State of Hawaii
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Aquatic Resources
Honolulu, Hawaii 96813

August 22, 2008

Board of Land
and Natural Resources
Honolulu, Hawaii

Request for Approval for a Permit Application for Mr. James K. Mawae for Netting Activities within Area 1A only, in Kaunakakai Harbor, Molokai (8/22/08-6/30/09)

Submitted herewith for your consideration and approval is a request for an application to use nets within Area 1A only, of the Kaunakakai Harbor Fisheries Management Area, Molokai (please see the map attached Hawaii Administrative Rule (HAR) Chapter 13-56, Kaunakakai Harbor, Molokai). Pursuant to HAR Section 13-56-3 the applicant proposes to use nets in accordance with rule provisions, to harvest big-eye scad or akule, known to school within the harbor area. This permit was developed to reduce conflicts between user groups, i.e. between net fishers and pole-and-line fishers who frequent the harbor.

Netting operations would only be conducted during the day light hours with prior clearance from the State Department of Transportation's (DOT) authority over Kaunakakai Harbor, and in Area 1A only. The permit is proposed to become effective on the date of approval by the Board, signature by its Chairperson, and approval from the State DOT, and will remain in effect until June 30, 2009.

RECOMMENDATION:

"That the Board approve the permit for Mr. James K. Mawae, for net use within Area 1A only, Kaunakakai Harbor, Molokai (7/11/08 – 6/30/09)."

Respectfully submitted,

DAN POLHEMUS
Administrator

APPROVED FOR SUBMITTAL:

LAURA H. THIELEN
Chairperson

HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 4 FISHERIES

PART II MARINE FISHERIES MANAGEMENT AREAS

CHAPTER 56

KAUNAKAKAI HARBOR, MOLOKAI

§13-56-1 Definitions
§13-56-2 Prohibited activities
§13-56-3 Permitted activities
§13-56-4 Penalty

§13-56-1 Definitions. As used in this chapter, "Kaunakakai Harbor" means the harbor situated at Kaunakakai, Island of Molokai, Hawaii, with portions of the commercial harbor designated "Area 1A" and "Area 1B" separated by a line extending from the Channel Range Lights, and portions of the small craft harbor designated "Area 2", bounded by lines as delineated on the "Map of Kaunakakai Harbor, Molokai 10/27/89" at the end of this chapter, which is made part of this section. [Eff: DEC 08 1990] (Auth: HRS §§187A-5, 188-53) (Imp: HRS §§187A-5, 188-53)

§13-56-2 Prohibited activities. No person shall engage in the following activities within Kaunakakai Harbor:

in "AREA 1A" - Use any type of fishing nets or obstruct passage of vessels, except as provided in section 13-56-3(a), "Area 1A;"

in "AREA 1B" - Use any type of fishing nets except thrownets; and

in "AREA 2" - Use any type of fishing nets, except a hand-held net as provided in section 13-56-3(a), "Area 2," (2). [Eff: DEC 08 1990] (Auth: HRS §§187A-5, 188-53) (Imp: HRS §§187A-5, 188-53)

§13-56-3 Permitted activities. (a) A person may engage in the following activities, subject to applicable laws and rules, within Kaunakakai Harbor:

in "AREA 1A" - (1) Fish with thrownets or poles and lines;
(2) With a bait license issued by the department of land and natural resources, fish with small mesh nets to take any baitfish for which open season is declared, for bait purposes only;

(3) Fish with nets, subject to the following conditions
(A) The person must possess a permit from the board of land and natural resources with terms and conditions necessary; and
(B) The person must have prior clearance from the department of transportation's authority over Kaunakakai Harbor, any time a fishing net or nets are set; and
(C) At night (between sunset and the following sunrise), nets shall not be set (put into the water), nor shall any net be allowed to remain in the water except during active unloading of fish from that net.

in "AREA 1B" - Fish with thrownets or poles and lines;

in "AREA 2" - (1) Fish with poles and lines; and
(2) Use a hand-held net no longer than three feet (0.92 meter) in any dimension to take shrimp or to land fish already hooked.

(b) The department may issue permits to engage in activities otherwise prohibited by law or section 13-56-2 for scientific, propagation, or other purposes as provided by law.

(c) The board may revoke any permit for any infraction of the terms and conditions of the permit; and a person whose permit is revoked shall not be eligible to apply for another permit until the expiration of one year from the date of revocation as provided by law. [Eff: DEC 08 1990] (Auth: HRS §§187A-5, 188-53) (Imp: HRS §§187A-5, 187A-6, 188-45, 188-53)

§13-56-4 Penalty. Any person violating the provisions of this chapter, or the terms and conditions of any permit issued as provided by this chapter, shall be punished as provided by section 188-70, Hawaii Revised Statutes. [Eff: DEC 08 1990] (Auth: HRS §§187A-5, 188-53) (Imp: HRS §§187A-13, 188-70)

§13-56-5 Harbor use priority. Nothing in this chapter shall be interpreted as allowing, within any portion of Kaunakakai Harbor, activities which may be otherwise prohibited by law or by rules of the department of transportation. [Eff: DEC 08 1990] (Auth: HRS §§187A-5, 188-53) (Imp: HRS §§187A-5, 188-53)

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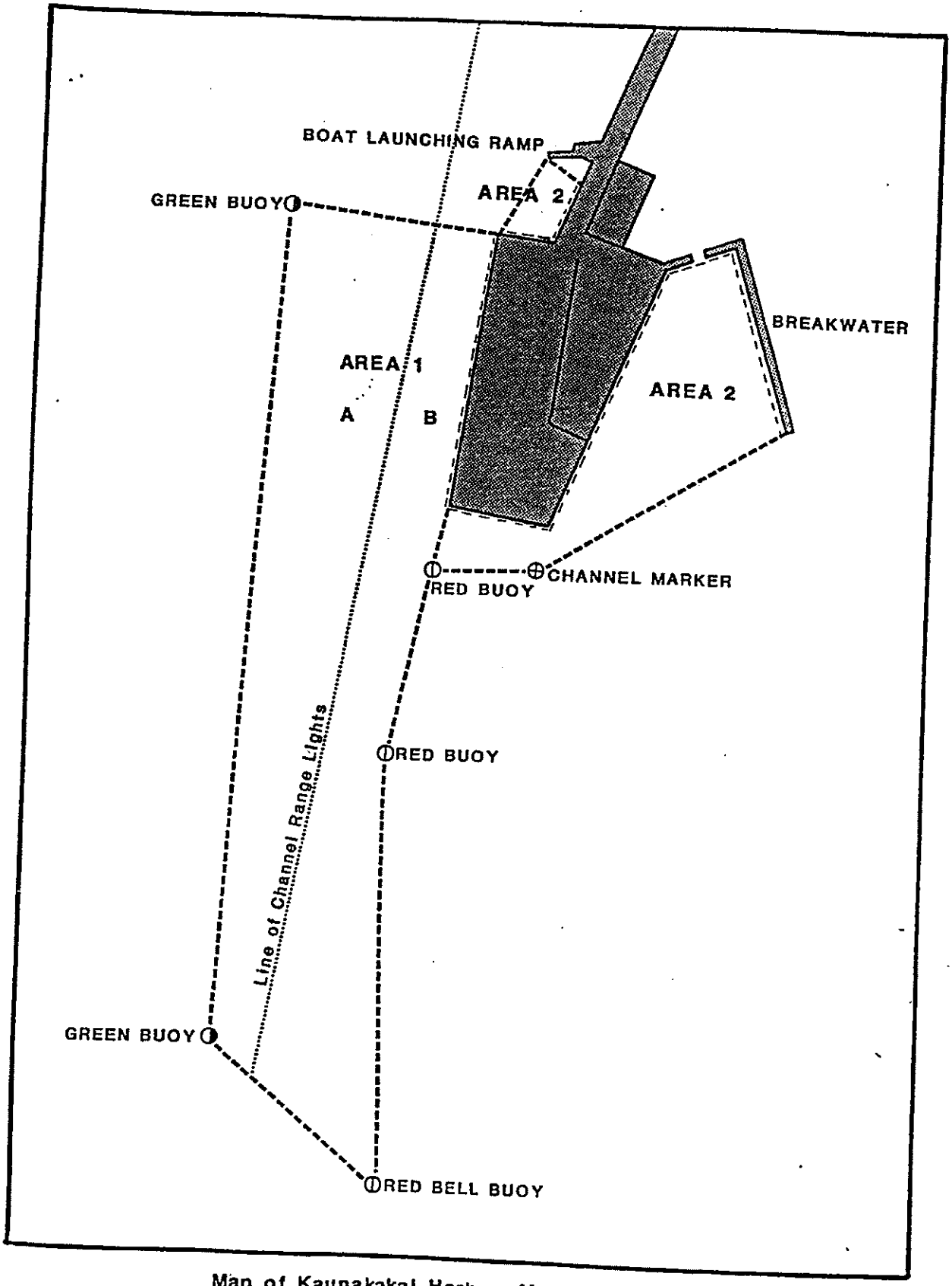

Map of Kaunakakai Harbor, Molokai 10/27/89