HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 4

FISHERIES

PART I MARINE LIFE CONSERVATION DISTRICTS

CHAPTER 37

OLD KONA AIRPORT

MARINE LIFE CONSERVATION DISTRICT, HAWAII

§13-37-1 Boundaries
§13-37-2 Prohibited activities
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§13-37-4 Exceptions; permits
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§13-37-1 Boundaries. The Old Kona Airport Marine Life Conservation District (MLCD) shall include:
(1) That portion of the submerged lands and overlying waters offshore of the Old Kona Airport Park to the Kailua Lighthouse within the western boundary at Point "A", a straight line drawn seaward out to 500 yards extending the western boundary of the Old Kona Airport Park from the highwater mark on the shoreline and the eastern boundary from Kukailimoku Point at the Kailua Lighthouse, a straight line drawn seaward out to 500 yards at right angle (180 degrees) from the highwater mark on the shoreline; and
(2) A "No Boating Zone" of the waters in the MLCD from the western boundary landward of the intercept of a line drawn from the

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southwestern corner of the private property at Point "B" to Keahuolu Point;
as provided in "Map of the Old Kona Airport Marine Life Conservation District, Hawaii 10/20/91" attached at the end of this chapter. [Eff 7/11/92; comp Aug 01 2005] (Auth: HRS §§190-3) (Imp: HRS §§190-1, 190-2, 190-3)

§13-37-2 Prohibited activities. No person shall engage in the following activities within the Old Kona Airport Marine Life Conservation District:

(1) Fish for, catch, take, injure, kill, possess, or remove any finfish, crustacean, mollusk including live sea shell and opihí, live coral, algae or limu, or other marine life, or eggs thereof except as permitted under sections 13-37-3 and 13-37-4, respectively;

(2) Take, alter, deface, destroy, possess, or remove any sand, sea shell, coral, rock, or other geological feature, or specimen except as permitted under section 13-37-4;

(3) Have or possess, any fishing reel, spear, trap, net, crowbar, or any other devices that may be used for the taking or altering of marine life, geological feature, or specimen except a knife for personal safety or except as permitted under sections 13-37-3 and 13-37-4, respectively;

(4) Feed or deliberately introduce any food material, substance or device used as an attractant, directly to or in vicinity of any aquatic organism, by any means, for any purpose except the purpose of catching and removing that aquatic organisms;

(5) Anchor a water craft in the MLCD or operate a motorboat or motor powered water craft, within the "NO Boating Zone" except for emergency or enforcement purposes; or

(6) Conduct commercial dive/tour activities except as permitted under sections 13-37-3 and 13-37-4, respectively. [Eff 7/11/92; comp Aug 01 2005] (Auth: HRS §§190-3, 190-4.5) (Imp: HRS §§190-1, 190-3, 190-4.5)
Permitted activities. A person may:

(1) Fish for, catch, take, possess, or remove:
   (A) akule by handline at night and opelu by
       lift or opelu net method using bait or
       chum for commercial or home
       consumption; and
   (B) any finfish for home consumption by
       throw net and pole-and-line (without
       reel) with bait from shore; and

(2) Use the state mooring not longer than three
    hours per boat each day on a first come first
    serve basis for non-commercial use, provided
    that commercial dive/tour operations may be
    conducted at the mooring and from the shore
    with a permit.

(3) Collect with a hand tool without the use of
    SCUBA gear:
   (A) Blue-black urchin (wana, or *Echinothrix*
       diadema), Long-spined urchin (wana
       halula, or *Diadema paucispinum*), and
       Helmet urchin (ha'uke'uke, or
       *Colobocentrotus atratus*);
   (B) During harvest season from June 1 to
       October 1.

The board may institute a temporary moratorium on the
taking of wana, wana halula or ha'uke'uke, if the
board finds that said populations of sea urchins are
found to be jeopardized by overharvesting or other
factors. The temporary moratorium shall remain in
effect until such time that the board determines that
said populations of sea urchins are viable enough to
resume harvesting practices. The board shall consider
input from the department as well as the public when
implementing this moratorium, and shall review its
status annually from the beginning date of any
instituted moratorium. [Eff 7/11/92; am and comp
AUG 01 2005] (Auth: HRS §190-3) (Imp: HRS
§§190-1, 190-3)

Exceptions; permits. The department
may issue permits to engage in activities otherwise
prohibited by law or sections 13-37-2 and 13-37-3
under such terms and conditions it deems necessary to carry out the purpose of chapter 190, Hawaii Revised Statutes:

(1) To take for scientific, or propagation, any form of marine life or eggs thereof otherwise prohibited by law; and

(2) To engage in commercial activity, not including the taking of marine life, with a Marine Life Conservation District Use Permit. This permit shall be non-transferable and good for a two year duration for activities in the daytime only, and not for overnight mooring. An applicant for this permit shall pay a non refundable permit fee of $50, and shall indemnify, defend, and hold harmless the State of Hawaii, its successors, assigns, officers, employees, contractors, and agents from and against any loss, liability, claim or demand for property damage, personal injury and death arising out of any act or omission under permit.

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 one year from the date of revocation. [Eff 7/11/92; comp AUG 01 2005] (Auth: HRS §190-3) (Imp: HRS §§187A-6, 190-4)

§13-37-5 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 7/11/92; comp AUG 01 2005] (Auth: HRS §190-3) (Imp: HRS §190-5)