

Department of Land & Natural Resources

Division of Aquatic Resources

Kīpahulu Community-Based Subsistence Fishing Area

Public Scoping Session Summary

June 7, 2022, 5:30 pm via Zoom: 99 attendees

Purpose of Meeting

The Department of Land and Natural Resources, Division of Aquatic Resources (DAR) scheduled a virtual public scoping session to receive input and feedback for the proposed Kīpahulu Community-Based Subsistence Fishing Area (CBSFA). The proposed Kīpahulu CBSFA is from Kālepa Gulch in the southwest to Pua'alu'u Gulch in the northeast, spanning roughly 5.7 miles of coastline. The proposed rule changes to Hawaii Administrative Rules would establish new bag limits, size limits, seasonal closures and/or gear restrictions for kala, 'ōmilu, moi, kole, 'opihi, ula, and limu; prohibit take while night diving and scuba spearfishing; and prohibit commercial take of akule. The changes would also establish a sanctuary in Kukui Bay. Please see the [proposed management plan](#) for a full list of the proposed regulations. The following summary notes do not include all regulations discussed and only summarizes the main concerns and opinions expressed. A table of species definitions is also provided at the end of this document.

Bag & Size Limits

No opposition was expressed regarding the no-take of akule for commercial purposes and a proposed bag limit of 10 for all finfish (excluding akule, roi, ta'ape, and to'au). A concern was brought up with reference to the high probability of exceeding the catch limit of 10 while using a thrownet, however, it was clarified that the proposed bag limit is 10 per person per day, therefore you can have more than one fisher with you while using a thrownet. A bag limit of two was proposed for 'ōmilu, along with a slot limit of 10-24 inches. A few participants suggested to not use a slot limit, and instead just lower the bag limit to one so that it is easier to understand and enforce. A recommendation was also made to implement a no-take or kapu of 'ōmilu during their spawning season.

A bag limit of two was proposed for kala as well, and a few participants supported expanding this limit to include all species of kala ('ōpelu kala, kala lōlō). A minimum size of 5 inches for kole was proposed, and there was a recommendation to increase the minimum size to 8 inches

instead. A slot limit of 11-18 inches was proposed for moi, and while there was no opposition expressed, there was a suggestion that moi should be caught by hook and line only.

Invertebrates & Limu

A bag limit of 40 was proposed for 'opihi, along with a slot limit of 1 ¼-2 inches. An 'Opihi Rest Area, where the take of 'opihi would be prohibited, was also proposed (please see [Kīpahulu's Proposed Management Plan](#) for more details). Opposition and concerns were expressed regarding the slot limits- recent research shared during the scoping session suggested that the proposed slot limit size is the critical size class in which the most offspring is produced, and that the chances of 'opihi survival after picking and putting them back is slim. It is also suggested that for clarification purposes, all species of 'opihi should be listed instead of just the genus, or specify what species will be included in the rules. Support was expressed for the bag limit and the rest area.

A bag limit of two was proposed for ula. One participant expressed opposition to the bag limit, claiming that two was not enough to feed a family. However, it was emphasized that the limit was two per person per day, therefore bringing additional fishers to harvest ula or going back the next day would compensate for the bag limit. There were several suggestions to include a size or slot limit for ula as well to protect the larger mature adults (currently the State rules for ula are a minimum carapace length of 3 ¼ inches and no taking or killing of females), and to add protection for ula pāpapa as well.

A no-take of native limu species līpoa, kala, and kohu with the holdfast attached was proposed (can still be harvested if holdfast is left attached to substrate). A recommendation was made to include all species names under līpoa and kala (or just list the genus followed by "species" to encompass all species under that genus), as there are two different species under līpoa and three species that may be considered limu kala (Table 1). Another suggestion was to prohibit take of ALL native limu species by the holdfast/roots.

Gear Restrictions

Support was expressed for the proposed minimum mesh size of three inches for thrownets. A maximum of two lines per person and two hooks per line was proposed- it was clarified during the session that this rule would apply throughout all areas within the proposed 60-meter depth contour of the CBSFA boundary (from shore or from boat). There was also a suggestion to clarify what kind of hooks would be allowed (ex. treble hook).

A ban of taking or possessing any form of marine life on SCUBA was proposed with the exception of akule, ta'ape, to'au, and roi. One individual expressed strong opposition to this

proposed rule, sharing that they do fish sustainably on SCUBA and do not sell their catch for commercial purposes. This individual also stated that several other methods of fishing cause more damage to the reef and are able to catch more fish than in the 10 minutes using SCUBA at 100 feet, and that SCUBA sometimes is the only alternative option of freediving for the elderly. A few participants expressed empathy for this situation, however, it was shared that unfortunately because of the detrimental impacts that SCUBA fishing has had, everyone must sacrifice and attempt to compromise, as it is difficult to create an exemption for just one individual. Some suggestions offered during the session included creating a special exemption or permit for seniors, to ban commercial take only on SCUBA, or to consider not allowing SCUBA from boat but permit it from shore.

Support was expressed for the no-take or possession of marine life during the night.

Kukui Bay Sanctuary

A sanctuary was proposed in Kukui Bay from Maka'aikūloa Point to Puhilele Point, prohibiting any take of marine life or vessel access except in emergency situations. Based on feedback received from previous scoping meetings held by Kīpahulu 'Ohana, DAR presented two additional alternate boundaries from the original proposed boundary to obtain public input. General suggestions were made to keep the boundary lines simple, and that straight lines instead of diagonal lines should be used for simplicity and easier enforcement. A discussion was also held regarding whether the boundaries encompassed access points to the water. Several expressed that there are only a few safe entry points within Kukui Bay, and participants were concerned whether established boundaries would also prohibit access. The challenge of enforcement was also brought up as it would be difficult to regulate whether someone caught their fish legally outside the boundaries, but then had to swim through the no-take zone to safely get out of the water. A few participants expressed opposition towards creating the Kukui Bay Sanctuary.

Next Steps

DAR and the Kīpahulu 'Ohana are currently taking the feedback from the scoping session into consideration. A revised proposed management plan based on the feedback will then be presented to DAR by Kīpahulu 'Ohana, where DAR will review the plan and decide if another public scoping should be held based on the extent of proposed changes. If it is decided that another public scoping is not needed, there will still be another opportunity to provide input and testify when a request for a public hearing is submitted to the Board of Land and Natural Resources. The Kīpahulu CBSFA process is still in the early stages, and there will be more opportunities to provide your input. DAR and the [Kīpahulu 'Ohana](#) encourages your

participation in this process, please sign up for the [Holomua Marine 30x30 e-newsletter](#) to receive updates or email any questions to cbsfa@kipahulu.org or russell.t.sparks@hawaii.gov.

Table 1. Species table for proposed regulations of the Kīpahulu Community-Based Subsistence Fishing Area.

Hawaiian Name	Common Name	Taxonomic Name
Akule	Big-Eyed Scad	<i>Selar crumenophthalmus</i>
Roi	Peacock Grouper	<i>Cephalopholis argus</i>
Ta'ape	Bluestripe Snapper	<i>Lutjanus kasmira</i>
To'au	Blacktail Snapper	<i>Lutjanus fulvus</i>
'Ōmilu	Blue Trevally	<i>Caranx melampygus</i>
Kala	Unicornfish species but usually represents the Bluespine Unicornfish	<i>Naso unicornis</i>
Ōpelu Kala	Sleek Unicornfish	<i>Naso hexacanthus</i>
Kala Lōlō	Spotted Unicornfish	<i>Naso brevirostris</i>
Kole	Goldring Surgeonfish	<i>Ctenochaetus strigosus</i>
Moi	Sixfinger Threadfin	<i>Polydactylus sexfilis</i>
'Opihi 'Ālinalina	Hawaiian Limpet	<i>Cellana sandwicensis</i>
'Opihi Makaiauli	Dark-foot Limpet	<i>Cellana exarata</i>
'Opihi Kō'ele	Talc Limpet	<i>Cellana talcosa</i>
Ula	Spiny lobster	Can include at least 4 different species
Ula Pāpapa	Slipper lobster	Can include at least 4 different species
Limu līpoa	Southern seaweed	<i>Dictyopteris australis</i>
	V-mark seaweed	<i>Dictyopteris plagiogramma</i>
Limu kala	Prickly sargassum	<i>Sargassum echinocarpum</i>
	Ribbon sargassum	<i>Sargassum obtusifolium</i>
	Variable sargassum	<i>Sargassum polyphyllum</i>
Limu kohu	Asparagus seaweed	<i>Asparagopsis taxiformis</i>