

HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 4

FISHERIES

PART V PROTECTED MARINE FISHERIES RESOURCES

CHAPTER 91

PINK, GOLD, AND BLACK CORALS

- §13-91-1 Definitions
- §13-91-2 Prohibited activities
- §13-91-3 Exceptions; permits
- §13-91-4 Penalty
- §13-91-5 Not a violation
- §13-91-6 Control date

Historical Note: Chapter 91 of Title 13 is based substantially upon Regulation 41 of the Division of Fish and Game, Department of Land and Natural Resources, State of Hawaii. [Eff. 9/23/77; R 5/26/81]

§13-91-1 Definitions. As used in this chapter unless otherwise provided:

"Base diameter" means a width measurement on the widest portion of the skeleton at a location just above the holdfast, that part of the skeleton which attaches to the substrate, or the base of the skeleton.

"Black Coral" means three species of coral Antipathes dichotoma, Antipathes grandis, and Antipathes ulex in their raw state.

"Board" means Board of Land and Natural Resources.

"Department" means Department of Land and Natural Resources.

"Gold Coral" means all species of coral belonging to the genus Gerardia in their raw state.

"Live" coral means coral that has live coral polyps and/or soft tissue.

"Pink Coral" means all species of coral belonging to the genus Corallium in their raw state.

"Raw state" means the condition of the coral immediately prior to its capture or take, in live form.

"State marine waters" are as defined in §187A-1.5, Hawaii Revised Statutes. [Eff. 5/26/81; am and comp JUL 23 1999] (Auth: HRS §187A-5) (Imp: HRS §187A-5)

§13-91-2 Prohibited activities. (a) No person shall take, or destroy any pink or gold coral in State marine waters, or possess, sell, or offer for sale such corals in the State except as provided in §13-91-3, provided that any approved harvest shall not be made using nets, dredges, trawls, mops, explosives, or any other destructive, or non-selective methods, and all such corals taken in State marine waters shall be landed in the State.

(b) No person shall take, destroy or possess any black coral with a base diameter of less than 3/4 inches from State marine waters. [Eff. 5/26/81; am and comp JUL 23 1999] (Auth: HRS §187A-5) (Imp: HRS §187A-5)

§13-91-3 Exceptions; permits. (a) A person, with an appropriate permit or license issued by the Department under terms and conditions it deems necessary, not inconsistent with sections 187A-5 and 187A-6, Hawaii Revised Statutes, may:

- (1) Take or possess pink or gold coral for scientific or educational purposes;
- (2) Take, or possess pink or gold coral for domestic or commercial purposes from State marine waters provided that harvesters make every effort to take only mature colonies of pink coral ten inches (25.40 centimeters) or larger in height.

(b) The board may revoke a permit or license for any infraction of its terms and conditions, and a person whose permit or license was revoked shall not be eligible to apply for another permit or license until one year after date of revocation.

(c) The department may suspend the taking of all pink, gold or black coral from State marine waters or from any portion thereof, when deemed necessary based on the best available scientific evidence to sustain these coral resources.

(d) Nothing in this chapter shall be construed to make it unlawful for a person to possess or sell any pink, gold or black coral obtained prior to the effective date of this rule. [Eff. 5/26/81; am and comp JUL 23 1999] (Auth: HRS §187A-5) (Imp: HRS §§187A-5, 187A-6)

§13-91-4 Penalty. A person violating the provisions of this chapter or the terms and conditions of any permit or license as provided by this chapter, shall be punished as provided by law. [Eff. 5/26/81; comp JUL 23 1999] (Auth: HRS §187A-5) (Imp: HRS §188-70)

§13-91-5 Not a violation. For the purposes of this chapter, the take, or possession of pink, gold or black

corals and the piece of rock attached to the coral shall not be considered a violation of Section 188-68, Hawaii Revised Statutes. [Eff and comp JUL 23 1999] (Auth: HRS §187A-5) (Imp: HRS §187A-5)

§13-91-6 Control date. (a) There is established a control date to give prior notice of intent to possibly limit participation in the Hawaiian Islands commercial precious coral fishery. Persons who begin fishing in the Hawaiian Islands commercial precious coral fishery on or after the control date will not be assured continued participation if the department establishes a precious corals limited entry program in the future. The control date will be the effective date of this section.

(b) Nothing in this chapter shall commit the department to establish a precious coral limited entry program in the future nor does it prevent the department from establishing another control date.

[Eff and comp JUL 23 1999] (Auth: HRS §187A-5) (Imp: HRS §187A-5)