

**Report to the Twenty-Eighth Legislature  
Regular Session of 2015**

**REPORT ON THE EVALUATION OF EFFECTIVENESS OF  
COMMUNITY FISHERIES ENFORCEMENT UNITS ON  
MAUI, OAHU, HAWAII AND KAUAI**



**Prepared by:  
Division of Conservation and Resources Enforcement  
Department of Land and Natural Resources  
State of Hawaii**

**In response to:  
Section 14.2 of Act 122, Session Laws of Hawaii 2014**

**Honolulu, Hawaii  
October 2014**

**REPORT ON THE EVALUATION OF EFFECTIVENESS OF  
COMMUNITY FISHERIES ENFORCEMENT UNITS ON  
MAUI, OAHU, HAWAII AND KAUAI**

This report is submitted in accordance with Section 14.2 of Act 122, Session Laws of Hawaii (SLH) 2014, regarding the evaluation of the effectiveness of Community Enforcement Units on Maui, Oahu, Hawaii and Kauai.

Act 122, SLH 2014, provides operational funding and temporary full time positions to establish Community Fisheries Enforcement Units (CFEU) on the Islands of Oahu, Hawaii and Kauai and to continue the operation of the initial pilot program on the Island of Maui.

The State Department of Land and Natural Resources, (Department), Division of Conservation of Conservation and Resources Enforcement (DOCARE) has initiated the process of creating and establishing the positions that will be assigned to its Oahu, Hawaii and Kauai Branches. Consequently, the Department reports that the Community Fisheries Enforcement Units for Oahu, Hawaii and Kauai Branches are still in the planning phase and have yet to be established.

The Maui CFEU began field operations in May of 2013. The project area consists of the northern section of the moku of Wailuku, Maui; a thirteen mile stretch of coastline from Hulu Island to Baldwin Beach Park and extending three miles offshore.

The Maui CFEU was designed as a one year pilot project focused on the protection of Maui's near shore fisheries through community collaboration and the creation of a more focused and efficient enforcement model. The rationale for selecting this particular area was to respond to the Maui community's request for increased fisheries enforcement and presence, test the model for dedicated fisheries enforcement throughout the State, and provide outreach and education to members of the community about marine ecology. The early success of the project resulted in the decision to extend the project through the end of the 2014 calendar year.

**TYPES OF ENFORCEMENT ACTIONS – May 2013 through June 2014**

Types of offenses that CFEU officers encountered were varied. However, many offenses involved combined netting (gillnet, throw net, fisheries management area net prohibitions) related offenses, which accounted for 58% of investigations and 47% of citations issued.

At the start of operations, CFEU officers identified illegal netting as an activity that was occurring in the project area and that were having adverse impacts to resources. Targeted patrols and operations were initiated to address these illegal activities.

Of the seventy-two (72) investigations initiated during the year, forty-two (42) were net related. Of the fifty (50) citations issued, twenty-three (23) were for illegal netting activities.

CFEU officers seized nineteen (19) gillnets totaling 2,448 feet in length. They also seized eleven (11) throw nets.

The Kahului Harbor Fisheries Management Area (FMA) check-in/check-out requirement accounted for sixteen (16) investigations, and sixteen (16) warnings. Non-compliance of this requirement is an administrative, non-criminal offense; therefore violators cannot be arrested or cited for violating this section of the (administrative) rule. CFEU officers attempted to enforce this rule however, soon realized that there were some issues that needed to be addressed for them to be effective.

In December 2013, the CFEU met with the Department’s Maui Division of Aquatic Resources (DAR) to discuss various concerns CFEU officers identified regarding the administrative check-in requirement in the FMA. Concerns with the checking stations included insufficient signage, insufficient record sheets, public notifications, and DAR administrative violation follow-up. DAR indicated that stations were not providing the information they were initially intending to gather. It was decided that DAR would conduct internal discussions and possibly request a rule amendment to repeal the requirement for the fisher check-in. It was also decided that CFEU officers would not focus on enforcement of this section of the FMA rule or forward cases for administrative action to DAR. CFEU officers would instead, focus on more pressing areas of enforcement.

Enforcement of the Kahului Harbor FMA bag limit resulted in three (3) investigations and eleven (11) citations.

There were also six (6) investigations, sixteen (16) citations and two (2) warnings issued for species specific regulations (e.g. minimum size).

**All Fisheries Related Enforcement Statistics by Type  
May 2013 – June 2014**

	Investigations	Citations	Warnings	Complaints
Gill Nets	25	9	0	7
FMA Net Prohibitions	9	6	0	3
Throw Nets	8	8	0	0
FMA Bag Limit	3	11	0	0
Species Specific Regs	6	16	2	1
FMA Check-In	16	0	16	0
Miscellaneous	5	0	2	2
<b>TOTAL</b>	<b>72</b>	<b>50</b>	<b>20</b>	<b>13</b>

## OTHER ENFORCEMENT (non-fishing related)

In addition to fishing related investigations, CFEU officers also conducted nine (9) other investigations, five (5) of which were for dead or distressed sea turtles and four (4) for miscellaneous offenses. Five (5) citations were also issued for dive safety flag violations to persons spear fishing.

## PUBLIC SAFETY

CFEU officers also assisted with two beach closures in response to shark attacks that occurred in the project area. A surfer sustained non-life threatening injuries when he was bitten offshore Ka'ehu. In the second incident, a kite-boarder observed a shark biting her board when she got separated from it at Kanaha Beach Park.

## COMMUNITY ASSISTANCE / PROBLEM SOLVING

CFEU officers and the Makai Watch Coordinator facilitated and participated in stakeholder meetings with users of Kanaha County Beach Park. Waters offshore of Kanaha are part of the Maui North Shore Ocean Recreation Management Area (ORMA) managed by the Department's Division of Boating and Ocean Recreation (DOBOR). Conflicts mainly between sailboarders and other users were escalating and becoming hostile. One group identified as being affected were fishers, thus the CFEU felt that they should try to assist DOBOR with resolution.

Fishers, swimmers, canoe paddlers, kite-boarders, wind surfers, lifeguards, Maui County parks officials, and other stakeholder representatives were identified and brought together at a series of four meetings. This resulted in all participants having a greater understanding of each group's concerns. Proposed rule amendments were drafted and will be forwarded to DOBOR for consideration.

## HIGH VISIBILITY PATROLS

In order to gain voluntary compliance, CFEU officers conducted high visibility, foot, vehicle and vessel patrols. These patrols not only serve to deter violations, they allow the CFEU officers to become familiar with and educate resource users. During the reporting period, CFEU officers devoted 5,089 hours to land operations, 402.5 hours to vessel patrols, 197.5 hours to outreach efforts and recorded 2,798 field contacts. These contacts included fishers, swimmers, surfers, beach goers, area residents, and other users that officers had an opportunity to converse with.

## EDUCATION

Fishing tournaments, group presentations, and community events provided CFEU officers several opportunities to further educate the public in efforts to increase understanding of laws, resource appreciation and voluntary compliance. CFEU officers had 438 educational contacts at events during this time period.

Information and education was also provided via printed media and radio spots developed by the Makai Watch Coordinator. During the first year of the project, thirty-eight (38) messages aired on KPOA 93.5 FM's, Mālama Maui Nui morning program. The minute-long spots focused on the purpose of the CFEU, opportunities for the public to get involved in volunteering with Makai Watch, and general reminders about ethical fishing practices and seasonal closures for lobster and other species.

#### *SAMPLE RADIO SPOT*

*Do you want to be a part of a first-of-its kind project to protect our local fisheries? The Department of Land and Natural Resources' Division of Conservation and Resources Enforcement is looking for volunteers to join its Makai Watch Program, which is a part of its Community Fisheries Enforcement Unit. Volunteers will be trained to understand current fishing regulations and how to report possible violations. Makai Watch volunteers will also help to educate the public about our marine resources and how to play an active role in helping to protect them. A healthy fishery helps to support a healthy community. You can serve an important role in making sure that it will be around for your children and grandchildren, feeding them and perpetuating long-held pono fishing practices. The Community Fisheries Enforcement Unit is a partnership between the Department of Land and Natural Resources, Conservation International, and Harold K.L. Castle Foundation. To learn more, contact the Maui Division of Conservation and Resources Enforcement at 873-3990.*

#### OUTREACH

The Makai Watch Coordinator also developed a photo and video library of CFEU activities. Images were used to produce educational power point and video presentations for legislators, government officials and the general public.

The Makai Watch Coordinator and Maui Production Company co-produced a twenty minute video presentation made for community-based television. The piece aired on two local channels, Akakū (Maui County) and Na Leo O Hawai'i (Hawai'i Island). It was also submitted and approved for airing on O'ahu's 'Ōlelo Program. Airdates on Akakū included six showings during the month of March. Beyond that, 'Ākaku has included the CFEU video in its random rotation, which will continue to air the piece for a period of two years. The video aired three times during the month of April on Na Leo O Hawai'i and three times during the month of May.

In addition, a partnership was formed between the CFEU, Maui Production Company, and the "Outside Hawai'i" show to extend the original CFEU video, adding content, video, and still photographs for commercial-free airing on OC16. The value of this venture brought the CFEU to OC-16's broader audience (local, national, international) and increased airtime, which carries a minimum of 30 showings over the next year.

## MAKAI WATCH

The Makai Watch Coordinator worked with teachers and students from Maui High School's graphic arts class to develop two logos for the project. The goals of the CFEU pilot project were presented to the group of graphic arts students to give them a sense of the program's mission. In the following weeks, several designs were submitted for consideration. Two designs were selected by the CFEU, one to represent the CFEU officers and one to represent the Makai Watch Program. The Makai Watch Coordinator facilitated the process of developing the two logos until final consensus was reached between all CFEU members. Both CFEU and Makai Watch logos have been used extensively to represent the project. Examples include: Makai Watch forms and uniforms, promotional materials, outreach tents, educational videos, and much more.

## ESTABLISHING MAKAI WATCH UNITS

The CFEU conducted site visits and held teleconferences with various existing Makai Watches throughout the State. Valuable information was gathered regarding the establishment and maintenance of these programs. In partnership with Hawaii Wildlife Fund, one Makai Watch was established at Ka'ehu, and another is being established at Kanaha in partnership with Malama Maui Nui. A formal CFEU Makai Watch application was developed along with other related documents that will be required of all individuals interested in volunteering with the project.

## BIOLOGICAL MONITORING

The Makai Watch Coordinator organized and facilitated teleconferences with the CFEU and The Nature Conservancy of Hawai'i (TNC) to plan for biological monitoring within the project area, which is slated for the summer of 2014. Included in TNC's plan is some historical context in which to establish a baseline estimate of the population of marine life in the project area prior to start of the CFEU's presence there.

## SUMMARY OF ACCOMPLISHMENTS

During the initial twelve months of operations, CFEU officers conducted sixty (60) investigations, issued forty-one (41) citations, nineteen (19) warnings and responded to eleven (11) complaints.

Compared to the same time period the previous year, this is a 253% increase in the number of fishing related investigations conducted and a 71% increase in the number of criminal fishing citations issued. There was also a 21% decrease in fisheries related complaints.

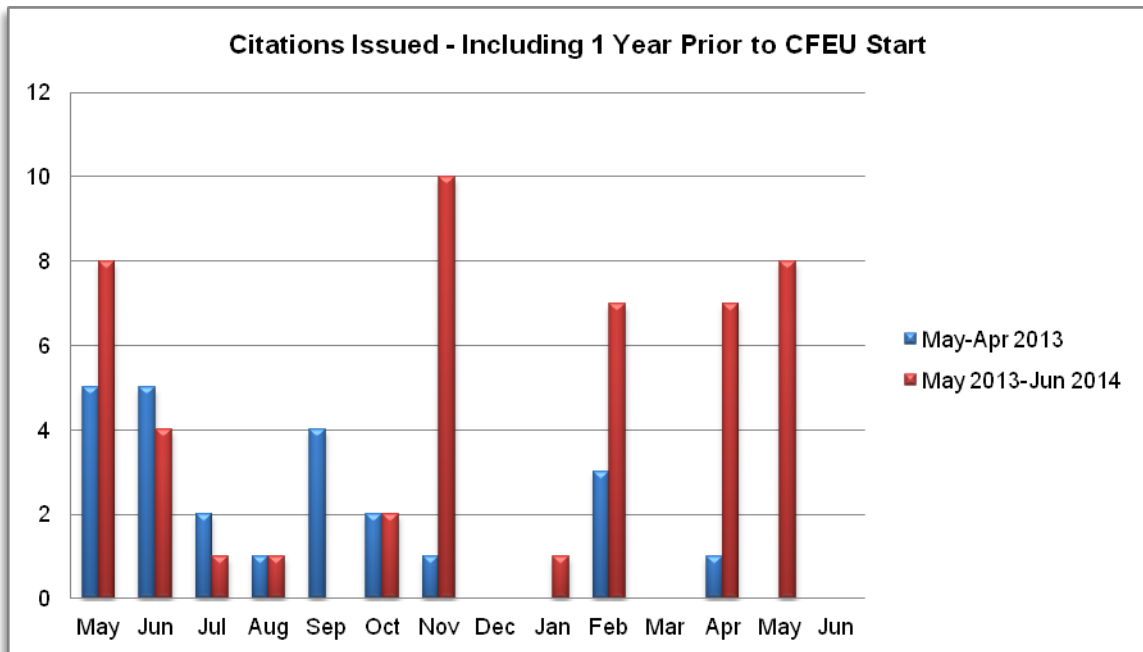
**Fisheries Enforcement Statistics for Maui CFEU  
1 Year Prior to the CFEU Start**

	Investigations	Citations	Warnings	Arrests	Complaints
May 2012 - Apr 2013	17	24	0	0	14

**Fisheries Enforcement Statistics for Maui CFEU  
1<sup>st</sup> Year (May 2013 – June 2014)**

	Investigations	Citations	Warnings	Arrests	Complaints
May 2013 - Jun 2014	72	50	20	0	13

**Citations Issued (May 2013 through June 2014)  
Including 1 Year Prior to the CFEU Start**



**COMPLIANCE DATA**

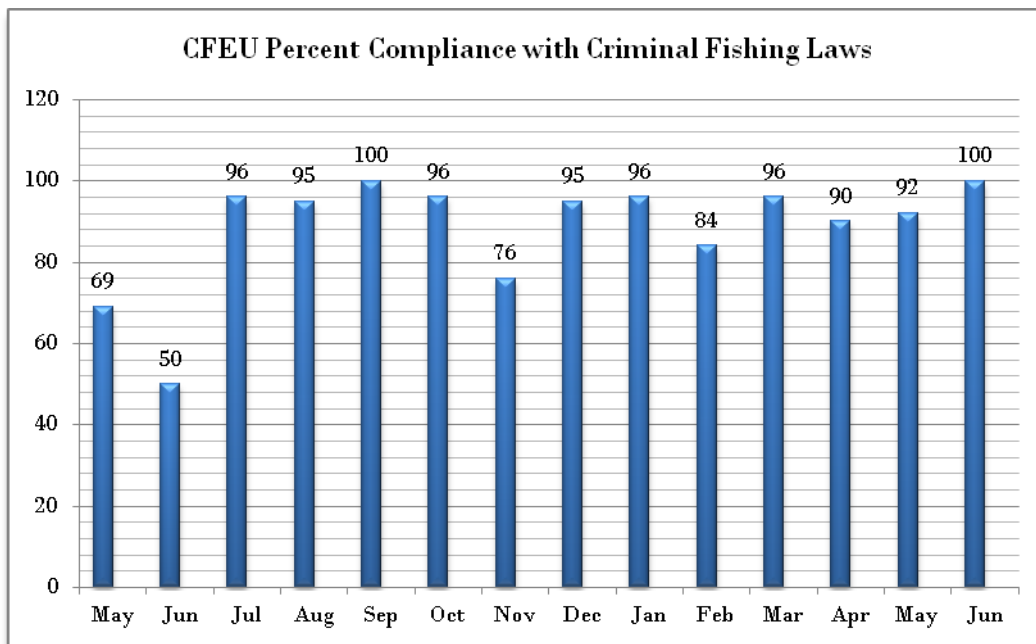
A new metric developed and being tested by the CFEU was data collection on fisher compliance with fishing rules. Officers documented a total of 468 fisher inspections in an attempt to gauge the levels of compliance being achieved. The compliance rate varied throughout the project, the least compliance was achieved in the month of June (50%) and the highest in September (100%) and June (100%).

As previously mentioned, during the first two months of operation, officers targeted illegal netting activities and issued a total of 12 citations. This resulted in low compliance rates for May and June 2013.

Relatively reduced (below 90%) compliance rates in November 2013 (76%) and February 2014 (84%) were attributed to violations largely attributed to baitfish schools that made appearances in Kahului Harbor and violations occurring due to fishers over-eagerness to capture them.

The average compliance rate for the year was 88%.

### Compliance with Criminal Fishing Laws in the CFEU Project Area May 2013 – June 2014



In July of 2014, the Maui CFEU was recognized by Governor Neil Abercrombie, who commended North Maui Community Fisheries Enforcement Unit for its success. At the ceremony, Department Chairperson William Aila said, “By utilizing a personal touch and one-on-one contact with fishers, our fisheries enforcement officers have become highly visible in what has traditionally been an area that sees a lot of fishing pressure. The unit provides a successful model upon which we may consider our plans to enhance our future efforts. This specialized unit is not only about enforcement, but also serves to promote education and public trust.”



## Commercial Fisheries Enforcement Unit Report Time and Money Spent

1. The number of man hours spent collecting data, drafting, printing, and posting each report. (40 hours)
2. The number of dollars spent on staff, research, printing, etc. for each report. (\$150)
3. The total number of pages of each report. (7)