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,

[Signature]

ALTON MIYASAKA,
Acting Administrator

APPROVED FOR SUBMITTAL:

[Signature]

SUZANNE D. CASE, Chairperson

Attachments:
Application and Permit
HAR Chapter 13-56
APPLICATION AND PERMIT FOR THE USE OF NETS (OTHER THAN THROWNETS AND DIPNETS) WITHIN AREA 1A ONLY OF THE KAUNAKAKAI HARBOR MARINE FISHERIES MANAGEMENT AREA, ISLAND OF MOLOKAI

The Board of Land and Natural Resources, in conformity with Section 13-56-3, Hawaii Administrative Rules (attached), and all other applicable laws, hereby grants permission for the use of nets (other than thrownets and dipnets) within Area 1A of the Kaunakakai Harbor Marine Fisheries Management Area, to:

James K. Nawae, Jr. Captain "HOE AMA!"
NAME (Last, First, Initial) TITLE NAME OF VESSEL
ADDRESS (Street or P.O. Box, City, State, Zip Code) GILL
Telephone: Business Residence TYPE OF NET (GILL, PURSE)

and the crew members of the vessel (Name) whose names and signatures appear on page(s) 2 (and 3) of this permit, subject to the following terms and conditions:

1. This permit or any rights hereunder shall not be sold, assigned, conveyed, or otherwise transferred or disposed of and shall be carried aboard the above named vessel during its use.

2. Each use of nets allowed by this permit within Area 1A only must be completed between sunrise/sunset, and only after obtaining prior clearance from the Department of Transportation or its designee.

3. The net shall remain in the water only as long as necessary to catch and remove one load of fish each day between sunrise and sunset.

4. The taking of fish for commercial purposes shall be subject to the commercial marine license requirements of Section 139-2, Hawaii Revised Statutes, and all laws of other County, State and Federal agencies.

5. The permittee shall pay for or replace any property damage or personal injury, arising from the use of this permit.

6. Any cost incurred in the form of employee overtime, equipment use or other expenses associated with the enforcement of the provisions of the permit or cost to scheduled commercial vessels resulting from delays caused by the principal permittee shall be borne by the permittee.

7. The permittee shall at all times with respect to the activities allowed by this permit, use due care for public safety and agrees to defend, hold harmless and indemnify the property damage, personal injury or death, arising on or within or adjacent to the Kaunakakai Harbor Marine Fisheries Management Area.

8. The principal permittee shall return this permit to the Division of Aquatic Resources within 10 days after the expiration date.

9. The principal permittee shall allow officials of the Departments to examine the permit and all records, including but not limited to, the log of activities and catch records. Furthermore, the principal permittee shall provide information as requested by the Departments relating to fishing with nets within the Marine Fisheries Management Area.

10. The Board of Land and Natural Resources reserves the right to deny any Application for any violation or non-compliance of any law or rule of the Department and the Department of Transportation.

(04/26/91)
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.

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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

§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] (AUTH: HRS §§187A-
§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)
