

JAN 25 2023

A BILL FOR AN ACT

RELATING TO COMMERCIAL FISHING.

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

1 SECTION 1. The legislature finds that the department of
2 land and natural resources is responsible for managing and
3 administering the aquatic life resources of the State. The
4 department utilizes a variety of management tools to ensure
5 abundance while maintaining sustainable levels of take.
6 Management tools such as size limits, bag limits, closed
7 seasons, gear and method regulations, and place-based fishing
8 restrictions are all important tools used by the department to
9 achieve its mission to work with the people of Hawaii to manage,
10 conserve, and restore the State's unique aquatic resources and
11 ecosystems for present and future generations.

12 The legislature also finds that commercial fishing is a
13 vital contributor to the State's economy, provides valuable
14 protein to the diets of the State's residents, and helps to
15 increase the State's share of locally produced food. However,
16 certain commercially harvested fishery resources have become
17 depleted and can no longer sustain unlimited commercial harvest.



1 Management tools such as daily bag limits can be used to prevent
2 the decline in health and abundance of fish stocks across the
3 State, but while reasonable daily bag limits could work well for
4 noncommercial fisheries, they would effectively shut down
5 commercial fishing for certain species. Simply exempting
6 commercial fishers from daily bag limits is not a sustainable
7 option unless other limitations on commercial harvest are also
8 applied.

9 The legislature further finds that other coastal
10 jurisdictions across the United States have implemented limited
11 entry commercial fishery programs as an effective management
12 tool for heavily targeted fish species. Limited commercial
13 entry is a management method in which an agency or governing
14 body limits the number of participants or vessels participating
15 in a certain fishery as a means of reducing commercial fishing
16 pressure on a particular fish species or group of fish species
17 while still allowing some commercial take. Hawaii longline
18 commercial fishers currently participate in a limited commercial
19 fishery program, but this program is administered at the federal
20 level as participants are not allowed to fish in state waters.



1 The legislature finds that authorizing the department of
2 land and natural resources to establish limited entry systems
3 for certain commercial fisheries will enable the department to
4 strike a balance between allowing the continued commercial
5 harvest of fishery resources and establishing reasonable harvest
6 limits to ensure sustainable fishing.

7 The purpose of this Act is to authorize the department of
8 land and natural resources to establish limited entry commercial
9 fisheries where appropriate or necessary to ensure certain
10 commercial fisheries throughout the State remain healthy and
11 sustainable while balancing the important economic role of
12 commercial fisheries in the State.

13 SECTION 2. Section 189-2, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "**§189-2 Commercial marine license [and] commercial marine**
16 **vessel license[-]; limited entry commercial fisheries** (a) No
17 person shall take marine life for commercial purposes whether
18 the marine life is caught or taken within or outside of the
19 State, without first obtaining a commercial marine license as
20 provided in this section; provided that a single valid
21 commercial marine vessel license shall satisfy the commercial



1 marine license requirement for all persons taking marine life
2 for commercial purposes aboard a validly-licensed vessel. If a
3 Hawaii longline vessel satisfies the commercial marine license
4 requirement by obtaining a single commercial marine vessel
5 license, the commercial marine vessel licensee shall file an
6 annual report with the department that contains the following
7 information: identity, nationality, arrival date, and departure
8 date of the crew members.

9 (b) Any person providing charter services in the State for
10 the taking of marine life in or outside of the State shall
11 obtain a commercial marine license.

12 (c) Any vessel used for or engaged in the taking of marine
13 life for commercial purposes shall be eligible to obtain a
14 commercial marine vessel license.

15 (d) The department may establish limited entry commercial
16 fisheries when appropriate or necessary to ensure sustainable
17 fisheries.

18 [~~d~~] (e) The department may adopt rules pursuant to
19 chapter 91 necessary for the purpose of this section and to set
20 fees for commercial marine and commercial marine vessel
21 licenses.



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1 ~~(e)~~ (f) The fees for commercial marine and commercial
2 marine vessel licenses and duplicate commercial marine and
3 commercial marine vessel licenses shall be established by the
4 department by rules adopted in accordance with chapter 91.

5 ~~(f)~~ (g) The department shall suspend, shall refuse to
6 renew, reinstate, or restore, or shall deny any license issued
7 under this section if the department has received certification
8 from the child support enforcement agency pursuant to section
9 576D-13 that the licensee or applicant is not in compliance with
10 an order of support or has failed to comply with a subpoena or
11 warrant relating to a paternity or child support proceeding.
12 The department shall issue, renew, reinstate, or restore an
13 affected license only upon receipt of authorization from the
14 child support enforcement agency, the office of child support
15 hearings, or the family court."

16 SECTION 3. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 4. This Act shall take effect upon its approval.

19

INTRODUCED BY: *Maricel L. Inouye*



S.B. NO. 1264

Report Title:

Commercial Fishing; Limited Entry Commercial Fisheries;
Department of Land and Natural Resources

Description:

Authorizes the department of land and natural resources to establish limited entry commercial fisheries where appropriate or necessary to ensure certain commercial fisheries throughout the State remain healthy and sustainable while balancing the important economic role of commercial fisheries in the State.

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