
A BILL FOR AN ACT

RELATING TO ADAPTIVE NATURAL RESOURCE MANAGEMENT.

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

1 SECTION 1. The department of land and natural resources is
2 responsible for managing and administering the aquatic and
3 terrestrial wildlife resources of the State. These natural
4 resources are impacted by a variety of environmental and
5 anthropogenic factors, some of which may change rapidly and
6 frequently. To effectively manage these natural resources, the
7 department needs the flexibility to quickly and efficiently
8 implement temporary adaptive management measures that are based
9 on the best available scientific information.

10 Furthermore, the administrative rule-making process
11 prescribed by chapter 91, Hawaii Revised Statutes, serves the
12 important function of providing opportunity for public review
13 and input. However, it is not designed for implementation of
14 adaptive management measures in response to rapidly changing
15 resource conditions.

16 An alternative process with fewer procedural steps would
17 enable the department of land and natural resources to quickly



1 implement certain temporary adaptive management measures, while
2 also providing opportunity for public review and input.

3 The purpose of this Act is to authorize the board of land
4 and natural resources to temporarily adopt, amend, and repeal
5 certain natural resource rules by formal board action at a
6 publicly noticed meeting if the board finds that such adoption,
7 amendment, or repeal is necessary to implement effective and
8 adaptive management measures in response to rapidly changing
9 resource conditions.

10 SECTION 2. Section 183D-3, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "**§183D-3 Rules.** (a) Subject to chapter 91, the
13 department shall adopt, amend, and repeal rules:

14 (1) Concerning the preservation, protection, regulation,
15 extension, and utilization of, and conditions for
16 entry into wildlife sanctuaries, game management
17 areas, and public hunting areas designated by the
18 department;

19 (2) Protecting, conserving, monitoring, propagating, and
20 harvesting wildlife;



1 (3) Concerning size limits, bag limits, open and closed
2 seasons, and specifications of hunting gear which may
3 be used or possessed; and

4 (4) Setting fees for activities permitted under this
5 chapter, unless otherwise provided for by law.

6 The rules may vary from county to county or in any part of
7 the county and may specify certain days of the week or certain
8 hours of the day in designating open and closed hunting seasons,
9 except that any fees established by rule shall be the same for
10 each county. All rules shall have the force and effect of law.

11 (b) Notwithstanding any law to the contrary, the board may
12 adopt, amend, or repeal any rule pertaining to bag limits, size
13 limits, open or closed hunting seasons, or gear restrictions by
14 formal board action at a publicly noticed meeting; provided
15 that:

16 (1) The board finds that the timely adoption, amendment,
17 or repeal of the rule is necessary to implement
18 effective and adaptive management measures in response
19 to rapidly changing resource conditions;

20 (2) Notice of the rulemaking shall:



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



1 (F) Be mailed to all persons who have made a timely
2 written request of the board for advance notice
3 of its rule-making proceedings; and

4 (3) The adoption, amendment, or repeal of the rule shall
5 be effective for an initial period of no longer than
6 two years, subject to renewal by the board for up to
7 one year at a time.

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

15 Any such rule established by such action of the board
16 pursuant to this subsection shall have the force and effect of
17 law. Any person who violates any rule established by such
18 action of the board shall be subject to administrative penalties
19 as provided by section 183D-12."

20 SECTION 3. Section 187A-5, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "**§187A-5 Rules.** (a) Subject to chapter 91, the
2 department shall adopt, amend, and repeal rules for and
3 concerning the protection and propagation of introduced and
4 transplanted aquatic life, or the conservation and allocation of
5 the natural supply of aquatic life in any area. The rules may
6 include the following:

- 7 (1) Size limits;
- 8 (2) Bag limits;
- 9 (3) Open and closed fishing seasons;
- 10 (4) Specifications and numbers of fishing or taking gear
11 which may be used or possessed; and
- 12 (5) Prescribe and limit the kind and amount of bait that
13 may be used in taking aquatic life, and the conditions
14 for entry into areas for taking aquatic life.

15 The rules may vary from [~~one county to another~~] county to county
16 or in any part of a county and may specify certain days of the
17 week or certain hours of the day in designating open and closed
18 fishing seasons. All rules shall have the force and effect of
19 law. [~~Any~~] Except as provided by subsection (b), any person who
20 violates any of the rules adopted pursuant to this section shall



1 be guilty of a petty misdemeanor and upon conviction thereof
2 shall be punished as provided by section 188-70.

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

8 (1) The board finds that the timely adoption, amendment,
9 or repeal of the rule is necessary to implement
10 effective and adaptive management measures in response
11 to rapidly changing resource conditions;

12 (2) Notice of the rulemaking shall:

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

15 (B) Include a statement of the topic of the proposed
16 rule to be adopted, amended, or repealed or a
17 general description of the subjects involved;

18 (C) Include a statement that a copy of the proposed
19 rule to be adopted, the proposed rule amendment,
20 or the rule proposed to be repealed will be
21 mailed to any interested person who requests a



1 copy and pays the required fees for the copy and
2 the postage, if any, together with a description
3 of where and how the requests may be made;

4 (D) Include a statement of when, where, and during
5 what times the proposed rule to be adopted, the
6 proposed rule amendment, or the rule proposed to
7 be repealed may be reviewed;

8 (E) Include the date, time, and place where the
9 public meeting will be held and where interested
10 persons may be heard on the proposed rule
11 adoption, amendment, or repeal; and

12 (F) Be mailed to all persons who have made a timely
13 written request of the board for advance notice
14 of its rule-making proceedings; and

15 (3) The adoption, amendment, or repeal of the rule shall
16 be effective for an initial period of no longer than
17 two years, subject to renewal by the board for up to
18 one year at a time.

19 Each rule hereafter adopted, amended, or repealed under
20 this subsection shall become effective ten days after formal
21 action by the board; provided that if a later effective date is



1 specified in the rule, the later date shall be the effective
2 date. The department shall post the final adopted, amended, or
3 repealed rule on its website for the duration of time the rule
4 is in effect.

5 Any such rule established by such action of the board
6 pursuant to this subsection shall have the force and effect of
7 law. Any person who violates any rule established by such
8 action of the board shall be subject to administrative penalties
9 as provided by section 187A-12.5."

10 SECTION 4. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 5. This Act shall take effect on January 1, 2050.



Report Title:

DLNR; Natural Resource Rules; Adaptive Management

Description:

Authorizes the board of land and natural resources (BLNR) to temporarily adopt, amend, and repeal certain natural resource rules by formal BLNR action at a publicly noticed meeting if BLNR finds that such adoption, amendment, or repeal is necessary to implement effective and adaptive management measures in response to rapidly changing resource conditions. Effective 1/1/2050. (HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

