STAND. COM. REP. NO.

Honolulu, Hawaii , 2013 February 7

RE: H.B. No. 359 H.D. 1

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Seventh State Legislature Regular Session of 2013 State of Hawaii

Sir:

Your Committee on Ocean, Marine Resources, & Hawaiian Affairs, to which was referred H.B. No. 359 entitled:

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

begs leave to report as follows:

The purpose of this measure is to establish a framework for the Department of Land and Natural Resources to examine and inspect the vessels, containers, equipment, and records of commercial fishers within the West Hawaii Regional Fishery Management Area.

The Office of Hawaiian Affairs, West Hawaii Fisheries Council, Quality Marine, ESAIA e.V, Pet Industry Joint Advisory Council, Conservation Council for Hawaii, and numerous individuals testified in support of the measure. Coral Fish Hawaii and one individual testified in opposition to the measure. The Department of Land and Natural Resources submitted comments.

Your Committee finds that the Legislature established the West Hawaii Regional Fishery Management Area to improve the management of consumptive and nonconsumptive uses of aquatic resources encompassing the regional ocean area on the west coast of Hawaii Island. However, the success of the West Hawaii Regional Fishery Management Area continues to be threatened by the difficulties of resource monitoring and ensuring compliance with fishery management area regulations.



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Your Committee also finds that the limited capacity of resources enforcement personnel, and their lack of inspection authority absent evidence establishing probable cause, prevents the Department of Land and Natural Resources from effectively monitoring compliance with these regulations. This measure will provide enhanced tools to better ensure compliance and monitoring of direct resource extraction activities within the West Hawaii Regional Fishery Management Area.

Your Committee has amended this measure by making technical nonsubstantive changes for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ocean, Marine Resources, & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 359, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 359, H.D. 1, and be referred to the Committee on Judiciary.

> Respectfully submitted on behalf of the members of the Committee on Ocean, Marine Resources, & Hawaiian Affairs,





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

Bill/Resolution No.: HB359	Committee Referral: DMH 5 JUD5 FIN	Date:	Date: 2-1-2013		
The committee is reconsidering its previous decision on the measure.					
The recommendation is to: Image: Pass, unamended (as is) Image: Pass, with amendments (HD) Image: Hold Image: Pass short form bill with HD to recommit for future public hearing (recommit)					
OMH Members	Ayes	Ayes (WR)	Nays	Excused	
1. HANOHANO, Faye P. (C)			T S THE		
2. CULLEN, Ty J.K. (VC)					
3. COFFMAN, Denny					
4. EVANS, Cindy					
5. KAWAKAMI, Derek S.K.					
6. LEE, Chris					
7. LOWEN, Nicole E.					
8. FALE, Richard Lee					
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The recommendation is: Adopted I Not Adopted If joint referral, did not support recommendation.					
Vice Chair's or designee's signature:					
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO					