

State of Hawai'i  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Division of Aquatic Resources  
Honolulu, Hawai'i 96813

July 12, 2024

Board of Land and Natural Resources  
State of Hawai'i  
Honolulu, Hawai'i

**Request for Approval to Hold Public Hearings to Adopt a New Chapter as Hawaii Administrative Rules, Title 13, Chapter 48.5, "Maunalua Bay Fisheries Management Area, O'ahu" (Maunalua Bay FMA) to: Outline the Purpose of the Maunalua Bay FMA; Provide Definitions for Key Terms Throughout the Chapter; Establish the Duration of the Maunalua Bay FMA Rules; Establish and Delineate the Boundaries for the Maunalua Bay FMA; Prescribe the Permitted and Prohibited Activities Within the Maunalua Bay FMA, Including Restrictions on Take and/or Possession of Alakuma (7-11 Crab), Horned Helmet, Triton's Trumpet, Ula (Spiny Lobsters) and Ula Pāpapa (Slipper Lobsters), and a Prohibition on the Take of Marine Life With a Spear Between 6:00PM and 6:00AM; Carve Out an Exception for Vessels With Restricted Species or Gear in Active Transit Through the Maunalua Bay FMA; Establish the Administrative and Criminal Penalties for Violations of This Chapter; and Recognize the State's Asset Forfeiture Authority**

At the May 10, 2024 Board of Land and Natural Resources (Board) meeting, the Division of Aquatic Resources (DAR) briefed the Board on the Maunalua Bay Fisheries Management Area, O'ahu (Maunalua Bay FMA) proposal. Since the briefing, the Department of the Attorney General has reviewed the Maunalua Bay FMA Draft Rules (Hawaii Administrative Rules Chapter 13-48.5) and did not make any changes. **Exhibit 1**, attached. DAR now requests approval from the Board to hold public hearings on the adoption of Hawaii Administrative Rules (HAR) chapter 13-48.5 to designate the Maunalua Bay FMA, to create long-term sustainable fishing within Maunalua Bay, to implement fisheries management actions that protect ecologically critical and socially important marine life while minimizing impacts to sustainable fishing practices in Maunalua Bay, to develop and implement monitoring and data collection processes that integrate western, indigenous, and citizen science that contributes to fisheries management decision-making, and to develop and implement an inclusive, transparent, adaptive stakeholder-endorsed and science-based decision-making process that leads to long-term sustainable fishing within Maunalua Bay.

OVERVIEW OF PROPOSED AMENDMENTS:

As a reminder, the proposed chapter consists of nine sections as follows:

Section 1 describes the purpose of the chapter.

Section 2 provides definitions of relevant terms as used in the chapter.

Section 3 prescribes the duration of the Maunalua Bay FMA (until June 30, 2036)

Section 4 delineates the boundaries of the Maunalua Bay FMA.

Section 5 prescribes the permitted and prohibited activities within the Maunalua Bay FMA. The regulations in Section 5 set restrictions on take of certain species, and prohibit the taking marine life with a spear between 6:00PM and 6:00AM.

Within the Maunalua Bay FMA it will be prohibited to:

- 1) Take or possess any specimen of: 'alakuma (7-11 crab), horned helmet, Triton's trumpet, ula (spiny lobster) and ula pāpapa (slipper lobster);
- 2) Between 6:00PM and 6:00AM, use or possess any spear while diving; possess both diving equipment and a spear at the same time; or possess both diving equipment and any specimen of speared aquatic life at the same time.

Section 6 carves out an exception allowing vessels in possession of restricted gear or species to traverse through the Maunalua Bay FMA as long as they remain in active transit.

Section 7 establishes the administrative and criminal penalties that may be imposed for violations of this chapter.

Section 8 recognizes the State's asset forfeiture authority as an enforcement tool for violations of this chapter. This section will facilitate enforcement of this chapter by providing the Department with the appropriate range of tools to deter violations.

Section 9 is a severability clause, which is a standard inclusion when new administrative rules are proposed.

The proposed rules drafted in Ramseyer format have been reviewed and approved by the Department of the Attorney General.

RECOMMENDATIONS:

“That the Board:

1. Authorize and approve the holding of public hearing(s) on the island of O‘ahu on the adoption of Hawaii Administrative Rules chapter 13-48.5, “Maunalua Bay Fisheries Management Area, O‘ahu”; and
2. Delegate to the Chairperson the authority to appoint hearing officer(s) to conduct the aforementioned public hearing(s).”

Respectfully submitted,



---

BRIAN J. NEILSON, Administrator  
Division of Aquatic Resources

APPROVED FOR SUBMITTAL



---

DAWN N. S. CHANG, Chairperson  
Board of Land and Natural Resources

Attachment:

Exhibit 1 – Draft Proposed HAR chapter 13-48.5 (Ramseyer format)