
A BILL FOR AN ACT

RELATING TO MANTA RAYS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that continuous and
2 excessive exposure to the public affects the health of manta
3 rays and increases the likelihood of disease. Without oversight
4 and control of commercial and recreational boaters at manta ray
5 aggregation sites, the manta rays, the seabed, and public safety
6 are compromised.

7 The purpose of this Act is to expand existing protections
8 of manta rays by establishing a system to limit the number of
9 boats and people who interact with manta rays.

10 SECTION 2. Section 188-39.5, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "~~§~~188-39.5~~§~~ Manta rays; prohibitions, penalties and
13 fines. (a) No person shall knowingly capture or kill a manta
14 ray within state marine waters.

15 (b) Any person violating this section or any rule adopted
16 pursuant to this section shall be guilty of a misdemeanor and
17 shall be fined:

18 (1) \$500 for a first offense;



1 (2) \$2,000 for a second offense; and

2 (3) \$10,000 for a third or subsequent offense.

3 (c) In addition to any other penalty imposed under this
4 section, a person violating this section shall be subject to:

5 (1) An administrative fine of not more than \$10,000 for
6 each manta ray captured or killed in violation of this
7 section;

8 (2) Seizure and forfeiture of any captured manta rays,
9 commercial marine license, vessel, and fishing
10 equipment; and

11 (3) Assessment of administrative fees and costs, and
12 attorney's fees and costs.

13 (d) The criminal penalties and administrative fines and
14 costs shall be assessed per manta ray captured or killed in
15 violation of this section.

16 (e) This section shall not prohibit special activity
17 permits allowed under section 187A-6; provided that the permit
18 issued does not allow a take that exceeds the potential
19 biological removal level; and provided further that the
20 department shall adopt rules to define a "take" and determine
21 when a take exceeds the potential biological removal level.



H.B. NO. 1684

1 (f) The department of land and natural resources shall
 2 adopt rules, pursuant to chapter 91, that establish a permit
 3 system limiting the number and capacity of boats and people
 4 present at manta ray aggregation sites."

5 SECTION 3. New statutory material is underscored.

6 SECTION 4. This Act shall take effect upon its approval.

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H.B. NO. 1684

Report Title:

Manta Rays; Aggregation Sites; Limitation on Access

Description:

Requires DLNR to enact rules limiting visitor capacity at manta ray aggregation sites.

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