

A Bill for an Act Relating to the Protection of Indigenous Fish, Bird, Animal, and Vegetable Life.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 187, Hawaii Revised Statutes, is amended by adding three new sections to be appropriately numbered and to read as follows:

“Sec. 187- . Animal species advisory commission. (a) There is established within the department of land and natural resources an animal species advisory commission which shall serve in an advisory capacity to the fish and game division. The commission shall consist of eleven members to be appointed by the governor in the manner provided in section 26-34. The chairman of each fish and wildlife advisory committee established pursuant to this chapter and the chief of the division of fish and game shall serve as members of the commission. Six of the members shall be scientists in the fields of botany, mammology, ichthyology, entomology, ornithology, and invertebrate zoology. The commission shall select its own chairman.

(b) The animal species advisory commission shall advise the fish and game division on every proposal for the deliberate introduction of a species of animal by the department into any habitat within the State, whether the introduction proposed is from without the State into the State or from one area in the State into another area in the State.

(c) The animal species advisory commission shall also advise the fish and game division of any matter affecting fishing or hunting, and fish and wildlife conservation, including proposed rules and regulations. The commission may hear such persons and acquire such information as it desires and shall communicate its findings and recommendations to the division of fish and game.

Sec. 187- . Introduction of species of animals. (a) No species of animal shall be deliberately introduced by the department under the provisions of chapter 187 into any habitat within the State, whether the introduction is from without the State into the State or from one area in the State into another area in the State unless the introduction is recommended by the fish and game division and authorized by rules and regulations of the department of land and natural resources, promulgated pursuant to chapter 91.

(b) The fish and game division in determining whether to recommend the

deliberate introduction of a species of animal shall make the following findings after consultation with the animal species advisory commission:

- (1) The factors which limit the distribution and abundance of the species in its native habitat have been studied and its probable dispersal pattern appraised;
- (2) Whether in the area where the species is proposed to be introduced there is or had been stock of a desirable, ecologically comparable indigenous species which can be increased or rehabilitated by re-introduction or by encouraging extension of its range.
- (3) Whether the species proposed to be introduced would threaten the existence and stability of any indigenous species as predator; competitor for food, cover, or breeding sites; or in any other way arising from its characteristics and ecological requirements;
- (4) The availability of socially acceptable methods of eliminating the species or keeping it under control in the area where it is proposed to be introduced and in adjoining areas;
- (5) The extent to which the species will enhance the economic and aesthetic values of the area where it is proposed to be introduced.
- (6) That the individuals to be introduced are free of communicable diseases and parasites and that there is no reason to believe that any communicable disease or parasite constitutes an important factor in the control of population; and
- (7) That there is no foreseeable risk of conflict on account of the introduction with land use policies in the area where a species is proposed to be introduced or in adjoining areas to which the species might spread.

(c) Before any species of animal is deliberately introduced, under the provisions of this chapter, into a habitat, the suitability of the introduction shall be tested if there is available an experimental area which can be fully controlled with a habitat typical of the area where the species is proposed to be introduced.

(d) When a species of animal is deliberately introduced into a habitat under the provisions of this chapter and until the species becomes established there on a stable basis, the fish and game division shall conduct studies of the introduced species in its new habitat, including studies of its rate of spread and impact on the habitat.

(e) Any person who violates this section or any rule or regulation promulgated pursuant to this section shall be subject to the penalties provided by section 187-20.

(f) The term 'indigenous', as used in this Act, includes plant and animal life (including fish and fowl), and organisms produced, growing or living naturally in the various islands of Hawaii without having been brought here by man.

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Sec. 187- . Fish and wildlife advisory committees. (a) There is established in each of the counties of the State, a fish and wildlife advisory committee. Each committee shall be composed of members of the board of land and natural resources from the county, who shall serve ex officio and shall be non-voting members, and five members appointed by the governor in accordance with section 26-34, Hawaii Revised Statutes, who shall be knowledgeable in the fishing, hunting, and conservation of fish and wildlife. The members shall serve for two year terms, except that two of the members initially appointed shall serve for one year terms. Each committee shall select its own chairman from its voting members, and three voting members shall constitute a quorum. Members of the committees shall receive no compensation but shall be reimbursed by the board of land and natural resources for all necessary expenses, including stenographic services.

(b) Functions and duties of committees. A committee shall meet at the call of its chairman or of any three of its members for the consideration of any matter affecting fishing or hunting and fish and wildlife conservation within the county, including proposed rules and regulations. Each committee may hear such persons and acquire such information as it desires and shall communicate its findings and recommendations to the division of fish and game.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.*

SECTION 3. This Act shall take effect upon its approval.
(Approved July 2, 1970.)

* Edited accordingly