

HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 4 FISHERIES

PART 1 MARINE LIFE CONSERVATION DISTRICTS

CHAPTER 28

HANAUMA BAY MARINE LIFE CONSERVATION DISTRICT, OAHU

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Historical Note: Chapter 28 of Title 13 is based substantially upon Regulation 32 of the Division of Fish and Game, Department of Land and Natural Resources, State of Hawaii. [Eff. 10/23/67; R 5/26/81]

§13-28-1 Boundaries. The Hanauma Bay Marine Life Conservation District shall include that portion of the submerged lands and overlying waters of Hanauma bay beginning at the highwater mark at the shoreline and those lands described in the survey description entitled "Hanauma Bay Marine Life Conservation District, situated in the offshore waters of Maunalua, Honolulu, Oahu, Hawaii" and as identified as C.S.F. No. 15,309, dated August 16, 1967, on file with the departments of land services, and delineated in "Map of the Hanauma Bay Marine Life Conservation District, Oahu 8/16/67" attached at the end of this chapter. [Eff: 5/26/81; comp 4/15/99] (Auth: HRS §190-3) (Imp: HRS §§190-1, 190-2, 190-3)

§13-28-1.1 Definitions. As used in this chapter, unless otherwise provided:

"Hook-and-line" means a type of fishing gear consisting of a length of fishing line, to which is

and natural resources, and accounting and general attached one or more hooks or other device for capturing marine life. The gear is designed to be used by one person at a time but one person may use more than one such gear at a time.

"Knife" means a cutting instrument consisting of a sharpened blade with a handle.

"Net" means any of various fishing devices of mesh material made into various shapes, such as but not limited to, a bag, sack, pouch, or curtain, used to entangle, surround, or concentrate aquatic life.

"Spear" means a type of fishing gear consisting of a straight, rigid, length of wood, fiberglass, metal or other such natural or composite material with one end sharpened into a point or points for impaling aquatic life. One person may propel the gear using arm strength, elastic, compressed gas, or other propellant.

"Take" means to fish for, catch, or harvest, or to attempt to fish for, catch, or harvest, aquatic life. The use of any gear, equipment, tool, or any means to fish for, catch, capture, or harvest, or to attempt to fish for, catch, capture, or harvest, aquatic life by any person who is in the water, or in a vessel on the water, or on or about the shore where aquatic life can be fished for, caught, or harvested, shall be construed as fishing.

"Trap" means any of various fishing devices of mesh, perforated, or solid material made into the shape of a box, container, or enclosure, with one or more openings that allow aquatic life to enter into the interior of the box, container, or enclosure, but restrict exit out, thereby capturing the aquatic life within. [Eff and comp: 4/15/99] (Auth: HRS §187A-5) (Imp: HRS §187A-5)

§13-28-2 Prohibited activities. Except as may be otherwise allowed, no person shall engage in the following activities in the Hanauma Bay Marine Life Conservation District:

- (1) Fish for, catch, take, injure, kill, possess, or remove any finfish, crustacean, mollusk including sea shell and opihi, live coral, algae or limu, or other marine life, or eggs thereof;
- (2) Take, alter, deface, destroy, possess, or remove any sand, coral, rock, or other geological feature, or specimen;
- (3) Have or possess any fishing gear or device, including but not limited to any hook-and-

line, rod, reel, spear, trap, net, crowbar, or other device, or noxious chemical that may be used for the taking, injuring, or killing of marine life, or the altering of geological feature or specimen, the possession of which shall be considered prima facie evidence in violation of this rule; or

- (4) Introduce any food, substance, or chemical into the water, to feed or attract marine life. [Eff: 5/26/81; am and comp 4/15/99] (Auth: HRS §§190-3, 190-4.5) (Imp: HRS §§190-1, 190-3, 190-4.5)

§13-28-3 Permitted activities. A person may possess in the water a knife for the sole purpose of personal safety. [Eff: 5/26/81; am and comp 4/15/99] (Auth: HRS §190-3) (Imp: HRS §§190-1, 190-3)

§13-28-4 Exceptions; permits. The department may issue permits to engage in activities otherwise prohibited by law and section 13-28-2 for scientific, propagation, or other purposes in accordance with chapter 190 and section 187A-6, Hawaii Revised Statutes, provided that:

- (1) The board may impose terms and conditions it deems necessary to carry out the purpose of chapter 190, Hawaii Revised Statutes;
- (2) The board may revoke any permit for any infraction of the terms and conditions of the permit; and
- (3) A person whose permit was revoked shall not be eligible to apply for another permit until one year after the date of revocation. [Eff: 5/26/81; am 3/2/87; am and comp 4/15/99] (Auth: HRS §190-3) (Imp: HRS §§187A-6, 190-4)

§13-28-5 Penalty. A person violating the provisions of this rule or the terms and conditions of any permit issued as provided by this rule shall be guilty of a petty misdemeanor, and punished as provided by law. [Eff: 5/26/81; am and comp 4/15/99] (Auth: §§187A-12.5, 190-3) (Imp: §§187A-12.5, 190-5)

