STAND. COM. REP. NO. 736

Honolulu, Hawaii

FEY16, 2007

RE: H.B. No. 1578 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fourth State Legislature Regular Session of 2007 State of Hawaii

Sir:

Your Committee on Water, Land, Ocean Resources & Hawaiian Affairs, to which was referred H.B. No. 1578 entitled:

"A BILL FOR AN ACT RELATING TO OCEAN RESOURCES,"

begs leave to report as follows:

The purpose of this bill is to ensure that native Hawaiians can practice their culture, by requiring the Department of Land and Natural Resources (DLNR) to consult with native Hawaiian practitioners (kupuna) prior to adopting and implementing lay gill net fishing regulations and prohibitions. This bill also requires DLNR to:

- (1) Consult with native Hawaiian practitioners (kupuna) and experts during the administrative rule-making process and prior to adopting and implementing lay gill net fishing regulations and prohibitions;
- (2) Include in the prohibitions or restrictions a monitoring and assessment program to determine their efficacy, and an enforcement plan;
- (3) Ensure the availability of adequate funding and resources to monitor, enforce, and assess the efficacy of the prohibitions and restrictions; and

(4) Ensure that the prohibitions and restrictions are the result of analysis that includes the use of peerreviewed science and Hawaiian science based on traditional knowledge,

prior to prohibiting or limiting fishing in any area open to public fishing. This bill also appropriates funds for the development of lay net gill fishing rules in this manner.

The Association of Hawaiian Civic Clubs, the Hawaiian Civic Club of Hilo, the Pearl Harbor Hawaiian Civic Club, the Princess Kaiulani Hawaiian Civic Club, Hawaii Nearshore Fishermen, and several concerned individuals testified in support of this bill. DLNR, Conservation Council for Hawaii, Malama Hawaii, Sierra Club-Hawaii Chapter, The Nature Conservancy of Hawaii, the secretary of the Hawaii Waikahe'olu Chapter of Trout Unlimited, and a large number of concerned individuals opposed this measure.

Your Committee notes that a suggestion was made that specifically, the Aha Moku Councils and the Hawaiian Civic Clubs should be consulted during this process.

Your Committee has amended this bill by:

- (1) Delaying application of the requirement to rules adopted or implemented after July 1, 2007; and
- (2) Making technical, nonsubstantive amendments for style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Water, Land, Ocean Resources & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1578, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1578, H.D. 1, and be referred to the Committee on Finance.

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Respectfully submitted on behalf of the members of the Committee on Water, Land, Ocean Resources & Hawaiian Affairs,

KEN ITO, Chair

State of Hawaii House of Representatives The Twenty-fourth Legislature



Record of Votes of the Committee on Water, Land, Ocean Resources & Hawaiian Affairs

Bill/Resolution No.:	Date:	211107		
нв 1578		2/1/01		
Committee Referral:	☐ The committee is reconsidering its			
WLH, FIN	previous decision on the measure.			
The recommendation is to: Pass, unamended	Pass, with amendments			
☐ Hold	 Pass, with amendments, for recommittal for further consideration 			
WLH Members	Ayes	Ayes (WR)	Nays	Excused
1. ITO, Ken (C)	K			
2. CHONG, Pono (VC)	K			
3. CARROLL, Mele	X X			
4. MAGAOAY, Michael Y.	۴			
5. MORITA, Hermina M.			×	
6. SAGUM, Roland D., III	Х			
7. SAIKI, Scott K.			×	
8. THIELEN, Cynthia			X	

TOTAL	5		3	
The recommendation is: Adopted				
•				
□ Not Adopted				
If joint referral, did not support recommendation.				
committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Clerk's Office				