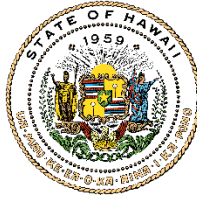


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STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
KA 'OIHANA KUMUWAIWAI 'ĀINA

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Testimony of  
DAWN N. S. CHANG  
Chairperson

Before the Senate Committee on  
JUDICIARY

Tuesday, April 2, 2024  
10:05 AM  
Conference Room 016 & Videoconference, State Capitol

In consideration of  
HOUSE BILL 1554, HOUSE DRAFT 1  
RELATING TO AQUATIC RESOURCES

House Bill 1554, House Draft 1 proposes to expand the Department Land and Natural Resources' (Department) rulemaking authority to include any rule to impose restrictions or requirements deemed necessary to protect certain aquatic life and to expand the Board of Land and Natural Resources' (BLNR) authority to temporarily adopt, amend, or repeal certain natural resource rules by formal action at a publicly noticed meeting if the BLNR finds that such adoption, amendment, or repeal is necessary to implement effective and adaptive management measures in light of newly available technology or in light of newly available data. **The Department supports this bill.**

Pursuant to § 187A-2, Hawaii Revised Statutes (HRS), the Department is mandated to manage and administer the aquatic life and aquatic resources of the state. The Department currently uses management tools such as size limits, bag limits, closed seasons, gear restrictions, and permitting of specific gear to regulate the state's fisheries through the adoption of administrative rules. Despite the variety of management tools available, the Department finds that broadening the suite of management tools would allow more effective management of the state's aquatic resources. For example, in 2021 the Legislature amended § 187A-5, HRS, to authorize the Department to require permits for the use and possession of lay nets. During the rulemaking process to implement the lay net permit, it was suggested that the Department should also require permits for the use of surround nets, a similar but distinct fishing method. However, the Department lacks the express statutory authority to regulate surround nets. This bill would authorize the Department to regulate other fishing methods, such as surround nets, through permits.

DAWN N.S. CHANG  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT  
RYAN K.P. KANAKA'OLE  
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CONSERVATION AND RESOURCES  
ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

In 2021, the Legislature authorized the BLNR to temporarily adopt, amend, or repeal certain natural resource rules by formal action at a publicly noticed meeting if it finds that such adoption, amendment, or repeal is necessary to implement effective and adaptive management measures in response to rapidly changing resource conditions.<sup>1</sup> Through discussions with fishers, the Department has identified other factors that should inform the BLNR's implementation of adaptive management measures. These include the availability of new data on the status of aquatic resources and the development of new technologies that fall outside the scope of existing regulations. By expanding the BLNR's adaptive management authority to encompass new information and new technology, the Department will be better equipped to effectively manage the aquatic resources of the state.

Mahalo for the opportunity to testify in support of this measure.

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<sup>1</sup> See Act 49, Session Laws of Hawai'i 2021