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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 best available 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 basis 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 best  
3 available science and empirical Hawaiian science, and  
4 allows for public participation and input in policy  
5 development throughout the board of land and natural  
6 resources policy-making process, is used, especially  
7 prior to 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 basis 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 best  
16 available science, including traditional Hawaiian and  
17 local fishers knowledge that clearly demonstrates a  
18 correlation between existing fishing practices and a  
19 specific conservation problem;
- 20 (3) Other conservation measures, including but not limited  
21 to sizing, seasonal closure periods, bag limits, and  
22 equipment limitations have been considered; and



1       (4) It has been determined that enforcement of existing  
2       regulations will not adequately provide for  
3       conservation and management of the affected stocks of  
4       targeted fish.

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

6       (1) Include specific measurable criteria based upon best  
7       available science to determine the conservation  
8       benefit of the closed area on the affected stocks of  
9       fish, including:

10       (A) The identification of specific species to be  
11       protected, including current stock assessment,  
12       where available, of the species as they occur  
13       throughout their range;

14       (B) Current extraction rate;

15       (C) Other environmental and nonfishing use factors  
16       that may be contributing to the current condition  
17       of the targeted species, where available; and

18       (D) A scheduled review of the continued need for the  
19       closed area is at least once every three years,  
20       with a report to the legislature and public;



- 1       (2) Cover an area that is no larger than can be supported  
2       by the best available science and traditional Hawaiian  
3       and local fishers information; and
- 4       (3) Set a date when the fishing prohibition or limitation  
5       of the area shall be extinguished; provided that the  
6       closed area restriction may be reimposed after  
7       months, in accordance with the requirements of this  
8       section."

9           SECTION 3. (a) There is established the Hawaii fishery  
10 policy advisory task force to identify and recommend to the  
11 legislature revisions to the current Hawaii administrative  
12 rules, title 13 (department of land and natural resources),  
13 subtitle 4, fisheries regulations, that ensures the use of the  
14 best available science and public participation and input on all  
15 proposed rules or amendments to existing rules prior to adoption  
16 by the board of land and natural resources.

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

- 18           (1) Two members to be designated by the Alii Holokai Dive  
19           Club;
- 20           (2) Two members to be designated by Pacific Islands  
21           Fisheries Group;



- 1 (3) Two members to be designated by the Association of  
2 Hawaiian Civic Club's Ocean Resources Committee;
- 3 (4) One member to be designated by the Northwestern  
4 Hawaiian Islands Bottomfish Hui;
- 5 (5) One member to be designated by the Kewalo Keiki  
6 Fishing Conservancy;
- 7 (6) Two members to be designated by the Aha Moku Council;
- 8 (7) One member to be designated by the national oceanic and  
9 atmospheric administration;
- 10 (8) One member to be designated by the Nature Conservancy;  
11 and
- 12 (9) One member to be designated by the Hawaii Audubon  
13 Society.

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

20 The task force may request assistance from the department  
21 of land and natural resources, attorney general, department of  
22 agriculture, department of health, and other appropriate state



1 agencies in fulfilling the purpose of the task force. The task  
2 force may also request assistance from federal fishery agencies  
3 and organizations, the public, and other states.

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

8 The task force shall:

- 9 (1) Review the current department of land and natural  
10 resources rule-making process regarding fisheries;  
11 (2) Report its findings and recommendations, including  
12 proposed legislation, to the legislature no later than  
13 twenty days prior to the convening of the regular  
14 session of 2008. The recommendations shall contain  
15 detailed rationale for implementation; and  
16 (3) Cease to exist on June 30, 2009.

17 SECTION 4. There is appropriated out of the general  
18 revenues of the State of Hawaii the sum of \$                    or so much  
19 thereof as may be necessary for fiscal year 2007-2008 and the  
20 same sum or so much thereof as may be necessary for fiscal year  
21 2008-2009 for the fishery policy advisory task force to carry



1 out its responsibilities, including 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, 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 HD2)

