

Honolulu, Hawaii

FEB 09 , 2022

RE: H.B. No. 1653  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-First State Legislature  
Regular Session of 2022  
State of Hawaii

Sir:

Your Committee on Water & Land, to which was referred H.B. No. 1653 entitled:

"A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES,"

begs leave to report as follows:

The purpose of this measure is to protect the State's aquatic resources by:

- (1) Authorizing the imposition of a criminal fine for violations of aquatic resources laws;
- (2) Establishing a tiered administrative fine system for each specimen of aquatic life taken, killed, or injured;
- (3) Establishing a criminal fine structure on a per-specimen basis for violations involving aquatic life; and
- (4) Authorizing the Department of Land and Natural Resources to recommend community service that benefits the resource damaged when a person is ordered to perform community service in lieu of a fine.

Your Committee received testimony in support of this measure from Friends of Hanauma Bay, Pet Industry Joint Advisory Council, Center for Biological Diversity, For the Fishes, For Forgotten



Felines, and ten individuals. Your Committee received comments on this measure from the Department of Land and Natural Resources and HFACT.

Your Committee finds that the precious aquatic resources of Hawaii deserve greater protection from poachers and others who cause damage or harm to the environment.

Your Committee has amended this measure by:

- (1) Deleting the criminal fines for violations involving aquatic resources laws;
- (2) Modifying the general administrative penalties under section 187A-12.5, Hawaii Revised Statutes, and the general penalty under section 187A-13, Hawaii Revised Statutes, to take into account the retail market value of the aquatic life that was taken or damaged;
- (3) Establishing additional, tiered administrative fines for violations of fishing rights and regulations, commercial fishing laws, and marine life conservation program laws that take into account the retail market value of the aquatic specimen that was taken or damaged;
- (4) Authorizing the Department of Land and Natural Resources to recommend to the court that defendants be restricted from entering specific geographical areas where aquatic resources may be found, including ocean waters, estuaries, rivers, and streams;
- (5) Changing its effective date to July 1, 2050, to encourage further discussion; and
- (6) Making technical, nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Water & Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1653, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1653, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.



Respectfully submitted on  
behalf of the members of the  
Committee on Water & Land,

*David Tarnas*

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DAVID A. TARNAS, Chair



