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## HOUSE 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  
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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2 repealed fishing regulations enacted by the Legislature, instead  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:

- 14 (1) Part I - Marine Life Conservation District;
- 15 (2) Part II - Marine Fisheries Management Areas;
- 16 (3) Part III - Freshwater Fisheries Management Areas;
- 17 (4) Part IV - Fisheries Resource Management;
- 18 (5) Part V - Protected Marine Fisheries Resources; and
- 19 (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,



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

BE IT FURTHER RESOLVED that the study includes:

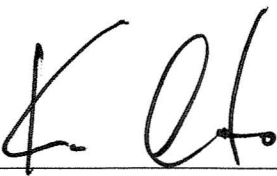
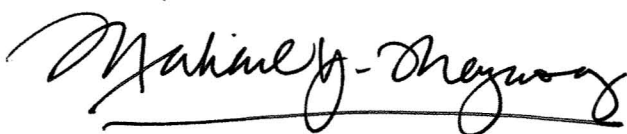
- (1) The administrative rule adopted;
- (2) The justification for adopting each administrative rule;
- (3) The expected objective of the administrative rule adopted; and
- (4) For the administrative rules in Parts I and II, identify what entity manages the rules;

and

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

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

OFFERED BY:

MAR 12 2008

