

ACT 74

H.B. NO. 2842-80

A Bill for an Act Relating to Fish and Game.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 187-1.2, Hawaii Revised Statutes, is amended to read as follows:

“Sec. 187-1.2 Introduction of species of animals. (a) No species of animal shall be deliberately introduced by the department under the provisions of chapter 187 into any habitat within the State, whether the introduction is from without the State into the State or from one area in the State into another area in the State unless the introduction is recommended by the forestry division and the fish and game division and authorized by rules of the department of land and natural resources, pursuant to chapter 91.

(b) The forestry division and the fish and game division in determining whether to recommend the deliberate introduction of a species of animal shall make the following findings:

- (1) The factors which limit the distribution and abundance of the species in its native habitat have been studied and its probable dispersal pattern appraised;
- (2) Whether in the area where the species is proposed to be introduced there is or had been stock of a desirable, ecologically comparable indigenous species which can be increased or rehabilitated by reintroduction or by encouraging extension of its range;
- (3) Whether the species proposed to be introduced would threaten the existence and stability of any indigenous species as predator; competitor for food, cover, or breeding sites; or in any other way arising from its characteristics and ecological requirements;
- (4) The availability of socially acceptable methods of eliminating the species or keeping it under control in the area where it is proposed to be introduced and in adjoining areas;
- (5) The extent to which the species will enhance the economic and aesthetic values of the area where it is proposed to be introduced;
- (6) That the individuals to be introduced are free of communicable diseases and parasites and that there is no reason to believe that any communicable disease or parasite constitutes an important factor in the control of population; and

(7) That there is no foreseeable risk of conflict on account of the introduction with land use policies in the area where a species is proposed to be introduced or in adjoining areas to which the species might spread.

(c) Before any species of animal is deliberately introduced, under the provisions of this chapter, into a habitat, the suitability of the introduction shall be tested if there is available an experimental area which can be fully controlled with a habitat typical of the area where the species is proposed to be introduced.

(d) When a species of animal is deliberately introduced into a habitat under the provisions of this chapter and until the species becomes established there on a stable basis, the forestry division and the fish and game division shall conduct studies of the introduced species in its new habitat, including studies of its rate of spread and impact on the habitat.

(e) Any person who violates this section or any rule or regulation promulgated pursuant to this section shall be subject to the penalties provided by section 187-20.

(f) The term "indigenous", as used in this section, includes plant and animal life (including fish and fowl), and organisms produced, growing or living naturally in the various islands of Hawaii without having been brought here by man."

SECTION 2. Section 187-1.1, Hawaii Revised Statutes, is amended to read as follows:

"Sec. 187-1.1 Animal species advisory commission. (a) There is established within the department of land and natural resources an animal species advisory commission which may serve in an advisory capacity to the board of land and natural resources. The commission shall consist of thirteen members to be appointed by the governor in the manner provided in section 26-34. The chairperson of each fish and wildlife advisory committee established pursuant to this chapter and the chiefs of the divisions of forestry, conservation and resources enforcement, and fish and game shall serve as members of the commission. Six of the members shall be scientists in the fields of botany, mammology, ichthyology, entomology, ornithology, and invertebrate zoology. The commission shall select its own chairman.

(b) The animal species advisory commission may advise the board on every proposal for the deliberate introduction of a species of animal by the department into any habitat within the State, whether the introduction proposed is from without the State into the State or from one area in the State into another area in the State.

(c) The animal species advisory commission may also advise the board of any matter affecting fishing or hunting, and fish and wildlife conservation, including proposed rules. The commission may hear such persons and acquire such information as it desires and shall communicate its findings and recommendations to the board."

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored.*

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

(Approved May 17, 1980.)

*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.