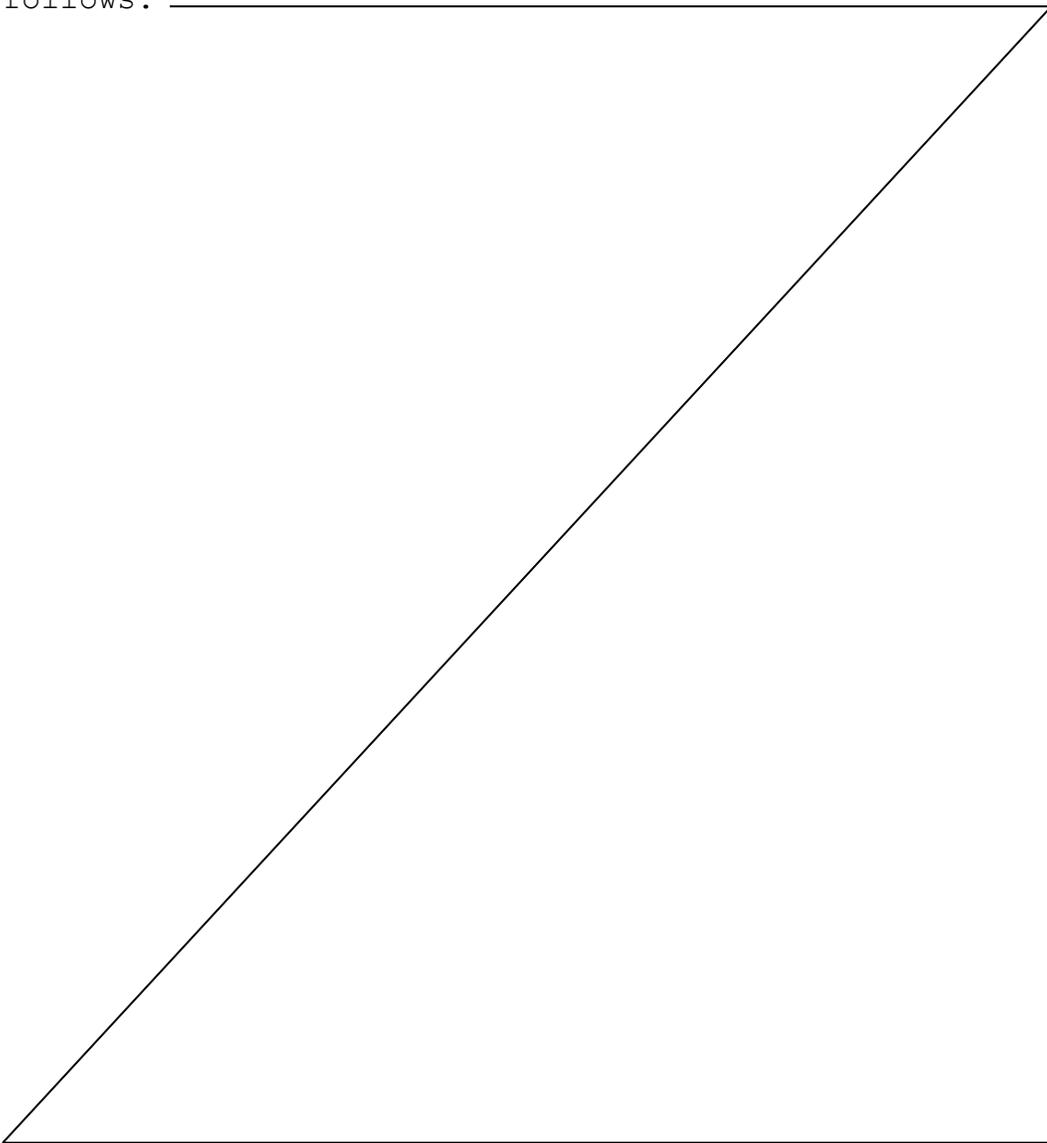


DEPARTMENT OF LAND AND NATURAL RESOURCES

Adoption of Chapter 13-86
Hawaii Administrative Rules

(date of adoption)

1. Chapter 13-86, Hawaii Administrative Rules, entitled "Sea Cucumber", is adopted to read as follows: _____



"HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 4 FISHERIES

PART V PROTECTED MARINE FISHERIES RESOURCES

CHAPTER 86

SEA CUCUMBER

- §13-86-1 Definitions
- §13-86-2 Prohibited activities
- §13-86-3 Penalty

§13-86-1 Definitions. As used in this chapter, unless otherwise provided:

"Sea cucumber" means any echinoderm species of aquatic life in the class Holothuroidea.

"Take" means to catch, kill, remove, capture, confine, or harvest, or to attempt to catch, kill, remove, capture, confine, or harvest. [Eff
] (Auth: HRS §190-3) (Imp: HRS

§190-3)

§13-86-2 Prohibited activities. (a) No person shall take, possess, sell, or offer for sale, any sea cucumber from the waters of the State.

(b) This section shall not prohibit the possession or sale of sea cucumbers taken or possessed on or before the effective date of this chapter, provided further that any commercial marine dealer selling or offering for sale any sea cucumber on or after the effective date of this chapter shall keep receipts on file pursuant to HRS §189-11. [Eff

] (Auth: HRS §§189-10, 190-3) (Imp:
HRS §§189-10, 189-11, 190-3)

§13-86-3 Penalty. (a) Any person violating any provision of this chapter shall be subject to:

- (1) Administrative penalties as provided by section 187A-12.5, HRS;
- (2) Criminal penalties as provided by section 190-5, HRS; and
- (3) Any other penalty as provided by law.

(b) Unless otherwise expressly provided, the remedies or penalties provided by this chapter are cumulative to each other and to the remedies or penalties available under all other laws of this State." [Eff] (Auth: HRS §190-3)
(Imp: HRS §§187A-12.5, 190-5)

2. The Department of Land & Natural Resources finds that the immediate adoption of these emergency rules is necessary to prevent an imminent peril to natural resources, due to the sudden increase in commercial harvest of sea cucumbers and the particular vulnerability of the resource to overfishing.

3. The adoption of chapter 13-86, Hawaii Administrative Rules, shall take effect upon filing with the Office of the Lieutenant Governor, and shall be effective for no more than 120 days after such filing without renewal.

I certify that the foregoing are copies of the rules, drafted in the Ramseyer format, pursuant to the requirements of sections 91-4 and 91-4.1, Hawaii Revised Statutes, which were adopted on _____, and filed with the Office of the Lieutenant Governor.

SUZANNE CASE
Chairperson
Board of Land and Natural
Resources

APPROVED AS TO FORM:

Deputy Attorney General