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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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LAND
STATE PARKS

July 14, 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 hearings officers to conduct public rulemaking hearings 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 proposed amendments include:

- 1) Adding new definitions for "baitfish," "baitfishing report," "catch report," "Commercial Marine Vessel License," "fishing activities," "license period," "Main Hawaiian Islands," "nonresident," "permittee," and "qualified aquaculturist;"
- 2) Removing the definitions for "board" and "Northwestern Hawaiian Islands;"
- 3) Amending the definition of "resident;"
- 4) Clarifying that licenses and permits are non-refundable;
- 5) Clarifying the administrative penalty schedule for violations of the chapter;
- 6) Adding asset forfeiture as an administrative enforcement tool within the chapter;
- 7) Establishing and adding provisions for a new Nonresident Recreational Marine Fishing License (NRMFL) pursuant to [section 188-72, Hawaii Revised Statutes \(HRS\)](#);
- 8) Establishing and adding provisions for a new Commercial Marine Vessel License (CMVL) pursuant to [HRS §189-2](#);
- 9) Adding an exception for CMVL holders to the Commercial Marine License requirements;
- 10) Removing the Northwestern Hawaiian Islands Fishing Permit;
- 11) Increasing 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;

- 12) Establishing a fee for duplicate Aquaculture Licenses and licenses to sell reared species;
- 13) Adding a catch reporting requirement for all Bait License holders;
- 14) Giving the Department discretion to require additional reports from Aquaculture License holders;
- 15) Establishing a fee of \$200 for a license to sell reared species;
- 16) Establishing and adding provisions for a new Commercial Marine Dealer License pursuant to [HRS §189-10](#); and
- 17) 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 Hawai‘i Island (Hilo and Kona), Maui (Kahului), Moloka‘i (Kaunakakai), Lāna‘i (Mānele), O‘ahu (Honolulu), and Kaua‘i (Līhu‘e) as well as a virtual option via Zoom. Due to the expected high volume of testifiers, we have chosen to offer three separate hybrid public hearings over three days and have assigned the in-person host sites to specific days according to their location (Maui, Moloka‘i, and Lāna‘i on 8/15/23, Kaua‘i and O‘ahu on 8/16/23, and Hilo and Kona on 8/17/23). DAR will have a Zoom public hearings officer that will facilitate all three of the meetings as well as public hearings 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 hearings 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 hearings officer will collect the virtual testimony. DAR requests the following individuals be appointed for the public hearings scheduled for the following dates, times, and locations:

Date and Time	Location	Officer Name	Officer Title
All	Zoom	David Sakoda	DAR Fisheries Program Manager
Tuesday, August 15, 2023, 5:30 p.m. – 8:30 p.m.	DAR – Maui Office, 130 Mahalani Street, Wailuku, Hawai‘i 96793	Russell Sparks	DAR-Maui Aquatic Biologist
	OHA – Kūlana ‘Ōiwi, 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
Wednesday, August 16, 2023, 5:30 p.m. – 8:30 p.m.	Kaua‘i Veterans Center, 3215 Kapule Highway, Līhu‘e, Hawai‘i 96766	Heather Ylitalo-Ward*	DAR-Kaua‘i Aquatic Biologist
	Robert Louis Stevenson Middle School Cafeteria, 1202 Prospect Street, Honolulu, Hawai‘i 96822	Bryan Ishida	DAR-O‘ahu Aquatic Biologist

Thursday, August 17, 2023, 5:30 p.m. – 8:30 p.m.	State Office Building, Conference Room A, 75 Aupuni Street, Hilo, Hawai'i 96720	Troy Sakihara	DAR-Hilo Aquatic Biologist
	West Hawai'i Civic Center – Community Meeting Hale, 74-5044 Ane Keohokālole Highway, Kailua-Kona, Hawai'i 96740	Chris Teague	DAR-Kona Aquatic Biologist

*Requesting appointment of Aaron Swink, DAR-Kau'i Education Specialist, as a back-up public hearing officer in case Heather is unavailable.

Additionally, DAR requests the appointment of Luna Kekoa, DAR Ecosystems Management Program Manager, and John Kahiapo, DAR-Hilo Education Specialist, as back-up public hearings officers in case any of the officers listed above are, for any reason, unable to serve on their respective dates.

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

Jul 14, 2023

DATE