

HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 4 FISHERIES

PART V PROTECTED MARINE FISHERIES RESOURCES

CHAPTER 83

SHELLFISHES

- §13-83-1 Prohibited activities
- §13-83-2 Exceptions; permits
- §13-83-3 Penalty

Historical Note: Chapter 83 of Title 13 is based substantially upon Regulation 13 [Eff: 11/25/41 (Governor's approval date); am and ren 3/28/58; R MAY 26 1981 ] and Regulation 17 [Eff: 3/28/58; am 9/7/60 (Governor's approval date); am 4/21/62; am 11/3/66; am 4/3/70; R MAY 26 1981 ] of the Division of Fish and Game, Department of Land and Natural Resources, State of Hawaii.

§13-83-1 Prohibited activities. No person shall catch, take, kill, possess, remove, sell, or offer for sale the following shellfishes from the waters of the State:

- (1) Pearl oyster (Pinctada margaritifera);
- (2) Eastern oyster (Crassostrea virginica);
- (3) Japanese oyster (Crassostrea gigas);
- (4) Coral rock oyster (Crassostrea amasa);
- (5) Top shell (Trochus spp.);
- (6) Abalone (Haliotis spp.); and
- (7) Quahog or cherrystone clam (Mercenaria mercenaria). [Eff: MAY 26 1981 ] (Auth: HRS §187A-5) (Imp: HRS §187A-5)

§13-83-2 Exceptions; permits. A person may catch, take, possess, remove, or sell any of the shellfishes listed in section 13-83-1 within the waters of the

State, with a permit issued by the board, under such terms and conditions as it deems necessary, not inconsistent with section 187A-6, Hawaii Revised Statutes, provided that:

- (1) All applications for permits shall be in writing and contain sufficient information to allow for a complete evaluation of the proposal; and
- (2) The board may revoke any permit for any infraction of the terms and conditions, and a person whose permit was revoked shall not be eligible to apply for another permit until one year after the date of revocation.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 MAR 2 1987 ] (Auth: HRS §187A-5) (Imp: §§187A-5, 187A-6)

§13-83-3 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: MAY 26 1981 ] (Auth: HRS §187A-5) (Imp: HRS §§188-48, 188-61)