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# HOUSE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO  
REPORT TO THE LEGISLATURE ON EXISTING MARINE PROTECTED  
AREAS.

1           WHEREAS, Section 187A-2, Hawaii Revised Statutes, requires  
2 the Department of Land and Natural Resources to establish,  
3 manage, and regulate public fishing areas, artificial reefs,  
4 fish aggregating devices, marine life conservation districts,  
5 shoreline fishery management areas, refuges, and other areas;  
6 and

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8           WHEREAS, the Department of Land and Natural Resources  
9 defines marine protected areas as any area of the marine  
10 environment established by law or regulation to protect and  
11 enhance part or all of the natural resources therein; and

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13           WHEREAS, scientific studies on the impacts of marine  
14 protected areas vary depending upon the purpose, scope, and  
15 situation applied, and are not the solution to many fishery  
16 management issues; and

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18           WHEREAS, marine protected areas have been shown to increase  
19 biomass within the closed area if it is effectively placed,  
20 monitored, and enforced; and

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22           WHEREAS, scientific publications have cited the  
23 ineffectiveness of marine protected areas when communities that  
24 are being regulated do not support the management strategy; and

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26           WHEREAS, in the past, Hawaii's fishing community has  
27 demonstrated its opposition to the Department of Land and  
28 Natural Resource's use of marine protected areas and questioned  
29 the agency's ability and willingness to plan, monitor, and  
30 enforce area closures; and

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1 WHEREAS, also in the past, the Department of Land and  
2 Natural Resources has clearly reflected the department's  
3 predetermined management philosophy of supporting the use of  
4 marine protected areas without being held accountable for  
5 planning, monitoring, or evaluating their effectiveness as a  
6 management tool or being accountable to the public or community  
7 leaders; and  
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9 WHEREAS, the Department of Land and Natural Resources'  
10 report entitled, "Approach to Marine Resource Management" openly  
11 reveals the agency's absence of a strategy to monitor fishery  
12 resources in a manner that will help determine stock status and  
13 effectiveness of the management program; and  
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15 WHEREAS, the Department of Land and Natural Resources has  
16 failed to monitor and evaluate the effectiveness of nineteen  
17 bottomfish marine protected areas that were created in 1998 and  
18 has not fulfilled its mandate to report on these marine  
19 protected areas by 2003; and  
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21 WHEREAS, the Department of Land and Natural Resources has  
22 failed to manage and conserve bottomfish resources, which has  
23 resulted in a declaration of overfishing by the United States  
24 Secretary of Commerce and a federal intervention; and  
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26 WHEREAS, the scientific information and analysis in the  
27 Department of Land and Natural Resources' December 2004 report  
28 to the Legislature entitled, "A Report on the Findings and  
29 Recommendations of Effectiveness of the West Hawaii Regional  
30 Fishery Management Area" was not peer-reviewed, was  
31 misinterpreted, and continues to be misrepresented in validating  
32 predetermined management actions; and  
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34 WHEREAS, the establishment of many marine protected areas,  
35 including Hanauma Bay, Pupukea, and Kealakekua Bay, have  
36 generally led to the displacement of local and traditional  
37 family ocean-related activities for commercial tourism-related  
38 businesses; and  
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40 WHEREAS, management strategies, such as gear restrictions,  
41 seasonal closures, catch limits, size limits, and others, have  
42 been and continue to be effectively used to manage fisheries in  
43 Hawaii and throughout the world; now, therefore,  
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1 BE IT RESOLVED by the House of Representatives of the  
2 Twenty-fourth Legislature of the State of Hawaii, Regular  
3 Session of 2007, the Senate concurring, that the Department of  
4 Land and Natural Resources is requested to prepare a report to  
5 the Legislature that includes:

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- 7 (1) An inventory of all marine protected areas in the  
8 State where fishing is restricted;
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  - 10 (2) The stated objectives or goals for each marine  
11 protected area, as defined in its establishment;
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  - 13 (3) A description of the management strategy, baseline  
14 data, and controls used in the establishment of each  
15 of the current marine protected areas;
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  - 17 (4) A description of the monitoring, control, and  
18 enforcement programs implemented by the respective  
19 divisions in support of each marine protected area;
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  - 21 (5) A descriptive evaluation and summary analysis of the  
22 effectiveness of each marine protected area in:
    - 23 (A) Achieving the stated management objectives or  
24 goals; and
    - 25 (B) Fulfilling the monitoring, control, and  
26 enforcement programs; and
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  - 30 (6) A summary of public comments and responses on the  
31 draft report to the Legislature, to be collected  
32 following public meetings in each county; and  
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34 BE IT FURTHER RESOLVED that the Department of Land and  
35 Natural Resources, is requested to submit its report to the  
36 Legislature not later than twenty days prior to the convening of  
37 the Regular Session of 2008; and  
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39 BE IT FURTHER RESOLVED that certified copies of this  
40 Concurrent Resolution be transmitted to the Governor, and the  
41 Chairperson of the Board of Land and Natural Resources.

