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HB 249 RELATING TO CONSERVATION OF AQUATIC LIFE, WILDLIFE AND PLANTS

Statement for House Committee on
Energy, Ecology, and Environmental Protection
Public Hearing, 12 February 1983

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HB 249 proposes amendments to HRS 195D, which now applies to the conservation of wildlife and plants, that would make explicit its applicability to aquatic life and would revise it in certain other respects. This statement does not reflect an institutional position of the University.

In the statement we comment separately on revisions of these different sorts.

1. Several proposed revisions represent technical or editorial changes that are of little environmental significance or might represent some improvement, for example the replacement of "regulation" by "rule" (p. 7, ls. 8-9, ls 14-15); editorial changes (p. 8, l.20; p. 10, l.12; p. 11, l.18); definition of wildlife (p. 6, ls 7-15 only); replacement by "permits" by "licenses" (p. 12, ls. 1-11).
2. The provision for the revocation of licenses "at will" (p. 12, ls. 6-7) raises questions: whose will, under what conditions, and with what rationale. We suggest that at least the principles applicable to revocation should be indicated.
3. The penalty revisions proposed in HB 249 (p. 17, l.9 to p. 18, l.6) seem to strengthen the act.
4. The addition of "aquatic life" to the title of the act, the definition of "aquatic life", and the references to "aquatic life" throughout the bill would not actually extend the coverage of the act, because "wildlife" is now defined in such a way as to include fish, amphibians, mollusks, crustaceans, arthropods and other invertebrates. Furthermore, the distinction between aquatic and terrestrial life leads to such semantic absurdities a definition of plants that excludes freshwater or marine plants (p. 5, ls. 5-9). Distinctions between terrestrial and aquatic species would be useful only if they were necessary to distinctions between the regulations pertinent to the two kinds of species, and even in that case the definitions should be semantically sensible.

In the light of comments 2 and 4, we suggest that the bill should be considerably amended if its passage is necessary for to accomplish the technical and editorial improvements and changes in penalties.