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**STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA**

DIVISION OF AQUATIC RESOURCES
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DAWN N.S. CHANG
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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

August 25, 2023

TO: Dawn N. S. Chang, Chairperson
Department of Land and Natural Resources

FROM: David Sakoda, Fisheries Program Manager
Division of Aquatic Resources

SUBJECT: Request to appoint hearings officers to conduct hybrid virtual/in-person statewide public hearings on the adoption of Hawaii Administrative Rules chapter 13-74, "License and Permit Provisions and Fees for Fishing, Fish, and Fish Products"

The Division of Aquatic Resources (DAR) requests the appointment of hearing officers to conduct a public rulemaking hearing pursuant to chapter 91, Hawaii Revised Statutes, for the proposed amendment and compilation of Hawaii Administrative Rules (HAR) chapter 13-74, "License and Permit Provisions and Fees for Fishing, Fish, and Fish Products." The main purposes for the proposed amendments are to:

- 1) Establish and add provisions for a new Nonresident Recreational Marine Fishing License (NRMFL) pursuant to [section 188-72, Hawaii Revised Statutes \(HRS\)](#);
- 2) Establish and add provisions for a new Commercial Marine Vessel License (CMVL) pursuant to [HRS §189-2](#), including an exemption from Commercial Marine License requirements for CMVL holders;
- 3) Establish and add provisions for a new Commercial Marine Dealer License pursuant to [HRS §189-10](#);
- 4) Increase the fee for the Bait License, the Mullet Pond Operator and Closed Season Sales License, the Kona Crab and Lobster Closed Season Sales License, the Special Marine Animal or Product Possession and Sale License, and the Aquaculture License from \$50.00 to \$100.00;
- 5) Remove the Northwestern Hawaiian Islands Fishing Permit;
- 6) Add a catch reporting requirement for all Bait License holders;
- 7) Establish a fee for duplicate Aquaculture Licenses and licenses to sell reared species;
- 8) Give the Department discretion to require additional reports from Aquaculture License holders; and
- 9) Establish a fee of \$200 for a license to sell reared species.

Additionally, the Department is taking this time to make the following housekeeping amendments throughout the chapter: Adding new definitions and amending current definitions for clarity; removing definitions that are no longer applicable; clarifying that licenses and permits

are non-refundable; clarifying the administrative penalty schedule for violations of the chapter; adding asset forfeiture as an administrative enforcement tool within the chapter; and other non-substantive housekeeping amendments for clarity and consistency with other chapters.

The proposed format of the public hearings is a hybrid virtual/in-person format with in-person host sites for those wishing to provide in-person testimony on Maui (Kahului), Moloka'i (Kaunakakai), and Lāna'i (Mānele) as well as a virtual option via Zoom. DAR will have a Zoom public hearing officer that will facilitate the meeting as well as public hearing officers for each in-person location. Each in-person site will have a TV/projector, speakers, microphone, and camera setup and will be logged into the Zoom meeting that will be shown on the TV/projector for all in attendance to watch. The Zoom public hearing officer will show a pre-recorded public hearing presentation on the proposed rules and then the in-person public hearing officer will facilitate in-person testimony. The in-person testimony will be given via a pre-setup camera and microphone at the in-person location which will be connected to the Zoom meeting and broadcast onto DAR's YouTube channel. Once all in-person testimony is collected, the Zoom public hearing officer will collect the virtual testimony. DAR requests the following individuals be appointed for the public hearing scheduled as follows:

| Date and Time | Location | Officer Name | Officer Title |
|--|--|----------------|-------------------------------|
| Wednesday, September 27, 2023, 5:30 p.m. – 8:30 p.m. | Zoom | David Sakoda | DAR Fisheries Program Manager |
| | DAR – Maui Office, 130 Mahalani Street, Wailuku, Hawai'i 96793 | Russell Sparks | DAR-Maui Aquatic Biologist |
| | OHA – Kūlana ʻŌiwi, 600 Maunaloa Highway, Kaunakakai, Hawai'i 96748 | Kristy Stone | DAR-Maui Aquatic Biologist |
| | DOBOR Office, Mānele Small Boat Harbor, Mānele Harbor Road, Lāna'i City, Hawai'i 96763 | Adam Wong | DAR-Maui Education Specialist |

Additionally, DAR requests the appointment of Luna Kekoa, DAR Ecosystems Management Program Manager, as a back-up public hearing officer in case any of the officers listed above are, for any reason, unable to serve on the date of the public hearing.

If you have any questions or concerns, please contact me at (808) 265-0629 or via e-mail at David.Sakoda@hawaii.gov.

☒ APPROVED
☐ DENIED



Dawn N. S. Chang, Chairperson
Board of Land and Natural Resources

Aug 25, 2023

DATE