

HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 4 FISHERIES

PART III FRESHWATER FISHERIES MANAGEMENT AREAS

CHAPTER 63

Waiakea Public Fishing Area, Hawaii

- §13-63-1 Definitions
- §13-63-2 Prohibited activities
- §13-63-3 Permitted activities
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Historical Note. Chapter 63 of Title 13 is based substantially upon Regulation 34 of the Division of Fish and Game, Department of Land and Natural Resources, State of Hawaii. [Eff. 3/23/70; R 5/26/81]

§13-63-1 Definitions. As used in this chapter, unless otherwise provided:

"Aholehole" means any fish known as *Kuhlia sandvicensis* or a recognized synonym. Also known as, among other names, pua aholehole, ahole, and Hawaiian flagtail.

"Bait purposes" means using any aquatic life, in part, whole or extract, as an attractant, for the same or other species of aquatic life, in such a manner that enables a person or persons to more easily capture other aquatic life.

"Mahohuli fish pond" means that body of water bounded by the highest wash of the tidal water on land and further identified as located west of and adjacent to Waiakea fish pond. Also known as Mohouli fish pond and Mohouli pond.

"Mullet" means any fish known as *Mugil cephalus* or a recognized synonym. Also known as, among other names, ama'ama, anaeholo, pua, gray mullet and striped mullet.

"Samoan crab" means any crab known as *Scylla serrata* or a recognized synonym. Also known as, among other names, the serrate swimming crab.

"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. Also includes any similar device that is capable of impaling aquatic life to allow capture, with or without the aid of artificial propulsion.

"Spearing" means using or attempting to use a spear, on or near the water where aquatic life may be taken.

"Ulua" means any fish belonging to the genera *Gnathanodon*, *Alectis*, *Carangoides*, and *Caranx* or recognized synonyms. Also including the young known as papio, papiopio, and pau u'u. Also known as, among other names, omilu, ulua aukea, ulua ele'ele, jacks, and trevallys.

"Waiakea public fishing area" means that portion of the Waiakea fish pond in the Wailoa river state park south of the footbridge over the Wailoa river, including the Wailoa river flood control channel to the highest wash of the tidal water in the channel and including that body of water known as the Mahohuli fishpond as delineated in "Map of Waiakea Public Fishing Area, Hawaii 4/24/98," attached at the end of this chapter.

"Width" means the widest measured straight line distance between the right and left edges of the crab's carapace or back shell, excluding the legs. [Eff: 5/26/81; am and comp JAN 15 1999] (Auth: HRS §188-53) (Imp: HRS §188-53)

§13-63-2 Prohibited activities. No person shall engage in the following activities within the Waiakea public fishing area:

- (1) Operate boats:
 - (A) For purposes other than fishing;
 - (B) Constructed of material other than wood unless provided with floatation to render the boat unsinkable, provided that any juvenile under the age of thirteen shall not be allowed to operate any boat; unless accompanied by an adult eighteen years of age or older;
 - (C) Propelled by any fossil fuel motor;
 - (D) Between the hours of 7:30 p.m. and 6:30 a.m.; or
 - (E) Without a life preserver for each

- occupant; or
- (2) Permanently moor any boat;
 - (3) Swim, water ski, or other activity requiring immersion;
 - (4) Fish for mullet during the closed season months of December, January and February;
 - (5) Snag any fish;
 - (6) Enter into or fish in any area posted as fishing reserves or prohibited fishing zones;
 - (7) Take or possess more than three Samoan crabs per day, or take or possess any Samoan crab less than six inches (15.24 centimeters) in width; or
 - (8) Possess a spear or engage in spearing. [Eff: 5/26/81; am and comp JAN 15 1999] (Auth: HRS §188-53) (Imp: HRS §188-53)

§13-63-3 Permitted activities. A person may:

- (1) Fish for finned fish with hook-and-line, provided that each fisherman shall not fish with more than one line with a single lure, or two single hooks in tandem and more than two inches (5.08 centimeters) apart;
- (2) Use a dip net not exceeding eighteen inches (45.72 centimeters) in diameter, to:
 - (A) Land crabs lured by bait attached to lines; or
 - (B) Take shrimp for bait purposes only;
- (3) Fish for, catch, take, possess, or remove an overall total of twenty of the following fishes:
 - (A) Aholehole;
 - (B) Papio, including ulua; and
 - (C) Mullet; providing such mullet shall not comprise more than ten of the overall total of twenty fishes; and
- (4) Fish for, catch, take, possess, or remove any introduced freshwater gamefish with a valid State of Hawaii freshwater game fishing license, subject to open seasons, bag limits and size limits as provided in §§13-99-1 and 13-99-2. [Eff: 5/26/81; am and comp JAN 15 1999] (Auth: HRS §188-53) (Imp: HRS §§188-50, 188-53)

§13-63-4 Penalty. A person violating the provisions of this chapter shall be guilty of a petty

misdemeanor and punished as provided by law. [Eff:
5/26/81; am and comp JAN 15 1999] (Auth: HRS §§187A-
12.5, 188-53) (Imp: HRS §§187A-12.5, 188-70)