

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

October 9, 2015

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

REQUEST FOR APPROVAL OF A PERMIT APPLICATION FOR MR. JAMES K. MAWAE
FOR NETTING ACTIVITIES WITHIN AREA 1A ONLY, IN KAUNAKAKAI HARBOR,
MOLOKAI (10/1/2015 – 9/30/2016); AND REQUEST TO DELEGATE TO THE
CHAIRPERSON THE AUTHORITY TO APPROVE FUTURE KAUNAKAKAI HARBOR
FISHERIES MANAGEMENT AREA NETTING PERMITS

Submitted herewith for your consideration and approval is a request for a permit to use nets within Area 1A only, of the Kaunakakai Harbor Fisheries Management Area (FMA), Molokai (please see the map attached Hawaii Administrative Rules (HAR) Chapter 13-56, Kaunakakai Harbor, Molokai). HAR §13-56-2 prohibits the use of nets within Area 1A of the Kaunakakai Harbor FMA, except by a permit issued by the Board. This rule was developed to reduce conflicts between user groups, i.e. between net fishers and pole-and-line fishers who frequent the harbor.

Pursuant to HAR Section 13-56-3, the applicant proposes to use nets to harvest primarily big-eye scad or akule, known to school within the harbor areas. The applicant comes from a family who resides on Molokai and has traditionally fished the area using this method of netting prior to the closure. This permit is intended to cover all activities necessary to conduct akule netting operations within Zone 1A, Kaunakakai Harbor. In accordance with DLNR permit conditions, netting operations would only be conducted during day light hours with prior clearance from the State Department of Transportation's (DOT) authority over Kaunakakai Harbor, and in Area 1A only.

The akule fishery is considered to be one of the more sustainable in the State with no known resource threat of overfishing. 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 would remain in effect until September 30, 2016.

The Division of Aquatic Resources (DAR) further requests that the authority to approve any future Kaunakakai Harbor FMA netting permits be delegated to the Chairperson. This would allow applicants to obtain permits in a more timely manner without having to wait for a scheduled Board meeting.

RECOMMENDATIONS:

That the Board:

1. Approve the permit for Mr. James K. Mawae, for net use within Area 1A only, Kaunakakai Harbor, Molokai (10/01/2015 – 9/30/2016); and
2. Delegate to the Chairperson the authority to approve any future Kaunakakai Harbor FMA netting permits.

Respectfully submitted,



ALTON MIYASAKA,
Acting Administrator

APPROVED FOR SUBMITTAL:



SUZANNE D. CASE, Chairperson

Attachments:

Application and Permit
HAR Chapter 13-56

- 11. The Board of Land and Natural Resources or the Department of Transportation may revoke this permit at any time, for reasons that include violation of any law or rule of the Department or the Department of Transportation.
- 12. Violation of any term or condition of this permit shall be grounds for immediate cancellation of this permit and violators may be subject to penalty provisions as provided for in Section 13-56-4, Administrative Rules.

We, the undersigned, have read, understand and hereby agree to abide by the conditions stipulated in this permit.

James K. Mawae, Jr.	5726	2/31/15
PRINCIPAL PERMITTEE	CM License No.	Date

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 Chairperson
 Board of Land and Natural Resources

APPROVED / DISAPPROVED

 Director
 Department of Transportation

attach.: Chapter 56

cc: DOCARE
Fisheries

(4/26/91)

HAWAII ADMINISTRATIVE RULES

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 8 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 handheld net as provided in section 13-56-3(a), "Area 2," (2). [Eff: DEC 8 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.

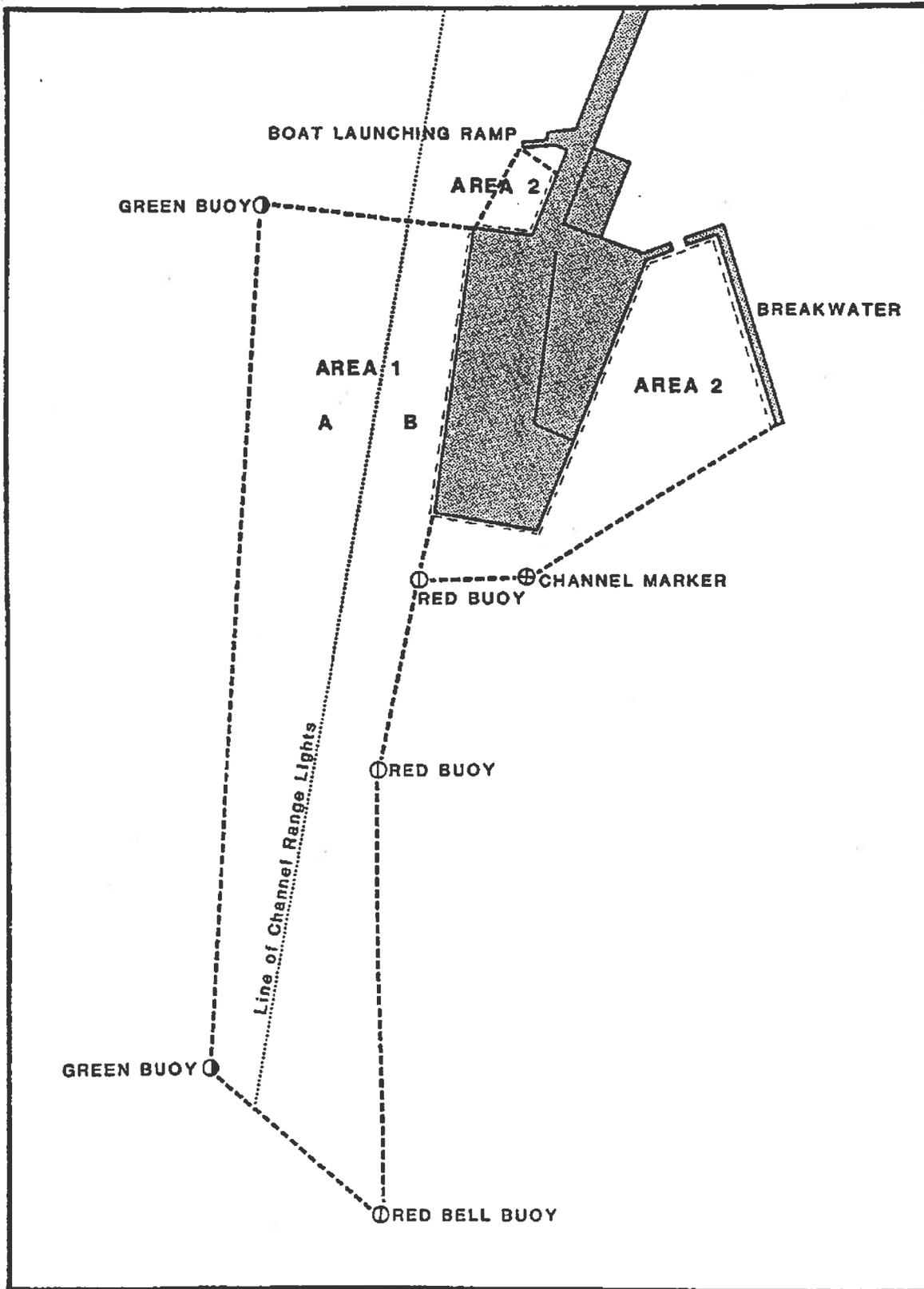
(b) The department may issue permits to engage in activities otherwise prohibited by law or section 13-56-2 for scientific, propagation, or other purposes as provided by law.

(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 8 1990] (AAuth: 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 8 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 8 1990] (Auth: HRS §§187A-5, 188-53) (Imp: HRS §§187A-5, 188-53)



Map of Kaunakakai Harbor, Molokai 10/27/89