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# A BILL FOR AN ACT

RELATING TO AQUATIC RESOURCES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

- 1 SECTION 1. (a) The legislature finds and declares that:
- 2 (1) Fishing in Hawaii is a tradition woven into our island
- 3 communities and local cultures that have been passed
- 4 down for generations;
- 5 (2) Fishery resources need to be adequately monitored and
- 6 managed based on sound science;
- 7 (3) Communities that rely on Hawaii's ocean resources are
- 8 disenfranchised with the current administrative rule-
- 9 making process used to develop fishery management
- 10 policies;
- 11 (4) The current rule-making process has not required the
- 12 department of land and natural resources to
- 13 demonstrate a scientific need prior to establishing
- 14 new prohibitions or limitations on fishing in public
- 15 fishing areas and to fully engage impacted communities
- 16 and user groups early in the policy development phase;
- 17 and



1           (5) A clear policy is required that ensures that a  
2           documented transparent process is used that utilizes  
3           peer-reviewed science and empirical Hawaiian science,  
4           and allows for public participation and input in  
5           policy development throughout the board of land and  
6           natural resources policy making process, especially  
7           prior to any board of land and natural resources rule  
8           adopting action.

9           (b) The purposes of this Act are to:

10          (1) Require the department of land and natural resources  
11          to demonstrate a scientific need for and to fully  
12          engage impacted communities and user groups early in  
13          the policy-making phase prior to establishing new  
14          prohibitions or limitations on fishing in public  
15          fishing areas;

16          (2) Establish a fishery policy advisory task force to  
17          review the current department of land and natural  
18          resources rule-making process and develop  
19          recommendations for changes and improvements; and

20          (3) Make an appropriation for operations of the fishery  
21          policy advisory task force.



1 SECTION 2. Chapter 190, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4 "§190- Fishing prohibition or limitation; based on  
5 scientific information; closed area regulation. No fishing rule  
6 that becomes effective and implemented after January 1, 2007,  
7 shall prohibit or limit fishing for aquatic life, as those terms  
8 are defined in section 187A-1, in any areas open to public  
9 fishing:

10 (1) Unless the proposed fishing prohibition or limitation:

11 (A) Has been developed through a community-based  
12 ahupuaa, moku, or community-based subsistence  
13 management program previously established;

14 (B) Has had a thorough review and analysis of  
15 available peer-reviewed, scientific information,  
16 including traditional Hawaiian and local fishers  
17 knowledge that clearly demonstrates a correlation  
18 between existing fishing practices and a specific  
19 conservation problem;

20 (C) Has considered other conservation measures,  
21 including but not limited to sizing, seasonal



- 1           closure periods, bag limits, equipment
- 2           limitations; and
- 3       (D) Has determined that enforcement of existing
- 4           regulations will not adequately provide for
- 5           conservation and management of the affected
- 6           stocks of targeted fish; and
- 7       (2) If it provides for any closed area regulation, shall:
- 8           (A) Include specific measurable criteria to determine
- 9           the conservation benefit of the closed area on
- 10          the affected stocks of fish, including:
- 11           (i) The identification of specific species to be
- 12           protected, including current stock
- 13           assessment, where available, of the species
- 14           as they occur throughout their range;
- 15           (ii) The historic and current fishing effort,
- 16           including numbers of fishers, hooks, and
- 17           soak time on the targeted species;
- 18           (iii) The historic and current extraction rate,
- 19           including data on fish caught and released
- 20           or damaged, of targeted species;
- 21           (iv) Other environmental and nonfishing use
- 22           factors that may be contributing to the



1                   current condition of the targeted species,  
2                   where available; and

3                   (v) A scheduled review of the continued need for  
4                   the closed area is at least once every three  
5                   years, with a report to the legislature and  
6                   public;

7                   (B) Cover an area that is no larger than can be  
8                   supported by the best available peer-reviewed  
9                   scientific, traditional Hawaiian and local  
10                   fishers information; and

11                   (C) Contain a sunset provision to automatically end  
12                   the closed area; provided that the closed area  
13                   restriction may be reimposed after twelve months,  
14                   in accordance with the requirements of this  
15                   section."

16                   SECTION 3. (a) There is established the Hawaii fishery  
17 policy advisory task force to identify and recommend to the  
18 legislature revisions to the current Hawaii administrative  
19 rules, title 13 (department of land and natural resources),  
20 subtitle 4, fisheries regulations, that utilizes the best  
21 available peer-reviewed science and ensures public participation



1 and input on all proposed rules or amendments to existing rules  
2 prior to adoption by the board of land and natural resources.

3 (b) The task force shall consist of thirteen members:

4 (1) Two members to be designated by the Alii Holokai Dive  
5 Club;

6 (2) Two members to be designated by Pacific Islands  
7 Fisheries Group;

8 (3) Two members to be designated by the Association of  
9 Hawaiian Civic Club's Ocean Resources Committee;

10 (4) One member to be designated by the Northwestern  
11 Hawaiian Islands Bottomfish Hui;

12 (5) One member to be designated by the Kewalo Keiki  
13 Fishing Conservancy; and

14 five members to be appointed by the governor, without regard to  
15 section 26-34, Hawaii Revised Statutes.

16 The task force shall select a chairperson from among its  
17 members. The number of members necessary to constitute a quorum  
18 to do business shall consist of a majority of all members of the  
19 task force. When a quorum is in attendance, the concurrence of  
20 a majority of the members in attendance shall make any action of  
21 the task force valid.



1           The task force may request assistance from the department  
2 of land and natural resources, attorney general, and other  
3 appropriate state agencies in fulfilling the purpose of the task  
4 force. The task force may also request assistance from federal  
5 fishery agencies and organizations, the public and other states.

6           The members shall not receive compensation for their  
7 services but shall be reimbursed for expenses, including travel  
8 expenses, incurred in the performance of their duties under this  
9 part.

10          The taskforce shall:

- 11           (1) Review the current department of land and natural  
12               resources rule-making process regarding fisheries;
- 13           (2) Report its findings and recommendations, including  
14               proposed legislation, to the legislature no later than  
15               twenty days prior to the regular session of 2008. The  
16               recommendations shall contain a detailed rationale for  
17               implementation; and
- 18           (3) Cease to exist on June 30, 2008.

19          SECTION 4. There is appropriated out of the general  
20 revenues of the State of Hawaii the sum of \$           , or so much  
21 thereof as may be necessary for fiscal year 2007-2008, for the  
22 fishery policy advisory task force to carry out its



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1 responsibilities, including the contracting for consultant  
2 services and studies.

3 The sum appropriated shall be expended by the department of  
4 land and natural resources for the purposes of this Act.

5 SECTION 5. This Act shall not supersede or affect any  
6 rules in effect on December 31, 2006, or any designated  
7 community based subsistence fishing area established pursuant to  
8 section 188-22.6, Hawaii Revised Statutes.

9 SECTION 6. New statutory material is underscored.

10 SECTION 7. This Act shall take effect on July 1, 2007;  
11 provided that section 2 of this Act shall take effect upon its  
12 approval and shall be applied retroactively to January 1, 2007.

13

INTRODUCED BY:

  
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JAN 24 2007



**Report Title:**

Aquatic Resources; Fishing Regulations

**Description:**

Prohibits any fishing prohibition or limitation unless certain standards and procedures are adhered to; establishes the Hawaii fishery policy advisory task force; makes an appropriation for operations of the task force.

