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

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



1 The legislature also finds that an alternative process with
2 fewer procedural steps would enable the department of land and
3 natural resources to quickly implement certain temporary
4 adaptive management measures, while also providing opportunity
5 for public review and input.

6 The purpose of this Act is to:

- 7 (1) Authorize the board of land and natural resources to
8 temporarily adopt, amend, and repeal certain natural
9 resource rules by formal board action at a public
10 noticed meeting if the board finds that such adoption,
11 amendment, or repeal is necessary to implement
12 effective and adaptive management measures in response
13 to rapidly changing resource conditions; and
- 14 (2) Require the department of land and natural resources
15 to submit a report, regarding its actions and findings
16 on the temporary adoption, amendment, and repeal of
17 certain natural resource rules through formal action
18 at public meetings, to the legislature no later than
19 twenty days prior to the convening of the regular
20 session of 2023.



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

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

5 (1) Concerning the preservation, protection, regulation,
6 extension, and utilization of, and conditions for
7 entry into wildlife sanctuaries, game management
8 areas, and public hunting areas designated by the
9 department;

10 (2) Protecting, conserving, monitoring, propagating, and
11 harvesting wildlife;

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

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

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



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

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

10 (2) Notice of the rulemaking shall:

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

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

16 (C) Include a statement that a copy of the proposed
17 rule to be adopted, the proposed rule amendment,
18 or the rule proposed to be repealed will be
19 mailed to any interested person who requests a
20 copy and pays the required fees for the copy and



1 the postage, if any, together with a description
2 of where and how the requests may be made;
3 (D) Include a statement of when, where, and during
4 what times the proposed rule to be adopted, the
5 proposed rule amendment, or the rule proposed to
6 be repealed may be reviewed;
7 (E) Include the date, time, and place where the
8 public meeting will be held and where interested
9 persons may be heard on the proposed rule
10 adoption, amendment, or repeal; and
11 (F) Be mailed to all persons who have made a timely
12 written request of the board for advance notice
13 of its rule-making proceedings; and
14 (3) The adoption, amendment, or repeal of the rule shall
15 be effective for an initial period of no longer than
16 two years, subject to legislative approval and renewal
17 by the board; provided that renewal by the board shall
18 extend for up to 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 that the
4 rule 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 183D-12."

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

12 "§187A-5 Rules. (a) Subject to chapter 91, the
13 department shall adopt, amend, and repeal rules for and
14 concerning the protection and propagation of introduced and
15 transplanted aquatic life, or the conservation and allocation of
16 the natural supply of aquatic life in any area. The rules may
17 include the following:

- 18 (1) Size limits;
- 19 (2) Bag limits;
- 20 (3) Open and closed fishing seasons;



1 (4) Specifications and numbers of fishing or taking gear
2 which may be used or possessed; and

3 (5) Prescribe and limit the kind and amount of bait that
4 may be used in taking aquatic life, and the conditions
5 for entry into areas for taking aquatic life.

6 The rules may vary from [~~one county to another~~] county to county
7 or in any part of a county and may specify certain days of the
8 week or certain hours of the day in designating open and closed
9 fishing seasons. All rules shall have the force and effect of
10 law. [~~Any~~] Except as provided by subsection (b), any person who
11 violates any of the rules adopted pursuant to this section shall
12 be guilty of a petty misdemeanor and upon conviction thereof
13 shall be punished as provided by section 188-70.

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

19 (1) The board finds that the timely adoption, amendment,
20 or repeal of the rule is necessary to implement



1 effective and adaptive management measures in response
2 to rapidly changing resource conditions;

3 (2) Notice of the rulemaking shall:

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

6 (B) Include a statement of the topic of the proposed
7 rule to be adopted, amended, or repealed or a
8 general description of the subjects involved;

9 (C) Include a statement that a copy of the proposed
10 rule to be adopted, the proposed rule amendment,
11 or the rule proposed to be repealed will be
12 mailed to any interested person who requests a
13 copy and pays the required fees for the copy and
14 the postage, if any, together with a description
15 of where and how the requests may be made;

16 (D) Include a statement of when, where, and during
17 what times the proposed rule to be adopted, the
18 proposed rule amendment, or the rule proposed to
19 be repealed may be reviewed;

20 (E) Include the date, time, and place where the
21 public meeting will be held and where interested



1 persons may be heard on the proposed rule
2 adoption, amendment, or repeal; and
3 (F) Be mailed to all persons who have made a timely
4 written request of the board for advance notice
5 of its rule-making proceedings; and
6 (3) The adoption, amendment, or repeal of the rule shall
7 be effective for an initial period of no longer than
8 two years, subject to legislative approval and renewal
9 by the board; provided that renewal by the board shall
10 extend for up to one year at a time.

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

18 Any such rule established by such action of the board
19 pursuant to this subsection shall have the force and effect of
20 law. Any person who violates any rule established by such



1 action of the board shall be subject to administrative penalties
2 as provided by section 187A-12.5."

3 SECTION 4. The department of land and natural resources
4 shall submit a report, regarding its actions and findings on the
5 temporary adoption, amendment, and repeal of certain natural
6 resource rules through formal action at public meetings over the
7 past two years, to the legislature no later than twenty days
8 prior to the convening of the regular session of 2023.

9 SECTION 5. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 6. This Act shall take effect on October 1, 2021.



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 action at a public 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. Requires legislative and BLNR approval prior to the renewed adoption, amendment, and repeal of certain natural resource rule by formal action at a public meeting. Requires a report to the legislature no later than twenty days prior to the convening of the regular session of 2023. Effective 10/1/2021. (SD2)

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

