

HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 4 FISHERIES

PART III FRESHWATER FISHERIES MANAGEMENT AREAS

CHAPTER 62

WAHIAWA PUBLIC FISHING AREA, OAHU

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Historical Note: Chapter 62 of Title 13 is based substantially upon Regulation 31 [Eff: 11/3/66; am 7/16/72; R 5/26/81] and Regulation 46 [Eff: 3/3/78; R 5/26/81] of the Division of Fish and Game, Department of Land and Natural Resources, State of Hawaii.

§13-62-1 Definitions. As used in this chapter unless otherwise provided:

"Adult" means a person eighteen years of age or older.

"Bass" means any fish commonly known as largemouth bass (*Micropterus salmoides*) or smallmouth bass (*Micropterus dolomieu*).

"Catch-and-release program" means a fishing management strategy that is characterized as requiring any person who catches live aquatic life to release immediately, any such captured aquatic life alive, to the waters from which the aquatic life was taken.

"Channel catfish" means any fish of the species *Ictalurus punctatus*.

"Department" means the department of land and natural resources.

"Entry Permit" means a permit issued to licensed fishermen to fish in the Wahiawa public fishing area, and to unlicensed adults to accompany licensed minors into the Wahiawa public fishing area to provide supervision and protection.

"Fishing License" means the State of Hawaii freshwater game fishing license issued to freshwater sport fishermen.

"Fishing Permit" means a permit issued to minors under the age of nine to fish in the Wahiawa public fishing area when accompanied by a licensed adult whose bag limit shall include that of the minor.

"Group Fishing Permit" means a permit issued to a club or group of five or more minors to fish in the Wahiawa public fishing area.

"Liability Waiver" means the civil liability waiver incorporated into all licenses and permits that shall be signed by all licensees and permittees, provided that the parents or guardian shall sign such waiver for any minor.

"Listed species" means any species listed in subsection 13-62-8(b).

"Minor" means a person under the age of eighteen.

"Oscar" means any fish of the species *Astronotus ocellatus*. [Eff: 5/26/81; comp 8/14/89; am and comp JUN 01 1998] (Auth: HRS §188-53) (Imp: HRS §188-53)

§13-62-2 Boundary. The Wahiawa public fishing area shall include that portion of the Wahiawa reservoir (Lake Wilson) between the following boundaries:

- (1) The eastern boundary of the south fork being the Wahiawa intermediate school fenceline for the north bank and Kamehameha highway for the south bank;
- (2) The eastern boundary of the north fork being the Ewa forest reserve fenceline located approximately one-half mile (0.81 kilometer) east of Whitmore Village; and
- (3) The western boundary being the spillway dam; as delineated on "Map of the Wahiawa Public Fishing Area, Oahu 5/23/89," attached at the end of this chapter. [Eff: 5/26/81; comp 8/14/89; comp JUN 01 1998] (Auth: HRS §188-53) (Imp: HRS §188-53)

§13-62-3 Prohibited activities. No person shall engage in the following activities within the Wahiawa

public fishing area:

- (1) Enter into or fish without a valid fishing license, fishing permit, group fishing permit, or other appropriate valid license or permit issued by the department, in addition to any entry permit, the Wahiawa Special Entry Permit, or the Wahiawa Fishing Tournament Permit, if required; provided that all licensees or permittees under the age of fifteen shall be accompanied by an adult;
- (2) Enter onto, fish from, or approach to within two-hundred feet (60.96 meters) of the spillway dam, reservoir structures, and the fronting shoreline;
- (3) Enter into, or fish within the forest reserve along the north fork;
- (4) Swim or water ski;
- (5) Camp, picnic, or build fires;
- (6) Operate boats:
 - (A) Exceeding eighteen feet (5.49 meters) in length;
 - (B) For purposes other than fishing;
 - (C) Exceeding speeds of five miles (8.05 kilometers) per hour or in a manner which would create a dangerous wake or disturb fishermen; or
 - (D) Constructed of material other than wood unless provided with flotation to render the boat unsinkable;
- (7) Enter into or fish from the shoreline without a U.S. Coast Guard approved personal flotation device (PFD) within arm's reach at all times, one PFD per person;
- (8) Possess any firearms, air rifles or pistols, bows and arrows, spears, chemicals, trotlines, nets other than dip nets, or other illegal fishing gear;
- (9) Snag any fish;
- (10) Dispose of bottles, cans, or other refuse, or pollute or contaminate the water; and
- (11) Damage private and public property including digging in the reservoir bank, mutilating trees and shrubs, damaging buildings or equipment, tampering with valves or other water level control devices. [Eff: 5/26/81; am 1/25/82; comp 8/14/89; am and comp JUN 01 1998] (Auth: HRS §188-53) (Imp: HRS §188-53)

§13-62-4 Permitted activities. (a) A person may, with a valid fishing license, fishing permit or group fishing permit, in addition to any entry permit, the Wahiawa Special Entry Permit, or the Wahiawa Fishing Tournament Permit, if required, while within the Wahiawa public fishing area:

- (1) Fish with hook-and-line using one lure, one baited hook, or two artificial flies attached to a single line, provided:
 - (A) On weekends and holidays, any person shall not use more than one line; and
 - (B) On weekdays, any person shall not use more than two lines;
- (2) Use attended traps and dip nets up to two feet (0.61 meters) in length, height, or width, excluding the handle, for baitfish, provided that tucunare, bass, channel catfish and oscar shall not be used as bait;
- (3) Fish for, catch, take, possess, or remove any fish, subject to section 13-62-8 and the following limits that are applicable at all times:
 - (A) Not more than three channel catfish per person per day; and
 - (B) Not more than one oscar per person per day; and
- (4) Use dip nets up to two feet (0.61 meters) in length, height, or width, excluding the handle, to land hooked fish.

(b) The department may issue a permit, to be known as the Wahiawa Special Entry Permit, to use or manage the Wahiawa public fishing area and to manage, preserve, protect, conserve, and propagate any freshwater fish, including any listed species, or other freshwater life found within the Wahiawa public fishing area. The applicant must be an adult, although not all persons covered under the permit have to be adults. The department may establish all terms and conditions of the Wahiawa Special Entry Permit it deems necessary.

The department may limit the number of Wahiawa Special Entry Permits it issues, either in total or to any one group and all applications must be received by the department at least thirty days in advance of the first proposed date of the activity.

(c) The department may issue a permit, to be known as the Wahiawa Fishing Tournament Permit, to conduct fishing tournaments in the Wahiawa public fishing area, and to temporarily hold listed species during the

permitted tournament, subject to the following conditions:

- (1) Applications must be for groups of ten fishers or more with valid fishing licenses, fishing permits or group fishing permits, in addition to any entry permit, if required; provided that the applicant is an adult; and
- (2) Applications must be received by the department at least thirty days in advance of the first proposed fishing date.

No registered participant of a permitted tournament may possess any dead listed species while in the Wahiawa public fishing area.

The department may limit the number of Wahiawa Fishing Tournament Permits it issues, either in total or to any one group, and establish all terms and conditions it deems necessary. [Eff: 5/26/81; am 1/25/82; am and comp 8/14/89; am and comp JUN 01 1998] (Auth: HRS §188-53) (Imp: HRS §§187A-5, 188-50, 188-53)

§13-62-5 Group fishing permit. The department may issue a group fishing permit to any group of minors; provided that:

- (1) Each group fishing permit shall be valid for a maximum of ten consecutive days, which may be extended or rescheduled for valid reasons, provided that each permit shall expire and become void thirty days after issuance;
- (2) A minimum number of five minors shall be required under a group fishing permit, and the maximum number shall be determined by a mandatory minimum ratio of one licensed supervising adult to six non-licensed minors;
- (3) There shall be no maximum number of group fishing permits issued to any group of minors, or number of permits valid for a particular day, provided that groups may be restricted to designated areas within the Wahiawa public fishing area;
- (4) All applications for a group fishing permit shall be in writing and contain the following information:
 - (A) Name or other identifying designation of a group;
 - (B) Names and addresses of supervising adults, and a minimum of one telephone contact number;

- (C) Location or locations within the Wahiawa public fishing area where the group fishing is proposed; and
- (D) Proposed dates and times of such group fishing activity;
- (5) Applications for group fishing permits shall be submitted to the department at least thirty days in advance of the first proposed fishing date;
- (6) A "Liability Waiver for Minors for Freshwater Group Fishing Permit" shall be signed by each minor's parent or guardian and submitted to the department prior to the proposed fishing date;
- (7) Each person covered under the group fishing permit shall be entitled to a bag limit as specified in section 13-62-4;
- (8) Each person covered under the group fishing permit shall be subject to the provisions of this chapter and other applicable laws;
- (9) The group fishing permit shall substitute for the fishing license for minors only. Each adult covered under the group fishing permit must have a valid fishing license, in addition to the group fishing permit; and
- (10) In addition to the group fishing permit, the group must also have, if required, an entry permit, the Wahiawa Special Entry Permit, or the Wahiawa Fishing Tournament Permit. [Eff: 5/26/81; am and comp 8/14/89; am and comp JUN 01 1998] (Auth: HRS §188-53) (Imp: HRS §§188-50, 188-53)

§13-62-6 Revocation of permits. The board may revoke any permit issued as provided by this rule for any infraction of the terms and conditions of the permit, and a person whose permit was revoked shall not be eligible to apply for another permit until the expiration of one year from the date of revocation. [Eff: 5/26/81; comp 8/14/89; comp JUN 01 1998] (Auth: HRS §§188-50, 188-53) (Imp: HRS §§188-50, 188-53)

§13-62-7 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 punished as

provided by law, provided, any punishment for any violation of the provisions shall not be deemed to preclude the lessee or lessor of the reservoir from bringing legal action for damages against any person for injury or destruction of property occasioned by such person while present within the public fishing area or prohibited fishing zone. [Eff: 5/26/81; comp 8/14/89; am and comp JUN 01 1998] (Auth: HRS §188-53) (Imp: HRS §188-70)

§13-62-8 Catch and Release Program. (a) There is established a catch and release program for the conservation of aquatic resources within the Wahiawa public fishing area. Unless otherwise authorized by law, it is unlawful for any person within the Wahiawa public fishing area to keep, retain, hold, or kill any listed species found in subsection (b). Any person either bringing to shore or bringing on board a vessel any listed species taken from the waters of the Wahiawa public fishing area must return immediately any listed species to the waters of the Wahiawa public fishing area.

(b) The following are the listed species:

- (1) Tucunare; and
- (2) Bass. [Eff and comp JUN 01 1998] (Auth: HRS §§187A-5, 188-53) (Imp: HRS §§187A-5, 188-53)

