

HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 4 FISHERIES

PART II MARINE FISHERIES MANAGEMENT AREAS

CHAPTER 51

KAHULUI HARBOR, MAUI

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§13-51-1 Definitions. As used in this chapter, unless the context clearly indicates or is otherwise provided:

"Area" means the Kahului Harbor fisheries management area as described in section 13-51-1.1.

"Board" means the board of land and natural resources.

"Department" means the department of land and natural resources.

"Hand net" means a net consisting of a mesh bag attached to a frame to hold the bag open, and a

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handle. The net is small enough for use with one hand by one person.

"Kahului Harbor" means the harbor situate at Kahului, Wailuku, Maui, Hawaii.

"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.

"Marine life" means any type or species of saltwater fish, shellfish, mollusks, crustaceans, coral, or other marine animals, including any part, product, egg, or offspring thereof; or seaweed or other marine plants, including any part, product, seed, or holdfast thereof.

"Snag" means to hook or attempt to hook a fish, without first waiting for a bite. Any fish hooked on any portion of its body other than its mouth shall be considered snagged.

"Stretched mesh" means the straight-line distance between two opposite inner edges of each opening (or 'eye') of the net mesh, as measured when the eye is stretched to its maximum length.

"Take" means to fish for, catch, capture, confine, or harvest, or to attempt to fish for, catch, capture, confine, or harvest, marine life. The use of any gear, equipment, tool, or any means to fish for, catch, capture, confine, or harvest, or to attempt to fish for, catch, capture, confine, or harvest, marine life by any person who is in the water, or in a vessel on the water, or on or about the shore where marine life can be fished for, caught, captured, confined, or harvested, shall be construed as taking. This term shall not apply to the temporary capture or confinement of any specimen which is returned to the water as soon as possible after landing. [Eff 3/8/84; am and comp 4/30/09; am and comp 11/27/21] (Auth: HRS §188-53) (Imp: HRS §188-53)

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§13-51-1.1 Boundaries. The Kahului Harbor fisheries management area shall include that portion of the submerged lands and overlying waters of Kahului Harbor beginning at the upper reaches of the wash of the waves at the shoreline and bounded by an imaginary straight line drawn between the seaward edges of the two breakwaters forming the harbor entrance channel and further described in the map entitled "Kahului Harbor Fisheries Management Area 10/20/2006" attached at the end of this chapter and made a part of this section. [Eff and comp 4/30/09; comp 11/27/21]
(Auth: HRS §188-53) (Imp: HRS §188-53)

§13-51-2 Regulated activities. (a) It is unlawful for any person, while within the Kahului Harbor Fisheries Management Area, to:

- (1) Use any net, except that a person may use:
 - (A) A landing net with a stretched mesh of two inches or greater to secure hooked or otherwise detained marine life; and
 - (B) A hand net while on the shore to take shrimp and other marine life, provided that the diameter of the net is equal to or less than eight inches and the handle is equal to or less than fourteen inches in length.
 - (2) Take or possess a total bag limit of more than fifty specimens of marine life per person per day;
 - (3) Snag any marine life; and
 - (4) Use more than two poles, provided that each pole may have only one line, and each line may have no more than two hooks, with each hook having only one point, while at or near the shoreline, except that double or treble hooks are allowed when using lures.
- (b) It is unlawful for any person to take, attempt to take, or possess any marine life from the

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area or use any fishing gear while in the area that may otherwise be prohibited by law.

(c) The department may issue permits to engage in activities prohibited by this section for scientific, propagation, or other purposes, in accordance with section 187A-6, Hawaii Revised Statutes, and as may be otherwise authorized by law, provided that:

- (1) The department may impose terms and conditions it deems necessary to conserve and manage the marine life in the area;
- (2) The board may revoke any permit and assess a fine or other penalty for any infraction of the terms and conditions of the permit; and
- (3) A person whose permit was revoked shall not be eligible to apply for another permit for up to one year after the date of revocation.

(d) Unless prohibited in this section, all other legal fishing gears may be used within the area.

(e) Nothing in this chapter shall be construed as allowing activities within any portion of Kahului Harbor, which may be otherwise prohibited by law or rules adopted by the department of transportation.

[Eff 3/8/84; am and comp 4/30/09; am and comp 11/27/21] (Auth: HRS §§187A-6, 188-53) (Imp: HRS §188-44, 188-45, 188-53)

§13-51-3 REPEALED. [R 11/27/21]

§13-51-4 Penalty. Unless specifically provided, 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 3/8/84; am and comp 4/30/09; comp 11/27/21] (Auth: HRS §§187A-5, 188-53, 199D-1) (Imp: HRS §§187A-12.5, 188-70, 199D-1 to 199D-2)

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§13-51-5

§13-51-5 Severability. The provisions of this chapter are declared to be severable, and if any portion, or the application thereof, to any person or property is held invalid for any reason, the validity or application of the remainder of these rules to other persons or property shall not be affected."
[Eff and comp 4/30/09; comp 11/27/21] (Auth: HRS §188-53) (Imp: HRS §§1-23, 188-53)

DEPARTMENT OF LAND AND NATURAL RESOURCES

The amendments to and compilation of chapter 13-51, Hawaii Administrative Rules, on the Summary page dated August 27, 2021, were adopted on August 27, 2021, following public hearing held on July 14, 2021, after public notice was given in the Honolulu Star-Advertiser on June 6, 2021.

These rules shall take effect ten days after filing with the Office of the Lieutenant Governor.

/s/ Suzanne D. Case

SUZANNE D. CASE
Chairperson, Board of Land
and Natural Resources

/s/ David Y. Ige

DAVID Y. IGE
Governor, State of Hawaii

November 17, 2021

Dated: _____

APPROVED AS TO FORM:

/s/ Melissa D. Goldman

Deputy Attorney General

November 17, 2021

Filed

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Kahului Harbor Fisheries Management Area: 10/20/2006

