

HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 4 FISHERIES

PART V PROTECTED MARINE FISHERIES RESOURCES

CHAPTER 92

OPIHI

- §13-92-1 Prohibited activities
- §13-92-2 Exceptions; permits
- §13-92-3 Penalty

Historical Note: Chapter 92 of Title 13 is based substantially upon Regulation 49 of the Division of Fish and Game, Department of Land and Natural Resources, State of Hawaii. [Eff. 8/4/78; R 5/26/81]

§13-92-1 Prohibited activities. (a) No person shall within the State, except as provided in §13-92-2:

- (1) Take, possess, sell, or offer for sale any opihi (Cellana spp.) shell (with meat attached) which is less than one and one-fourth inches (3.18 centimeters) in diameter;
- (2) Take, possess, sell, or offer for sale any opihi (Cellana spp.) meat (without shell) less than one-half inch (1.27 centimeters) in diameter; or
- (3) Sell, or offer for sale any curio or jewelry made from an opihi (Cellana spp.) shell less than one and one-fourth inches (3.18 centimeters) in diameter.

(b) Nothing in subsection a shall be construed as making it unlawful for any person to possess for purposes other than sale, opihi meat or shell of any size or products therefrom taken or in possession prior to August 4, 1978. [Eff: 5/26/81; am and comp SEP 16 1989] (Auth: HRS §187A-5) (Imp: HRS §187A-5)

§13-92-2 Exceptions; permits. (a) A person may, with a permit issued by the board under terms and conditions it deems necessary, not inconsistent with sections 187A-5 and 187A-6, Hawaii Revised Statutes:

- (1) Take, raise, or possess any opihi for scientific use, propagation or other experimentation; or
- (2) Possess, sell, or offer for sale until August 4, 1981 any opihi meat or shell less than the minimum size established in section 13-92-1, or curio or jewelry made therefrom, provided that the meat or shell was obtained prior to August 4, 1978.

(b) The board may revoke a permit for any infraction of the terms and conditions, and a person whose permit was revoked shall not be eligible to apply for another permit until one year after the date of revocation.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; comp SEP 16 1989] (Auth: HRS §187A-5) (Imp: HRS §§187A-5, 187A-6)

§13-92-3 Penalty. A person violating the provisions of this chapter or the terms and conditions of any permit as provided by chapter, shall be punished as provided by law. [Eff: 5/26/81; comp SEP 16 1989] (Auth: HRS §187A-5) (Imp: HRS §188-70)