

DEPARTMENT OF LAND AND NATURAL RESOURCES

Adoption of Chapter 13-60.41
Hawaii Administrative Rules

December 9, 2022

SUMMARY

Chapter 13-60.41, Hawaii Administrative Rules, entitled "West Hawai'i Pāku'iku'i Replenishment", is adopted.

HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 4 FISHERIES

PART II MARINE FISHERIES MANAGEMENT AREAS

CHAPTER 60.41

WEST HAWAI'I PĀKU`IKU`I REPLENISHMENT

§13-60.41-1	Definitions
§13-60.41-2	Permitted and prohibited activities
§13-60.41-3	Penalty

§13-60.41-1 Definitions. As used in this chapter, unless otherwise provided:

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

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

"Fishing" or "to fish" means catching, taking, or harvesting, or attempting to catch, take, or harvest, aquatic life. The use of a pole, line, hook, net, trap, spear, or other gear which is designed to catch,

§13-60.41-1

take, 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 caught, taken, or harvested, shall be deemed to be fishing.

"Pāku`iku`i" means any fish known as *Acanthurus achilles* or any recognized synonym. Pāku`iku`i are also known as Achilles tang.

"Take" means to fish for, catch, injure, kill, remove, capture, confine, or harvest, or to attempt to fish for, catch, injure, kill, remove, capture, confine, or harvest.

"West Hawai`i regional fishery management area" means the area defined in section 13-60.4-2. [Eff 12/19/22] (Auth: HRS §187A-5(b)) (Imp: HRS §187A-5(b))

§13-60.41-2 Permitted and prohibited activities.

(a) Nothing in this chapter shall be construed as abridging traditional and customary native Hawaiian rights.

(b) Within the West Hawai`i regional fishery management area, it is unlawful to take or possess any pāku`iku`i. [Eff 12/19/22] (Auth: HRS §187A-5(b)) (Imp: HRS §187A-5(b))

§13-60.41-3 Penalty. (a) Any person who violates any provision of this chapter shall be subject to administrative penalties as provided by section 187A-12.5, HRS. [Eff 12/19/22] (Auth: HRS §187A-5(b)) (Imp: HRS §§187A-5(b), 187A-12.5)

DEPARTMENT OF LAND AND NATURAL RESOURCES

Chapter 13-60.41, Hawaii Administrative Rules, was adopted pursuant to the requirements of section 187A-5(b), Hawaii Revised Statutes, on December 9, 2022, following the public meeting of the Board of Land and Natural Resources held on December 9, 2022, after public notice was given in the Honolulu Star-Advertiser on November 9, 2022, at least thirty days prior to the public meeting.


The Board of Land and Natural Resources found that the timely adoption of this chapter is necessary to implement effective and adaptive management measures in response to the ongoing rapid decline in pāku'iku'i population size within the West Hawai'i regional fishery management area.

The adoption of chapter 13-60.41, Hawaii Administrative Rules, shall take effect ten days after this formal action by the Board of Land and Natural Resources, and shall be effective for no longer than two years, subject to legislative approval and renewal by the Board of Land and Natural Resources; provided that renewal by the board shall extend for up to one year at a time. The rules shall be posted on the Department of Land and Natural Resources website, where they will remain for the duration of time that the rules are in effect.

Suzanne D. Case

SUZANNE D. CASE
Chairperson
Board of Land and Natural
Resources

APPROVED AS TO FORM:



Deputy Attorney General