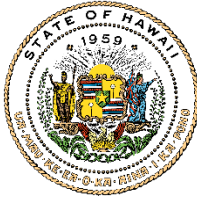
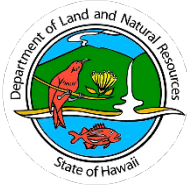


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



**STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA**

DIVISION OF AQUATIC RESOURCES
1151 PUNCHBOWL STREET, ROOM 330
HONOLULU, HAWAII 968139

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FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

July 27, 2023

PUBLIC HEARING NOTICE

**FOR THE PROPOSED ADOPTION OF HAWAII ADMINISTRATIVE RULES CHAPTER
13-60.11, "KĪPAHULU COMMUNITY-BASED SUBSISTENCE FISHING AREA, MAUI"**

The Department of Land and Natural Resources (DLNR), Division of Aquatic Resources (DAR) will hold public hearings on the proposed adoption of Hawaii Administrative Rules (HAR) chapter 13-60.11, "Kīpahulu Community-Based Subsistence Fishing Area, Maui" to ensure abundant stocks of priority species and high-quality fishing now and in the future for residents and visitors to Kīpahulu and to reaffirm and perpetuate fishing practices that were customarily and traditionally exercised for Native Hawaiian subsistence, culture, or religion along the southeast coast of Maui. The proposed CBSFA extends from Kālepa Gulch in the west to 'Ohe'o Gulch in the east, from the shoreline out to approximately 60 meters in depth and includes two subzones: The Kukui Bay Sanctuary and the 'Opihi Rest Area. In addition to an overall bag limit of 10 finfish per person per day within the entire CBSFA, the proposed rules would establish bag limits (commercial and non-commercial), size limits, seasonal closures, and/or gear restrictions for a variety of nearshore species, including akule, 'ōmilu, kala, 'opihi, 'alakuma (Spotted Reef Crab), kole, moi, ula (Spiny Lobster), and ula pāpapa (Slipper Lobster); Prohibit the take of 'opihi within the 'Opihi Rest Area and while diving; Prohibit the take or possession of any native limu species with a holdfast or roots attached; Establish restrictions on the use of gill nets (surround net fishing), bag nets, throw nets, fishing poles (including number of lines and hooks), and SCUBA gear to take marine life (provided that the use of SCUBA gear is allowed by permit to engage in surround net fishing for akule or to take introduced or invasive species); Prohibit the take or possession of any marine life while diving at night (thirty minutes after sunset to thirty minutes before sunrise); Prohibit the take or possession of any marine life while within the Kukui Bay Sanctuary; Acknowledge that native Hawaiian traditional and customary rights recognized under article XII, section 7, of the Hawaii State Constitution shall not be abridged; Carve out an exception allowing vessels in possession of restricted gear or species to traverse through the CBSFA as long as they remain in active transit; Establish the administrative and criminal penalties that may be imposed for violations of the chapter; and recognize the State's asset forfeiture authority as an enforcement tool for violations of the chapter.

Interested persons are urged to participate in the public hearings to present relevant information and individual opinions for DLNR to consider. There are three ways to participate: online via internet or telephone; in-person at the designated host site; or by written testimony.

If you do not wish to testify but want to watch the public hearing online, you can view the online public hearing here: <https://bit.ly/DARYouTubeChannel>

PUBLIC HEARING DATE, TIME, AND LOCATION(S)

Thursday, August 31, 2023, 5:30 p.m. – 8:30 p.m.

- Online via Zoom (register at: <https://bit.ly/KipahuluCBSFA08-31>)
- Wānanalua Church Hall, 5105 Hāna Highway, Hāna, Hawai‘i 96713

TESTIMONY INSTRUCTIONS

1) Online Testimony

To provide online testimony, you will need a computer with internet access, video camera, and microphone, or a telephone. If you wish to testify online, you must register using the registration link included above.

Please note that all fields are required to register to testify. Once you submit the online registration form, a confirmation will be emailed to you with instructions and the meeting link and call-in number. If you do not receive an email with a Zoom link, please email DLNR.Aquatics@hawaii.gov for assistance. We request that you register to testify at least one hour prior to the hearing to ensure that you receive the Zoom link on time. If you are unable to access the Zoom hearing, you may still provide oral testimony at the in-person host site or you may also submit written testimony.

2) In-person Testimony

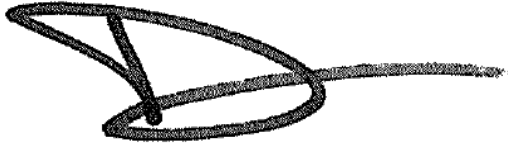
DLNR will set up an in-person host site at the address listed above where persons can attend in person to present live video/oral testimony via computer on Thursday, August 31, 2023, 5:30 p.m. – 8:30 p.m.

3) Written testimony

Persons can mail or email written testimony by Friday, September 8, 2023 to: Division of Aquatic Resources, 1151 Punchbowl Street, Room 330, Honolulu, HI 96813, DLNR.Aquatics@hawaii.gov.

Anyone with a hearing impairment who desires to testify, may request assistance of a sign language interpreter. The request will need to be received at least seven days before the hearing is scheduled to start. Additional information or a copy of the proposed rules will be mailed at no charge upon receipt of verbal or written request. The requests may be made in writing (to the DAR address in the preceding paragraph), or by calling 587-0100 (voice or TDD) in Honolulu. The proposed rules can be reviewed in person, by appointment only, at the O‘ahu DAR office at 1151 Punchbowl St. Room 330, Honolulu, Hawai‘i 96813 from 8:00 am to 3:30 pm, Monday through Friday, except Holidays. To schedule an appointment to review the proposed rules in

person, email DLNR.Aquatics@hawaii.gov. The proposed rules can also be reviewed online at <http://ltgov.hawaii.gov/the-office/administrative-rules> or at <http://dlnr.hawaii.gov/dar/rules-and-public-notice>.

A handwritten signature in black ink, appearing to be 'Dawn N. S. Chang', with a stylized, looping initial 'D' and a horizontal line extending to the right.

Dawn N. S. Chang, Chairperson
Board of Land and Natural Resources