

HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 4 FISHERIES

PART II MARINE FISHERIES MANAGEMENT AREAS

CHAPTER 48

WAIKIKI-DIAMOND HEAD  
SHORELINE FISHERIES MANAGEMENT AREA, OAHU

- §13-48-1 Boundaries
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Historical Note: Chapter 48 of Title 13 is based substantially upon Regulation 45 of the Division of Fish and Game, Department of Land and Natural Resources, State of Hawaii. [Eff. 5/28/78; R 5/26/81]

§13-48-1 Boundaries. The Waikiki-Diamond Head Shoreline Fisheries Management Area shall include that portion of the submerged lands and overlying waters beginning at the high water mark on the shoreline to a minimum seaward distance of five-hundred yards (457.20 meters) or to the seaward edge of the fringing reef if one occurs beyond five-hundred yards (457.20 meters), and between straight lines extending seaward, along the ewa (western-most) wall of the Waikiki War Memorial Natatorium and the Diamond Head lighthouse as described and delineated in "Boundaries of the Waikiki-Diamond Head Shoreline Fisheries Management Area, Oahu 11/4/87" attached at the end of this chapter. [Eff: 5/26/81; am and comp MAY 27 1988] (Auth: HRS §188-53) (Imp: HRS §188-53)

§13-48-2 Fishing periods. The Waikiki-Diamond Head Shoreline Fisheries Management Area shall be:

- (1) "Open to fishing" commencing on March 1, 1988

and terminating on December 31, 1988 at midnight;

- (2) "Closed to fishing" commencing on January 1, 1989 and terminating on December 31, 1989 at midnight; and
- (3) Henceforth, such "open to fishing" and "closed to fishing" periods shall be consecutively alternated on a yearly basis commencing on January 1, 1990. [Eff: 5/26/81; am and comp MAY 27 1988 ] (Auth: HRS §188-53) (Imp: HRS §188-53)

§13-48-3 Prohibited activities. No person shall engage in the following activities in the Waikiki-Diamond Head Shoreline Fisheries Management Area:

- (1) Fish for, catch, take, injure, kill, possess, or remove any finfish, octopus, shrimp, crab, lobster, sea urchin, and all other marine life and eggs thereof during the "closed to fishing" period;
- (2) Take, injure, kill, possess, or remove live coral at any time including the "open to fishing" period;
- (3) Have or possess in the water, hook-and-line, trap, net, spear, or any other fishing gear during the "closed to fishing" period;
- (4) Between the hours of 6:00 p.m. to 6:00 a.m., use any spear during the "open to fishing" period; or
- (5) Have or possess in the water, trap or net except thrownet or handnet to land hooked fish during the "open to fishing" period. [Eff: 5/26/81; am and comp MAY 27 1988] (Auth: HRS §188-53) (Imp: HRS §188-53)

§13-48-4 Permitted activities. A person may, during the "open to fishing" period, fish for, catch, take, possess, or remove any finfish, octopus, shrimp, crab, lobster, sea urchin, and any other marine life and eggs thereof, provided that:

- (1) Only hook-and-line, thrownet, handnet to land hooked fish, and spear fishing and hand harvesting methods are employed; and
- (2) Any activity comply with all other applicable federal, state and county laws and rules and regulations. [Eff: 5/26/81; am and comp MAY 27 1988] (Auth: §188-53) (Imp: HRS §188-53)

§13-48-5 Exceptions; permits. The department may issue permits to engage in activities otherwise prohibited by law and section 13-48-3 for scientific, propagation, or other purposes not inconsistent with sections 187A-6 and 188-53, Hawaii Revised Statutes, provided that:

- (1) The board may revoke any permit for any infraction of the terms and conditions of the permit; and
- (2) 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 1/25/82; am 3/2/87; comp MAY 27 1988] (Auth: HRS §188-53) (Imp: HRS §§187A-6, §188-53)

§13-48-6 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 guilty of a petty misdemeanor, and upon conviction thereof, shall be punished as provided by law. [Eff 5/26/81; comp MAY 27 1988] (Auth HRS §188-53) (Imp: HRS §188-70)

BOUNDARIES OF THE WAIKIKI-DIAMOND HEAD  
SHORELINE FISHERIES MANAGEMENT AREA, OAHU 11/4/87

The Waikiki-Diamond Head Shoreline Fisheries Management Area is the submerged lands and overlying waters from the high water mark on the shoreline to a minimum distance of five hundred yards (457.20 meters) seaward or to the seaward edge of the fringing reef if one occurs beyond five hundred yards, between a straight line extending seaward along the ewa (western-most) wall of the Waikiki War Memorial Natatorium (Alignment A) and the Diamond Head lighthouse (Alignment B).

Alignment A. Line seaward along the ewa (western-most) wall of the Waikiki Natatorium. A line extending southwest from the northern-most corner of the Natatorium through the western-most corner.

Alignment B. Diamond Head lighthouse. A line extending from the eastern-most extent of the base of the Diamond Head lighthouse and the highest point on the Diamond Head buoy offshore.

