
A BILL FOR AN ACT

RELATING TO MANTA RAYS.

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

1 SECTION 1. The legislature finds that manta rays are a
2 threatened species because of poaching and commercial fishing.
3 In 2005, a bill to prohibit the killing of manta rays was
4 introduced but not heard by the legislature. In 2006, the state
5 house of representatives adopted H.R. No. 30, H.D. 1, which
6 established a working group to determine methods to protect the
7 *batoidea* order including manta rays. Despite these earlier
8 efforts, legislation is needed to more effectively protect manta
9 rays.

10 The purpose of this Act is to establish fines and penalties
11 for knowingly killing or capturing manta rays within state
12 waters.

13 SECTION 2. Chapter 188, Hawaii Revised Statutes, is
14 amended by adding a new section to be appropriately designated
15 and to read as follows:

16 "§188- Manta rays; prohibitions, penalties and fines.

17 (a) No person shall knowingly capture or kill a manta ray
18 within state marine waters.

1 (b) Any person violating this section or any rule adopted
2 pursuant to this section shall be guilty of a misdemeanor and
3 shall be fined:

4 (1) \$500 for a first offense;

5 (2) \$2,000 for a second offense; and

6 (3) \$10,000 for a third or subsequent offense.

7 (c) In addition to any other penalty imposed under this
8 section, a person violating this section shall be subject to:

9 (1) An administrative fine of not more than \$10,000 for
10 each manta ray captured or killed in violation of this
11 section;

12 (2) Seizure and forfeiture of any captured manta rays,
13 commercial marine license, vessel, and fishing
14 equipment; and

15 (3) Assessment of administrative fees and costs, and
16 attorney's fees and costs.

17 (d) The criminal penalties and administrative fines and
18 costs shall be assessed per manta ray captured or killed in
19 violation of this section.

20 (e) This section shall not prohibit special activity
21 permits allowed under section 187A-6; provided that the permit
22 issued does not allow a take that exceeds the potential

1 biological removal level. For the purposes of this section,
2 "potential biological removal level" means the maximum number of
3 animals, not including natural mortalities, that may be removed
4 from a manta ray stock while allowing that stock to reach or
5 maintain its optimum sustainable population. The potential
6 biological removal level is the product of the following
7 factors:

- 8 (1) The minimum population estimate of the stock;
9 (2) One-half the maximum theoretical or estimated net
10 productivity rate of the stock at a small population
11 size; and
12 (3) A recovery factor of between 0.1 and 1.0."

13 SECTION 3. Section 188-70, Hawaii Revised Statutes, is
14 amended by amending subsection (a) to read as follows:

15 "(a) Any person violating any provision of or any rule
16 adopted pursuant to this chapter, [~~excepting section 188-23,~~]
17 except sections 188-23 and 188- , [~~or any rule adopted pursuant~~
18 ~~thereto,~~] is guilty of a petty misdemeanor and, in addition to
19 any other penalties, shall be fined not less than:

- 20 (1) \$100 for a first offense;
21 (2) \$200 for a second offense; and
22 (3) \$500 for a third or subsequent offense."

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.

Report Title:

Manta Rays; Poaching and Commercial Fishing Prohibited

Description:

Establishes fines and penalties for any person who knowingly captures or kills a manta ray within state marine waters.

Provides an exception for special permits granted for scientific, education, management, or propagation purposes.

(SD1)