

HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 4

FISHERIES

PART 1 MARINE LIFE CONSERVATION DISTRICTS

CHAPTER 34

PUPUKEA MARINE LIFE CONSERVATION DISTRICT, OAHU

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§13-34-1 Boundaries. The Pupukea Marine Life Conservation District shall include that portion of the submerged lands and overlying waters beginning at Kulalua Point extending seaward due west (270 degrees) to a point one hundred yards offshore at longitude 21\_ 39' 44" N latitude 158\_ 03' 89" W, then south to the most seaward exposed rock of Wananapaoa Islets on the southern side of Waimea Bay, including the Wananapaoa Islets at longitude 21\_ 38' 60" N latitude 158\_ 03' 50" W, then due southeast (135 degrees) to shore as further described in the "Map of the Pupukea Marine Life Conservation District, Oahu 01/10/02" attached at the end of this chapter. [Eff 1/13/83; am and comp 3/25/02; am and comp 09/08/03] (Auth: HRS §190-3) (Imp: HRS §§190-1, 190-2, 190-3)

§13-34-1.1 Definitions. As used in this chapter, unless the context clearly indicates otherwise:

"Akule" means any fish of the species known as *Selar crumenophthalmus*. This also includes the various life stages known as pa'a'a, hahalalu, halalu, and mau.

"District" means the Pupukea Marine Life Conservation District.

"Finfish" means any of various species of marine

life that uses fins to swim, not including marine mammals or sea turtles.

"Hook-and-line" means a type of fishing gear consisting of a length of fishing line, to which is attached one or more hooks or other device for capturing marine life. A weight and a pole may also be used to aid in the placement of the fishing line in the water.

"Legal nets" means any net that is not in violation of any law, rule or regulation.

"Limu kohu" means any seaweed known as *Asparagopsis taxiformis* or a recognized synonym.

"Limu lipe'epe'e means any seaweed known as *Lawrencia succisa* or a recognized synonym.

"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.

"Opelu" means any fish of the species known as *Decapterus macarellus* or a recognized synonym.

"Opihi" means any mollusk of the genus *Cellana* or a recognized synonym. The animal is also known as ko'ele, alinalina, maka-ia-uli, and limpets.

"Personal safety" means any defensive action that a person or persons may engage in to prevent life threatening injury or death.

"Snag" means to engage in the act of pulling on a line that is attached to one or more hooks quickly enough across a fish for the purpose of hooking the fish anywhere except by the mouth.

"Spear" means any fishing device consisting of a straight rigid shaft with one or more sharpened points at one end of the shaft, along with any device that aids in the aiming accuracy or the force of propulsion of the shaft. A spear includes, but is not limited to, spear gun, bow and arrow, Hawaiian sling, and three-prong spear. A spear also includes any similar device that is capable of impaling aquatic life to allow capture, with or without the aid of artificial propulsion.

"Take" means to fish for, catch, capture, confine, or harvest, or to attempt to fish for, catch, capture, confine, or harvest, aquatic life. The use of any gear, equipment, tool, or any means to fish for, catch, capture, confine, or harvest, or to attempt to fish for, catch, capture, confine, 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, captured, confined, or harvested, shall be construed as taking.

"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.

"Waimea Bay" means that portion of the district bounded by an imaginary line from, and including, the Wananapaoa Islets across the mouth of Waimea Bay to Waimea Point. [Eff and comp 3/25/02; am and comp 09/08/03] (Auth: HRS §190-3) (Imp: HRS §§190-1, 190-2, 190-3)

§13-34-2 Prohibited activities. It is unlawful for any person to engage in the following activities within the Pupukeya Marine Life Conservation District, except as may be allowed under sections 13-34-3 and 13-34-4, or other applicable law:

- (1) Fish for, catch, take, injure, kill, possess, or remove any finfish, crustacean, mollusk including sea shell and opihi, live coral, 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 other device that may be used for the taking, injuring, or killing of marine life, or the altering of a geological feature. [Eff 1/13/83; am and comp 09/08/03] (Auth: HRS §§190-3) (Imp: HRS §§190-1, 190-3)

§13-34-3 Permitted activities. A person may:

- (1) Take and possess any finfish with hook-and-line from the shoreline of Waimea Bay only; provided that no person may snag any akule and further provided that no person may use more than two poles with one line per pole and with no more than two hooks per line;
- (2) Take and possess any opelu with legal nets from Waimea Bay only during August and September;
- (3) Take and possess any akule with legal nets from Waimea Bay only during November and

December;

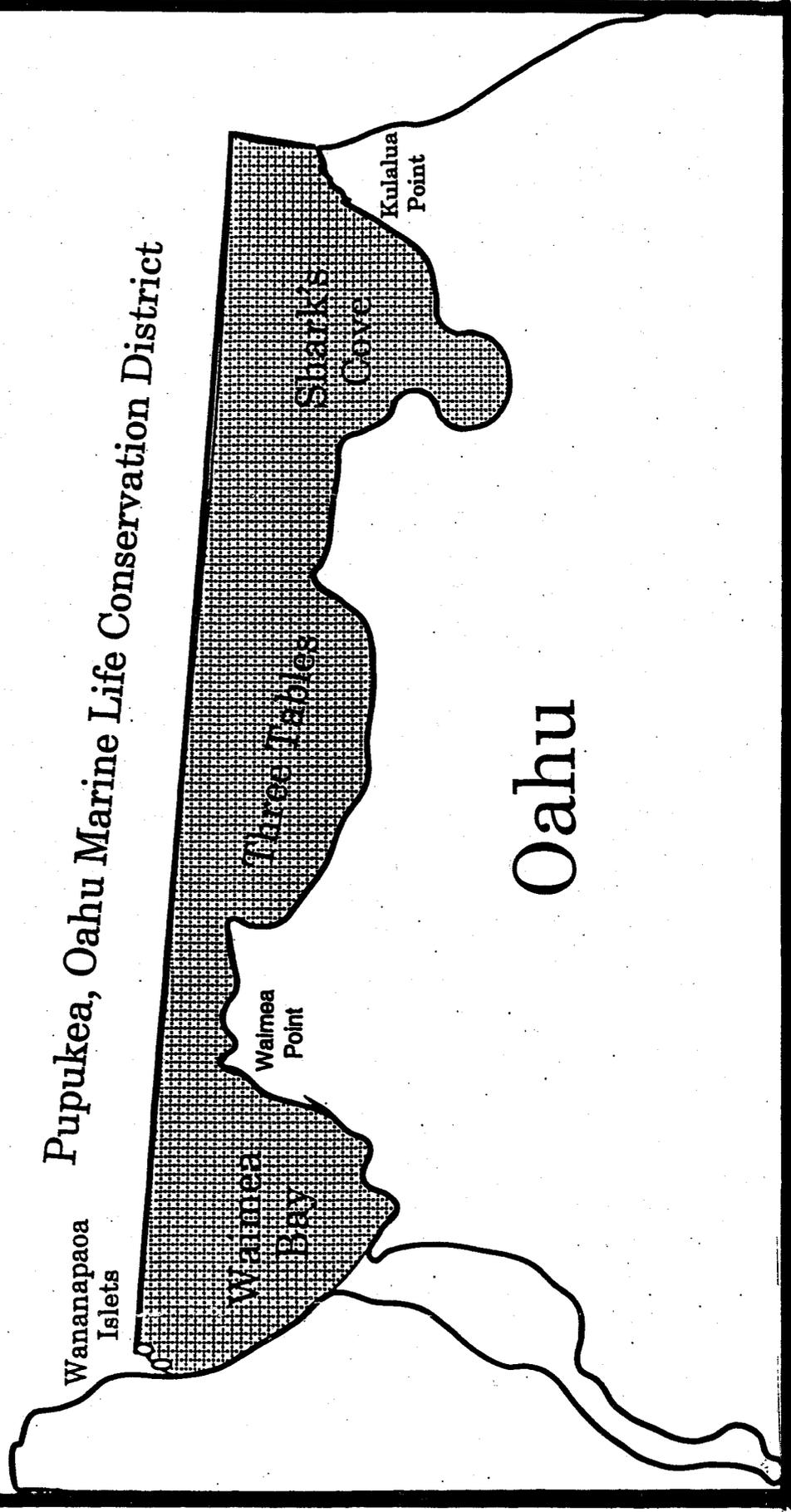
- (4) Possess within the District any knife for the sole purpose of personal safety; and
- (5) Take and possess limu kohu and limu lipe'epe'e within the district by hand harvesting only; provided that no person shall take limu kohu and limu lipe'epe'e with the holdfast or roots attached and no person shall take or possess more than two pounds (squeezed dry) of either limu kohu or limu lipe'epe'e or a combined total of two pounds of both per day. [Eff 1/13/83; am and comp 3/25/02; am and comp 09/08/03] (Auth: HRS §190-3) (Imp: HRS §§190-1, 190-3)

§13-34-4 Exceptions; permits. The department may issue permits to engage in activities within the district, that may be otherwise prohibited by law and section 13-34-2, provided that:

- (1) The permits may be issued for scientific, propagation, or other purposes as provided by law, or as reasonably necessary to protect the public health, safety, and welfare;
- (2) The board may impose terms and conditions it deems necessary to carry out the purpose of chapter 190, HRS;
- (3) The board may revoke any permit for any infraction of the terms and conditions of the permit; and
- (4) 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 1/13/83; am and comp 3/25/02; am and comp 09/08/03] (Auth: HRS §190-3) (Imp: HRS §§187A-6, 190-4)

§13-34-5 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 may be subject to administrative penalties as provided by law. [Eff: 1/13/83; am and comp 3/25/02; am and comp 09/08/03] (Auth: HRS §§187A-12.5, 190-3) (Imp: HRS §§187A-12.5, 190-5)

Pacific Ocean



Pupukea, Oahu Marine Life Conservation District

Map of the Pupukea, Oahu Marine Life Conservation District 1/10/02