

JAN 27 2021

A BILL FOR AN ACT

RELATING TO CRUSTACEANS.

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

1 SECTION 1. Management of natural resources requires
2 constant monitoring and, when necessary, the amending of
3 regulations to adjust to a changing environment. The most
4 effective way to amend and implement specific provisions is
5 through the chapter 91, Hawaii Revised Statutes, administrative
6 rule process, which would provide the mechanism for the
7 department of land and natural resources (department) to discuss
8 proposed changes to administrative rules through a public
9 process that is transparent, provides the public ample
10 opportunities for comment, and helps to ensure that due process
11 is followed. Administrative rules would also enable the
12 department to adopt more comprehensive changes for the
13 management of these species.

14 Since the 2006 enactment of section 188-58.5, Hawaii
15 Revised Statutes, the information about the Kona crab has grown
16 to the point where changes to the management measures for this
17 species needs updating. The department has since adopted

1 administrative rules that prohibit the taking, killing, or
2 possession of female spiny lobster (ula), Kona crab (ranina
3 ranina), and Samoan crab (Scylla serrata).

4 The purpose of this Act is to repeal section 188-58.5,
5 Hawaii Revised Statutes, and rather allow the department to
6 regulate the taking, killing, or possession of female spiny
7 lobster (ula), Kona crab (ranina ranina), and Samoan crab
8 (Scylla serrata) through administrative rules.

9 SECTION 2. Section 188-58.5, Hawaii Revised Statutes, is
10 repealed.

11 [~~"[§188-58.5] Female ula (spiny lobsters), Kona crabs,
12 and Samoan crabs; taking or killing prohibited. (a) Unless
13 otherwise exempted by law, it shall be unlawful for any person
14 to take or kill any female ula (spiny lobster or Panulirus),
15 Kona crab (Ranina ranina), or Samoan crab (Scylla serrata).~~

16 ~~(b) This section shall not prohibit the taking or killing
17 of female marine invertebrates identified in subsection (a) if
18 they are the product of commercial aquaculture and not removed
19 from their natural environment."~~]

20 SECTION 3. Statutory material to be repealed is bracketed
21 and stricken.

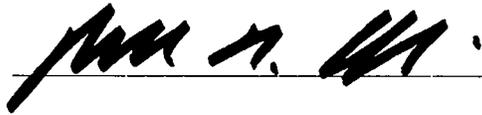
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S.B. NO. 1171

1 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: 

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BY REQUEST

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S.B. NO. 1171

Report Title:

Crustaceans; Prohibition on Taking or Killing; Administrative Rules

Description:

Repeals section 188-58.5, Hawaii Revised Statutes, which prohibits the taking or killing of female spiny lobsters, Kona crabs, and Samoan crabs.

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

SB. NO. 1171

JUSTIFICATION SHEET

DEPARTMENT: Land and Natural Resources

TITLE: A BILL FOR AN ACT RELATING TO CRUSTACEANS.

PURPOSE: To repeal section 188-58.5, Hawaii Revised Statutes (HRS), which prohibits the taking or killing of female spiny lobsters, Kona crabs, and Samoan crabs.

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 spiny lobsters, Kona crabs, and Samoan crabs. As such, the substantive provisions of section 188-58.5, HRS, have been incorporated into administrative rules adopted by the Board of Land and Natural Resources on February 14, 2020. However, the Department is unable to amend its administrative rules to better manage the Kona crab fishery while Section 188-58.5, HRS, is in place due to conflicting language in the statute.

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: Upon approval.