
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 that uses peer-reviewed
3 science and empirical Hawaiian science, and allows for
4 public participation and input in policy development
5 throughout the board of land and natural resources
6 policy-making process, is used, especially prior to
7 the adoption of any board of land and natural
8 resources rules.
- 9 (b) The purpose of this Act is 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 is 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 unless:

- 10 (1) The proposed fishing prohibition or limitation has
11 been developed through a community-based ahupuaa,
12 moku, or community-based subsistence management
13 program previously established;
- 14 (2) The proposed fishing prohibition or limitation has
15 been through a thorough review and analysis of
16 available peer-reviewed, scientific information,
17 including traditional Hawaiian and local fishers
18 knowledge that clearly demonstrates a correlation
19 between existing fishing practices and a specific
20 conservation problem;



- 1 (3) Other conservation measures, including but not limited
2 to sizing, seasonal closure periods, bag limits, and
3 equipment limitations have been considered; and
- 4 (4) It has been determined that enforcement of existing
5 regulations will not adequately provide for
6 conservation and management of the affected stocks of
7 targeted fish.

8 Any rule that closes an area to public fishing shall:

- 9 (1) Include specific measurable criteria to determine the
10 conservation benefit of the closed area on the
11 affected stocks of fish, including:
- 12 (A) The identification of specific species to be
13 protected, including current stock assessment,
14 where available, of the species as they occur
15 throughout their range;
- 16 (B) The historic and current fishing effort,
17 including numbers of fishers, hooks, and soak
18 time on the targeted species;
- 19 (C) The historic and current extraction rate,
20 including data on fish caught and released or
21 damaged, of targeted species;



1 (D) Other environmental and nonfishing use factors
2 that may be contributing to the current condition
3 of the targeted species, where available; and

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

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

11 (3) Set a date when the fishing prohibition or limitation
12 of the area shall be extinguished; provided that the
13 closed area restriction may be reimposed after twelve
14 months, 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 ensures the use of the
21 best available peer-reviewed science and 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 (6) Five members to be appointed by the governor, without
15 regard to 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
 6 states.

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

11 The task force shall:

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

20 SECTION 4. There is appropriated out of the general
 21 revenues of the State of Hawaii the sum of \$ or so much
 22 thereof as may be necessary for fiscal year 2007-2008 for the

1 fishery policy advisory task force to carry out its
2 responsibilities, including contracting for consultant services
3 and studies.

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

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

10 SECTION 6. New statutory material is underscored.

11 SECTION 7. This Act shall take effect on July 1, 2050.



Report Title:

Aquatic Resources; Fishing Regulations; Public Fishing Areas

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. (HB1848 HD1)

