

# S.B. NO. 2809

JAN 24 2018

## A BILL FOR AN ACT

RELATING TO CRUSTACEANS.

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

1       SECTION 1. The legislature finds that the management of  
2       aquatic resources is under the jurisdiction of the department of  
3       land and natural resources (department). The expertise to  
4       properly determine which species need management measures, what  
5       those measures should be, and how best to implement those  
6       measures rests within the department. The chapter 91, Hawaii  
7       Revised Statutes, administrative rule making process provides  
8       the mechanism for the department to discuss these proposed  
9       changes to administrative rules through a public process that is  
10      transparent, provides the public ample opportunities for  
11      comment, and helps to ensure that due process is followed.

12      The purpose of this Act is to transfer the statutory  
13      provisions that prohibit the taking of female spiny lobsters,  
14      kona crabs, and samoan crabs to administrative rules of the  
15      department.

16      SECTION 2. Section 188-58.5, Hawaii Revised Statutes, is  
17      repealed.

# S.B. NO. 2809

1       ~~["§188-58.5] Female ula (spiny lobsters), Kona crabs, and~~  
2       ~~Samoaan crabs; taking or killing prohibited. (a) Unless~~  
3       ~~otherwise exempted by law, it shall be unlawful for any person~~  
4       ~~to take or kill any female ula (spiny lobster or Panulirus),~~  
5       ~~Kona crab (Ranina ranina), or Samoaan crab (Seylla serrata).~~  
6       ~~(b) This section shall not prohibit the taking or killing~~  
7       ~~of female marine invertebrates identified in subsection (a) if~~  
8       ~~they are the product of commercial aquaculture and not removed~~  
9       ~~from their natural environment."]~~

10       SECTION 3. Statutory material to be repealed is bracketed  
11       and stricken.

12       SECTION 4. This Act, upon its approval, shall take effect  
13       on the effective date of administrative rules adopted by the  
14       department of land and natural resources that regulate the  
15       taking or killing of female spiny lobsters, kona crabs, and  
16       samoan crabs.

17  
18       INTRODUCED BY:



19       BY REQUEST

# S.B. NO. 2809

**Report Title:**

Crustaceans; Prohibition on Taking or Killing; Administrative Rules

**Description:**

Transfers the statutory provisions of section 188-58.5, Hawaii Revised Statutes, that prohibit the taking or killing of female spiny lobsters, kona crabs, and samoan crabs, to administrative rules of the Department of Land and Natural Resources.

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

## JUSTIFICATION SHEET

DEPARTMENT: Land and Natural Resources

TITLE: A BILL FOR AN ACT RELATING TO CRUSTACEANS.

PURPOSE: To transfer the statutory provisions of section 188-58.5, Hawaii Revised Statutes (HRS), that prohibit the taking or killing of female spiny lobsters, kona crabs, and samoan crabs, to administrative rules of the Department.

MEANS: Repeal section 188-58.5, HRS.

JUSTIFICATION: Since the 2006 enactment of section 188-58.5, HRS, the information about the kona crab has grown to the point where changes to the management measures for this species needs updating. It appears that the prohibition on the taking of females is creating a sex ratio and size imbalance that may be inhibiting successful reproduction. As more information is known about lobsters and samoan crabs, changes to the management of these species may be needed, as well.

The management of natural resources requires constant monitoring and, when necessary, the amending of regulations to adjust to a changing environment. The most effective way to amend and implement specific provisions is through the chapter 91, HRS, administrative rule process, which provides the mechanism for the Department to discuss these proposed changes to administrative rules through a public process that is transparent, provides the public ample opportunities for comment, and helps to ensure that due process is followed. Administrative rules would also enable the Department to adopt more comprehensive changes for the management of these species.

The Department notes that section 187A-5, HRS, among other things, presently

authorizes the Department to adopt, amend, and repeal rules to manage kona crabs, lobsters, and samoan crabs. This bill would be one step in a process to eventually have management control of these species under administrative rules of the Department.

Impact on the public: The general public would not be impacted but would benefit from improvements to the management of marine resources.

Impact on the Department and other agencies: Improved efficiencies on managing marine resources of the State to ensure protection and conservation.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: LNR 153.

OTHER AFFECTED  
AGENCIES: None.

EFFECTIVE DATE: On the effective date of administrative rules adopted by the Department that regulate the taking or killing of spiny lobsters, kona crabs, and samoan crabs.