

AGENDA ITEM F-3
**NON-ACTION ITEM: INFORMATION BRIEFING ON
PROPOSAL TO ADOPT CHAPTER 13-60.11, HAWAII
ADMINISTRATIVE RULES, “KĪPAHULU COMMUNITY-BASED
SUBSISTENCE FISHING AREA, MAUI”**

KAMALEI PICO, EXECUTIVE DIRECTOR, KĪPAHULU ‘OHANA, INC.

ADAM WONG, DAR EDUCATION SPECIALIST, MAUI OFFICE

FRIDAY, MAY 26, 2023, 9:15 A.M.

1151 PUNCHBOWL STREET, KALANIMOKU BUILDING, ROOM 132

HONOLULU, HAWAII 96813



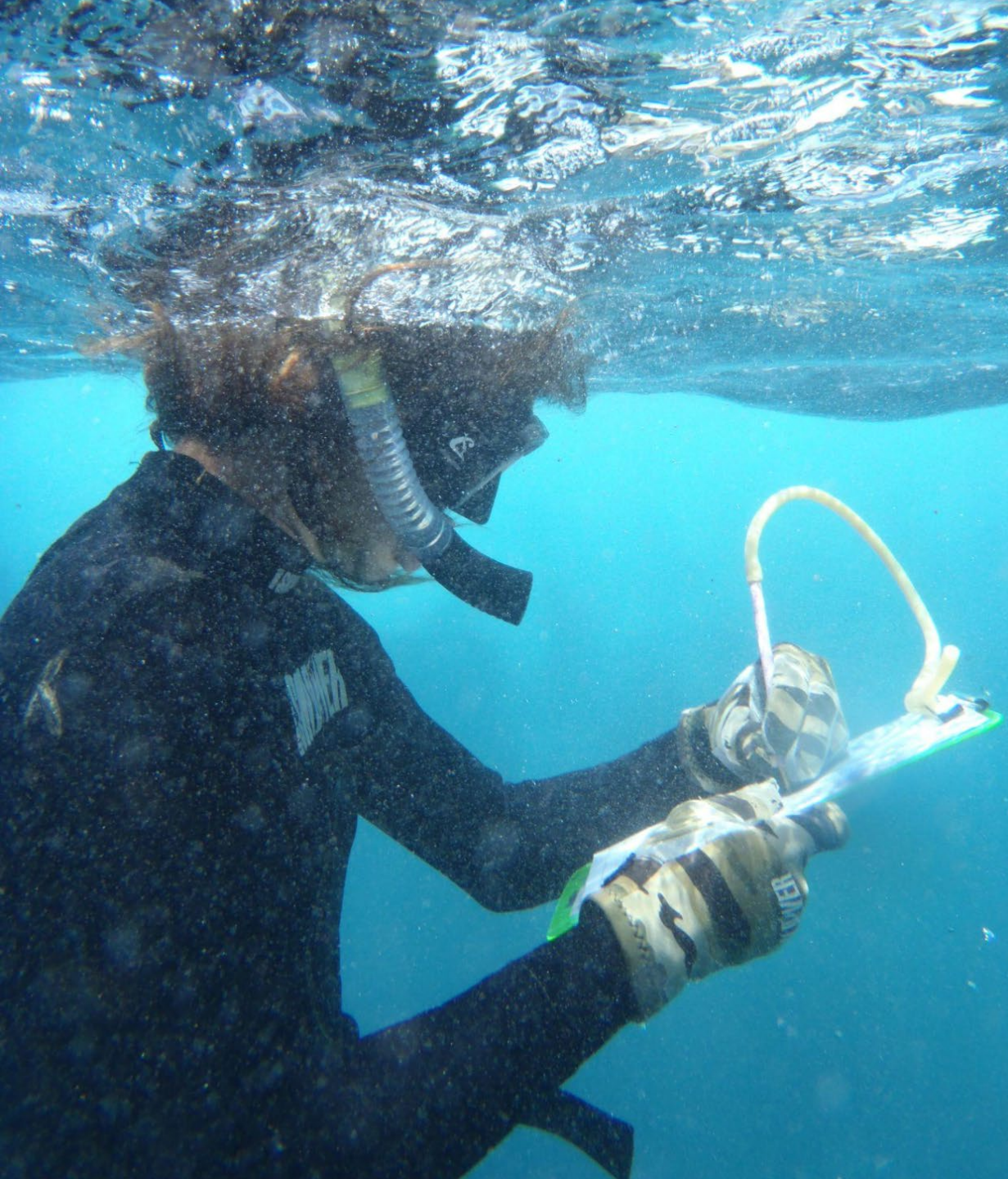
**HAWAII ADMINISTRATIVE RULES
CHAPTER 13-60.11, “KĪPAHULU COMMUNITY-
BASED SUBSISTENCE FISHING AREA, MAUI”**

**INTRODUCTION TO THE COMMUNITY AND
MARINE MANAGEMENT EFFORTS
(KAMALEI PICO)**













KĪPAHULU

Ka'Āina o ka Makani
Kā'ili Aloha

Land of the Love-Snatching Wind

MANA
GRANDKIDS
WORLDWIDE



3M
By Chisel | Tablas & feuilles mobiles | Recycled

Kipahulu 'Ohana



COMMUNITY MANAGED MARINE AREA

 Malama Ke Kai 

Planning Workshop
3/04

FRIDAY - SATURDAY, OCT. 21-22, 2011
Kalena, Kitchen, Kipahulu, MAUI



Methods of Engagement

Petition of Support from East Maui

Petition

date

I support the designation of a Community Based Subsistence Fishing Area in the Kīpahulu Moku, from Pua'alu'u to Kalapa. The area includes 4.5 miles of coastline out to 180 feet in depth. The area is 1670 acres. Fishing is allowed but limited by rules to protect fish stocks for current and future generations.

	Name Print	Signature	Address
9/3/13	JAMES K. PO	James K. Po	Hana (Wa Kiu)
"	ANDREW PARKS	Andrew Parks	HANA 96713
"	Theresa McGregor	[Signature]	HC138 Hana 96713
"	Kim Miyasato	[Signature]	HC138 Hana 96713
"	Greg Lind Jr	Greg Lind Jr	P.O. Box 951, Hana
"	Giovanna Lind	Giovanna Lind	P.O. Box 951, Hana
9/3/13	Lezario Evaris	Lezario Evaris	P.O. Box 135 96713, Hana
9/10/13	Wakim Kaiwi	Wakim Kaiwi	P.O. Box 161
Orr	Wakim Kaiwi	Wakim Kaiwi	P.O. Box 161
"	Russell Kahookela	Russell Kahookela	P.O. Box 501 Hana, HI 96713
"	Mikayla Lind	Mikayla Lind	Kipahulu
9/10/13	Keahi Lind	Keahi Lind	Kipahulu
"	Jolyan Himauna	Jolyan Himauna	Kipahulu
"	Kulia Yamashita	Kulia Yamashita	Kipahulu
"	Lester Kaiwi	Lester Kaiwi	Kipahulu
"	Lester Kaiwi JR	Lester Kaiwi Jr.	po box 458 Hana, 96713
"	BRADLEY HELEKONA	Bradley Helekona	P.O. Box 152 Hana HI 96713
"	CASSIE KATHUNA	Cassie Kathuna	P.O. Box 2810 Hana
"	Lulani Lecker-Tolentino	Lulani Lecker-Tolentino	P.O. Box 113 Hana
"	Joseph Pimoua	Joseph Pimoua	Kipahulu
"	Morni Yamashita	Morni Yamashita	Kipahulu
"	Mikayla Kenolio	Mikayla Kenolio	Kipahulu
"	Wyatt K. Benton	Wyatt K. Benton	P.O. Box 333 Waikeala
9/10/13	Naho Kapi - Smt	Naho Kapi Smt	Kaupi - Keanae

(7)

(1)

Methods of Engagement

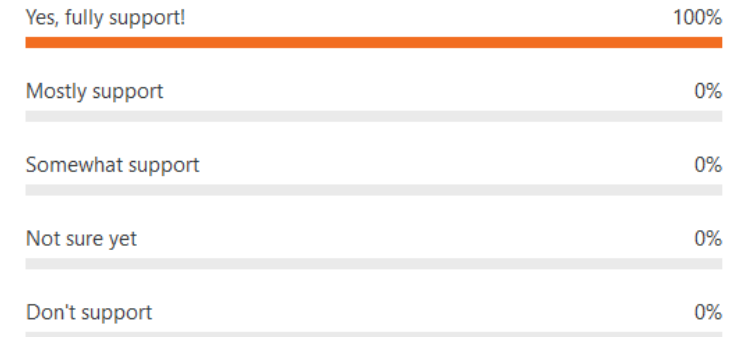
Petition of Support from East Maui
Scoping Meetings: Kīpahulu-led

MAUI
Virtual Educational
Zoom Meeting
register at: kipahulu.org/cbsfa
**Kīpahulu Moku
CBSFA Presentation**
(Community Based Subsistence Fishing Area)
Hosted By: MAUI NUI
MAKAI
NETWORK
Tuesday, March 16 at 5pm
Saturday, March 20 at 10am

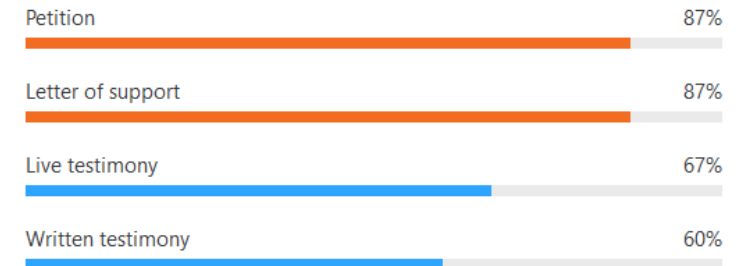
OUR MOKU. OUR KULEANA.

Host is sharing poll results

1. Do you support a CBSFA being designated in Kīpahulu?



2. Would you be willing to show your support for this CBSFA through any of the following ways? (Multiple choice)



Close

Methods of Engagement

Petition of Support from East Maui

Scoping Meetings: Kīpahulu-led

Scoping Meeting: DAR-led

JUNE 7, 2022
5:30-7:30 PM

**TIME
TO
HUI**

**KĪPAHULU
MOKU
CBSFA*
SCOPING
MEETING**

*Community-Based Subsistence Fishing Area
More info at Kipahulu.org/cbsfa

DAR is hosting this public opportunity to gather input on the specific rules proposed for the Kīpahulu CBSFA.

Zoom registration:



<https://www.kipahulu.org/cbsfa-scoping>



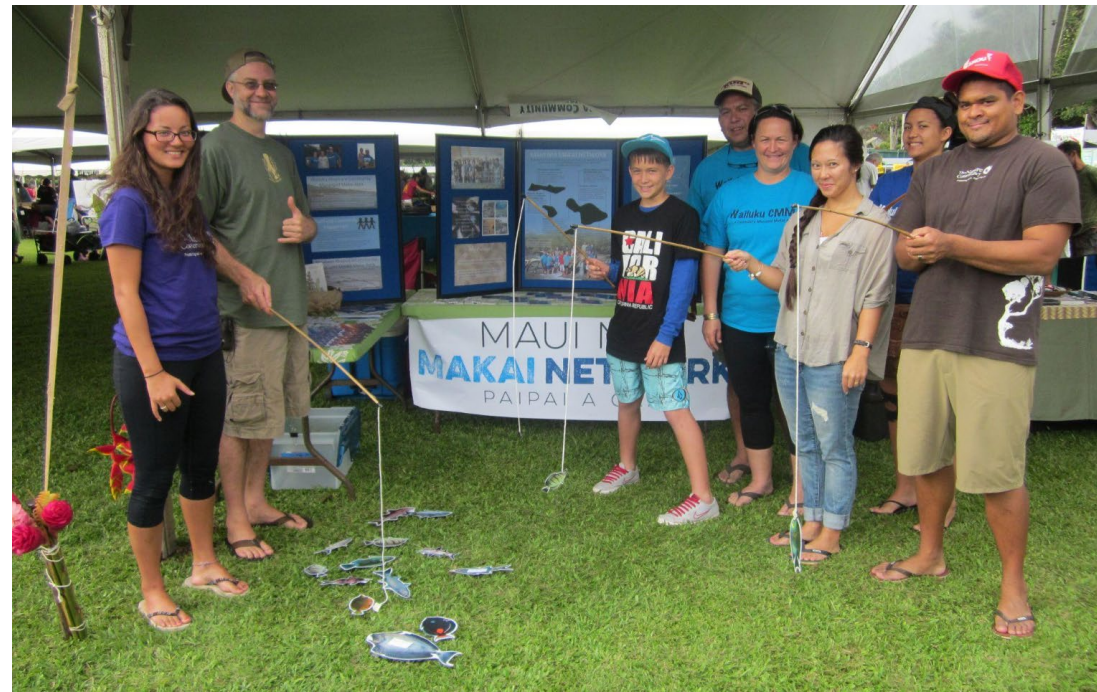
Methods of Engagement

Petition of Support from East Maui

Scoping Meetings: Kīpahulu-led

Scoping Meeting: DAR-led

Tabling or Presenting at Events



Methods of Engagement

Petition of Support from East Maui

Scoping Meetings: Kīpahulu-led

Scoping Meeting: DAR-led

Tabling or Presenting at Events

1:1 and group talks with fishers



Methods of Engagement

- Petition of Support from East Maui
- Scoping Meetings: Kīpahulu-led
- Scoping Meeting: DAR-led
- Tabling or Presenting at Events
- 1:1 and group talks with fishers
- Kīpahulu site visits



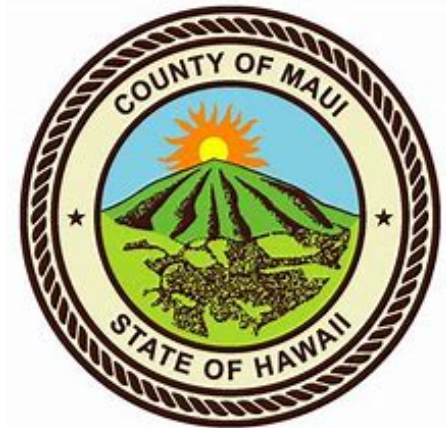
Methods of Engagement

- Petition of Support from East Maui
- Scoping Meetings: Kīpahulu-led
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- Tabling or Presenting at Events
- 1:1 and group talks with fishers
- Kīpahulu site visits
- Steering Committee Meetings



Methods of Engagement

- Petition of Support from East Maui
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- 1:1 and group talks with fishers
- Kīpahulu site visits
- Steering Committee Meetings
- Visits with Decision-Makers



Methods of Engagement

Petition of Support from East Maui

Scoping Meetings: Kīpahulu-led

Scoping Meeting: DAR-led

Tabling or Presenting at Events

1:1 and group talks with fishers

Kīpahulu site visits

Steering Committee Meetings

Visits with Decision-Makers

‘Opihi monitoring



Methods of Engagement

Petition of Support from East Maui

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Engaging with students



Methods of Engagement

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Engaging with kūpuna



Methods of Engagement

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Steering Committee Meetings

Visits with Decision-Makers

‘Opihi monitoring

Engaging with students

Engaging with kūpuna

East Maui Community meetings



Methods of Engagement

- Petition of Support from East Maui
- Scoping Meetings: Kīpahulu-led
- Scoping Meeting: DAR-led
- Tabling or Presenting at Events
- 1:1 and group talks with fishers
- Kīpahulu site visits
- Steering Committee Meetings
- Visits with Decision-Makers
- ‘Opihi monitoring
- Engaging with students
- Engaging with kūpuna
- East Maui Community meetings
- Social Media and Website

ARE YOU IN SUPPORT OF THE PROPOSED CBSFA DESIGNATION?

ROUND 2!

"YES, I SUPPORT THE CBSFA DESIGNATION BECAUSE IT GIVES THE COMMUNITY THE OPPORTUNITY TO COME UP WITH THE BEST SOLUTION FOR THEIR FISHING AND GATHERING GROUNDS."

JEROME KEKIWI JR
KO'OLAU MOKU

"YES, IF MANAGED PROPERLY IT CAN BE A BENEFICIAL TOOL IN MITIGATING THE EFFECTS OF CLIMATE CHANGE AND HELP TO EDUCATE OUR OWN PEOPLE WHILE COLLABORATING ON MANAGEMENT PRACTICES THAT WILL ENSURE LONG-TERM HEALTH OF THE RESOURCES."

KAUI KANAKAOLE
MOKU O HĀNA

Methods of Engagement

Petition of Support from East Maui
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1:1 and group talks with fishers
Kīpahulu site visits
Steering Committee Meetings
Visits with Decision-Makers
'Opihi monitoring
Engaging with students
Engaging with kūpuna
East Maui Community meetings
Social Media and Website
Videos



Methods of Engagement

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- ‘Opihi monitoring
- Engaging with students
- Engaging with kūpuna
- East Maui Community meetings
- Social Media and Website
- Videos
- Publications and Media

The Maui News

May 23, 2023 | Today's Paper | Submit News | Subscribe Today | Login



AP



Methods of Engagement

Petition of Support from East Maui

Scoping Meetings: Kīpahulu-led

Scoping Meeting: DAR-led

Tabling or Presenting at Events

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‘Opihi monitoring

Engaging with students

Engaging with kūpuna

East Maui Community meetings

Social Media and Website

Videos

Publications and Media

Email Blasts/Listservs



Methods of Engagement

Petition of Support from East Maui

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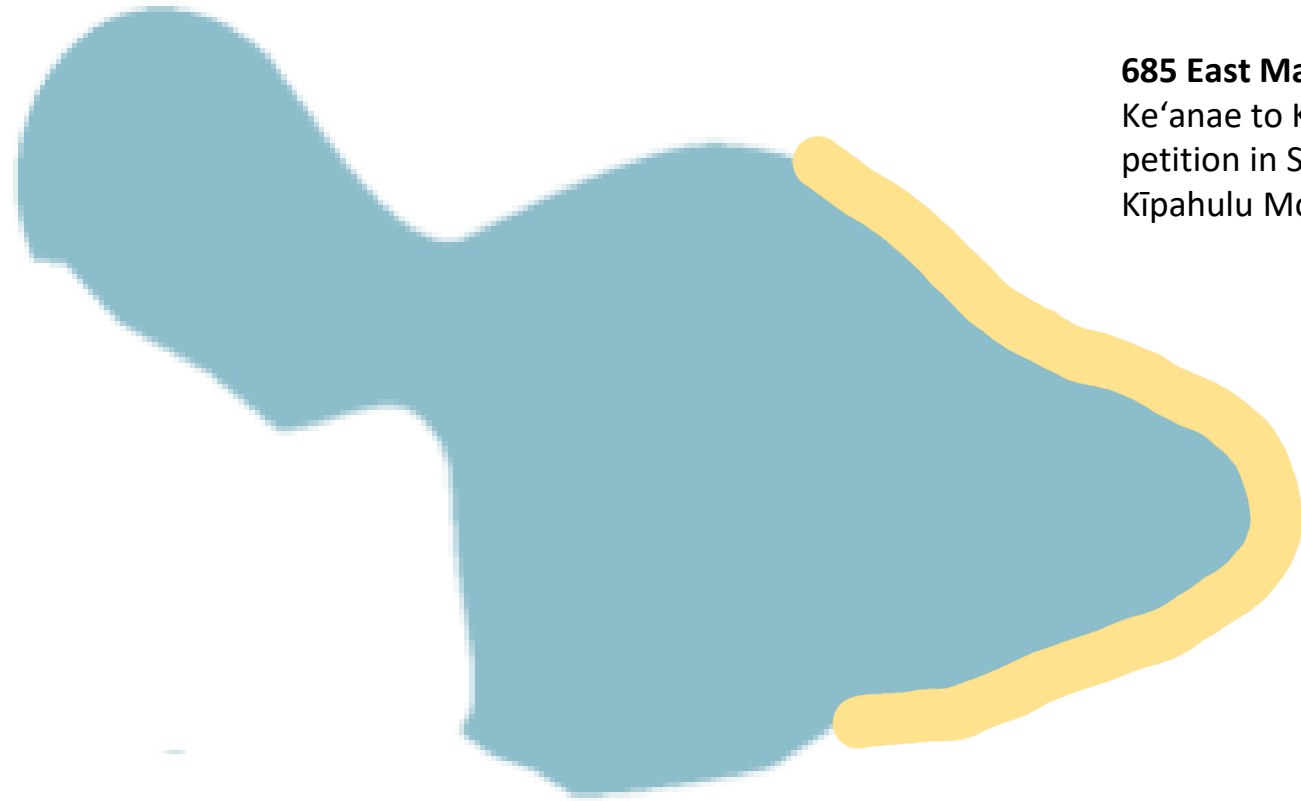
Open door at Kalena Triangle



Estimated Reach From our Outreach Efforts (2013-2023)



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685 East Maui Residents from Ke‘anae to Kaupō signed a petition in SUPPORT of the Kīpahulu Moku CBSFA

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4,000 additional Maui and Hawai'i public engaged, including East Maui residents, keiki, and kūpuna

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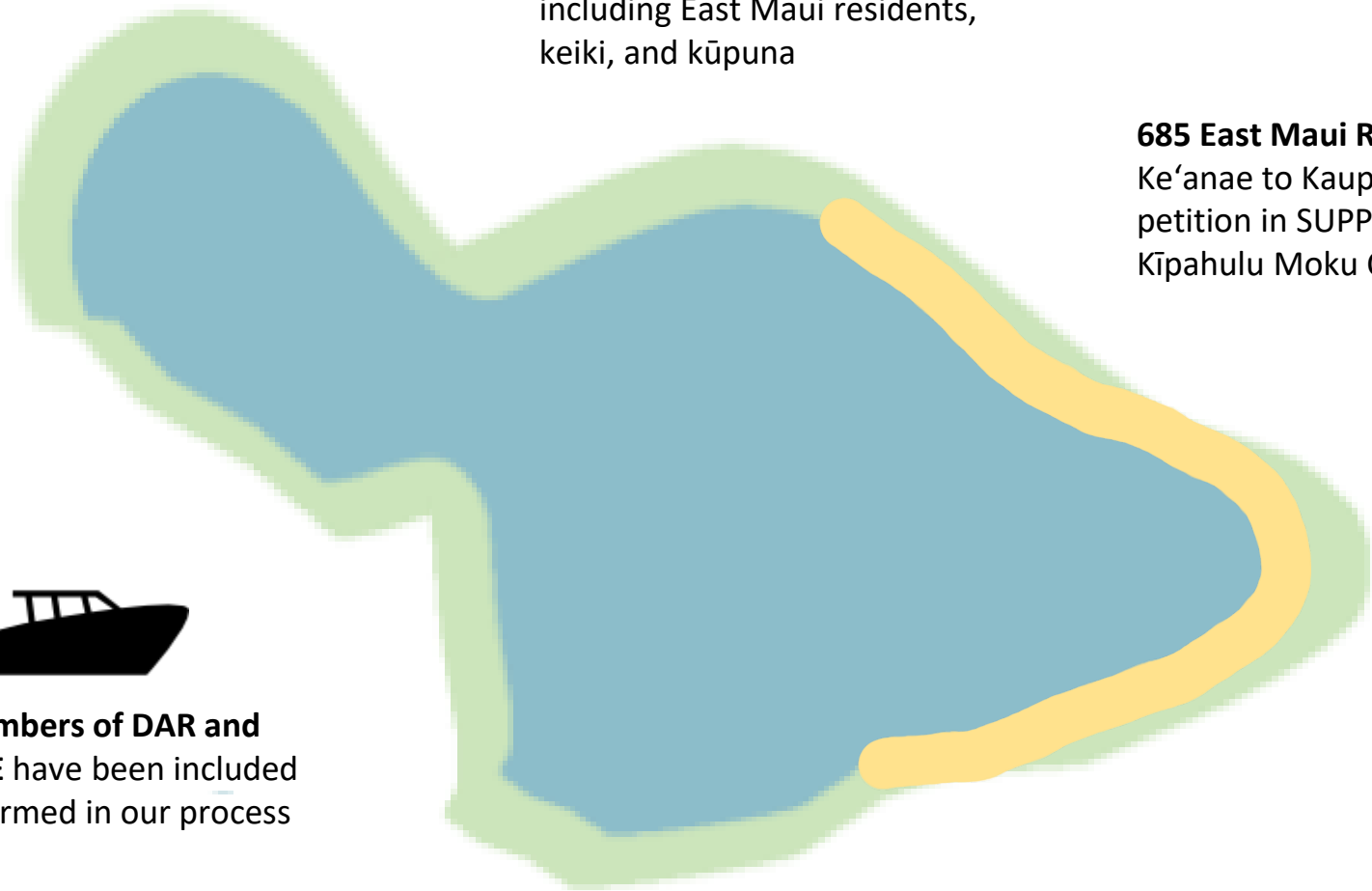
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50+ Members of DAR and DOCARE have been included and informed in our process



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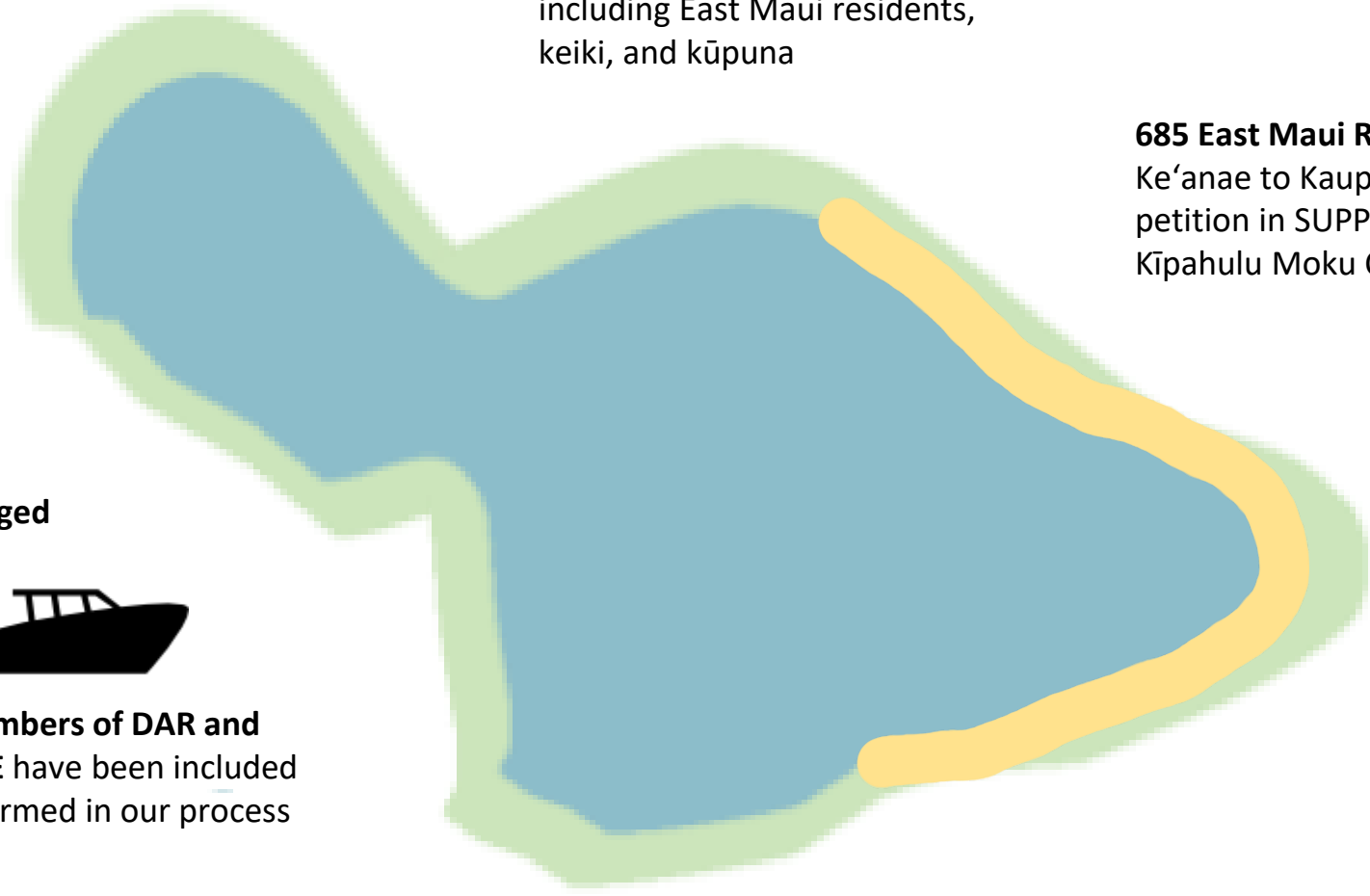
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30+ Legislators engaged



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Estimated Reach From our Outreach Efforts (2013-2023)



Over 250,000 people reached through 38 publications and media events



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That's over 260,000 people reached!







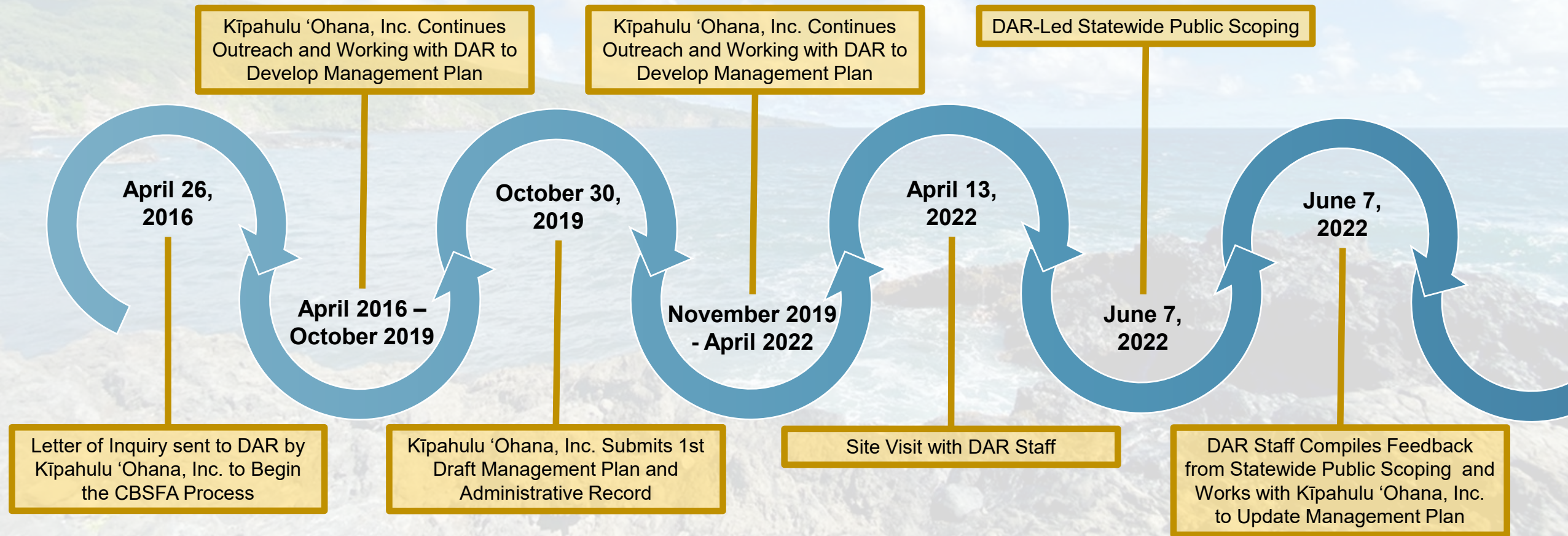
MAHALO

**HAWAII ADMINISTRATIVE RULES
CHAPTER 13-60.11, “KĪPAHULU COMMUNITY-
BASED SUBSISTENCE FISHING AREA, MAUI”**

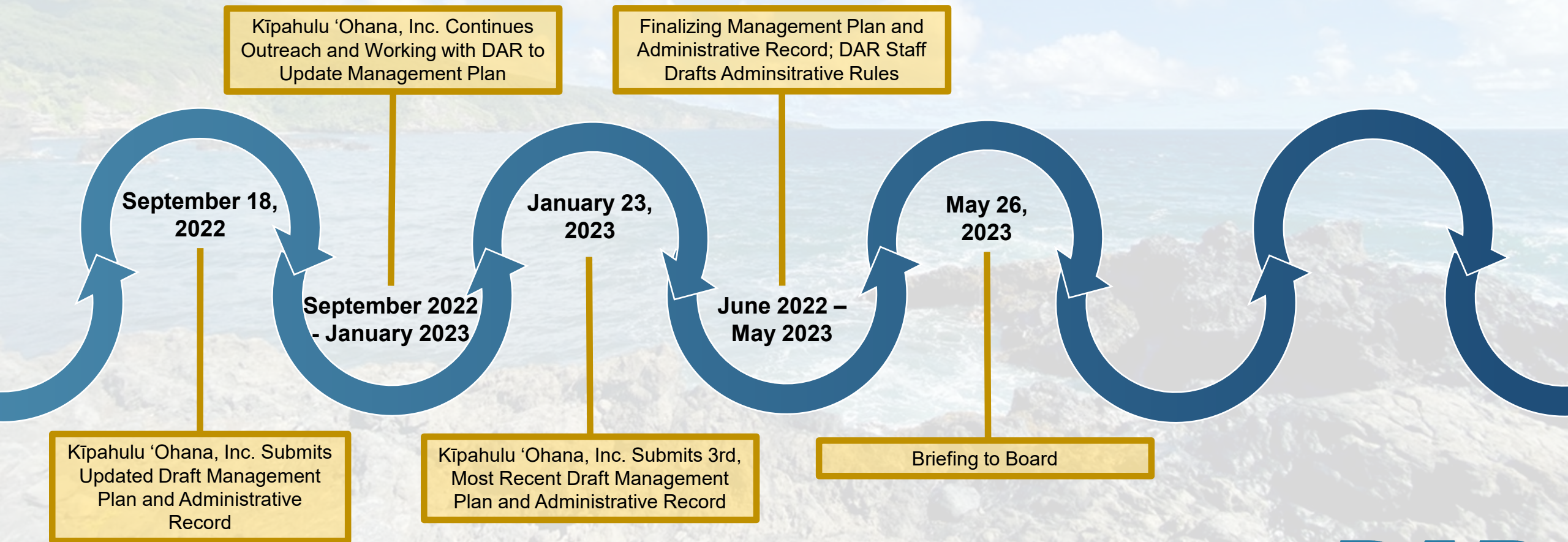
**PROPOSAL DEVELOPMENT AND
ADMINISTRATIVE RULEMAKING
(ADAM WONG)**



PROPOSAL DEVELOPMENT: TIMELINE OF SIGNIFICANT EVENTS



PROPOSAL DEVELOPMENT: TIMELINE OF SIGNIFICANT EVENTS



OVERVIEW OF PROPOSED RULES: TITLE 13, CHAPTER 60.11, HAWAII ADMINISTRATIVE RULES

PURPOSE & DEFINITIONS (SECTIONS 1 & 2)



TITLE 13, CHAPTER 60.11, SECTIONS 1 & 2: PURPOSE AND DEFINITIONS

Section 1: Purpose

- Support subsistence needs of the community
- Sustainability through effective management practices
- Protect native Hawaiian fishing practices
- Substantive community involvement
- ‘Opihi Rest Area
- Kukui Bay Sanctuary

Section 2: Definitions

- List of definitions of key terms used throughout the chapter.



OVERVIEW OF PROPOSED RULES: TITLE 13, CHAPTER 60.11, HAWAII ADMINISTRATIVE RULES

BOUNDARIES (SECTION 3)



TITLE 13, CHAPTER 60.11, SECTION 3: BOUNDARIES – ENTIRE CBSFA



TITLE 13, CHAPTER 60.11, SECTION 3: BOUNDARIES – CBSFA SUBZONES

Kukui Bay Sanctuary and 'Opihi Rest Area

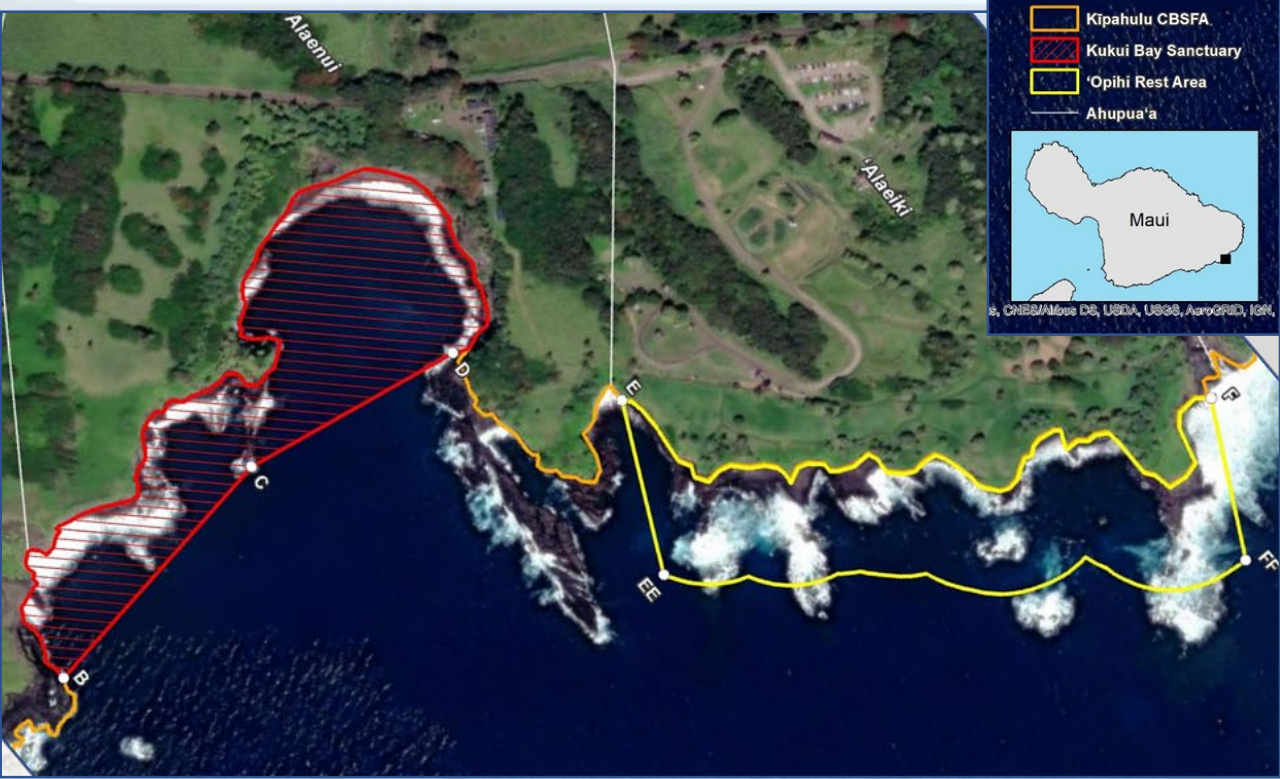
- Original proposed boundaries (left) and scoped options based on preliminary feedback from fishers (right)



TITLE 13, CHAPTER 60.11, SECTION 3: BOUNDARIES – CBSFA SUBZONES

Kukui Bay Sanctuary and 'Opihi Rest Area

- Original proposal (left) and current proposal (right)



Legend

- Reference Coordinates
- Kipahulu CBSFA
- ▨ Kukui Bay Sanctuary
- 'Opihi Rest Area
- Ahupua'a

Maui

s, CHES/Alouise DE, USDA, USGS, AeroGRID, IGN,

TITLE 13, CHAPTER 60.11, SECTION 3: BOUNDARIES – CBSFA SUBZONES

Kukui Bay Sanctuary



**OVERVIEW OF PROPOSED RULES:
TITLE 13, CHAPTER 60.11,
HAWAII ADMINISTRATIVE RULES**

**PERMITTED AND PROHIBITED ACTIVITIES
(SECTION 4)**



TITLE 13, CHAPTER 60.11, SECTION 4: PERMITTED AND PROHIBITED ACTIVITIES

- Overall bag limit of 10 finfish per person per day (4(b)(1))
 - Akule and introduced or invasive species do not count towards the overall bag limit of 10 per person per day (4(b)(1))
- Additional restrictions for:
 - Akule
 - 'Ōmilu
 - Kala
 - Kole
 - Moi
 - 'Opihi
 - Ula (Spiny Lobsters) and Ula Pāpapa (Slipper Lobsters)
 - 'Alakuma (Spotted Reef Crab or 7-11 Crab)
 - Native Limu



TITLE 13, CHAPTER 60.11, SECTION 4: PERMITTED AND PROHIBITED ACTIVITIES

Akule (Bigeye Scad) (4(b)(2))

- No take for commercial purposes

‘Ōmilu (Bluefin Trevally) (4(b)(3))

- Bag limit of one per person per day

Kala (Bluespine Unicornfish) (4(b)(4))

- Bag limit of two per person per day

Kole (Goldring Surgeonfish) (4(b)(5))

- Minimum size of five inches



TITLE 13, CHAPTER 60.11, SECTION 4: PERMITTED AND PROHIBITED ACTIVITIES

Moi (Pacific Threadfin) (4(b)(6))

- No take from May through September
- Slot limit of greater than eleven inches and less than eighteen inches in length



TITLE 13, CHAPTER 60.11, SECTION 4: PERMITTED AND PROHIBITED ACTIVITIES

‘Opihi (Hawaiian Limpets) (4(b)(7))

- Bag limit of 40 ‘opihi of any species per person per day
- Shell diameter slot limit of greater than 1 ¼ inches and less than 2 inches
- No take or possession of any species of ‘opihi within the ‘Opihi Rest Area
- No take or possession any species of ‘opihi while diving

Kō‘ele / Makaiauli / ‘Ālinalina



TITLE 13, CHAPTER 60.11, SECTION 4: PERMITTED AND PROHIBITED ACTIVITIES

Ula (Spiny Lobster) and Ula Pāpapa (Slipper Lobster) (4(b)(8))

- No take from May through September
- Combined bag limit of two per person per day



TITLE 13, CHAPTER 60.11, SECTION 4: PERMITTED AND PROHIBITED ACTIVITIES

'Alakuma (Spotted Reef Crab or 7-11 Crab) (4(b)(9))

- Bag limit of two per person per day



TITLE 13, CHAPTER 60.11, SECTION 4: PERMITTED AND PROHIBITED ACTIVITIES

Native Limu (Seaweed) Species (4(b)(10))

- No take or possession with holdfast or roots attached



TITLE 13, CHAPTER 60.11, SECTION 4: PERMITTED AND PROHIBITED ACTIVITIES

Gear and Other Restrictions

- No surround net fishing (4(b)(12))
 - Except for taking akule and ta'ape (4(b)(12)) using a gill net with a stretched mesh of 2 $\frac{3}{4}$ inches or greater (4(b)(11))
- No bag net fishing (4(b)(13))
- No possession or use of a throw net with a stretched mesh of less than 3 inches (4(b)(14))
- Max use of 2 fishing poles at one time with 1 line each and no more than 2 hooks per line, 1 point per hook (4(b)(15))
 - Except that double and treble hooks are allowed when using fishing lures (4(b)(15))



TITLE 13, CHAPTER 60.11, SECTION 4: PERMITTED AND PROHIBITED ACTIVITIES

Gear and Other Restrictions (Continued)

- No SCUBA when taking marine life (4(b)(16))
 - Except when permitted by the Department for surround net fishing for akule and fishing for introduced or invasive species (4(c))
- No night diving (4(b)(17))
 - 30 minutes after sunset – 30 minutes before sunrise
- No take or possession of any marine life within the Kukui Bay Sanctuary (4(b)(18))



**OVERVIEW OF PROPOSED RULES:
TITLE 13, CHAPTER 60.11,
HAWAII ADMINISTRATIVE RULES**

**TRANSIT THROUGH THE CBSFA
(SECTION 5)**



TITLE 13, CHAPTER 60.11, SECTION 5: TRANSIT THROUGH THE CBSFA

- Prohibited gear and restricted species as described in section 13-60.11-4 may be possessed while onboard a vessel in active transit through the areas, provided that no prohibited gear is in the water during the transit.
- Boats that are adrift, anchored, or moored are not considered to be in active transit.



**OVERVIEW OF PROPOSED RULES:
TITLE 13, CHAPTER 60.11,
HAWAII ADMINISTRATIVE RULES**

**PENALTIES, ASSET FORFEITURE, &
SEVERABILITY
(SECTIONS 6-8)**



TITLE 13, CHAPTER 60.11, SECTIONS 6-8: PENALTIES, ASSET FORFEITURE AND SEVERABILITY

Section 6: Penalties

- Administrative penalties (HRS §187A-12.5)
- Criminal penalties (HRS §188-70)
- Any other penalty as provided by law

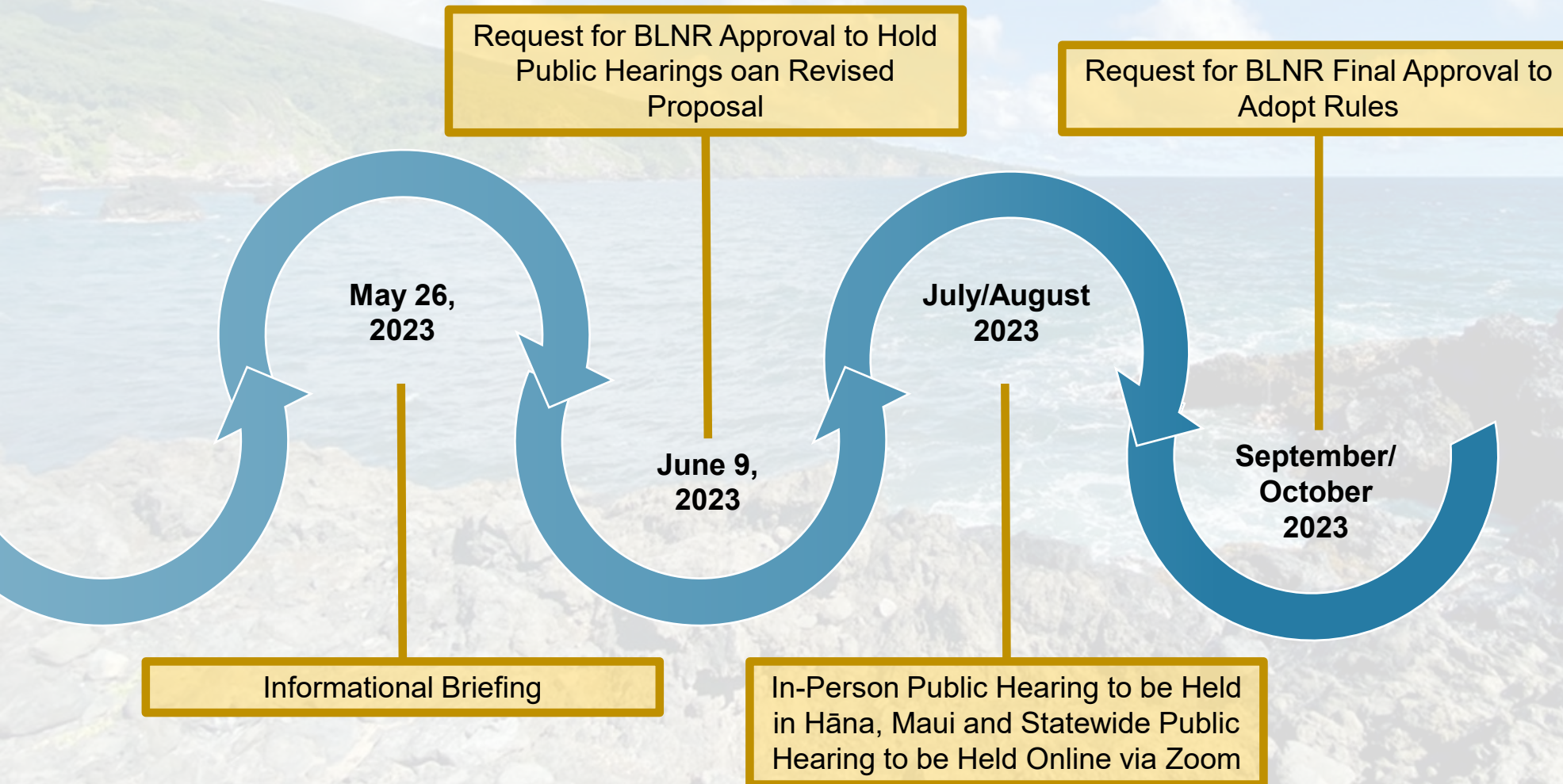
Section 7: Asset Forfeiture

- Any equipment, article, instrument, aircraft, vehicle, vessel, business record, or natural resource used or taken in violation of this chapter, may be seized and subject to forfeiture as provided by section 199-7 and chapter 712A, HRS.

Section 8: Severability



EXTENDED TIMELINE OVERVIEW: CHAPTER 91, HRS, RULEMAKING PROCESS



MAHALO NUI!

DIVISION OF AQUATIC RESOURCES

