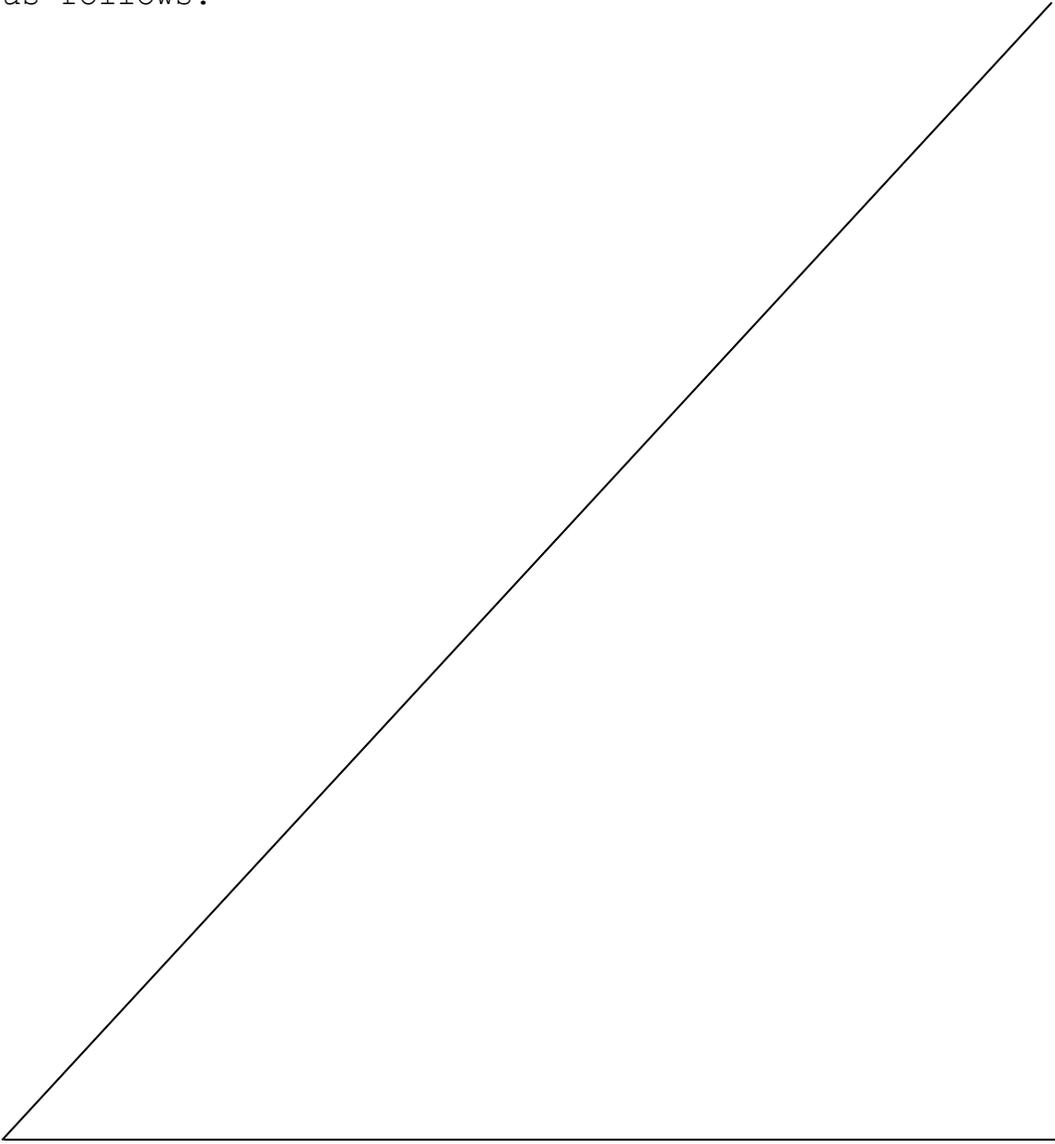


DEPARTMENT OF LAND AND NATURAL RESOURCES

Adoption of Chapter 13-86.1
Hawaii Administrative Rules

(Date)

1. Chapter 13-86.1, Hawaii Administrative Rules,
entitled "Sea Cucumber Management", 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 86.1

SEA CUCUMBER MANAGEMENT

§13-86.1-1	Definitions
§13-86.1-2	Commercial consumption fishery; prohibition
§13-86.1-3	Commercial aquarium fishery; season; closure; restrictions
§13-86.1-4	Non-commercial fishery; daily bag limits
§13-86.1-5	Licenses, permits, and other exemptions
§13-86.1-6	Penalty

§13-86.1-1 Definitions. As used in this chapter, unless otherwise provided:

"Aquarium permit" means the permit issued by the department pursuant to section 188-31, HRS.

"Aquarium purposes" means to hold the sea cucumber alive in a state of captivity, whether as a pet, for scientific study, for public exhibition, for public display, or for sale for these purposes.

"Board" means the board of land and natural resources.

"Consumption purposes" means for food, medicine, or any other use whereby the sea cucumber is killed.

"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)

§13-86.1-2 Commercial consumption fishery; prohibition. It is unlawful for any person to sell or offer for sale any sea cucumber taken from State waters for consumption purposes, or to otherwise take any sea cucumber from State waters for commercial purposes, except for commercial aquarium purposes as provided in section 13-86.1-4. [Eff
(Auth: HRS §§189-10, 190-3) (Imp: HRS §§189-10, 189-11, 190-3)

§13-86.1-3 Commercial aquarium fishery; season; closure; restrictions. (a) There is established an annual sea cucumber aquarium harvesting season for the taking of certain species of sea cucumber for commercial aquarium purposes from waters of Oahu only. For purposes of this section, "waters of Oahu" means all ocean waters within three nautical miles seaward from the highest wash of the waves on the shores of Oahu.

(b) Only *Holothuria hilla* and *Holothuria edulis* may be harvested for commercial aquarium purposes pursuant to this section.

(c) When a sea cucumber aquarium harvesting season is open, any person issued a valid aquarium permit and a valid commercial marine license may take, possess, and sell up to twenty sea cucumbers per day for aquarium purposes, subject to the provisions of this chapter, and as may be otherwise provided by law.

(d) When a sea cucumber aquarium harvesting season is closed, it is unlawful for any person to take, possess, sell, or offer for sale any sea cucumber taken from State waters for commercial aquarium purposes, except that aquarium dealers may possess, sell, and offer for sale sea cucumbers

validly obtained during an open season, provided that proper receipts are kept on file pursuant to HRS §189-11.

(e) There is established an annual catch limit for sea cucumber when taken for commercial aquarium purposes. The annual catch limit for sea cucumber for commercial aquarium purposes shall be 3,600 animals per year.

(f) The chairperson shall give notice of closure of the sea cucumber aquarium harvesting season when the annual catch limit is reached or exceeded or is anticipated to be reached or exceeded. [Eff
] (Auth: HRS §§189-10, 190-3) (Imp:
HRS §§189-10, 189-11, 190-3)

§13-86.1-4 Non-commercial fishery; daily bag limits. Any person may take and possess up to five sea cucumbers per day, provided that the sea cucumbers are taken and possessed for personal human use or consumption and not for commercial use or sale. [Eff
] (Auth: HRS §§187A-5, 190-3) (Imp:
HRS §§187A-5, 190-3)

§13-86.1-5 Licenses, permits, and other exemptions. Notwithstanding the provisions of this chapter, the department may issue the following licenses and permits to exempt persons from the provisions of this chapter:

- (1) Licenses issued pursuant to sections 187A-3.5 or 189-6, HRS;
- (2) Permits issued pursuant to sections 187A-6, 188-37, or 190-4, HRS;
- (3) As may be otherwise provided by law. [Eff
] (Auth: HRS §§187A-3.5, 187A-6, 188-37, 189-6, 190-3) (Imp: HRS §§187A-3.5, 187A-6, 188-37, 189-6, 190-4)

§13-86.1-6 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 adoption of chapter 13-86.1, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

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 FOR PUBLIC HEARING:

Deputy Attorney General