsections (d) and (e) of this section shall be effective until June 30, 2026, or until the effective date of rules implementing a comprehensive fisheries management plan as developed by the department in consultation with the Ka'ūpūlehu community and other interested parties, whichever occurs later." [Eff 12/26/13, am]

(Auth: HRS §§187A-5, 188-53, 188F-6, 190-3) (Imp: HRS §§187A-5, 188-53, 188F-6, 190-3)

8. Material, except source notes, to be repealed is bracketed. New material is underscored.

9. Additions to update source notes to reflect these amendments are not underscored.

10. These amendments to chapter 13-60.4, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

I certify that the foregoing are copies of the rules, drafted in the Ramseyer format pursuant to the requirements of section 91-4.1, Hawaii Revised Statutes, which were adopted on May 27, 2016, and filed with the Office of the Lieutenant Governor.

SUZANNE D. CASE
Chairperson
Board of Land and Natural
Resources

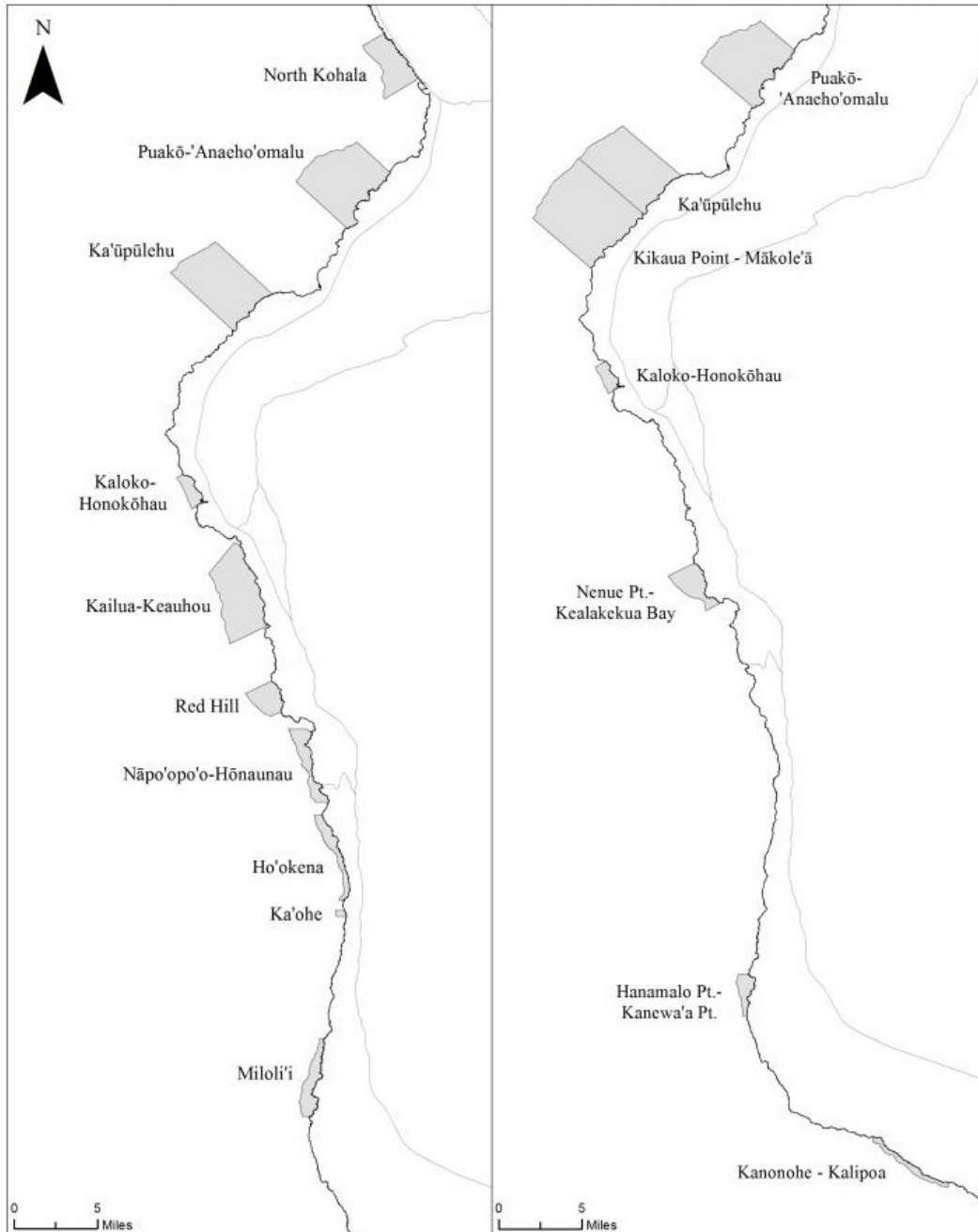
APPROVED AS TO FORM:

Deputy Attorney General

**Map of Marine Reserve, Fish Replenishment Area, and
Netting Restricted Area Boundaries* (12/12/12)**

**Marine Reserves and
Fish Replenishment Areas**

Netting Restricted Areas



*Maps and tables do not reflect regulated areas and their specific prohibitions (including gear restrictions) that are defined in other chapters, as described in section 13-60.4-5(c)

**Table of Reference Coordinates to Marine Reserve and Fish Replenishment Area Boundaries
(12/12/12)**

Area	Landward dGPS Coordinates		Seaward dGPS Coordinates (600 ft.)				
	Northern Point	Southern Point	Northern Point	D (nm)	Southern Point	D (nm)	@
North Kohala FRA	20° 04.826' N	20° 02.471' N	20° 04.378' N	1.40	20° 01.654' N	1.94	225°
	155° 51.934' W	155° 49.988' W	155° 53.344' W		155° 51.875' W		225°
Puakō – ‘Anaeho‘omalua FRA	19° 57.529' N	19° 54.641' N	19° 59.206' N	2.40	19° 57.034' N	3.54	300°
	155° 51.553' W	155° 53.893' W	155° 53.383' W		155° 56.658' W		300°
Ka‘ūpūlehu Marine Reserve	19° 51.011' N	19° 49.209' N	19° 53.817' N	3.91	19° 51.724' N	4.39	300°
	155° 58.111' W	156° 00.132' W	156° 00.994' W		156° 03.947' W		300°
Kaloko – Honokōhau FRA	19° 41.442' N	19° 40.059' N	19° 41.368' N	0.35	19° 39.844' N	0.46	240°
	156° 02.350' W	156° 01.741' W	156° 03.031' W		156° 02.169' W		240°
Kailua – Keauhou FRA	19° 37.903' N	19° 33.716' N	19° 37.089' N	2.02	19° 32.801' N	2.21	245°
	155° 59.472' W	155° 57.829' W	156° 01.449' W		156° 00.004' W		245°
Red Hill FRA	19° 30.823' N	19° 29.252' N	19° 30.166' N	1.41	19° 28.991' N	0.51	235°
	155° 57.630' W	155° 57.068' W	155° 58.953' W		155° 57.536' W		235°
Nāpo‘opo‘o – Hōnaunau FRA	19° 28.230' N ¹	19° 24.559' N	19° 28.350' N ²	1.13	19° 24.725' N	0.79	270°
	155° 55.370' W	155° 54.343' W	155° 56.898' W		155° 55.162' W		270°
Ho‘okena FRA	19° 23.796' N	19° 19.458' N	19° 23.690' N	0.40	19° 19.403' N	0.25	240°
	155° 54.685' W	155° 53.426' W	155° 55.095' W		155° 53.688' W		240°
Ka‘ohe FRA	19° 18.954' N	19° 18.714' N	19° 18.947' N	0.44	19° 18.706' N	0.48	270°
	155° 53.362' W	155° 53.296' W	155° 53.824' W		155° 53.806' W		270°
Miloli‘i FRA	19° 12.179' N	19° 08.098' N	19° 12.179' N	0.15	19° 08.160' N	0.36	270°
	155° 54.369' W	155° 55.132' W	155° 54.599' W		155° 55.510' W		270°

^{1,2} Northern Boundary runs 0.25nm along existing Kealakekua Bay MLCD southern boundary to 19° 28.443' N/155° 55.708' W and then 270° to seaward northern point.

FRA = Fish Replenishment Area

D (nm) = distance in nautical miles from the landward points to the seaward points

@ = compass heading from landward coordinates to seaward coordinates

**Table of Reference Coordinates to Netting Restricted Area Boundaries
(12/12/12)**

Netting Restricted Area**	Landward dGPS Coordinates		Seaward dGPS Coordinates (600 ft.)				
	Northern Point	Southern Point	Northern Point	D (nm)	Southern Point	D (nm)	@
Puakō - ‘Anaeho‘omalū	19° 57.529’ N	19° 54.641’ N	19° 59.206’ N	2.40	19° 57.034’ N	3.54	300°
	155° 51.553’ W	155° 53.893’ W	155° 53.383’ W		155° 56.658’ W		300°
Ka‘ūpūlehu	19° 51.011’ N	19° 49.209’ N	19° 53.817’ N	3.91	19° 51.724’ N	4.39	300°
	155° 58.111’ W	156° 00.132’ W	156° 00.994’ W		156° 03.947’ W		300°
Kikaua Point - Mākole‘ā	19° 49.130’ N	19° 46.356’ N	19° 52.100’ N	4.41	19° 49.000’ N	3.98	300°
	156° 00.063’ W	156° 03.024’ W	156° 03.566’ W		156° 06.164’ W		300°
Kaloko - Honokōhau	19° 41.442’ N	19° 40.059’ N	19° 41.368’ N	0.35	19° 39.844’ N	0.46	240°
	156° 02.350’ W	156° 01.741’ W	156° 03.031’ W		156° 02.169’ W		240°
Nenuē Pt. - Kealakekua Bay	19° 30.823’ N	19° 28.699’ N	19° 30.166’ N	1.41	19° 28.316’ N	0.90	235°
	155° 57.630’ W	155° 56.114’ W	155° 58.953’ W		155° 56.983’ W		235°
Hanamalo Pt. - Kanewa‘a Pt.	19° 09.273’ N	19° 07.091’ N	19° 09.275’ N	0.55	19° 07.093’ N	0.18	260°
	155° 54.973’ W	155° 55.115’ W	155° 55.564’ W		155° 55.313’ W		260°
Kanonone - Kalīpoa	19° 00.662’ N	18° 58.180’ N	19° 00.409’ N	0.25	18° 57.941’ N	0.24	200°
	155° 48.302’ W	155° 44.182’ W	155° 48.302’ W		155° 44.183’ W		200°

****Netting restrictions may also apply in marine reserves and fish replenishment areas (see map entitled “Map of Marine Reserve, Fish Replenishment, and Netting Restricted Area Boundaries”, dated 12/12/12) and in areas designated under separate chapters, as described in section 13-60.4-2(c)**

D (nm) = distance in nautical miles from the landward points to the seaward points

@ = compass heading from landward coordinates to seaward coordinates