
HOUSE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES,
DIVISION OF AQUATIC RESOURCES, TO CONDUCT A STUDY ON PARTS
I, II, IV, AND V OF TITLE 13, SUBTITLE 4, OF THE HAWAII
ADMINISTRATIVE RULES.

1 WHEREAS, the Department of Land and Natural Resources
2 (DLNR) is dedicated to managing Hawaii's natural and cultural
3 resources; and
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5 WHEREAS, the mission of DLNR's, Division of Aquatic
6 Resources (Division) is to manage, conserve, and restore the
7 state's unique aquatic resources and ecosystems for present and
8 future generations; and
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10 WHEREAS, the Division manages the state's aquatic resources
11 and ecosystems through programs in commercial fisheries and
12 resource enhancement, aquatic resources protection, habitat
13 enhancement and education, and recreational fisheries; and
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15 WHEREAS, major program areas of the Division include
16 projects to manage or enhance fisheries for long-term
17 sustainability of the resources, protect and restore the aquatic
18 environment, protect native and resident aquatic species and
19 their habitat, and provide facilities and opportunities for
20 recreational fishing; and
21

22 WHEREAS, prior to 1999, aquatic resources were managed by
23 provisions in the Hawaii Revised Statutes, including sections
24 188-25, 188-28.5, 188-29, 188-29.1, 188-30, 188-30.2, 188-30.5,
25 188-40, 188-41, 188-46, and 188-58, which set forth provisions
26 specifying size limits, sales restrictions, seasonal
27 restrictions, and fishing areas, and regulating fishing gear;
28 and



1 WHEREAS, in 1999, Act 85, Session Laws of Hawaii 1999,
2 repealed fishing regulations enacted by the Legislature, instead
3 delegating to DLNR responsibility for aquatic resource
4 management rule-making; and
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6 WHEREAS, DLNR is authorized to adopt administrative rules
7 in accordance with the procedures set forth in Chapter 91,
8 Hawaii Revised Statutes, to carry out its management
9 responsibilities; and
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11 WHEREAS, over the years, DLNR has adopted a variety of
12 administrative rules relating to fishing, codified in Title 13,
13 subtitle 4, of the Hawaii Administrative Rules:
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- 15 (1) Part I - Marine Life Conservation District;
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- 17 (2) Part II - Marine Fisheries Management Areas;
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- 19 (3) Part III - Freshwater Fisheries Management Areas;
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- 21 (4) Part IV - Fisheries Resource Management;
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- 23 (5) Part V - Protected Marine Fisheries Resources; and
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- 25 (6) Part VI - Protected Freshwater Fisheries Resources;
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27 and
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29 WHEREAS, with the adoption of each rule managing or
30 protecting various fishery resources and the marine ecosystems,
31 the fishing community has found their fishing activities to be
32 increasingly restricted; and
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34 WHEREAS, the fishing community has no way of knowing
35 whether the various fishing restrictions have any beneficial
36 effects on fishery resources; and
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38 WHEREAS, it has been said that DLNR did not provide or
39 provided little explanation to the fishing community of the
40 justification for formulation of each rule; and
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42 WHEREAS, it has also been said that the DLNR failed to
43 provide the expected objective of the administrative rule; now,
44 therefore,



1 BE IT RESOLVED by the House of Representatives of the
 2 Twenty-fourth Legislature of the State of Hawaii, Regular
 3 Session of 2008, the Senate concurring, that the Division is
 4 requested to conduct a study of all administrative rules in
 5 Parts I, II, IV, and V of Title 13, Subtitle 4 of the Hawaii
 6 Administrative Rules; and

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 8 BE IT FURTHER RESOLVED that the study includes:

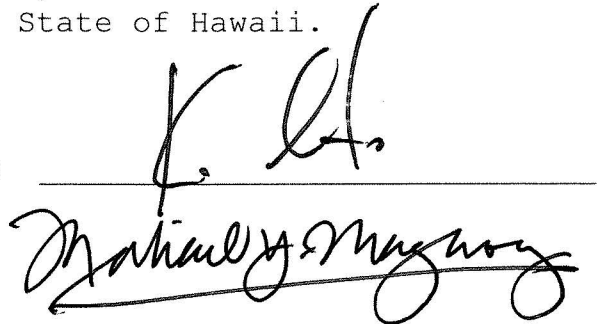
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 10 (1) The administrative rule adopted;
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 12 (2) The justification for adopting each administrative
 13 rule;
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 15 (3) The expected objective of the administrative rule
 16 adopted; and
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 18 (4) For the administrative rules in Parts I and II,
 19 identify what entity manages the rules;

20
 21 and

22
 23 BE IT FURTHER RESOLVED that the Division is requested to
 24 submit its report to the Legislature no later than 20 days prior
 25 to the convening of the Regular Session of 2009; and

26
 27 BE IT FURTHER RESOLVED that certified copies of this
 28 Concurrent Resolution be transmitted to the Chairperson of the
 29 Board of Land and Natural Resources, Administrator of the
 30 Division, and the Governor of the State of Hawaii.

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 32
 33 OFFERED BY: _____



MAR 12 2008

