
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 abundant resources 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 locally produced food. However, certain commercially
16 harvested fishery resources have become depleted and can no
17 longer sustain unlimited commercial harvest. Management tools,



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

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

20 The legislature finds that authorizing the department of
21 land and natural resources to establish limited-entry systems



1 for certain commercial fisheries will enable the department to
2 strike a balance between allowing the continued commercial
3 harvest of fishery resources and establishing reasonable harvest
4 limits to ensure sustainable fishing.

5 The purpose of this Act is to authorize the department of
6 land and natural resources to temporarily establish limited-
7 entry commercial fisheries for fisheries not subject to federal
8 fisheries regulations as defined in section 187A-5.5, Hawaii
9 Revised Statutes, when appropriate or necessary to ensure
10 sustainable fisheries for two species of fish -- uhu and kala --
11 thus ensuring that certain commercial fisheries throughout the
12 State remain healthy and sustainable while balancing the
13 important economic role of commercial fisheries in the State.

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

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



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

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

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

16 (d) The department may establish limited-entry commercial
17 fisheries for fisheries that are not subject to federal
18 fisheries regulations, as defined in section 187A-5.5, when
19 appropriate or necessary to ensure sustainable fisheries for two
20 species of fish: uhu and kala.



1 (e) The department of land and natural resources shall
2 regularly consult with stakeholders to obtain community feedback
3 regarding the limited-entry commercial fisheries established
4 pursuant to subsection (d), including the implementation of the
5 fisheries.

6 (f) No later than twenty days before the convening of each
7 regular session, the department of land and natural resources
8 shall submit a report of its findings and recommendations,
9 including any proposed legislation, and community feedback
10 pursuant to subsection (e), to the legislature regarding the
11 limited-entry commercial fisheries established pursuant to
12 subsection (d).

13 (g) As used in subsection (d):

14 "Kala" means any fish known as *Naso unicornis*, *Naso*
15 *brevirostris*, *Naso annulatus*, or any recognized synonym. Kala
16 are also known as bluespine unicornfish, short-nosed
17 unicornfish, spotted unicornfish, or whitemargin unicornfish.

18 "Uhu" means any fish belonging to the family *Scaridae* or
19 any recognized synonym. Uhu is also a general term for
20 parrotfish.



1 ~~(d)~~ (h) The department may adopt rules pursuant to
2 chapter 91 necessary for the purpose of this section and to set
3 fees for commercial marine and commercial marine vessel
4 licenses.

5 ~~(e)~~ (i) The fees for commercial marine and commercial
6 marine vessel licenses and duplicate commercial marine and
7 commercial marine vessel licenses shall be established by the
8 department by rules adopted in accordance with chapter 91.

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

20 SECTION 3. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



1 SECTION 4. This Act shall take effect on June 30, 3000;
2 provided that on June 30, 2028, this Act shall be repealed and
3 section 189-2, Hawaii Revised Statutes, shall be reenacted in
4 the form in which it read on the day prior to the effective date
5 of this Act.



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 for fisheries that are not subject to federal fisheries regulations, when appropriate or necessary to ensure sustainable fisheries for two species of fish -- uhu and kala. Requires the Department to obtain community feedback and report annually to the Legislature. Sunsets 6/30/2028. Effective 6/30/3000. (HD1)

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