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Lt. Governor



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Chairperson, Board of Agriculture

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Deputy to the Chairperson

State of Hawai'i
DEPARTMENT OF AGRICULTURE
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February 15, 2023

TO: Advisory Committee on Plants and Animals

FROM: Division of Aquatic Resources
Hawaii Department of Land and Natural Resources

THROUGH: Jonathan Ho
Inspection and Compliance Section Chief
Plant Quarantine Branch

Subject: Request for Review and Recommendation of the Proposed Changes to Hawaii Administrative Rules, Chapter 4-71, to Place the Unlisted Northern Largemouth Bass, *Micropterus salmoides salmoides*, on the List of Restricted Animals (Part A) for ecosystem and fishery impact research for the Wahiawa Public Fishing Area by the Hawaii Department of Land and Natural Resources, Division of Aquatic Resources.

I. Background:

On August 31, 2022, the Office of the Chairperson received a petition from the Hawaii Department of Land and Natural Resources (DLNR), Division of Aquatic Resources (DAR) requesting the Hawaii Board of Agriculture (Board) add the Northern Largemouth Bass, *Micropterus salmoides salmoides* to the List of Restricted Animals, Part A. The DLNR DAR petition is included as Appendix A.

The Northern Largemouth Bass, *Micropterus salmoides salmoides*, is currently an unlisted animal. Animals not found on any list are considered prohibited until placed on a list. Species on the List of Restricted Animals (Part A) are available for research by universities and government agencies, exhibition in municipal zoos and government-affiliated aquariums, and for other institutions for medical and scientific purposes as determined by the Board.

DLNR DAR is requesting list placement of the unlisted Northern Largemouth Bass, *Micropterus salmoides salmoides* to comply with Act 223, Session Laws of Hawaii (SLH) 2021, to establish a pilot project to enhance and support recreational fishing in the Wahiawa Public Fishing Area. A copy of Act 223, SLH 2021 is included as Attachment 1.

On October 11, 2022, the Board recommended preliminary approval of DLNR DARs petition. Pursuant to 150A-10, Hawaii Revised Statutes, the Advisory Committee needs to make a recommendation to on the proposed changes prior to initiating the public hearing process of Chapter 91, HRS. At this time, DLNR DAR is only seeking list placement and a review of their import request will be brought before the Advisory Committee at a future date.

II. Summary of Petitioner’s Proposed Additions to the List of Restricted Animals, Part A

The DLNR DAR petition is requesting the following addition to the List of Restricted Animals (Part A) in Chapter 4-71, Hawaii Administrative Rules (HAR) as listed below. A copy of the proposed change in Ramseyer format is included as Appendix B.

§4-71-6.5, HAR, List of Restricted Animals (Part A):

Adds: “FAMILY Centrarchidae”, Scientific Name “Micropterus salmoides salmoides” and Common Name “bass, northern largemouth”.

ADVISORY COMMITTEE REVIEW: May we request your recommendation and comments at the next meeting of the Advisory Committee on Plants and Animals.

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF AQUATIC RESOURCES
1151 PUNCHBOWL STREET, ROOM 330
HONOLULU, HAWAII 96813

August 31, 2022

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Hawaii Department of Agriculture
Attn: Board of Agriculture Chairperson
1428 South King Street
Honolulu, HI 96814

Subject: Petition to the Board of Agriculture to place the Northern Largemouth Bass (*Micropterus salmoides salmoides*) on the List of Restricted Animals – For Research (Chapter 71, AR-71RA) for a one-time importation to research the fishery and ecosystem impacts of introducing new largemouth bass genetics into the Wahiawa Public Fishing Area.

The Department of Land and Natural Resources (DLNR), Division of Aquatic Resources (DAR), is requesting a proposed rule amendment to place the Northern Largemouth Bass (*Micropterus salmoides salmoides*) on the List of Restricted Animals – For Research (Chapter 71, AR-71RA) for a one-time importation to research the fishery and ecosystem impacts of introducing new largemouth bass genetics into the Wahiawa Public Fishing Area.

DAR's interest is based on Act 223 (SLH 2021), which requires DAR to establish a pilot project to restock the Wahiawa Reservoir with northern largemouth bass and/or butterfly peacock bass to help improve the recreational fishery in the Wahiawa Public Fishing Area.

The 2021 Legislature enacted Act 223 for the purpose of restocking the Wahiawa Reservoir with new stocks of northern largemouth bass and butterfly peacock bass to refresh the genetic diversity of these populations. The Legislature found that the Board of Agriculture can allow the importation of butterfly peacock bass and establish appropriate permit conditions, since it is already on the list of conditionally approved animals and is eligible for importation. The Legislature also found that DLNR will need to request the Board of Agriculture to place the northern largemouth bass on the list of restricted animals that require a permit for both import into the State and possession, pursuant to section 150A-6.2, Hawaii Revised Statutes. The purpose of Act 223 is to establish a pilot project within DLNR to work with a public or private organization to import live northern largemouth bass and butterfly peacock bass for the purpose of enhancing and supporting the pre-existing populations for continued recreational fishing in Hawaii.

BOA Petition to Place Northern Largemouth Bass on Restricted A List
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Signature  Date Aug 31, 2022

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Signature  Date Aug 31, 2022

Glenn Higashi, Aquatic Biologist
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(808) 722-7363

Signature *Glenn Higashi* Date Aug 31, 2022

Rodney Young, Fisheries Technician
1309 Sand Island Parkway
Honolulu, HI 96819
(808) 348-1138

Signature  Date Aug 31, 2022

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>
CLASS Osteichthyes	
ORDER Acipenseriformes	
FAMILY Acipenseridae	
<u>Acipenser baeri</u>	sturgeon, Siberian
<u>Acipenser brevirostrum</u>	sturgeon, shortnose
<u>Acipenser fulvescens</u>	sturgeon, lake
<u>Acipenser guldenstadti</u>	sturgeon, Russian
<u>Acipenser guldenstadti</u> x <u>Huso huso</u>	sturgeon, Oceber
<u>Acipenser medirostris</u>	sturgeon, green
<u>Acipenser oxyrhynchus</u>	sturgeon, Atlantic
<u>Acipenser ruthenus</u>	sturgeon, Siberian; sterlet
<u>Acipenser ruthenus</u> x <u>Huso huso</u>	sturgeon, Bester
<u>Acipenser stellatus</u>	sturgeon, Servuga (starry)
<u>Huso huso</u>	sturgeon, Beluga
<u>Scaphirhynchus albus</u>	sturgeon, pallid
<u>Scaphirhynchus platorhynchus</u>	sturgeon, shovelnose
FAMILY Polyodontidae	
<u>Polyodon spathula</u>	paddlefish
ORDER Atheriniformes	
FAMILY Atherinidae	
<u>Menidia beryllina</u>	silverside
ORDER Cypriniformes	
FAMILY Cyprinidae	
<u>Notemigonus crysoleucas</u>	minnow, golden shiner
<u>Pimephales promelas</u>	minnow, fathead
FAMILY Erythrinidae	
<u>Hoplias malabaricus</u>	tiger fish
ORDER Perciformes	
FAMILY Centrarchidae	
<u>Micropterus salmoides salmoides</u>	<u>bass, northern largemouth</u>
FAMILY Mugilidae	
<u>Mugil cephalus</u>	mullet, striped
FAMILY Nototheniidae	
<u>Dissostichus mawsoni</u>	cod, Antarctic
<u>Notothenia</u> (all species in genus)	cod, Antarctic

ACT 223

S.B. NO. 1313

A Bill for an Act Relating to Sport Fish.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the northern largemouth bass and butterfly peacock bass, also known as tucunare, are some of the most popular gamefish in the United States, with northern largemouth bass existing in the State's artificial reservoirs since 1896, and butterfly peacock bass existing since 1957. More than 828,000 jobs nationally are directly supported in some way by bass fishing and more than \$48,000,000,000 in retail sales are directly attributed to bass fishing activities. Arkansas, Illinois, Kentucky, Michigan, Mississippi, Missouri, New Hampshire, and Vermont all recognize bass fishing as a high school sport.

The legislature further finds that based upon fishing licenses issued by the department of land and natural resources to fish for northern largemouth bass and butterfly peacock bass, bass fishing in the State is far less popular than in other states. One reason for the small number of anglers fishing for bass is the lack of a diverse population of these sport fish in Hawaii's artificial reservoirs. Restocking the reservoirs with new stocks of northern largemouth bass and butterfly peacock bass will refresh the genetic diversity of these fish populations. The legislature further finds that the board of agriculture can allow the importation of butterfly peacock bass and establish appropriate permit conditions, since it is already on the list of conditionally approved animals and is eligible for importation. The legislature also finds that the department of land and natural resources will need to request the board of agriculture to place the northern largemouth bass and butterfly peacock bass on the list of restricted animals that require a permit for both import into the State and possession, pursuant to section 150A-6.2, Hawaii Revised Statutes.

The purpose of this Act is to establish a pilot project in the department of land and natural resources to work with a public or private organization to import live northern largemouth bass and butterfly peacock bass for the purpose of enhancing and supporting the pre-existing populations for continued recreational fishing in Hawaii.

SECTION 2. No later than January 1, 2023, the division of aquatic resources of the department of land and natural resources shall establish a pilot project to restock northern largemouth bass, butterfly peacock bass, or both, in the Wahiawa public fishing area in central Oahu; provided that the board of agriculture has placed the northern largemouth bass and the butterfly peacock

bass on the list of restricted animals that require a permit for import into the State maintained pursuant to section 150A-6.2, Hawaii Revised Statutes. The division of aquatic resources shall apply to the board of agriculture for the permit to import the northern largemouth bass and butterfly peacock bass and may work with another public entity or partner with a private entity to accomplish the pilot project.

SECTION 3. This Act shall take effect on July 1, 2021.

(Approved July 6, 2021.)