

PUBLIC HEARING NOTICE

FOR THE PROPOSED ADOPTION OF HAWAII ADMINISTRATIVE RULES CHAPTER 13-60.12, "KA'ŪPŪLEHU FISHERIES MANAGEMENT AREA, HAWAI'I" AND THE PROPOSED AMENDMENT AND COMPILATION OF HAWAII ADMINISTRATIVE RULES CHAPTER 13-60.4, "WEST HAWAI'I REGIONAL FISHERY MANAGEMENT AREA, HAWAI'I"

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 13-60.12 to designate the Ka'ūpūlehu Fisheries Management Area (Ka'ūpūlehu FMA) on the west coast of the island of Hawai'i, to create, restore, perpetuate, maintain, share, and protect culturally and ecologically important resources and ensure a socially and ecologically sustainable subsistence fishery at Ka'ūpūlehu and Kūki'o that aligns with traditional resource management practices. The proposal also includes amendments to chapter 13-60.4, HAR, "West Hawai'i Regional Fishery Management Area, Hawai'i" to repeal rules for the Ka'ūpūlehu Marine Reserve, to re-establish the Ka'ūpūlehu Fish Replenishment Area, and to make other housekeeping amendments throughout the chapter. The proposed Ka'ūpūlehu FMA extends from Kikaua Point in the south to Kalaemanō in the north, from the shoreline out to the twenty fathom (one hundred twenty feet) depth contour and includes two subzones: The Kai Malu Management Area and the Wai a Kāne Cultural Site and Freshwater Spring. The entire area is also divided into two sets of 'opihi rest area rotational zones A and B, each consisting of two separate areas (zones A-1 and A-2 and zones B-1 and B-2, respectively). The proposed rules would establish a Ka'ūpūlehu FMA fishing permit requirement including permit application, permit eligibility (anyone is eligible to apply), permit fee (free of charge), permit terms and conditions, and reporting requirements.

In addition to an overall bag limit of 10 finfish per person per day within the entire Ka'ūpūlehu FMA (with exceptions for the take and possession of introduced species, akule, 'ōpelu, and 'oama), additional restrictions are proposed for species identified as priority species ('ama'ama/'anae (striped mullet), kūmū, moano kea (moano ukali/moana kali), moi, mū, 'ōmilu, pāku'iku'i, uhu, uku, and ulua aukea) for their increased vulnerability and ecological and cultural significance. The proposed rules would establish bag limits and/or size limits for the identified priority species as well as a variety of other nearshore species, including akule, 'ōpelu, 'oama, 'a'ama, he'e, kūpe'e, 'opihi, urchins (wana, hā'uke'uke, 'ina, hāwa'e, etc.), ula (Spiny Lobster), and ula pāpapa (Slipper Lobster); Establish a 5-year 'Opihi Rest Area Rotational Zone closure schedule; Prohibit the take or possession of any native limu species with a holdfast or roots attached; Prohibit the use of any fishing gear except hand pole (no reel), lūhe'e, and hand or scoop nets within the Kai Malu Management Area; Prohibit the use of any fishing gear except gear allowed within the Kai Malu Management Area and up to two fishing poles per person (one line per pole, up to two hooks per line, and one point per hook, provided that double or treble hooks are allowed when using fishing lures), spears (except at night - thirty minutes after sunset to thirty minutes before sunrise), 'opihi picking tools 12 inches or less in total length, throw nets, and traps (with a visual inspection every 2 hours); Prohibit entry into the Wai a Kāne Cultural Site and Freshwater Spring; Prohibit anchoring within the Ka'ūpūlehu FMA; Carve out an exception allowing vessels in possession of restricted gear or species to traverse through the Ka'ūpūlehu FMA 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 or to submit written testimony to present relevant information and individual opinions for DLNR to consider.

DAR is especially interested in gathering testimony on any impacts this rulemaking proposal may have on local, independent small businesses (less than 100 employees). DAR is also seeking testimony identifying any native Hawaiian traditional and customary rights or practices affected by the rulemaking proposal as well as suggestions on how to mitigate any identified negative impacts to those rights.

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

If you wish to provide testimony, there are three ways to participate: At the in-person public hearing, at the virtual online public hearing via internet video conference or telephone, or by submitting written testimony.

PUBLIC HEARING DATES, TIMES, AND LOCATIONS

Tuesday, April 7, 2026, 5:30 p.m. – 8:30 p.m.

- Online via Zoom (register at: <https://tinyurl.com/KaupulehuFMA-Hrg>)

Wednesday, April 8, 2026, 5:00 p.m. – 8:00 p.m.

- Kealakehe High School Cafeteria (IN PERSON ONLY)
74-5000 Puohulihuli Street
Kailua-Kona, Hawai'i 96740

TESTIMONY INSTRUCTIONS

1) Online Testimony

To provide online testimony at the virtual public hearing on Tuesday, April 7, 2026, 5:30 p.m. – 8:30 p.m., 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 DAR.Rulemaking@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 written testimony as described below.

2) In-person Testimony

DLNR will hold a separate, in-person only public hearing at the address listed above where persons can attend in person to present live testimony on Wednesday, April 8, 2026, 5:00 p.m. – 8:00 p.m.

3) Written testimony

The deadline to submit written testimony is Sunday, April 19, 2026. Written testimony may be e-mailed to DAR.Testimony@hawaii.gov or mailed to the address listed at the bottom of this notice.

If you need an auxiliary aid/service or other accommodation due to a disability, please contact DAR.Rulemaking@hawaii.gov or the DAR-O'ahu Main Office at 587-0100. 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 address listed at the bottom of this notice), or by calling the DAR-O'ahu Main Office at 587-0100 (voice or TDD). The proposed rules can be reviewed online at <http://ltgov.hawaii.gov/the-office/administrative-rules> or at <http://dlnr.hawaii.gov/dar/rules-and-public-notice>. The proposed rules are also available for review in person at the DAR-O'ahu Main Office (at the address listed at the bottom of this notice) from 8:00 a.m. to 3:30 p.m., Monday through Friday, except Holidays, by appointment only. To schedule an appointment to review the proposed rules in person, email DAR.Rulemaking@hawaii.gov.

**Department of Land and Natural Resources
Division of Aquatic Resources
1151 Punchbowl Street, Room 330
Honolulu, Hawai'i, 96813**

Ryan K.P. Kanaka'ole, Acting Chairperson
Board of Land and Natural Resources
(1521943 WHT 3/07/26, SA 3/08/26)