Amendment and Compilation of Chapter 13-75
Hawaii Administrative Rules

(date adopted)

1. Chapter 13-75, Hawaii Administrative Rules, entitled "Rules Regulating the Use and Possession of Certain Fishing Gear", is amended and compiled to read as follows:

"HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 4 FISHERIES

PART IV FISHERIES RESOURCES MANAGEMENT

CHAPTER 75

RULES REGULATING THE POSSESSION AND USE
OF CERTAIN FISHING GEAR

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§13-75-1 Definitions. As used in this chapter, unless otherwise provided:

"Akule" means any fish identified as *Selar crumenophthalmus* or other recognized synonyms. This fish is also known as pa'a'a, halalu, hahalalu, and big-eyed scad.

"Bag net" means a type of fishing net made into the shape of a pocket or pouch with an open end held open in the water with the aid of a net float line that supports the top edge of the net up towards the ocean surface and parallel to a net lead line that keeps the lower edge of the net down on the ocean bottom. The bag net is usually made of heavy gauge line to make the net very visible and made of small mesh to prevent the fish from passing through the mesh.

"Bag net fishing method" means a technique of fishing where a person or persons engage in the act of or attempt to engage in the act of deploying a fence net in the water in such a manner as to completely encircle the aquatic life. The fence net primarily acts like a barrier to hold or concentrate the aquatic life within the net. The mesh is smaller than the target species so as to prevent the smaller aquatic life from swimming through or entangling in the mesh. The aquatic life is then moved into the bag net for removal from the water. The main characteristics of the bag net fishing method are the closed net

configuration, the moving net, person or persons do not chase the aquatic life into the net, and most, if not all, of the aquatic life within the net are captured.

"Bullpen trap" means a type of fishing gear that has a pen and guide or guides of a length or lengths of net or material designed to guide aquatic life into the pen situated to prevent the escape of some or all of the aquatic life entering the pen, whether or not the guide or guides are connected to the pen.

"Closed net configuration" means a net that is deployed in a manner in which the net acts as a physical barrier that prevents or impedes the escape of aquatic life that are too large to pass through the mesh. A net so deployed in a series of baffles or in a complete circle will not allow large fish to escape capture, even if the fish are not entangled in the mesh.

"Commercial marine licensee" means any person that has been issued a commercial marine license pursuant to section 189-2, HRS, and section 13-74-20.

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

"Freshwater stream" means any river, creek, canal, ditch, or other natural or artificial watercourse with a defined bed or channel in which freshwater flows, either continuously or periodically. This includes portions of freshwater streams that may contain brackish water or saltwater periodically, such as at high tide or during times of low or no freshwater flow.

"Gill net" means a panel or curtain of net made of various materials, that is suspended vertically in the water with the aid of a net float line that supports the top edge of the net up towards the ocean surface and parallel to a net lead line that keeps the lower edge of the net down towards the ocean bottom. The gill net is usually made of transparent or semi-transparent materials to make the net seem invisible underwater, with mesh openings large enough to permit the heads of fish to pass through, ensnaring them around the gills when they attempt to escape.

"Gold-spot herring" means any fish identified as *Herklotsichthys quadrimaculatus* or other recognized synonyms.

"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.

"'Iao" or "silversides" means any fish identified as *Atherinomorus insularum* or other recognized synonyms.

"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.

"Lay net" means a gill net or lobster net that is used in lay net fishing.

"Lay netting" or "lay net fishing method" means a technique of fishing where a person or persons engage in the act of or attempt to engage in the act of deploying a gill net or lobster net in the water in a specific location, then retrieving the [~~gill~~] net from the same location, after a certain time period has passed to allow for the capture of aquatic life. The lay net primarily entangles aquatic life within the mesh of the net as the aquatic life swim or move into the stationary lay net. The lay net is most commonly deployed in a straight line or semi-circular configuration. The main characteristics of lay net fishing are the open net configuration, the stationary net, person or persons may chase the aquatic life into the net, and only aquatic life that becomes entangled in the net mesh are captured. This fishing method is also known as set netting, cross netting, pa'ipa'i netting, and moemoe netting.

"Lobster net" means a panel or curtain of net made of various materials, that is suspended vertically in the water with the aid of a net float line that supports the top edge of the net up towards the ocean surface and parallel to a net lead line that keeps the lower edge of the net down on the ocean bottom. The lobster net is usually made of stout

multifilament cordage with a large mesh size (usually four to seven inches stretched mesh) and is usually characterized by having only a two-to-three-foot vertical net face or panel.

"Makiawa" or "mikiawa" means any fish identified as *Etrumeus teres* or *Etrumeus micropus* or other recognized synonyms.

"Marquesan sardine" means any fish identified as *Sardinella marquensis* or other recognized synonyms.

"Multi-panel lay net" means a lay net consisting of two or more layers of netting, usually of different mesh size. This gear is also known as a trammel net.

"Nehu" means any fish identified as *Encrasicholina purpurea* or other recognized synonyms.

"'Opae" or "shrimp" or other recognized synonyms means an invertebrate crustacean of the Order Decapoda, but other than lobsters, crabs, or crayfish.

"'Opelu" means any fish identified as *Decapterus macarellus* or other recognized synonyms.

"Pua" means any juvenile fish identified *Mugil cephalus* or other recognized synonyms. This fish is also known as young mullet.

"Stony coral" means any of the invertebrate species belonging to the Order Scleractinia, characterized by having a hard calcareous skeleton, that are native to the Hawaiian islands.

"Stretched mesh" means the straight line distance between two opposite inner edges of each eye of the net mesh as measured when the eye is stretched to its maximum size.

"Surround gill netting or surround gill net fishing method" means a technique of fishing where a person or persons engage in the act of or attempt to engage in the act of deploying a gill net in the water in such a manner as to completely encircle the aquatic life. The gill net primarily entangles aquatic life within the mesh of the net as the aquatic life swim or move into the surround gill net. The main characteristics of surround gill net fishing are the closed net configuration, the moving net, person or persons chase the aquatic life into the net, and only

the aquatic life that entangles in the net mesh are captured.

"Take" means to fish for, catch, capture, confine, or harvest, or to attempt to fish for, catch, or harvest, aquatic 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, aquatic life by any person who is in the water, or in a vessel on the water, or on or about the shore where aquatic life can be fished for, caught, captured, confined, or harvested, shall be construed as taking.

"Throw net" means a circular net with a weighted outer perimeter designed to be deployed by manually casting or throwing the net over fish or other aquatic life. This gear is also known as a cast net.

"Using" means placing in the water or attempting to place in the water. [Eff 12/3/98; am 1/11/02; am and comp 3/2/07; am and comp] (Auth: HRS §187A-5) (Imp: HRS §187A-5)

§13-75-2 Penalty. (a) [~~A~~] Any person violating any provision of this chapter or the terms and conditions of any license or permit issued as provided by this chapter, shall be subject to:

(1) [~~administrative~~] Administrative penalties as provided [~~under chapter 187A,~~] by section 187A-12.5, HRS[~~, as amended,~~];

(2) Criminal penalties as provided by sections 187A-13, 188-70, and 189-4, HRS; and

(3) [~~in addition to any~~] Any other penalty as provided by law.

(b) Unless otherwise expressly provided, the remedies or penalties provided by this chapter are cumulative to each other and to the remedies or penalties available under all other laws of this State. [Eff 12/3/98; am and comp 3/2/07; am and comp] (Auth: HRS §§187A-5) (Imp: HRS §§187A-12.5, 187A-13, 188-70, 189-4)

§13-75-2.5 Asset Forfeiture. Any equipment, article, instrument, aircraft, vehicle, vessel, business record, or natural resource used or taken in violation of this chapter or the terms and conditions of any license or permit issued as provided by this chapter, may be seized and subject to forfeiture as provided by section 199-7 and chapter 712A, HRS. [Eff and comp] (Auth: HRS §187A-5) (Imp: HRS §199-7, ch. 712A)

§13-75-3 Severability. If any provision of this chapter, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable. [Eff 12/3/98; comp 3/2/07; comp] (Auth: HRS §§187A-5, 1-23) (Imp: HRS §§187A-5, 1-23)

§13-75-4 Disposal of fishing gear. It is unlawful to discard or otherwise dispose of any fishing net, trap, or gear with netting, or parts thereof, in the waters of the State. Any person violating this section shall be subject to penalty under [~~chapter 187A,~~] sections 187A-12.5 and 188-70, HRS. [Eff 12/3/98; am and comp 3/2/07; am and comp] (Auth: HRS §187A-5) (Imp: HRS §187A-5)

§13-75-5 Explosives. (a) It is unlawful to possess or use on or near state waters, any explosives or blasting fuse caps, for the purpose of taking aquatic life, except under the terms and conditions of a permit first obtained by the user from the department.

(b) The department may issue permits for the use of explosives consistent with other legal requirements.

(c) Any person found to have violated subsection (a) shall be guilty of a class C felony as provided under 188-70(b), HRS. [Eff 12/3/98; am and comp 3/2/07; comp] (Auth: HRS §§187A-5, 188-23) (Imp: HRS §§187A-5, 188-23)

§13-75-6 Electrofishing devices. (a) It is unlawful to possess or use on or near state waters, any electrofishing devices or any source of electrical energy with appurtenant devices for the introduction of electricity into the water for the purpose of taking aquatic life, except under the terms and conditions of a permit first obtained by the user from the department.

(b) The department may issue permits for the use of electrofishing devices consistent with other legal requirements.

(c) Any person found to have violated subsection (a) of this provision shall be guilty of a class C felony as provided under 188-70(b), HRS. [Eff 12/3/98; am and comp 3/2/07; comp] (Auth: HRS §§187A-5, 188-23) (Imp: HRS §§187A-5, 188-23)

§13-75-7 Poisonous substances. (a) It is unlawful to deposit in, permit to pass into, or place where it can pass into the state waters for the purpose of taking aquatic life, any of the following:

(1) Any petroleum, coal or oil tar, lampblack, aniline, asphalt, bitumen, or residuary product of petroleum or carbonaceous material or substance;

(2) Hypochlorous acid or any of its salts, including bleaches commonly sold under various trade names, such as Clorox and Purex, and bleaching powders;

(3) Preparations containing rotenone, tephrosin, or plant materials from *Barringtonia asiatica*, *Cocculus ferrandianus*, *Hura*

crepitans, Piscidia erythrina, Tephrosia purpurea, Wikstroemia spp.; or

(4) Any other substance or material deleterious to aquatic life; except under the terms and conditions of a permit first obtained by the user from the department.

(b) The department may issue permits to allow the possession or use of stated amounts of these substances poisonous to aquatic life if the department deems the amount in possession is for legitimate purposes or in quantities too small to harm aquatic life.

(c) The possession of these substances without a permit issued by the department by any person on or near the water where fish can be taken, or aboard any fishing vessel or boat is prima facie evidence of a violation of this section.

(d) Any person found to have violated subsection (a) of this provision shall be guilty of a class C felony as provided under 188-70(b), HRS. [Eff 12/3/98; am and comp 3/2/07; comp] (Auth: HRS §§187A-5, 188-23) (Imp: HRS §§187A-5, 188-23)

§13-75-8 Firearms. (a) No person shall pursue, take, or kill any turtle, crustacean, mollusk, aquatic mammal, or fish, except tuna and billfish that have been caught and gaffed, [~~and sharks;~~] in the State with firearms as defined in section 134-1, HRS.

(b) Any crustacean, mollusk, aquatic mammal, or fish taken or killed in violation of this section, or offered for sale after being taken or killed in violation of this section, shall be confiscated and offered as evidence.

(c) Any person violating this provision shall be subject to penalty as provided under [~~chapter 187A,~~] sections 187A-12.5 and 188-70, HRS. Evidence of each specimen may constitute a separate offence. Enforcement of any offense under this section shall not preclude any prosecution under chapter 134, HRS. [Eff 12/3/98; am and comp 3/2/07; am and comp

] (Auth: HRS §187A-5) (Imp: HRS §187A-5)

§13-75-9 Spears. (a) No person shall pursue, take, or kill any crustacean (except introduced freshwater prawns), turtle, or aquatic mammal in the State with a spear.

(b) Any crustacean, mollusk, aquatic mammal, or fish taken or killed or offered for sale in violation of this section shall be confiscated and offered as evidence.

(c) No person shall take any fish by the use of spears, or possess any speared fish which is smaller than the minimum size for the fish as specified in chapter 13-95, HAR, or any rule adopted under section 187A-5, HRS. Any person violating this provision for the first time shall receive a citation. Evidence of each specimen may constitute a separate offense. Any subsequent violation shall be punished as provided for in sections 187A-12.5 and [~~187A-13,~~] 188-70, HRS; provided that the first subsequent violation shall be considered a first violation for the purposes of section 187A-13, HRS. [Eff 12/3/98; am and comp 3/2/07; am and comp] (Auth: HRS §187A-5) (Imp: HRS §187A-5)

§13-75-10 Throw nets. (a) It is unlawful for any person who is in the water or on or about the shore where fish can be taken to have in the person's possession a throw net with a mesh of less than two inches stretched mesh.

(b) It shall be unlawful for any person to sell or to offer for sale any throw net with a mesh of less than two inches stretched mesh.

(c) Any person violating this provision shall be subject to penalty as provided under [~~chapter 187A,~~] sections 187A-12.5 and 188-70, HRS. [Eff 12/3/98; am and comp 3/2/07; am and comp] (Auth: HRS §187A-5) (Imp: HRS §187A-5)

§13-75-11 Drift gill nets. (a) It is unlawful for any person to possess or use any drift gill net in the waters of the State.

[~~(a)~~] (b) Any person violating this section shall be subject to penalty as provided under [~~chapter 187A,~~] sections 187A-12.5 and 188-70, HRS. [Eff 12/3/98; am and comp 3/2/07; am and comp] (Auth: HRS §187A-5) (Imp: HRS §187A-5)

§13-75-12 Gill nets. (a) It is unlawful for any person engaged in gill net fishing to:

[~~(a)~~] (1) Leave the person's net unattended [~~without visually inspecting the net every two hours and releasing or removing any undersized, illegal, or unwanted catch;~~] for any amount of time; or

[~~(b)~~] (2) Leave the net in the water for a period of more than four hours in any twenty-four hour period.

(b) A person engaged in gill net fishing shall complete a visual inspection of the entire net within two hours after the net is first deployed and shall release any threatened, endangered, prohibited, or unwanted species.

(c) Any person violating this section shall be subject to penalty as provided under [~~chapter 187A,~~] sections 187A-12.5 and 188-70, HRS. [Eff 12/3/98; am and comp 3/2/07; am and comp] (Auth: HRS §187A-5) (Imp: HRS §187A-5)

§13-75-12.2 Akule nets. (a) It is unlawful for any person without a valid commercial marine license to take akule with any net that has less than two and three-fourths inches stretched mesh, except as provided in subsection (e) or as may be otherwise provided by law.

(b) It is unlawful for any person without a valid commercial marine license to take akule while using the bag net fishing method.

(c) Except as provided in subsection (e) or as may be otherwise allowed by law, it is unlawful for any commercial marine licensee to take akule while using the:

(1) Lay net fishing method with a net that has less than two and three-fourths inches stretched mesh;

(2) Surround net fishing method with a net that has less than two and one-half inches stretched mesh; or

(3) Bag net fishing method with a net that has less than one and one-half inches stretched mesh.

(d) It is unlawful for any commercial marine licensee to keep akule within a bag net in the ocean for more than three days without notifying the department. The person must explain the reasons for keeping the akule and when the bag net will be removed. The chairperson or an authorized representative of the department may require the immediate removal of the akule from the bag net if the action is necessary to prevent the unacceptable waste of the akule or to alleviate an unacceptably high public safety risk.

(e) Notwithstanding the provisions of subsections (a) through (d), and section 13-75-14(7), a person may use:

(1) [~~a~~] A landing net of any mesh size; provided that the opening of the landing net is less than four feet in any dimension, excluding the handle[~~.~~]; or

(2) A throw net with a mesh of two inches or greater.

(f) Anyone violating any provision of this section shall be subject to penalty under [~~chapter 187A,~~] sections 187A-12.5 and 188-70, HRS. Each violation may constitute a separate offense. [Eff 1/11/02; am and comp 3/2/07; am and comp

] (Auth: HRS §187A-5) (Imp: HRS §187A-5)

§13-75-12.4 Lay nets. (a) No person shall use or possess any lay net in State waters without first obtaining a lay net permit. Lay net permits shall be non-transferrable and shall expire on June 30 of each year.

(b) The fee for issuance or renewal of a lay net permit shall be $25. The fee for a duplicate permit shall be $10. Upon request and verification, fees shall be waived for Hawaii residents eligible for benefits under the Supplemental Nutrition Assistance Program.

(c) The department may revoke, suspend, or withhold issuance or renewal of a lay net permit for any violation of this section, provided that any revocation, suspension, or withholding of a lay net permit shall not exceed three months unless a longer period not to exceed two years is approved by the board.

[~~(a)~~](d) It is unlawful for any person within the jurisdiction of state waters to:

[~~(1) Possess or use a lay net that has not been registered with the department;~~

~~(2)~~](1) Possess or use a lay net [~~which is, or lay nets which,~~] that, except as provided in section 13-60.4-6, [~~are:~~] is:

(A) Longer than one hundred twenty-five feet in length when set end to end, [~~and~~] or more than seven feet in stretched height; [~~and~~] or

(B) Of less than two and three-fourths inches stretched mesh, except as provided in section 13-52-2(2)(A);

[~~(3)~~](2) Possess or use a multi-panel lay net;

[~~(4)~~](3) Possess or use a lay net that does not have at least four identification tags as specified [~~or provided~~] by the department. Each identification tag must legibly display the lay net permit number of the person

possessing or using the net. [~~One~~] At least one identification tag must be attached at each end of both the net float line and the net lead line for a total of at least four attachment points on each lay net; or

[~~(5)~~](4) Fish with more than one lay net at a time.

[~~(b)~~](e) It is unlawful for any person using the lay net fishing method to:

(1) Use a lay net that is not marked by surface buoys as specified [~~or provided~~] by the department. The buoys shall legibly display the lay net [~~registration~~] permit number[~~,~~] of the person using the lay net, be marked with reflective tape, and be visible above the surface of the water. The buoys shall be attached to each end of the float line for a total of two buoys for each lay net;

(2) Use a lay net within two hundred fifty feet of another lay net, except as provided in section 13-60.4-6;

(3) Use a lay net in water greater than twenty-five feet in depth; provided that a person with a commercial marine license may use a lay net in water depths up to eighty feet, except as provided in section 13-60.4-6;

(4) Use a lay net for more than four hours during any one set; provided that [~~after one set, the same lay net may not be used again within twenty-four hours after the ending of the set; and provided further that~~] the same person shall not set any other lay net within [~~that~~] twenty-four [~~hour period~~] hours after the ending of the set;

(5) Leave a lay net unattended for [~~more than one-half hour;~~] any amount of time, provided that a lay net shall be considered unattended if the lay net or surface buoys are not within eyesight of the person using the lay net;

(6) Retrieve a lay net in such a manner as to cause any stony coral to break from its

attachment to the bottom or to break into smaller pieces. Any stony coral brought to the surface in the net shall be considered prima facie evidence of a violation of this section;

(7) Fail to complete inspection of an entire lay net within two hours after the beginning of the set. The person lay net fishing shall inspect the lay net and release any threatened, endangered, prohibited, or unwanted species;

(8) Discard, abandon, or leave any lay net, or portion thereof, in the water for longer than four hours;

(9) Use a lay net in freshwater streams or stream mouths; or

(10) Use a lay net during the period from one-half hour after sunset to one-half hour before sunrise.

[~~(c)~~](f) It is unlawful for any person to falsely identify[~~, with identification tags,~~] any lay net [~~that is not registered with the department as required in subsection (a).~~].

[~~(d) Should any registered net be lost, destroyed, sold, traded, stolen, given away, or otherwise no longer the property of, or no longer in the possession of the registered owner, then the registered owner shall be responsible for the lay net until a report is filed and confirmed by the department.~~]

[~~(e)~~](g) Any lay net, within the jurisdiction of state waters, [~~that is not registered or~~] that does not have proper identification tags or surface buoys as required in subsections [~~(a) and (b),~~] (d) and (e), shall be considered contraband and subject to immediate seizure by the department.

[~~(f)~~](h) It is unlawful for any person to use a lay net in the following areas as provided in the table describing the boundary coordinates or locations for the prohibited fishing areas, located at the end of this chapter, entitled, "Table of Descriptions of Lay Net Fishing Prohibited Areas", dated April 19,

2006; and in the maps located at the end of this chapter, entitled, "Map of Lay Net Fishing Prohibited Area: Maui", dated April 19, 2006; "Map of Lay Net Fishing Prohibited Areas: O'ahu", dated April 19, 2006; and "Map of Lay Net Fishing Prohibited Area: Kane'ohe Bay, O'ahu", dated April 19, 2006:

(1) Island of Maui;

(2) Kawaihoa Point to Keahi Point, O'ahu;

(3) Mokapu Point to Wailea Point, O'ahu; or

(4) Kane'ohe Bay, O'ahu.

[~~(g)~~] (i) Any person violating any subsection of this provision shall be subject to penalty as provided under [~~chapter 187A,~~] sections 187A-12.5 and 188-70, HRS. Each violation may constitute a separate offense.[~~"~~] [Eff and comp 3/2/07; am 12/26/13; am and comp] (Auth: HRS §§187A-5, 188-53) (Imp: HRS §§187A-5, 188-53)

§13-75-12.5 State waters around Moloka'i, special rules. (a) Notwithstanding the provisions of section 13-75-12.4, it is unlawful for any person [~~on or about the~~] in State waters of the island of Moloka'i to use a lay net [~~or lay nets:~~]:

(1) [~~that exceed~~] That is longer than 750 feet in length [~~and~~] when set end to end, or more than seven feet in stretched height; or

(2) [~~that have~~] That has a stretched mesh of less than two and three-fourths inches.

(b) Notwithstanding the provisions of section 13-75-12.4, any person [~~who uses~~] using a lay net [~~or lay nets on or about the~~] in State waters of the island of Moloka'i shall:

(1) [~~register and obtain identification tags from the department for those lay nets;~~] First obtain a lay net permit from the department;

(2) Attach at least four identification tags to each lay net as specified by the department. Each identification tag must legibly display the lay net permit number or numbers of the person or persons using the net. At least

one identification tag must be attached at each end of both the net float line and the net lead line for a total of at least four attachment points on each lay net;

[~~(2)~~] (3) [~~when set, mark~~] Mark each lay [~~nets~~] net with at least two surface buoys, one at each end of its total length[~~, and those~~]. The surface buoys shall display the [~~department registration~~] lay net permit number[~~,~~] or numbers of the person or persons using the lay net, be marked with reflective tape, and be large enough to be visible to the naked eye from a distance of 1,320 feet;

[~~(3)~~] (4) [~~set the lay nets not to exceed twelve hours, and that once finished, that nets cannot be used again for at least twenty-four hours;~~] Not set a lay net for more than twelve hours during any one set; provided that the same person shall not set any other lay net within twenty-four hours after the ending of the set;

[~~(4)~~] (5) [~~leave~~] Leave a distance of at least 1,320 feet from any other lay nets that are already set; and

[~~(5)~~] (6) [~~complete~~] Complete at least two inspections of the entire length of lay net set, and shall release any unwanted, prohibited, threatened or endangered species.

(c) Any person violating any subsection of this provision shall be subject to penalty as provided under [~~chapter 187A,~~] sections 187A-12.5 and 188-70, HRS. Each violation may constitute a separate offense. [Eff 7/12/07; am and comp] (Auth: HRS §§187A-5, 188-53) (Imp: HRS §§187A-5, 188-53)

§13-75-13 Bullpen traps. (a) It is unlawful for any person to use bullpen traps with a stretched mesh of less than two inches.

(b) It is unlawful for any person to capture or attempt to capture aquatic life with a bullpen trap which exceeds two thousand feet in total length. The total length of a bullpen trap shall include the length of the guide or guides and pen.

(c) It is unlawful for any person engaged in bullpen trap fishing to leave the trap in the same place for a period of more than sixteen hours.

(d) It is unlawful for any person to capture or attempt to capture aquatic life with a bullpen trap within one thousand yards from the shoreline, except as provided in subsection (e).

(e) Notwithstanding subsection (d), it is lawful to capture or to attempt to capture aquatic life with a bullpen trap in the area seaward from five hundred yards from the shoreline of the island of Moloka'i west of Kaunakakai wharf and in the area seaward from two hundred yards from the shoreline of the island of Moloka'i east of Kaunakakai wharf; provided that the department may designate other areas of similar characteristics in which the use of bullpen traps within one thousand yards from the shoreline may be allowed under this subsection.

(f) Any person violating any portion of this section shall be subject to penalty as provided under [~~chapter 187A,~~] sections 187A-12.5 and 188-70, HRS. Each violation may constitute a separate offense. [Eff 12/3/98; am and comp 3/2/07; am and comp] (Auth: HRS §187A-5) (Imp: HRS §187A-5)

§13-75-14 Nets, generally. (a) It is unlawful for any person to use nets made of or using netting with a stretched mesh of less than two inches, except that:

(1) Pond owners or operators who hold a valid license issued under section 13-74-40, may use nets of smaller mesh to take young mullet or pua for stocking their fish ponds;

(2) Commercial marine licensees who hold a valid bait license issued under section 13-74-22,

may use nets of smaller mesh to take nehu, 'iao, marquesan sardine, gold-spot herring, or any other species for which an open season may be declared by the department for use as bait;

(3) All persons may use nets of smaller mesh to take shrimp or 'opae, 'opelu, makiawa, or mikiawa;

(4) Aquarium fish collectors with a valid aquarium fish permit issued pursuant to section 188-31, HRS, may use traps and nets for aquarium fish and other aquatic life in conformance with the conditions of the permit, provided that non-commercial aquarium fish collectors shall be limited to a combined total of five fish or aquatic life specimens per person per day;

(5) All persons may use a net with mesh of not less than one and one-half inches to take akule; provided that no akule measuring less than eight and one-half inches in total length from the tip of the snout to the tip of the tail shall be taken with a net during the months of July, August, September, and October;

(6) All persons engaged in surround net fishing with scuba, may use nets with mesh of not less than one and one-half inches only to bag and transport the fish captured with legal gear to the shore or the boat; and

(7) All persons may use hand nets or scoop nets of smaller mesh to take fish or other marine life for noncommercial purposes only; provided that the net, including any handle and other attachment thereto, shall not exceed three feet in any dimension.

[~~(8)~~] (b) Any person violating this provision shall be subject to penalty as provided under [~~chapter 187A,~~] sections 187A-12.5 and 188-70, HRS. Each violation may constitute a separate offense. [Eff 12/3/98; am and comp 3/2/07; am and comp

] (Auth: HRS §187A-5) (Imp: HRS §187A-5)

§13-75-15 Traps. (a) It is unlawful for any person to use any type of trap which is not portable or which is more than ten feet in length or six feet in height or width.

(b) Except for traps of smaller mesh to take shrimp or 'opae, and for the entrance cone, it shall also be unlawful to use traps:

(1) With netting having a stretched mesh of less than two inches; or

(2) Made with plastic, wire, coated wire, or any other stiff material with a rigid mesh of less than two inches long by one inch wide.

(c) Any person violating any portion of this provision shall be subject to penalty as provided under [~~chapter 187A,~~] sections 187A-12.5 and 188-70, HRS." [Eff 12/3/98; am and comp 3/2/07; am and comp] (Auth: HRS §187A-5) (Imp: HRS §187A-5)

2. Material, except source notes and other notes, to be repealed is bracketed and stricken. New material is underscored.

3. Additions to update source notes and other notes to reflect these amendments and compilation are not underscored.

4. The amendments to and compilation of chapter 13-75, 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 _____, and filed with the Office of the Lieutenant Governor.

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

APPROVED FOR PUBLIC HEARING:

_____
Deputy Attorney General

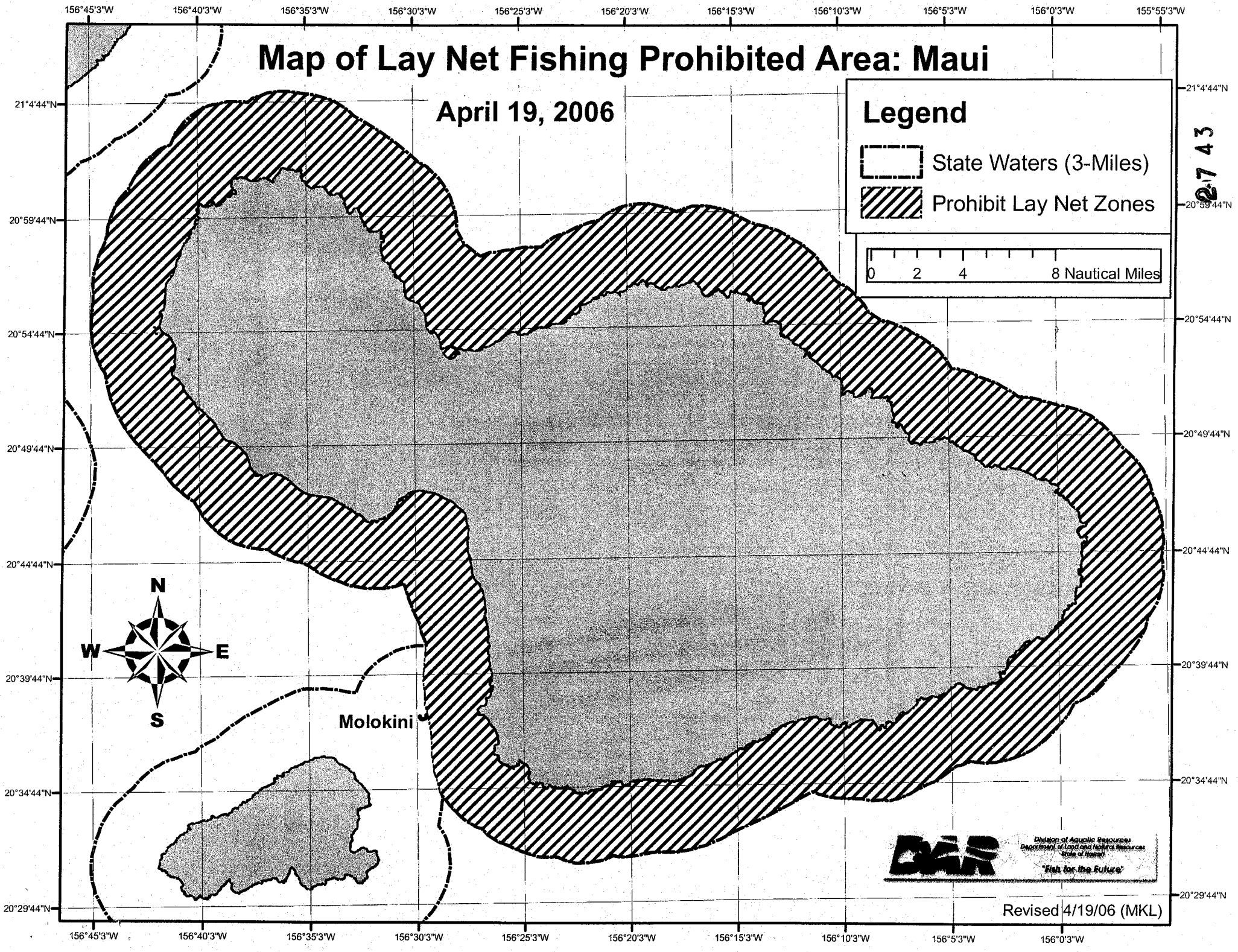
Hawaii Administrative Rule Chapter 13-75
Table of Descriptions of
Lay Net Fishing Prohibited Areas

April 19, 2006

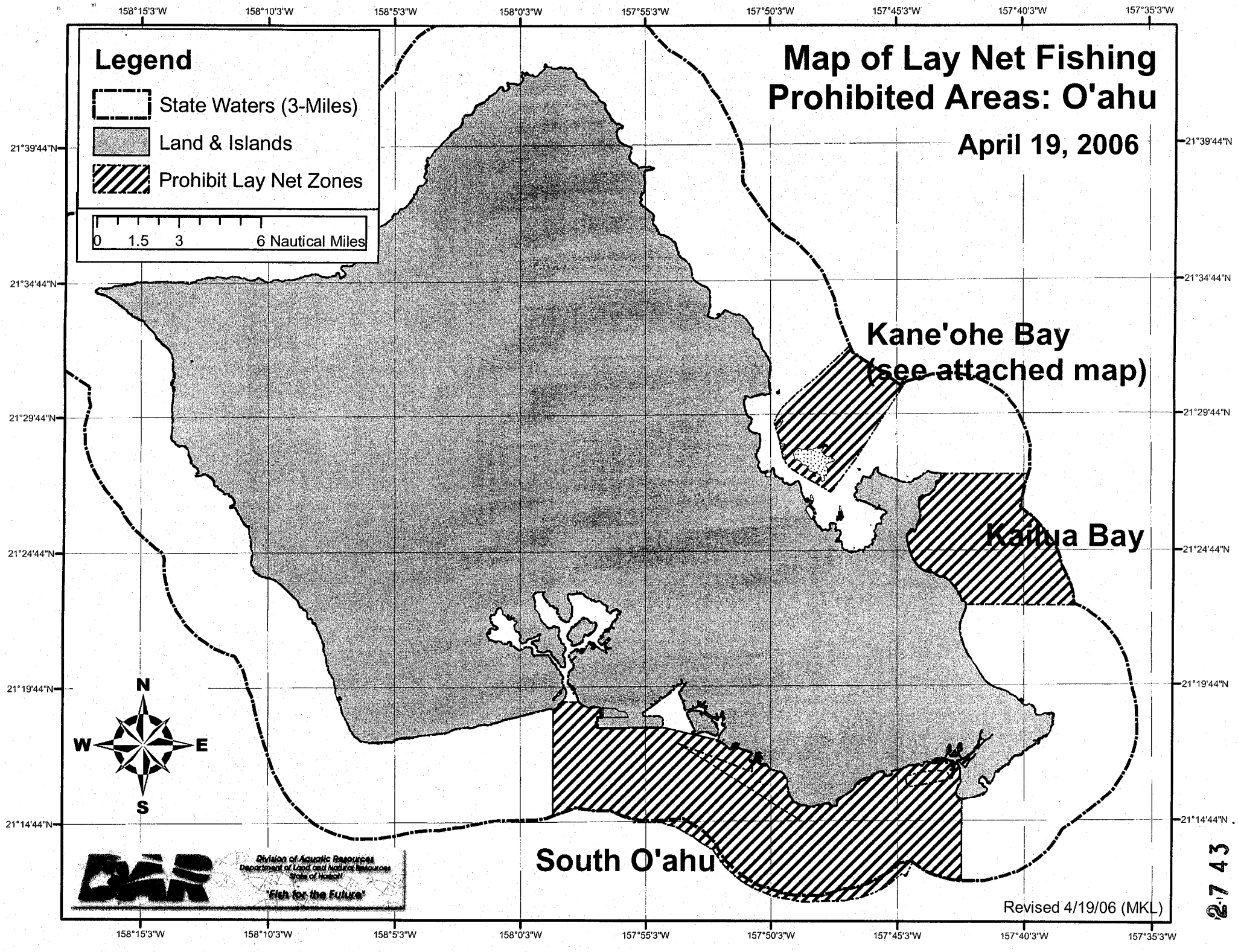
Location	Area Description/Boundary Definition
Maui (island)	State waters out to 3 nautical miles around the entire island.
Kane'ohe Bay, O'ahu	State waters out to 3 nautical miles and bounded by the nearest landward limits of the Sampan and Ship channels and further bounded landward by that portion of the Ship channel that connects North and South portions of the Bay.
Kailua Bay, O'ahu	State waters out to 3 nautical miles and bounded by the latitude coordinates 21°27.5'1"N (Mokapu Point) and 21°22.8'1"N (Wailea Point).
South O'ahu	State waters out to 3 nautical miles and bounded by the longitude coordinates 157°42.6'W (Kawaihoa Point) and 157°58.8'W (Keahi Point).

Map of Lay Net Fishing Prohibited Area: Maui

April 19, 2006



27 43


Map of Lay Net Fishing Prohibited Areas: O'ahu
April 19, 2006
Legend
State Waters (3-Miles)
Land & Islands
Prohibit Lay Net Zones
0 1.5 3 6 Nautical Miles
Kane'ohe Bay (see attached map)
Kaiua Bay
South O'ahu
N
S
E
W
158°15'3"W
158°10'3"W
158°5'3"W
158°0'3"W
157°55'3"W
157°50'3"W
157°45'3"W
157°40'3"W
157°35'3"W
21°39'44"N
21°34'44"N
21°29'44"N
21°24'44"N
21°19'44"N
21°14'44"N
Division of Aquatic Resources
Department of Land and Natural Resources
State of Hawai'i
'Fish for the Future'
Revised 4/19/06 (MKL)

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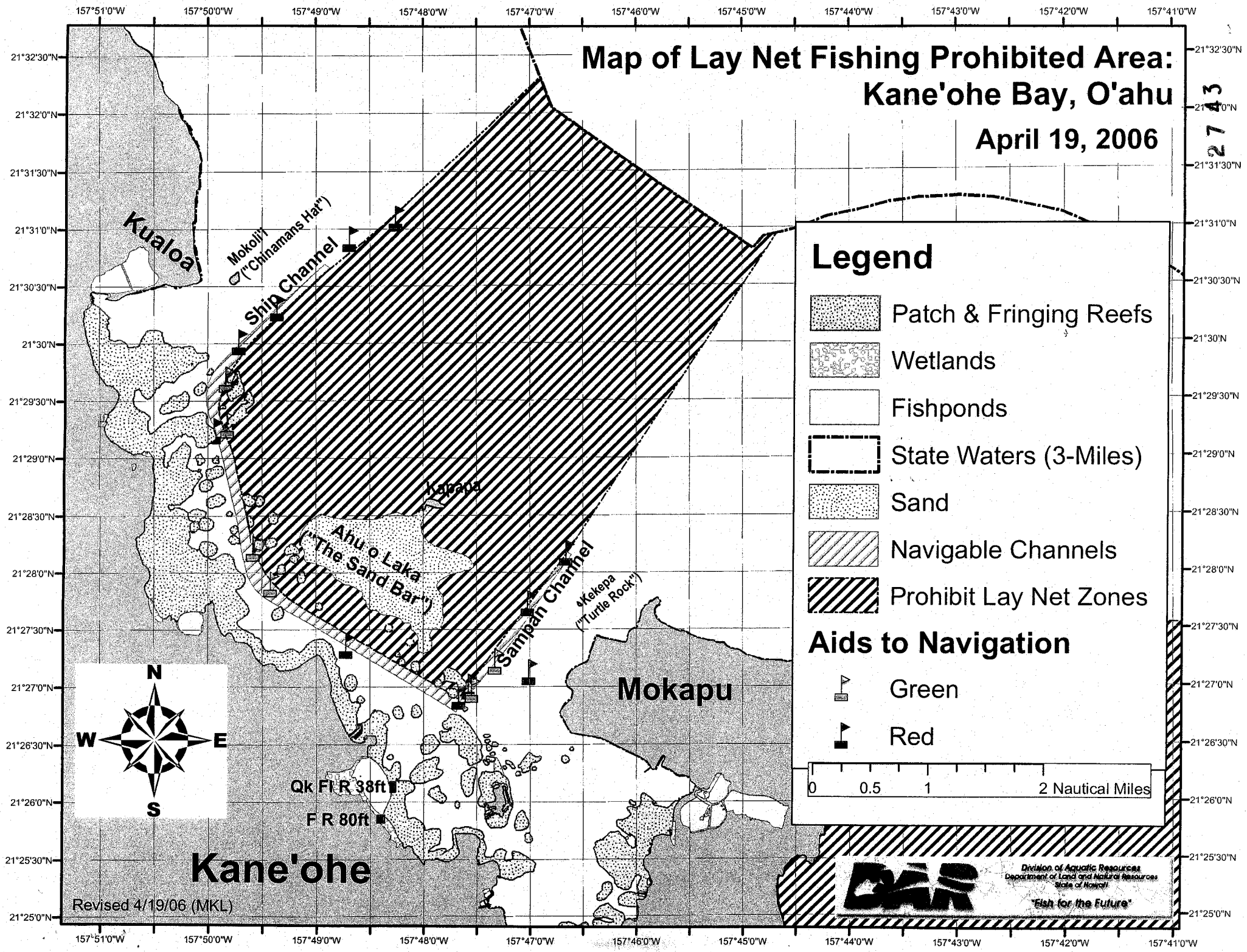
Map of Lay Net Fishing Prohibited Area:
Kane'ohe Bay, O'ahu
April 19, 2006
Legend
Patch & Fringing Reefs
Wetlands
Fishponds
State Waters (3-Miles)
Sand
Navigable Channels
Prohibit Lay Net Zones
Aids to Navigation
Green
Red
0 0.5 1 2 Nautical Miles
Kualoa
Mokoli'i ("Chinamans Hat")
Ship Channel
Ahu o Laka ("The Sand Bar")
Kapapa
Sampan Channel
Kekepa ("Turtle Rock")
Mokapu
Qk Fl R 38ft
F R 80ft
Kane'ohe
Revised 4/19/06 (MKL)
N
S
E
W
Division of Aquatic Resources
Department of Land and Natural Resources
State of Hawaii
"Fish for the Future"
157°51'0"W
157°50'0"W
157°49'0"W
157°48'0"W
157°47'0"W
157°46'0"W
157°45'0"W
157°44'0"W
157°43'0"W
157°42'0"W
157°41'0"W
21°32'30"N
21°32'0"N
21°31'30"N
21°31'0"N
21°30'30"N
21°30'N
21°29'30"N
21°29'0"N
21°28'30"N
21°28'0"N
21°27'30"N
21°27'0"N
21°26'30"N
21°26'0"N
21°25'30"N
21°25'0"N