



GOV. MSG. NO. 1323

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

July 8, 2024

The Honorable Ronald D. Kouchi
President of the Senate,
and Members of the Senate
Thirty-Second State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki
Speaker, and Members of the
House of Representatives
Thirty-Second State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 8, 2024, the following bill was signed into law:

HB1554 HD1 SD1

RELATING TO AQUATIC RESOURCES.
ACT 222

Sincerely,

Josh Green, M.D.
Governor, State of Hawai'i

A BILL FOR AN ACT

RELATING TO AQUATIC RESOURCES.

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

1 SECTION 1. The legislature finds that the department of
2 land and natural resources is responsible for managing the
3 aquatic resources of the State. To effectively manage these
4 resources, the department utilizes a variety of tools and
5 methods to increase yields for Hawaii fishers and to conserve
6 and protect aquatic resources to ensure abundant fisheries for
7 future generations.

8 To achieve the twin goals of ensuring healthy, well-managed
9 fisheries in Hawaii and protecting aquatic resources from over-
10 exploitation, the department of land and natural resources
11 utilizes management tools, such as size limits, daily bag
12 limits, seasonal restrictions, gear restrictions, bait
13 restrictions, and marine managed areas, all of which are
14 expressly authorized by the provisions of section 187A-5, Hawaii
15 Revised Statutes, and other authorizing statutes. Other
16 management tools are implied in statute but not expressly
17 authorized.



1 The legislature further finds that clarifying the
2 rulemaking authority provided in section 187A-5, Hawaii Revised
3 Statutes, would enable the department of land and natural
4 resources to more effectively carry out its responsibility to
5 manage the aquatic resources of the State.

6 Furthermore, the legislature finds it necessary to improve
7 the adaptive management authority granted in section 187A-5(b),
8 Hawaii Revised Statutes. The existing statute authorizes the
9 adoption of temporary rules by formal board action only if the
10 board finds the rule necessary "in response to rapidly changing
11 resource conditions". However, it has come to the legislature's
12 attention that this provision is extremely limiting and that
13 there are other compelling reasons to authorize temporary
14 rulemaking through the adaptive management process. Therefore,
15 the legislature finds it necessary to expand the adaptive
16 management authority granted to the department of land and
17 natural resources to include adaptive management rulemaking
18 authority in light of newly available data and in light of newly
19 available technology.

20 The purpose of this Act is to:



- 1 (1) Clarify that the department of land and natural
2 resources' rulemaking authority includes adopting,
3 amending, or repealing any rule to impose restrictions
4 or requirements deemed necessary to implement the
5 purposes of section 187A-5, Hawaii Revised Statutes;
6 and
- 7 (2) Expand the board of land and natural resources'
8 authority to temporarily adopt, amend, or repeal
9 certain rules by formal action at a publicly noticed
10 meeting if the board finds that an adoption,
11 amendment, or repeal is necessary to implement
12 effective and adaptive management measures in light of
13 newly available technology or in light of newly
14 available data.

15 SECTION 2. Section 187A-5, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "**§187A-5 Rules.** (a) Subject to chapter 91, the
18 department shall adopt, amend, and repeal rules for and
19 concerning the protection and propagation of introduced and
20 transplanted aquatic life or the conservation and allocation of



1 the natural supply of aquatic life in any area. The rules may
2 include but are not limited to the following:

- 3 (1) Size limits;
- 4 (2) Bag limits;
- 5 (3) Open and closed fishing seasons;
- 6 (4) Permits for the use and possession of lay nets,
7 including reasonable permit fees and provisions for
8 revocation, suspension, and withholding of permits for
9 noncompliance with lay net rules;
- 10 (5) Specifications and numbers of fishing or taking gear
11 that may be used or possessed; [and]
- 12 (6) Prescriptions and limits on the kind and amount of
13 bait that may be used in taking aquatic life and the
14 conditions for entry into areas for taking aquatic
15 life[-]; and
- 16 (7) Any other restriction or requirement as deemed
17 necessary by the department to implement the purposes
18 of this section.

19 The rules may vary from county to county or in any part of
20 a county and may specify certain days of the week or certain
21 hours of the day in designating open and closed fishing seasons.



1 All rules shall have the force and effect of law. Except as
2 provided by subsection (b), any person who violates any of the
3 rules adopted pursuant to this section shall be guilty of a
4 petty misdemeanor and upon conviction thereof shall be punished
5 as provided by section 188-70.

6 (b) Notwithstanding any law to the contrary, the board may
7 adopt, amend, or repeal any rule pertaining to bag limits, size
8 limits, open or closed fishing seasons, or gear restrictions by
9 formal board action at a publicly noticed meeting; provided
10 that:

11 (1) The board finds that the timely adoption, amendment,
12 or repeal of the rule is necessary to implement
13 effective and adaptive management measures [~~is~~]:

14 (A) In response to rapidly changing resource
15 conditions;

16 (B) In light of newly available technology; or

17 (C) In light of newly available data;

18 (2) Notice of the rulemaking shall:

19 (A) Be given at least once statewide at least thirty
20 days in advance of the public meeting;



- 1 (B) Include a statement of the topic of the proposed
- 2 rule to be adopted, amended, or repealed or a
- 3 general description of the subjects involved;
- 4 (C) Include a statement that a copy of the proposed
- 5 rule to be adopted, the proposed rule amendment,
- 6 or the rule proposed to be repealed will be
- 7 mailed to any interested person who requests a
- 8 copy and pays the required fees for the copy and
- 9 the postage, if any, together with a description
- 10 of where and how the requests may be made;
- 11 (D) Include a statement of when, where, and during
- 12 what times the proposed rule to be adopted, the
- 13 proposed rule amendment, or the rule proposed to
- 14 be repealed may be reviewed;
- 15 (E) Include the date, time, and place where the
- 16 public meeting will be held and where interested
- 17 persons may be heard on the proposed rule
- 18 adoption, amendment, or repeal; and
- 19 (F) Be mailed to all persons who have made a timely
- 20 written request of the board for advance notice
- 21 of its rule-making proceedings; and



1 (3) The adoption, amendment, or repeal of the rule shall
2 be effective for an initial period of no longer than
3 two years, subject to legislative approval and renewal
4 by the board; provided that renewal by the board shall
5 extend for up to one year at a time.

6 Each rule hereafter adopted, amended, or repealed under
7 this subsection shall become effective ten days after formal
8 action by the board; provided that if a later effective date is
9 specified in the rule, the later date shall be the effective
10 date. The department shall post the final adopted, amended, or
11 repealed rule on its website for the duration of time the rule
12 is in effect.

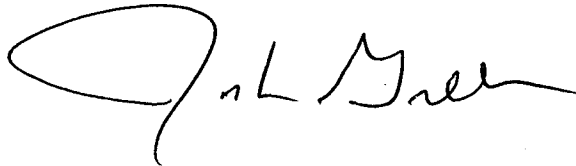
13 Any such rule established by such action of the board
14 pursuant to this subsection shall have the force and effect of
15 law. Any person who violates any rule established by such
16 action of the board shall be subject to administrative penalties
17 as provided by section 187A-12.5."

18 SECTION 3. This Act does not affect rights and duties that
19 matured, penalties that were incurred, and proceedings that were
20 begun before its effective date.



1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.
3 SECTION 5. This Act shall take effect upon its approval.

APPROVED this 8th day of July , 2024



GOVERNOR OF THE STATE OF HAWAII



HB No. 1554, HD 1, SD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 19, 2024
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2024.



Scott K. Saiki
Speaker
House of Representatives



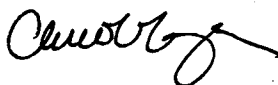
Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAI‘I

Date: April 9, 2024
Honolulu, Hawai‘i 96813

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Thirty-Second Legislature of the State of Hawai‘i, Regular Session of 2024.


President of the Senate


Clerk of the Senate