

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

June 13, 2013

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

INFORMATIONAL BRIEFING ON PROPOSAL TO ADOPT A NEW CHAPTER
UNDER HAWAII ADMINISTRATIVE RULES (“HAR”) AS TITLE 13 CHAPTER
95.1, ISLAND-BASED FISHERIES RULES, TO ESTABLISH NEW BAG AND SIZE
LIMITS FOR MAUI AND LANA‘I ISLAND FISHERIES

Submitted for your information and review is an overview of the Department of Land and Natural Resources’ (“DLNR”) proposal to adopt Hawaii Administrative Rules (“HAR”) Title 13 Chapter 95.1 to: 1) establish new bag and size limits for Maui and Lana‘i islands and 2) allow DLNR, on an island-by-island basis, to more effectively regulate and protect the State’s marine fisheries resources.

Currently, statewide bag and size limits are not restrictive enough to sustain healthy fisheries. The rules themselves are poorly written and often difficult to enforce. Moreover, broad statewide regulations fail to address many localized resource concerns. The proposed rules seek to remedy these problems.

HISTORY

In January 2009, DLNR’s Division of Aquatic Resources (“DAR”) began holding public meetings statewide regarding the regulation of various species of fish. Meetings began with a discussion on size limits for three main groups of fish – goatfishes, parrotfishes, and jacks. However, meetings from island to island did not follow a standard format. Community participation directed the course and topics of discussion. As a result, each island expressed distinct concerns and regulatory preferences.

Maui DAR staff proactively facilitated community discussion regarding Maui and Lana‘i islands regulations. This process generated a set of proposed rules that has gained broad public support. These rules are based both on public concerns as well as best available scientific information regarding the reproductive life cycles of the regulated species. Division of Conservation and Resource Enforcement (“DOCARE”) officers in Maui also provided input in drafting these rules.

PURPOSE

DAR proposes to adopt a new chapter to provide a regulatory framework for the transition from the statewide regulation of marine fisheries to island-based regulation. The proposed rule would establish new, more protective fisheries regulations for Maui and Lana‘i islands.

Subchapter One contains general provisions applicable to the entire chapter, including definitions, penalties, scope of application, exceptions, severability, and provisions regarding the alteration of fish regulated under the following subchapters.

Subchapter Two establishes rules providing additional protection for those species of special concern on Maui and Lana‘i islands. Based on scientific research and community dialogue, current statewide regulations for these species are inadequate. In addition, current rule conventions regarding daily bag limits leave large loopholes which poachers use to escape liability. For example, under the current rules, enforcement officers must observe an individual actually taking numbers of fish greater than the daily bag limit, within a verifiable period of less than twenty-four hours. To remedy this, provisions in the proposed chapter supplement daily take provisions with corresponding possession-based limits, with definitions intended to enhance enforceability and to set clear lines for compliance.

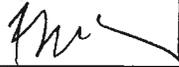
In many cases, commercial fishing pressure has been cited as an area of concern, particularly with regard to high-value species that command good prices at market. At the same time, the value of these species also reflects their potential cultural and culinary importance to the non-fishing community. Provisions have thus been carefully crafted to leave room for sustainable commercial harvest of certain ulua species, but subject to additional size and species restrictions that DAR’s scientists and community members feel will minimize the impact on current fisheries resources.

As DAR develops island-based rules for other islands, additional subchapters will be added through the rulemaking process. In the meantime, those islands’ fisheries will still be regulated under the statewide provisions of HAR chapter 13-95.

As with other area-based regulatory chapters, the proposed rule chapter is expressly intended to work cumulatively with state laws and regulations that do not directly conflict with its provisions. To avoid conflicts with existing permit provisions, these rules provide an exception for activities conducted pursuant to special activity permits that expressly refer to this chapter. The rules also provide an exception to allow for the exercise of traditional and customary native Hawaiian gathering rights and practices.

The proposed rules are attached as **Exhibit A**. A report summarizing the progression and results of the 2009-2010 public scoping process is attached as **Exhibit B**.

Respectfully submitted,


for _____
WILLIAM TAM, Interim Administrator
Division of Aquatic Resources

APPROVED FOR SUBMITTAL



WILLIAM J. AILĀ, JR., Chairperson
Board of Land and Natural Resources

EXHIBIT A

Ramseyer Draft
(Date)

RAMSEYER FORMAT

DEPARTMENT OF LAND AND NATURAL RESOURCES

Adoption of Chapter 13-95.1, Island-Based Fisheries
Rules,
Hawaii Administrative Rules

(Date)

1. Chapter 95.1 of Title 13, Hawaii
Administrative Rules, is adopted to read as follows:

"HAWAII ADMINISTRATIVE RULES

TITLE 13

SUBTITLE 4

FISHERIES

PART V PROTECTED MARINE FISHERIES RESOURCES

CHAPTER 95.1

ISLAND-BASED FISHERIES RULES

Subchapter 1 General Provisions

§13-95.1-1	Definitions
§13-95.1-2	Penalty
§13-95.1-3	Scope
§13-95.1-4	Exceptions
§13-95.1-5	Severability
§13-95.1-6	Alteration of Fish

Subchapter 2 Maui and Lana'i Islands Fisheries

§13-95.1-7	Āholehole
§13-95.1-8	‘Āweoweo
§13-95.1-9	Goatfish
§13-95.1-10	Kole
§13-95.1-11	Manini
§13-95.1-12	Menpachi
§13-95.1-13	Moi
§13-95.1-14	Mū
§13-95.1-15	Pāku‘iku‘i
§13-95.1-16	Uhu
§13-95.1-17	Ulua

SUBCHAPTER 1

GENERAL PROVISIONS

§13-95.1-1 Definitions. As used in this chapter, unless otherwise provided:

"Åholehole" means any fish known as *Kuhlia sandvicensis*, *Kuhlia xenura*, or any recognized synonym. Grown specimens are also known as aholé.

"Åweoweo" means any fish known as bigeye, *Heteropriacanthus cruentatus*, *Priacanthus meeki*, or any recognized synonym.

"Commercial fishing expedition" means a joint venture between commercial marine licensees fishing solely for commercial purposes. All individuals in a fishing party must hold valid commercial marine licenses, and must all be engaged in fishing for commercial purposes, in order for any of the party members to be considered part of a commercial fishing expedition.

"Commercial marine dealer" means any person who sells or offers for sale, purchases or attempts to purchase, exchanges, or acts as an agent in the transfer of, any marine life taken within the jurisdiction of the State for commercial purposes.

"Commercial marine licensee" means a person who has been issued a valid commercial marine license pursuant to section 13-74-20 and section 189-2, HRS.

"Commercial purpose" means the taking of marine life for profit or gain or as a means of livelihood where the marine life is taken in or outside of the State, or where marine life is sold, offered for sale, or transported for sale anywhere in the State.

"Department" means the department of land and natural resources.

"Fork length" means the straight-line measurement from the tip of the snout to the middle of the trailing edge of the tail.

"Goatfish" means any fish in the family Mullidae, or any recognized synonym.

"Kole means any fish known as goldring surgeonfish, *Ctenochaetus strigosus*, or any recognized synonym.

"Kūmū" means any fish known as whitesaddle goatfish, *Parupeneus porhyreus*, or any recognized synonym.

"Manini" means any fish known as convict tang, *Acanthurus triostegus sandvicensis*, or any recognized synonym.

"Menpachi" means any fish in the genus *Myripristis*. Menpachi are also known as ū'ū or soldierfish.

"Moano kea" means any fish known as blue goatfish, *Parupeneus cyclostomus*, or any recognized synonym. This fish may also be known as moano kali or moano ukali ulua.

"Moi" means any fish known as threadfin, *Polydactylus sexfilis*, or any recognized synonym. The young of this fish are also known as moi li'i.

"Mū" means any fish known as bigeye emperor, *Monotaxis grandoculis*, or any recognized synonym.

"Munu" means any fish known as doublebar goatfish, *Parupeneus insularis*, or any recognized synonym.

"Oama" means any weke'ā, *Mulloidichthys flavolineatus*, which is less than five inches in fork length.

"Ōmilu" means any fish known as bluefin trevally, *Caranx melampygus*, or any recognized synonym.

"Pāku'iku'i" means any fish known as Achilles tang, *Acanthurus achilles*, or any recognized synonym.

"Pālukaluka" means any fish known as redlip parrotfish, *Scarus rubroviolaceus*, or any recognized synonym. The terminal phase of these fish are also known as "uhu 'ele'ele."

"Papa" means any fish known as island jack or yellowspot, *Carangoides orthogrammus*, or any recognized synonym.

"Possess" means to procure, receive, hold, or control for a sufficient period to have had the opportunity to release or relinquish control.

"Take" means to fish for, capture, confine, or harvest, or to attempt to fish for, catch, capture, confine, or harvest, aquatic life. The use of any

gear, equipment, tool, or any means to fish for, catch, capture, confine, or harvest, or to attempt to fish for, catch, capture, confine, or harvest, aquatic life where aquatic life can be fished for, caught, captured, confined, or harvested, shall be construed as taking. This term shall not apply to the temporary capture or confinement of any specimen which is returned to the water as soon as possible after landing.

"Uhu" means any fish belonging to the family Scaridae or any recognized synonyms.

"Uhu 'ahu'ula" means any fish known as spectacled parrotfish, *Chlorurus perspicillatus*, or any recognized synonyms. The terminal phase of these fish is also known as "uhu 'uli'uli."

"Uhu 'ele'ele" is any redlip parrotfish, *Scarus rubroviolaceus*, which has reached its terminal phase, indicated by a change in coloration from brownish-red and yellowish-grey, to green and blue. A predominantly green or blue-green body color and a green beak on a specimen of *Scarus rubroviolaceus* is prima facie evidence that the specimen is an uhu 'ele'ele.

"Uhu 'uli'uli" is any spectacled parrotfish, *Chlorurus perspicillatus*, which has reached its terminal phase, indicated by a change in coloration from a grayish brown body with a broad white band at the base of the tail, to a blue green body with a dark band across the top of the snout. A predominantly blue-green body color and the lack of a white tail band on a specimen of *Chlorurus perspicillatus* is prima facie evidence that the specimen is an uhu 'uli'uli.

"Ulua" means any fish known as threadfin or kagami, *Alectis ciliaris*; whitefin trevally, *Carangoides equula*; barred jack, *Carangoides ferdau*; island jack or papa, *Carangoides orthogrammus*; white ulua or ulua aukea, *Caranx ignobilis*; black trevally or ulua iā'uli, *Caranx lugubris*; bluefin trevally or 'ōmilu, *Caranx melampygus*; bigeye trevally or menpachi

ulua, *Caranx sexfasciatus*; or any recognized synonym. The young of these fish are also known as papio.

"Weke'ā" means any fish known as white goatfish, *Mulloidichthys flavolineatus*, or any recognized synonym. The young of these fish are also known as 'oama.

"Weke nono" means any fish known as *Mulloidichthys pflugeri*, or any recognized synonym. [Eff:] (Auth: HRS §§187A-5, 189-2, 189-6) (Imp: HRS §§187A-1, 187A-5, 188-53, 189-2, 189-6)

§13-95.1-2 Penalty. Any person who violates any provision of this chapter, or the terms and conditions of any permit as provided for in this chapter, shall be punished as provided by law. [Eff:] (Auth: HRS §§187A-5, 187A-12.5, 187A-13, 188-53, 188-70) (Imp: HRS §§187A-5, 187A-12.5, 187A-13, 188-53, 188-70)

§13-95.1-3 Scope. (a) Unless expressly provided otherwise, the scope of jurisdiction for each of the following subchapters of chapter 13-95.1 shall be as follows:

- (1) Subchapter 2 (sections 13-95.1-7 through 13-95.1-17) shall apply to:
 - (A) Aquatic life taken from the waters of Maui and Lana'i islands;
 - (B) Aquatic life possessed in or on the lands or waters of Maui and Lana'i islands; and
 - (C) Persons taking or possessing aquatic life from, in, or on the lands or waters of Maui and Lana'i islands subject to state jurisdiction or control.

For purposes of subchapter 2, "waters of Maui and Lana'i islands" shall mean all ocean waters within three nautical miles from the

highest wash of the waves on the shores of Maui and Lana'i, respectively, excluding all waters within two nautical miles from the shores of Kaho'olawe island, as shown on the "Map of Maui and Lana'i Islands Fisheries (5/7/2013)" attached below.

(b) Nothing in this chapter shall be construed to restrict the State's claims to jurisdiction and authority over its marine waters.

(c) The take and possession provisions of this chapter supersede any conflicting take or possession provisions in chapter 13-95, Hawaii Administrative Rules. [Eff:] (Auth: HRS §§187A-1.5, 187A-5, 188-22.5, 188-53) (Imp: HRS §§187A-1.5, 188-22.5, 187A-5, 188-53)

§13-95.1-4 Exceptions. (a) This chapter shall not apply to department officials, agents, and contractors engaged in their duly authorized departmental duties, or to conduct permitted under a department-issued special activity permit that expressly refers to this chapter.

(b) Nothing in this chapter shall prohibit the exercise of traditional and customary native Hawaiian rights or practices for subsistence, cultural, and religious purposes.

(c) For the purposes of this chapter, any commercial marine dealer may possess more than the allowed number of aquatic specimens, only if such specimens were purchased from other individual(s) with:

(1) A valid Commercial Marine License; or

(2) A valid Special Marine Products License;

and has receipts issued for each purchase pursuant to Hawaii Revised Statutes section 189-11. Receipts must include the first and last name and license number of the person to whom the receipt is issued. [Eff:

] (Auth: HRS §§187A-5, 187A-6, 189-2, 189-6, 189-11) (Imp: HRS §§187A-5, 187A-6, 188-53, 189-2, 189-6, 189-11)

§13-95.1-5 Severability. If any provision of this chapter, or the application thereof, to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable. [Eff:] (Auth: HRS §§187A-5, 188-53) (Imp: HRS §§187A-5, 188-53)

§13-95.1-6 Alteration of fish. While on, in, or upon lands adjacent to, the waters of an island whose fisheries are regulated under any subchapter of this chapter, no person may possess any fish or fish part of any species regulated under that island's subchapter, which has been altered such that the fork length of the whole fish cannot be determined. [Eff:] (Auth: HRS §§187A-5, 188-53) (Imp: HRS §§187A-5, 188-53)

SUBCHAPTER 2

MAUI AND LANAI ISLANDS FISHERIES

§13-95.1-7 Āholehole. (a) Any other department size restriction notwithstanding, subject to subsection (b), any person may take āholehole of any size.

(b) No person may take more than twenty āholehole per day, or possess more than twenty āholehole at any time. [Eff:] (Auth: HRS §§187A-5, 188-53) (Imp: HRS §§187A-5, 188-53)

§13-95.1-8 ‘Āweoweo. No person may take more than five ‘āweoweo per day, or possess more than five ‘āweoweo at any time. [Eff:] (Auth: HRS §§187A-5, 188-53) (Imp: HRS §§187A-5, 188-53)

§13-95.1-9 Goatfish. (a) No person may take or possess any kūmū, moano kea, or weke nono less than twelve inches in fork length.

(b) Except as provided in subsection (e), no person may take or possess any other goatfish less than eight inches in fork length.

(c) No person may take more than one kūmū per day, or possess more than one kūmū at any time.

(d) No person may take more than two each of moano kea, or munu per day, or possess more than two each of moano kea, or munu at any time.

(e) Subsection (b) notwithstanding, any person may take up to fifty 'oama per day, or possess up to fifty 'oama at any time, provided that no 'oama may be taken by any means other than pole-and-line fishing. No person may sell any 'oama at any time. [Eff:] (Auth: HRS §§187A-5, 188-53) (Imp: HRS §§187A-5, 188-53)

§13-95.1-10 Kole. No person may take more than twenty kole per day, or possess more than twenty kole at any time. [Eff:] (Auth: HRS §§187A-5, 188-53) (Imp: HRS §§187A-5, 188-53)

§13-95.1-11 Manini. (a) No person may take or possess any manini less than five inches in fork length.

(b) No person may take more than twenty manini per day, or possess more than twenty manini at any time. [Eff:] (Auth: HRS §§187A-5, 188-53) (Imp: HRS §§187A-5, 188-53)

§13-95.1-12 Menpachi. No person may take more than twenty menpachi per day, or possess more than twenty menpachi at any time. [Eff:] (Auth: HRS §§187A-5, 188-53) (Imp: HRS §§187A-5, 188-53)

§13-95.1-13 Moi. (a) No person may take or possess any moi less than twelve inches in fork length.

(b) No person may take more than five moi per day, or possess more than five moi at any time.

(c) No person may take, possess, or sell any moi during June, July, and August. [Eff:]
(Auth: HRS §§187A-5, 188-53) (Imp: HRS §§187A-5, 188-53)

§13-95.1-14 Mū. (a) No person may take or possess any mū less than fourteen inches in fork length.

(b) No person may take more than two mū per day, or possess more than two mū at any time. [Eff:

] (Auth: HRS §§187A-5, 188-53) (Imp: HRS §§187A-5, 188-53)

§13-95.1-15 Pāku'iku'i. No person may take more than five pāku'iku'i per day, or possess more than five pāku'iku'i at any time. [Eff:] (Auth: HRS §§187A-5, 188-53) (Imp: HRS §§187A-5, 188-53)

§13-95.1-16 Uhu. (a) No person may take or possess any uhu 'ele'ele or uhu 'uli'uli at any time.

(b) No person may take or possess any pālupaluka or any uhu 'ahu'ula less than fourteen inches in fork length.

(c) Any other department size restriction notwithstanding, subject to subsections (a) and (b), any person may take any other uhu greater than ten inches in fork length.

(d) No person may take more than two uhu of any variety per day, or possess more than two uhu of any variety at any time. [Eff:

] (Auth: HRS §§187A-5, 188-53) (Imp:
HRS §§187A-5, 188-53)

§13-95.1-17 Ulua; 'Ōmilu; Papa.

(a) Recreational bag and size limits. Except as provided in subsection (b) of this section, no person may:

- (1) Take or possess any ulua less than ten inches in fork length.
- (2) Take more than five ulua of any variety per day, or possess more than five ulua of any variety at any time.
- (3) Take more than two ulua of any variety greater than twenty-four inches in fork length per day, or possess more than two ulua of any variety greater than twenty-four inches in fork length at any time.
- (4) Take or possess any 'ōmilu greater than twenty-four inches in fork length.

(b) Commercial bag and size limits. A commercial marine licensee fishing solely for commercial purposes either alone, or as part of a commercial fishing expedition, may:

- (1) Take, possess, and sell any number of papa between sixteen inches and twenty-four inches in fork length.
- (2) Take up to five ulua of any variety, other than papa and 'ōmilu, between sixteen inches and thirty-two inches in fork length, per day, or possess up to five ulua of any variety, other than papa and 'ōmilu, between sixteen inches and thirty-two inches in fork length, at any time.

No ulua greater than thirty-two inches in fork length, no papa greater than twenty-four inches in fork length, and no 'ōmilu of any size may be taken or possessed while fishing for commercial purposes.

(c) No person shall sell or attempt to sell any ulua less than sixteen inches or greater than thirty-two inches in fork length, or any papa less than

sixteen inches or greater than twenty-four inches in
fork length, or any 'ōmilu of any size." [Eff:
] (Auth: HRS §§187A-5, 188-53) (Imp:
HRS §§187A-5, 188-53)

2. The adoption of chapter 95.1, Hawaii
Administrative Rules, shall take effect ten days after
filing with the Office of the Lieutenant Governor.

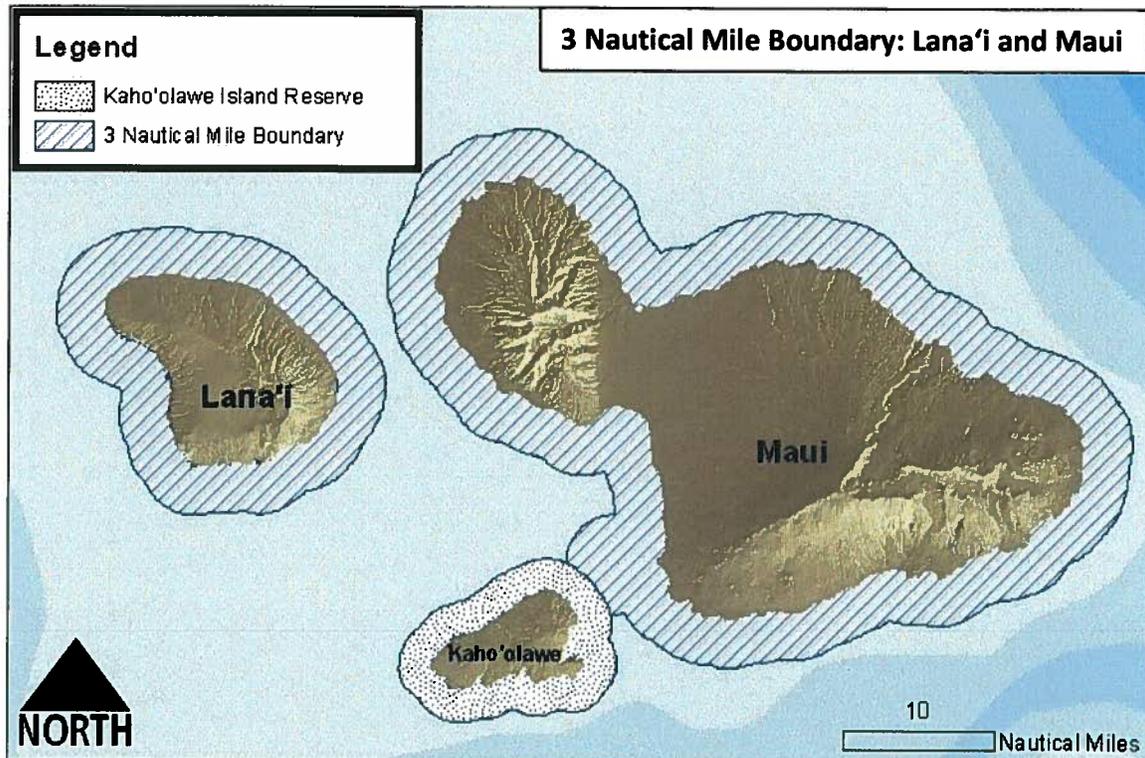
I certify that the foregoing are copies of the
rules, drafted in the Ramseyer format, pursuant to the
requirements of section 91-4.1, Hawaii Revised
Statutes, which were adopted on _____, and filed
with the Office of the Lieutenant Governor.

William J. Aila, Jr., Chairperson
Board of Land and Natural Resources

APPROVED AS TO FORM:

Deputy Attorney General

Map of Maui and Lana'i Islands Fisheries (5/7/13)



Shapefiles: State of Hawaii Office of Planning Map: Division of Aquatic Resources

NOTE: The Maui and Lana'i Islands Fisheries rules do NOT apply to waters within two nautical miles of Kaho'olawe island (which are governed by the Kaho'olawe Island Reserve Commission's separate authority, Hawaii Administrative Rules chapter 261).

Exhibit B

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF AQUATIC RESOURCES
1151 PUNCHBOWL STREET, ROOM 330
HONOLULU, HAWAII 96813

June 13, 2013

Maui and Lana‘i Islands Regulated Species Rules: Report on 2009-2010 Public Scoping Process

First Round of Meetings:

The Department of Land and Natural Resources' ("DLNR") Division of Aquatic Resources ("DAR") held a general Maui island public meeting in January 2009. This meeting was followed by various smaller Maui meetings and interviews that occurred from January 2009 through May 2009. A public meeting was also held on Lana‘i in March 2009. The primary goals of these meetings were to: 1) present DAR's concerns regarding depleted fish species, 2) discuss updated management for three families of fish (parrotfish, goatfish, and jacks), and 3) determine what species and/or groups of fish, as well as what types of specific regulations, the public would support.

Public participation and comments from these meetings suggested a general agreement with DAR's concerns regarding many popular species of nearshore fish. Most people supported the use of minimum size regulations, but felt that size limits alone would not effectively protect Maui and Lana‘i's nearshore resources. Instead, the public tended to support the use of bag limits, season closures, and various forms of gear restrictions (SCUBA spear bans, increased net restrictions, etc).

DAR staff reviewed the results of these meetings and developed a specific set of proposed regulated species updates for Maui and Lana‘i (see attached "Public Questionnaire on Update to Maui / Lana‘i Fishing Rules"). These proposed regulations were then taken back to the public and an extensive scoping process was conducted with the public at meetings held around Maui in May and June 2009, and on Lana‘i on September 10, 2009. In addition to the public meetings and discussions, Maui DAR staff also distributed the attached questionnaire to interested fishers and other ocean users. This report details the results of this scoping process and proposes amended bag and size limits for certain species on Maui and Lana‘i islands.

Second Round of Meetings:

DAR held general public meetings at Maui Waena School Cafeteria on June 18, 2009 with approximately 30 people in attendance, and at the Lana‘i public library on September 10, 2009 with 14 Lana‘i residents in attendance. Additional meetings, outreach events, and discussions were held around Maui and included the following: a small meeting with nearshore commercial fishers on May 27, 2009 (10 fishers in

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ESTHER KIA‘AINA
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

attendance); a small community meeting with kupuna and other interested subsistence fishers in Hana on May 29, 2009 (10 Hana residents); a display table at a Maui invasive species spearfishing tournament on May 31, 2009 (60 people in attendance); a discussion at the Maui Nui Marine Resource Council meeting on June 11, 2009 (22 people in attendance); a parent child father's day spearfishing tournament on June 21, 2009 (300 people in attendance); and a small meeting with interested Hawaiian kupuna from west Maui on June 25, 2009 (6 kupuna in attendance). Additional efforts were made to distribute and gather comments on the regulated species proposals through the distribution of the attached Maui / Lana'i questionnaire in fishing supply stores, at public outreach events and through email distribution lists.

Over 450 people participated in reviewing the proposed regulated species rules. Additionally, DAR collected 128 completed questionnaires that provided comments from people who attended specific events or who were not at the events or meetings, but were able to pick up a questionnaire. Results from these meetings and the returned questionnaires are detailed below. The overall questionnaire results can be found within the attached "Public Questionnaire on Update to Maui / Lana'i Fishing Rules".

Maui Public Meeting, June 18, 2009:

Approximately 30 members of the public attended this meeting and participated in two facilitated group discussions. The comments received from the meeting supported the bag and size limit proposals, but there was some concern about the rules becoming more complicated. Some suggestions centered on keeping the regulation at the level of functional fish groups rather than requiring fishers to identify fish to the species level. A small group of fishers felt that the proposed rules could eliminate commercial fishing and there should therefore be a larger bag limit for commercial fishers. These same people felt that trophy recreational fishers do more harm than commercial fishers do. Most people, however, were strongly opposed to special rules for commercial fishers and felt everyone should be treated the same. Some additional species were suggested for regulations ('o'io, mullet, nohu, etc). Many of the comments from this meeting also suggested that certain gear be restricted or eliminated. Banning SCUBA spearfishing, and restricting spearfishing in general seemed to be standard suggestions. The complete listing of comments can be found in the attached "Maui Regulated Species Update-Public Meeting Results 6/18/09".

Lana'i Public Meeting, September 10, 2009:

Fourteen Lana'i residents attended this public meeting. There seemed to be broad support for most of the proposed regulations, but there was some concern about what the impact would be on commercial fishers. This was a particular concern with the menpachi and 'āweoweo rules. In general, however, most Lana'i fishers were very concerned about their resources being over-harvested by Maui and Oahu fishers and they were willing to sacrifice to help protect their subsistence fishing. They felt that proposed bag limits were reasonable for home consumption and they seemed to support this approach. They were primarily concerned with the lack of enforcement on Lana'i, and they would like to see improved gear restrictions on things such as SCUBA spearfishing, etc. The complete

listing of comments can be found in the attached “Lana‘i Public Fishing Regulation Meeting, September 10, 2009”.

Maui Nearshore Commercial Fishers, May 27, 2009:

Ten near-shore commercial fishers attended a small meeting at the DAR, Maui conference room. They were mostly against bag limits and would rather see the use of seasons and minimum size regulations. In particular they were concerned that if Maui created strict bag limits and other islands did not, that the dealers would simply import fish from the other islands into Maui. This would drive the price down. However, if importing fish into Maui was not allowed, bag limits would drive the value of fish up, and they may still be able to make a living commercially fishing even with very strict bag limits. They also suggested that commercial fishers could fish within slot limits for uhu and jacks as long as they could continue to fish for them and were either exempted from the bag limits and/or had much larger bag limits for commercial fishers. Some specific suggestions include uhu bag limits of 10 with slot limits for take of uhu between 4 and 8 lbs. For jacks they pointed out that the market only takes fish less than 30lbs so a slot limit that allowed fish to be taken and sold between 16” to 30lbs (~32” FL) would work for the white ulua. They don’t target white ulua but when they catch them, they can make good money because they are big fish. When possible, they can catch a fair amount of yellowspot (papa) jacks and they do get a good price for them, so they would like to continue catching papa without bag limits and could fish within a slot if necessary.

Hana Subsistence Fishers Meeting, May 29, 2009:

Approximately 10 kupuna fishers from Hana met with Maui DAR staff at the Akule Hale on the hill overlooking Hana Bay. These fishers were very concerned about their nearshore fish resources and although they felt some of the Hana fish stocks were in ok shape, they did not want Hana exempted from the rest of Maui. They were very concerned about fishers from other parts of Maui and/or other islands coming to Hana to fish and they supported very strict bag limits as a way to help control the effect of this outside fishing pressure. Although the fishers who attended the meeting were likely not representative of the entire Hana community, numerous questionnaires were left in Hana and the questionnaires that were returned to us were almost entirely supportive of the regulations that were proposed.

Maui Invasive Species Spearfishing Tournament, May 31, 2009:

Approximately 60 recreational spearfishers attended this invasive species tournament. Many of these fishers spent time discussing the proposed regulations with Maui DAR staff, and several questionnaires were completed. These fishers supported most of the proposed rules, but there was some concern with the proposed ‘ōmilu slot limits. Spearfishers in general feel that any maximum size is very difficult for them to comply with as they try to spear the biggest fish they can legally catch, but can’t accurately measure the fish until after they have captured it. Speared fish cannot be effectively released unharmed. They did, however, prefer to be able to spear fish within a slot than to not be allowed to spear them at all.

Maui Nui Marine Resource Council Meeting, June 11, 2009:

A total of 22 people were present at the June Maui Nui Marine Resource Council (MNMRC) meeting. Along with topics on marine aquarium collection and coastal water quality, the council did discuss the proposed regulated species updates. They unanimously passed the following motion: "In light of public input over the past 2 years, the MNMRC supports the increase regulation of reef fish by bag, size and possession limits. We also strongly support the limits being the same for commercial and recreational fishermen alike."

Father's Day Spearfishing Tournament, June 21, 2009:

Approximately 300 people attended the Father's Day parent/child spearfish tournament. This included 100 parent child teams along with their entire families. Since most of the tournament participants were family oriented recreational fishers, their comments were very similar to those already discussed for the invasive species spearfish tournament.

West Maui Hawaiian Kupuna Meeting, June 25, 2009:

Six kupuna from west Maui attended this small talk story meeting at the Kaunoa West Maui Senior Center. They all agreed that better management was needed to protect nearshore fish species. They tended to support our suggested changes but did express some concern that these rules would impact some native Hawaiian gathering rights and that the state needs to do more to reduce pollution and to return normal water flow to the streams. They are willing to sacrifice some with what they take from the ocean, but they want the state to also deal with the bigger issues of pollution, coastal overdevelopment and general overuse of the nearshore waters. They did not provide any specific input regarding the proposals and no completed questionnaires were ever received from this group.

Maui / Lana'i Suggested Regulated Species Plan

The Maui / Lana'i regulated species plan was developed by Maui DAR staff after reviewing all the public comments from the various meetings and events detailed above. In all cases the listed daily bag limit would be considered a possession limit and apply to possession near the water, in public places or in transit between locations. In addition, all fish would have to be whole and recognizable, at all times while on or near the water, in public places or in transit between locations.

Parrotfish

1. 2 uhu possession bag limit/possession
2. 14" minimum size for (*S. rubroviolaceus* and *C. perspicillatus*)
3. 10" minimum size for all other uhu species
4. ¹ No take of large species blue male uhu (*S. rubroviolaceus* and *C. perspicillatus*)
5. ² No restrictions of the take of blue males for small uhu species.

¹ It is unlikely that a 2 fish bag limit alone will allow large parrotfish species to return to the shallow water coral reef environments where they play a critical role in helping support healthy reef ecosystems. A no-take rule protecting all male large parrotfish species will help ensure that these large fish can remain unharmed on shallow reefs, but will continue to allow for some take of females. The reefs should support a set amount of male parrotfish territories, and this would prevent all the parrotfish from turning into males. A rule like this should help maintain a viable reproductive population and maintain some level of parrotfish social and behavioral structure. However, ongoing assessment of this type of rule will be necessary to make sure adequate female parrotfish are present for effective reproduction to occur.

² In water visual assessments of the small uhu species do not show the same urgent level of over-fishing danger that is present with the two larger uhu species. Having the no take on blue male uhu rule apply only to the large species makes it easier to understand and enforce. Only the BIG blue male uhu are off limits. These larger fish are usually well in excess of 14" in size and therefore easily distinguishable from the numerous smaller uhu species.

Goatfish

1. Create and/or change all small sized goatfish to 8" minimum size.
2. Increase and/or create a 12" minimum size for kūmū (*P. porphyreus*), moano kali (*P. cyclostomus*), and weke nono (*M. pfluegeri*)
3. Bag limits of 2 fish (possession) for kūmū, moano kali, and munu
4. 'Oama defined as white weke (*M. flavolineatus*) 5" or smaller, with bag/possession limit at 50 fish and capture with pole and line only.
5. 5-year no-take moratorium on kūmū (*P. porphyreus*) with a 2 fish/person bag/possession limit once the moratorium is lifted.

Jacks

1. Add kagami (*A. ciliaris*) into the regulations.
2. Keep minimum size limit for non-commercial take at 10”.
3. Create a non-commercial bag limit of 5 jacks with no more than 2 (>24”).
4. ¹ Special Marine Sportsfish designation for ōmilu (*C. melampygyus*)
 - no commercial sale of ‘ōmilu.
 - slot limit 10” – 24” (no take of any ‘ōmilu >24” in size (~8 - 10 lbs))
5. ² Create a slot limit for commercial harvest of 16” – 32” (~30lbs)
6. ³ Create a slot limit for papa (*C. orthogrammus*) 16” – 24” (~10 lbs)
7. ⁴ No commercial bag limit for papa, and total bag/possession limit of 5 per commercial fisher for other commercially harvest regulated jacks including white ulua. Commercial trips will be exempted from the 2 jacks (>24”) recreational bag/possession limit. (Defined as trips with all fishers commercially licensed)

¹ Most commercial fishers are fine with no commercial take of ‘ōmilu. ‘Ōmilu makes up the majority of the nearshore papio sports fishery. ‘Ōmilu are also more associated with nearshore reef habitat and are therefore more vulnerable to having their adult reproductive stock over-fished. If we continue to allow the take of undersize papio, we need to establish special measures to protect the adult reproductive stock. Although recreational spearfishers do not support maximum size regulations, they would rather have these rules than the alternative of no ‘ōmilu take with spears.

² Data on increasing commercial take of ulua is not clear, with some recent studies suggesting that the white ulua stocks inhabit deeper water and are relatively healthy. Commercial fishers may catch and sell some white ulua, but there is little to no market for fish greater than 30 lbs in size, and therefore, commercial fishers would not be damaging the large reproductively important component of the ulua stocks. This natural selectivity in the commercial fishery can be reinforced with a slot limit as proposed.

³ The “yellow-spot / papa” (*C. orthogrammus*) jacks travel in large schools offshore, and fishers can catch a fair amount when the schooling fish are present. They are not, however, able to wipe out the school because they continue to move around and this schooling behavior is only present during certain times of the year. According to Maui commercial fishers, the yellow-spot / papa is probably the most important commercially caught jack and they would like to continue catching these fish. These jacks can be caught within a slot size of 16” – 24”. This seems like a good way to protect these jacks from over-harvest and allow for this small commercial fishery to continue.

⁴ Commercial trips exempted from the non-commercial bag limit must have all fishers commercially licensed; they can have no more than 5 regulated jacks (16” – 32”) per fisher with no limit of papa / yellow-spot jacks (16” – 24”).

Other Species

1. Remove the current minimum size for āholehole (*Kuhlia spp.*).
2. Create a bag/possession limit of 20 for āholehole (*Kuhlia spp.*).
3. Create a bag limit/possession limit of 5 for ‘āweoweo (*Priacanthus spp.*)
4. Create a bag limit/possession limit of 20 for kole (*C. Strigosus*)
5. Increase the minimum size limit to 6” FL for manini (*A. triostegus*)
6. Create a bag limit/possession limit of 20 for manini (*A. triostegus*)
7. Create a bag limit/possession limit of 20 for menpachi (*Myripristis spp.*)
8. Increase the minimum size limit to 12” for moi (*P. sexfilis*)
9. Create a bag limit/possession limit of 5 for moi (*P. sexfilis*)
10. Create a minimum size limit of 14” for mū (*M. grandoculis*)
11. Create a bag limit/possession limit of 2 for mū (*M. grandoculis*)
12. Create a bag limit/possession limit of 10 for paku‘iku‘i (*A. Achilles*)

Other Related Issues

1. Find a way to allow for expedited rule amendments for all regulated species. This would allow for better “adaptive” management based on assessments of fishery dependant and independent parameters as well as overall ecosystem factors. Changes to existing rules can be made with land board approval only.
2. Ban SCUBA spearfishing. (Conduct formal rule making process simultaneously with regulated species updates)
3. Prioritize work on better net fishing rules: improved definitions for surround and lobster net fishing; some management of surround net fishing (length, height, time of day, etc); requirements for registration of all nets (except: hand, landing, crab, opae, and throw nets); Lana‘i fishers seem to want a ban on lay-net fishing on Lana‘i and this could be examined in more detail with future public net regulation scoping meetings.

Maui Regulated Species Update –Public Meeting Results 6/18/09

Group 1:

Ulua:

- Lumping all species together is unrealistic, should be species specific
- Do something about recreational take of trophy fish (large fish are important)
- ‘Ōmilu and white ulua need to be treated differently than other jacks
- Recreational take has to have limits for white ulua
- Sliding scale: <24” (5 fish), 25” – 50lbs (2 fish), >50lbs (1 fish)
- Slot limits will result in waste (disagree with ‘ōmilu slot limit)
- Bag limit is too limiting for recreational fishers

Commercial Ulua comments

- Commercial slot limits are feasible (16”)(3-5lbs) – 30lbs for white ulua / no sale of ‘ōmilu)
- 20 fish bag limit too low (commercial?)
- Yellowspot papio school and can be harvested in larger numbers-(commercially?)
- ‘Ōmilu and white ulua need to be treated differently than other jacks
- Separate limits for recreational and commercial catch

Uhu

- People will not be able to ID the different species
- Sex rules (modified slot limits) don’t make sense. Simple bag limits will be better
- Should consider a weight limit that coincides with reproductive productivity
- Length is easier to gauge in the water
- 12” is a measure that is easier to gauge in the water
- One set size for all Uhu species would be better
- Support limit of two uhu

Goatfish:

Kūmū

- Increasing kūmū minimum size is not good –make bag limit of one instead. Increasing min. size puts effort onto large reproducers.
- No moratorium—use marine managed areas instead

‘Oama

- Reduce ‘oama bag limit to 20 instead—50 too high
- No take at night –support pole and line only

Other Species

- Āholehole: put minimum size of 5” back. Bag limit not good, use seasonal regulations instead.—throw net fishers don’t like the bag limit of 20 (too little)
- ‘Āweoweo: not need bag limit of 5
- Menpachi: recreational bag limit of 20 ok
- Commercial ‘āweoweo and menpachi fishers should have no bag limit, but must use hook and line fishing gear only (No net fishing)

- Kole: raise limit to 30 / Others agree with limit of 20
- Kole: no commercial sale
- Manini: bag limit of 20 is ok, but keep minimum size at 5”
- Moi: support the bag limit of 5, with no commercial sale allowed
- Mu: agree with proposed rules, but the bag limit is good (no need minimum size). Other ideas include a bag of 2, but a minimum size of 12”
- Paku’iku’i: not a Maui issue, more of a Big Island issue, but some folks support the bag limit of 10 but also suggest a minimum size limit the same as manini
- Mullet: Maui has very little, we need a bag limit of 2 and no commercial sale
- ‘O’io: 12” minimum size, bag limit of 2
- Nohu: bag limit of 1
- Kala: need bag limit of 10 –size limit is ok as it currently is

Other Suggestions:

- No night harvesting—suspend night diving.
- More enforcement
- No sale of speared fish
- Stop transport of fish between islands
- Revocation of CMLs for repeat offenders
- More info about fish breeding seasons necessary
- Need better recreational impact data for jacks
- Lines, leaders, weights from ulua fishing impacts habitat
- DLNR has no authority to enforce these rules under HRS 101-1 Hawaiian Common Law.
- Increase commercial license fee to 500 dollars or more (note: comment from a commercial fisher)
- Stick to ahupua’a system
- Seasonal closures for season spawners
- Recreational fishers should be required to get permits and file reports just as commercial fishers are
- Regulate at point of sale—market reports / more enforcement at markets
- Filipino markets are driving the demand
- Need better management of non-commercial fishers
- Commercial diving on shoreline areas has to stop
- No paddling out lines
- Ban SCUBA spear fishing & SNUBA too.
- Why are CML fishers on boats not registering their boats as CF—this is major oversight on the states part
- Need opihi bag limit (1 gal/person with shells)
- Better define recreational and commercial fishers
- State cannot make bag limits under Hawaii Common Law
- Bag limits are un-fair to throw net fishers who can easily go over the limit with one throw.—easy with pole and spear fishing, but these rules are not fair to throw net fishers

- Register stores and the catches that they are selling, need to better enforce the existing law.
- A recreational fisher won't mind reporting their catch, but don't want to have to carry a permit with them
- Protect all fish during their reproductive period –season restrictions

Group 2:

Comments on proposed rules:

- Kūmū rules 12" minimum size is good
- Some felt mūnu size should be around 6", but most agreed with suggested size of 8".
- Some felt bag limits be per week, and only apply to divers. Not pole and line fishers.
- 'Oama bag and pole and line only rules are good.
- Everyone seemed to like the 5-year no-take moratorium on kūmū.
- Agree with the uhu size limits as proposed
- One person thought the uhu bag should be 10 per person, some felt 2 per person was good, but it was suggested that it should be 2 per diver.
- No take blue uhu rules were not really liked, but some were willing to support them. It was suggested that the no-take blue uhu rules could also be on a set-moratorium time limit. Was also suggested that all species of parrotfish should be included in the blue uhu rules.
- For ulua/papio the group felt kagami should be protected at a minimum size of 30", and they were concerned that released fish may die anyway.
- Felt white ulua should be separately managed from the other species
- For 'ōmilu, it was suggested the maximum size limit should be increased to 28". It was also suggested that a limited time frame moratorium could be used with this rule.
- Strongly supported the no commercial take of jacks portion of the rule.
- Āholehole limit should be changed to 15, but some say no bag limit is needed.
- No comment on 'āweoweo
- Kole rule supported with a 6" minimum size also suggested
- Manini rules are good as proposed
- Menpachi bag of 20 is too high. Maybe a moratorium on their take would be good. A size limit should also be used –maybe 6".
- 5 fish moi limit is too low. Suggested it be kept at 15.
- Mū rules should stay at 14" minimum size, but increase the bag limit to 4
- No comment on the achilles tang rules

Other Suggestions:

- Go back to the old law of not allowing speared fish to be sold
- No night fishing
- Bag limit should only be applied to divers / not pole and line fishers
- What about dealing with commercial fishing charters that fish with tourist
- Penalty should be on sliding scale based on limits

- What about hatchery fish releases
- Do a better job to advertise meetings with radio, flyers at fishing stores, etc
- Survey fishing clubs
- Create bag limit on mullet, 'o'io, tako, mamo
- Create more no-take marine reserves

Lana‘i Public Fishing Regulation Meeting

September 10, 2009

Lana‘i Public Library 5pm – 7:30pm

Attendance: 14 Lana‘i Residents

Uhu

- Put a 5 year moratorium on the big blue uhu or supports no take of large blue male uhu.
- Open close season after a moratorium on uhu.
- Size limits are hard for spearfishes and/or net fishers, etc.

Goatfish

- 5 year no-take moratorium will not work, unless the department assesses the population to see if the regulations are working. Need to come back to the public and follow-up.
- These rules will help protect Lana‘i’s resources from outside places.

Jacks

- Leave yellow-spot (papa) alone. Don’t regulate this species or exempt commercial take.

Others Species

- Need rules to protect uku.
- Menpachi/night fishing -20 fish bag limit will not work for commercial fishers for Lana‘i only.
- Āholehole have also been depleted, suggested keeping the 20 fish bag limit. 20 fish is all you can eat any way. You can always go the next day if you need more.
- Have lots of ‘āweoweo. Why regulate that? At least commercially exempt as long as they are not taken and sold off-island.
- Kole bag limit of 20 is good. Will always have kole that way.
- Manini bigger than five inches curl, so it would be better to be able to catch the smaller ones.
- Mū do not need the protection. Hard to catch.
- Pāku‘iku‘i 10 fish bag limit works. Enough for home consumption.
- “Get chock Pāku‘iku‘i –but may need protection from off-island fishers. Maybe bag limit of 20 would be better.

Other Issues/Suggestions

- Number one thing. Need more enforcement. Hard to make new rules without enforcement. Lana‘i needs more than one enforcement officer. Bring back the volunteer officer program.
- Establish a conservation ethics program, where fishers help police.
- More adaptive management with quicker rule making as resources require.

- No take Keomouku coastline (area by white stone with fresh water spring) of reef fish, but maybe not jacks.
- Better education about how important certain fish sizes, etc.
- One turtle for each Lana'i household with a subsistence permit per year.
- Stop all night diving on Lana'i. By species or by spearing, gear type.
- Lobsters; should be allowed to keep lobsters you catch by pole even in MLCD, and kona crab. If not allowed look into change.
- What can you do to control and/or keep fishers from elsewhere from coming over to Lana'i to fish?
- Net tags for registered lay nets.

Public Questionnaire on Update to Maui / Lana‘i Fishing Rules

Goatfish Regulations are proposed with updated minimum sizes, regulations on additional species, and some individual species bag limits. Also proposed is an option for a 5 year moratorium on the take of kūmū. Please place a check mark (✓) in the appropriate box if you agree or disagree with the proposed rule. Please provide any additional comments below.

Note: Max Size = the largest size a species grows to. L₅₀ = the length at which half (50%) of a fish species may be able to spawn. If a minimum legal size is set at L₅₀ then about half of the fish of that size would be capable of reproducing.

All sizes are ForkLength (FL) in inches.



Note: Bag limits (= daily possession limits) apply equally to both commercial and non-commercial fishers. Size limits also apply equally to commercial and non-commercial fishers unless otherwise noted in current rules.

Goatfish Species	Max Size	L ₅₀	Existing Rule	Proposed Rule	Agree	Disagree
Minimum Sizes						
Kūmū (<i>P. porphyreus</i>)	17.9"	10.4"-11.3"	10"	12"	73%	19%
Moano kali (<i>P. cyclostomus</i>)	17.3"	11.4"	-	12"	77%	16%
Weke nono (<i>M. pflugeri</i>)	17.1"	10.3"	-	12"	80%	14%
Munu (<i>P. insularis</i>)	14.2"	7.5"	-	8"	84%	8%
Other goatfish (not weke pueo)	10.5"-14.4"	6.6"-7.9"	7"	8"	81%	10%
Bag Limits						
Kūmū (<i>P. porphyreus</i>)			-	2	76%	15%
Moano kali (<i>P. cyclostomus</i>)			-	2	77%	14%
Munu (<i>P. insularis</i>)			-	2	74%	14%
'Oama (= weke 'ā <5")			50	50 - Pole & Line Only	81%	10%
Other						
5 year no-take moratorium on kūmū					49%	28% *1

Additional comments on these proposed goatfish regulations:

- *1 12% were left blank, 11% provided other options. Other options included things like no take areas for kūmū, no commercial sale, shorter no-take moratoriums (For example 6 months, 1yr., 2yr., 3yr., etc.).

Parrotfish (uhu) regulations are proposed to include changes in minimum sizes and daily bag limits with additional regulations on the take of blue male (terminal phase) uhu. The total bag limit for all uhu species is a combined limit of all species subject to the limitations on blue male parrotfishes.

Parrotfish Species	Max Size	L ₅₀	Existing Rule	Proposed Rule	Agree	Disagree
<i>Minimum Sizes</i>						
Pālupaluka (<i>S. rubroviolaceus</i>)	27.6"	14"	12"	14"	77%	7%
Uhu 'uli'uli (<i>C. perspicillatus</i>)	26"	14"	12"	14"	78%	7%
All other species	11.8"-19.7"	6"-12"	12"	10"	73%	9%
<i>Bag Limits</i>						
All species			-	2 (Total)	70%	10%
Pālupaluka (<i>S. rubroviolaceus</i>)			-	No take of Blue males	70%	22%
Uhu 'uli'uli (<i>C. perspicillatus</i>)			-	No take of Blue males	69%	22%
All other species			-	1 Blue male	70%	16%

Additional comments on these proposed uhu regulations:

General comments included:

Commercial fishers did not support any bag limits but did support size limits, slot limits, as well as potentially other forms of management. (Open and closed seasons, etc)

Recreational fishers supported others measures of protection as well as bag and size limits. They wanted seasons, commercial bans, spearing restrictions, etc. Some suggested a bag limit of no more than one, and there was a few who suggested no-take moratoriums for all uhu species.

Jacks (ulua/pāpio) regulations are proposed to include minimum size regulations and total bag limits. There are also options for implementing a special bag for ulua (jacks over 24”) and a maximum limit (slot limit) for the ‘ōmilu (bluefin trevally). Finally, a proposal is included to designate jacks as “saltwater sportsfish” with rules created to prohibit any commercial take. Note: Currently regulated jack species include giant trevally (*C. ignobilis*), bluefin trevally (*C. melampygyus*), black trevally (*C. lugubris*), bigeye trevally (*C. sexfasciatus*), barred jack (*C. ferdau*), deepwater jack (*C. equula*) and island jack (*C. orthogrammus*)

Ulua Species	Max Size	L ₅₀	Existing Rule	Proposed Rule	Agree	Disagree
Minimum Sizes						
Kagami (<i>A. ciliaris</i>)	51.2”	26”-28”	-	10”	75%	6%
Other currently regulated spp.	17.8”-61.2”	14.7”-32”	10”	10”	76%	6%
Bag Limits						
‘Ōmilu (<i>C. melampygyus</i>)	32.7”	14.7”	10”	No take >24”	64%	22%
All other regulated species			-	Combined limit of 5	72%	14%
All other regulated species			-	2/day>24”	70%	19%
Other						
Sportsfish designation	No commercial take of all regulated jack species. Note: dobe, butaguchi, omaka, pa‘opa‘o etc. not included – commercial take permitted				60%	13% *1

Additional comments on these proposed ulua/pāpio regulations:

*1 21% were left blank for the sportsfish designation.

Additional regulations may be proposed for the following fish species.

Species	Max Size	L ₅₀	Existing Rule	Proposed Rule	Agree	Disagree
Āholehole (<i>Kuhlia spp.</i>)	9.1"-9.5"	?	5"	-	65%	13%
Āholehole (<i>Kuhlia spp.</i>)	Daily bag limit		-	20	63%	14%
‘Āweoweo (<i>Priacanthus spp.</i>)	Daily bag limit		-	5	70%	16%
Kole (<i>C. strigosus</i>)	9.5"	5.3"	-	-	62%	7%
Kole (<i>C. strigosus</i>)	Daily bag limit		-	20	70%	9%
Manini (<i>A. triostegus</i>)	10.6"	6.5"	5"	6"	55%	13% ^{*1}
Manini (<i>A. triostegus</i>)	Daily bag limit		-	20	50%	8% ^{*2}
Menpachi (<i>Myripristis spp.</i>)	Daily bag limit		-	20	65%	14% ^{*3}
Moi (<i>P. sexfilis</i>)	19.6"	8.7"-13.6"	11"	12"	78%	9%
Moi (<i>P. sexfilis</i>)	Daily bag limit		15	5	73%	12%
Mū (<i>M. grandoculis</i>)	21.9"	14.3"	-	14"	75%	10%
Mū (<i>M. grandoculis</i>)	Daily bag limit		-	2	76%	11%
Pāku‘iku‘i (<i>A. achilles</i>)	10"	5.9"	-	-	64%	9%
Pāku‘iku‘i (<i>A. achilles</i>)	Daily bag limit		-	10	73%	6%

Additional comments on these proposed additional species regulations:

- *1 10% blank, 22% other comments (Keep it a 5" minimum size because they are better eating, increase minimum size to 6.5" which is the L50)
- *2 9% blank, 34% other comments (Comments were for smaller bag limits such as 10, or 15 fish/day)
- *3 7% blank, 14% other comments (Comments suggested smaller bag limits such as 5, or 10 fish/day)

Circle any of the following that apply to you.

- a. I am a recreational ocean user **55%**
- b. I am a commercial ocean user **3%**
- c. I am a recreational fisher **54%**
- d. I am a subsistence fisher **48%**
- e. I am a commercial fisher **12%**

Islands of Maui and Lana‘i

Size & Bag Limit Proposed Rule Amendments

July 2010

Parrotfish (Uhu) Regulations

Parrotfish Species	Common Name	L ₅₀	Existing Rule	Proposed Rule
Minimum Size				
Pālukaluka/uhu ‘ele‘ele (<i>S. rubroviolaceus</i>)	Redlip Parrotfish	14”	12”	14”
Uhu ‘ahu‘ula/uhu ‘uli‘uli (<i>C. perspicillatus</i>)	Spectacled Parrotfish	14”	12”	14”
All other species		6”-12”	12”	10”
Bag Limit				
All species			-	2 (Total)
Uhu ‘ele‘ele (<i>S. rubroviolaceus</i>)	Redlip Parrotfish		-	No take of Blue males
Uhu ‘uli‘uli (<i>C. perspicillatus</i>)	Spectacled Parrotfish		-	No take of Blue males

Goatfish Regulations

Goatfish Species	Common Name	L ₅₀	Existing Rule	Proposed Rule
Minimum Size				
Kūmū (<i>P. porphyreus</i>)*	Whitesaddle Goatfish	10.4”-11.3”	10”	12”
Moano kali (<i>P. cyclostomus</i>)	Blue Goatfish	11.4”	-	12”
Weke nono (<i>M. pflugeri</i>)	Pfluger’s Goatfish	10.3”	-	12”
All Other goatfish		6.6”-7.9”	- or 7”	8”
Bag Limit				
Kūmū (<i>P. porphyreus</i>)	Whitesaddle Goatfish		-	2
Moano kali (<i>P. cyclostomus</i>)	Blue Goatfish		-	2
Munu (<i>P. insularis</i>)	Doublebar Goatfish		-	2
‘Oama (= weke ‘ā <5”)			50	50 - Pole & Line Only
*Other	5 year moratorium on the take of kūmū			

Jacks (ulua/pāpio) regulations

Ulua Species	Common Name	L ₅₀	Existing Rule	Proposed Rule
Minimum Size				
Kagami (<i>A. ciliaris</i>)			-	10"
Bag Limit				
‘Ōmilu (<i>C. melampygyus</i>)	Bluefin Trevally	14.7"	-	No take >24"
All other regulated jacks			Combined Total of 20	Combined Total of 5
All other regulated jacks			-	2/day>24"
Other				
Commercial exceptions	-No commercial take of ‘ōmilu allowed. -Unlimited commercial harvest of Papa allowed provided they are between 16" -24" fork length. -Commercial Ulua bag limit of 5 fish between 16" – 32"			

Other Species regulations

Species	Common Name	L ₅₀	Existing Rule	Proposed Rule
Minimum Size				
Āholehole (<i>Kuhlia</i> spp.)	Hawaiian Flagtail	?	5"	-
Manini (<i>A. triostegus</i>)	Convict Surgeonfish	6.4"	5"	6"
Moi (<i>P. sexfilis</i>)	Threadfin	8.7"-13.6"	11"	12"
Mū (<i>M. grandoculis</i>)	Bigeye Emperor	14.3"	-	14"
Bag Limit				
Āholehole (<i>Kuhlia</i> spp.)	Hawaiian Flagtail		-	20
‘Āweoweo (<i>Priacanthus</i> spp.)	Hawaii Bigeye		-	5
Kole (<i>C. strigosus</i>)	Goldring Surgeonfish		-	20
Manini (<i>A. triostegus</i>)	Convict Surgeonfish		-	20
Menpachi (<i>Myripristis</i> spp.)	Soldierfish		-	20
Mū (<i>M. grandoculis</i>)	Bigeye Emperor		-	2
Moi (<i>P. sexfilis</i>)	Threadfin		15	5
Pāku‘iku‘i (<i>A. achilles</i>)	Achilles Tang		-	10

Third round of meetings:

Maui DAR staff held a third round of public meetings to present DLNR's proposed size and bag limit rules for Maui and Lana'i. A meeting was held on Maui on August 25, 2010 with approximately 50 people in attendance. A meeting was held on Lana'i on September 8, 2010 with approximately 40 people in attendance. Based on the public testimony and comments received, DLNR made a few minor changes to the proposed rules. DLNR 1) removed the proposed 5-year moratorium for kūmū (*P. porphyreus*) and instead proposed a bag limit of 1 kūmū; 2) reduced the proposed bag limit of Pāku'iku'i (*A. achilles*) from 10 to 5; and 3) kept the minimum size of manini (*A. triostegus*) at 5 inches. The current proposed rules reflect these changes.