

MAR 08 2024

SENATE RESOLUTION

REQUESTING THAT STATE AND COUNTY DEPARTMENTS AND AGENCIES MEET
CERTAIN GUIDELINES BEFORE PASSING ANY ORDINANCE OR RULE
THAT RESTRICTS SUBSISTENCE FISHING.

1 WHEREAS, subsistence fishing is a way of life in the State;
2 and

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4 WHEREAS, many recent proposed rules and actions taken with
5 the intent to protect and preserve ocean resources have had
6 unintended consequences on those who practice subsistence
7 fishing; and

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9 WHEREAS, many who practice subsistence fishing feel that
10 certain guidelines must first be met to prevent blind rulemaking
11 that can unreasonably restrict the practice of subsistence
12 fishing; and

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14 WHEREAS, for example, the lack of clear definitions and
15 unspecified goals of limiting "unsustainable" practices or
16 protecting "sustainable resources" can be vague and may place
17 blame on subsistence fishing when certain issues may not, in
18 fact, result from subsistence fishing; and

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20 WHEREAS, although data is often cited, it is unclear how
21 the data is collected, upon which proposed rules and actions
22 that restrict subsistence fishing are based; and

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24 WHEREAS, there are other options available to mitigate
25 threats to aquatic resources, and restricting the practice of
26 subsistence fishing should be a last resort; and

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28 WHEREAS, if a department or agency determines certain
29 fishing restrictions, like bag limits, are necessary, these
30 restrictions should be temporary and a plan to increase the
31 specified biomass of an aquatic resource should be partnered
32 with the mitigation of threats to the sustainable production of
33 that aquatic resource, such as implementing artificial reefs;
34 and

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1 WHEREAS, state and county departments and agencies that
2 propose rules and take actions that restrict subsistence fishing
3 should clearly state the expected outcome for the proposed rule
4 to be adopted and the action to be taken; and

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6 WHEREAS, before imposing limits, state and county
7 departments and agencies should also consider and identify all
8 population factors equally, including but not limited to
9 residents and times of high or low tourism, and not place blame
10 primarily on those who practice subsistence fishing for
11 unsustainable levels of take; and

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13 WHEREAS, to assist with tailored solutions that work
14 towards sustainable production and to address real issues, state
15 and county departments and agencies should meet certain
16 guidelines before passing any law, ordinance, or rule that
17 restricts subsistence fishing; now, therefore,

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19 BE IT RESOLVED by the Senate of the Thirty-second
20 Legislature of the State of Hawaii, Regular Session of 2024,
21 that state and county departments and agencies are requested to
22 meet certain guidelines before passing any ordinance or rule
23 that restricts subsistence fishing; and

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25 BE IT FURTHER RESOLVED that state and county departments
26 and agencies are requested to provide to the public the
27 following information before passing any ordinance or rule
28 relating to subsistence fishing:

- 29
30 (1) The method of collecting data upon which the law,
31 ordinance, or rule is based, including whether the
32 data was collected under abnormal conditions, such as
33 during the coronavirus disease 2019 pandemic, severe
34 weather events, or decreased traffic due to natural
35 disasters;
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37 (2) Disclosure of accurate numbers;
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39 (3) The steps and methods taken, and any definitions used,
40 to determine whether a species is sustainable or
41 unsustainable; and
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1 (4) The plan to increase specified biomass along with any
2 restrictions or mitigation efforts and the time limits
3 of the restrictions; and
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5 BE IT FURTHER RESOLVED that state and county departments
6 and agencies are requested to generate a report that contains
7 clear methods and guidelines for rulemaking that restricts
8 subsistence fishing and to post the report in an easily
9 accessible format and location on the department's or agency's
10 website to be made available for public viewing; and
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12 BE IT FURTHER RESOLVED that certified copies of this
13 Resolution be transmitted to the Governor, Chairperson of the
14 Board of Land and Natural Resources, and the Chairs of the
15 Honolulu City Council, Maui County Council, Hawaii County
16 Council, and Kauai County Council.
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OFFERED BY:

Lynn DeCoite
by request

