

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
- §13-37-3 Permitted activities
- §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

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 opihi, 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)

- §13-37-3 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)

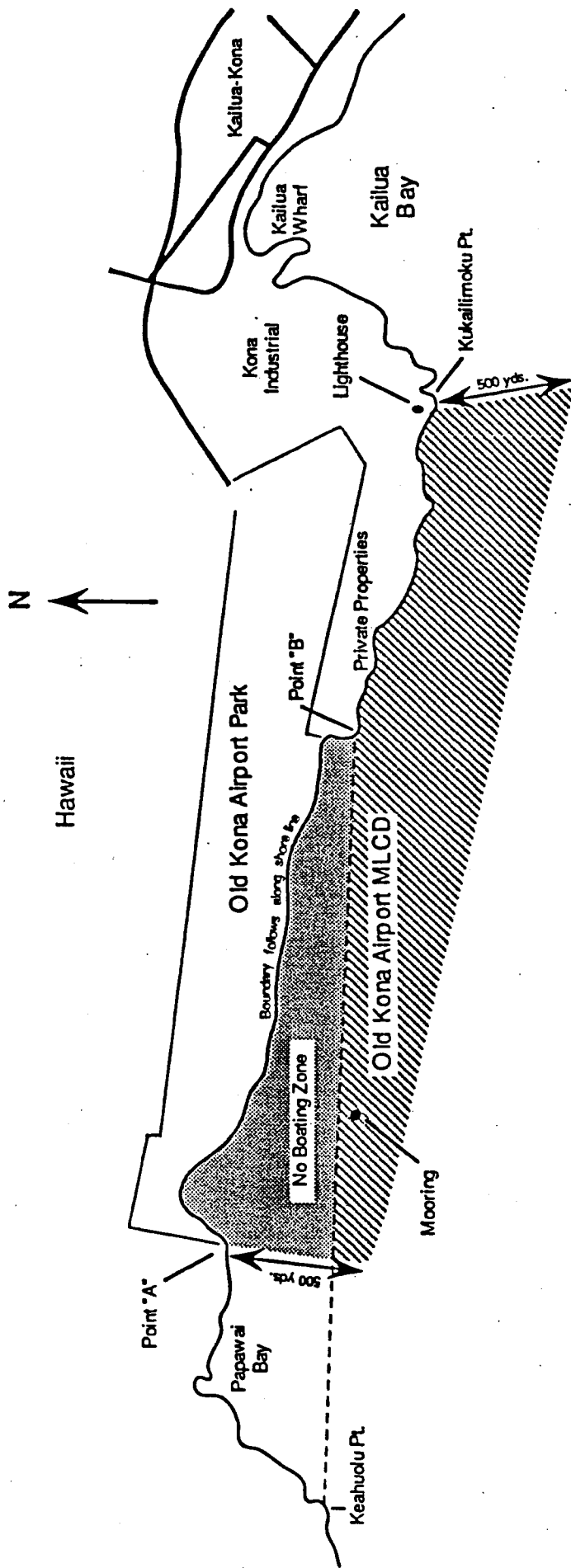
§13-37-4 Exceptions; permits. The department may issue permits to engage in activities otherwise prohibited by law or sections 13-37-2 and 13-37-3

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)



Map of the Old Kona Airport Marine Life Conservation District, Hawaii 10/20/91