

HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 4 FISHERIES

PART I MARINE LIFE CONSERVATION DISTRICTS

CHAPTER 35

WALEA BAY MARINE LIFE CONSERVATION DISTRICT, HAWAII

- §13-35-1 Boundaries
- §13-35-2 Prohibited activities
- §13-35-3 Permitted activities
- §13-35-4 Exceptions; permits
- §13-35-5 Penalty

§13-35-1 Boundaries. The Wailea Bay Marine Life Conservation District shall include that portion of the submerged lands and overlying waters of Wailea Bay beginning at the high water mark on the shoreline and those lands described in "Wailea Bay Marine Life Conservation District, situated in the offshore waters of Lalamilo, Waimea, South Kohala, island of Hawaii" (C.S.F. No. 20041) dated August 16, 1984, on file with the departments of land and natural resources, and accounting and general services, and delineated on the "Map of the Wailea Bay Marine Life Conservation District, Hawaii 8/16/84," located at the end of this chapter. [Eff: JAN 28 1985 ] (Auth HRS §190-3) (Imp: HRS §§190-1, 190-2, 190-3)

§13-35-2 Prohibited activities. No person shall engage in the following activities in the Wailea 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; or
- (3) Have or possess in the water, any spear, trap, net, crowbar, or any other device that may be used for the taking or altering of marine life, geological feature, or specimen. [Eff JAN 28 1985 ] (Auth: HRS §190-3) (Imp: HRS §§190-1, 190-3)

§13-35-3 Permitted activities. A person may:

- (1) Have or possess any fishing pole and hook and line, and fish for, catch, take, possess, or remove any finfish using such gear; and
- (2) Possess in the water, any knife, and any shark billy, bang stick, powerhead, or carbon dioxide (CO ) injector for the sole purpose of personal safety. [Eff JAN 28 1985 ] (Auth: HRS §190-3) (Imp: HRS §§190-1, 190-3)

§13-35-4 Exceptions; permits. The department may issue permits to engage in activities otherwise prohibited by law or section 13-35-2 under such terms and conditions it deems necessary to carry out the purpose of chapter 190, Hawaii Revised Statutes:

- (1) To take for scientific, propagation, or other purposes any form of marine life or eggs thereof otherwise prohibited by law, or engage in any other prohibited activity; and
- (2) To possess and use legal nets to fish for, catch, take, possess, or remove finfishes over the sandy bottom areas; and provided that:
- (3) 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 a specified period from the date of revocation as provided by law. [Eff: JAN 28 1985 ] (Auth: HRS §190-3) (Imp: HRS §§187A-6, 190-4)

§13-35-5 Penalty. A 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 190-5, Hawaii Revised Statutes. [Eff: JAN 28 1985 ] (Auth: HRS §190-3) (Imp: HRS §190-5)

