

## ACT 306

H.B. NO. 3457

A Bill for an Act Relating to the West Hawaii Regional Fishery Management Area.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The legislature finds that regional management of nearshore marine resources is an effective approach to further the policies and objectives of the Hawaii ocean resources management plan. This has been proven through the experience in the United States and in other countries, a notable example being the Great Barrier Reef Marine Park.

International experience has proven the benefits of establishing areas under management plans that integrate the management of activities and resource use so as to sustain the quality and health of living and non-living marine resources. This includes ensuring that management of fisheries and ocean recreation activities is coordinated to enhance the effectiveness of resource protection.

Scientific research and experience in regional management support the premise that establishing a minimum of thirty per cent of coastal waters as fish replenishment areas will be effective in enhancing and sustaining the stocks of nearshore marine resources.

Regional ocean management is recognized in the Hawaii state statutes as a valuable management tool. These statutes authorize the department of land and natural resources to create fishery management areas, marine life conservation districts, and ocean recreation management areas. The lead agency for these management areas is the department of land and natural resources through its divisions of aquatic resources and boating and ocean recreation.

Within these designated areas, the legislature has granted to the department of land and natural resources expanded rule making authority to separate incompatible uses and protect significant resources. This authority includes limiting access to

fisheries in fishery management areas, and restricting types of ocean recreation activities in ocean recreation management areas.

The department of land and natural resources has identified the highest priority areas with significant pressures from resource exploitation and conflicts of use. Two of the top three areas, namely Kaneohe bay and Hanauma bay, are already under comprehensive integrated ocean management plans. The third area, the west coast of Hawaii island, has no integrated regional management plan.

The legislature finds that the west coast of Hawaii island has some of the finest coral reefs in the world. It is ranked as the top overall dive destination by dive tourists. These coral reefs are enjoyed by divers from the community as well as from the recreational dive industry. The reefs also provide essential habitat for fish and other marine life that are caught by recreational, commercial, and subsistence fishers.

As human population grows, increasing fishing pressure and environmental stresses from activities on or adjacent to the reefs are causing degradation of the reef environment. Collection of reef fish for aquarium purposes has caused a depletion of these fish in localized nearshore reef areas, even though scientists argue that the overall population of these reef fish is not significantly affected by collection efforts. Impacts from boat anchors and novice divers have caused coral damage in some of these nearshore reef areas as well. In addition, the use of set nets has caused a significant impact on reef fish populations in certain areas. Finally, land use on the adjacent coastal areas has, in some cases, caused additional runoff that has affected coral reef areas.

Because of these pressures, the legislature finds that it is in the best interests of the resources and the community for the department of land and natural resources to establish a regional fishery management area in West Hawaii to set aside areas for fish replenishment, as well as regulate impacts from other users.

The legislature further finds that the user conflict and localized resource depletion caused by aquarium fish collectors in West Hawaii are serious and ongoing concerns. To that end, this Act directs the department of land and natural resources to take immediate action to set aside at least thirty per cent of these coastal waters as areas where aquarium fish collecting is prohibited.

The legislature recognizes the scientific support for establishing fish replenishment areas where no fishing is allowed as an effective means to enhance stocks of sport fish and food fish. This Act directs the department of land and natural resources to designate some areas as fish reserves, where no fishing of reef-dwelling fish is allowed. More time is allowed for this step to enable the department to work closely with the fishing community to gain its support.

The legislature believes that this integrated regional management approach will be effective in enhancing and sustaining all nearshore marine resources for fishers, divers, and all users of these waters.

The purpose of this Act is to establish a West Hawaii regional fishery management area for effective management of fishery activities in this coastal area, to enhance nearshore resources, and to minimize conflicts of use.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

## **“CHAPTER WEST HAWAII REGIONAL FISHERY MANAGEMENT AREA**

§ -1 **Definitions.** As used in this chapter, unless the context requires otherwise:

“Department” means the department of land and natural resources.

“Management area” means the West Hawaii regional fishery management area established in section -2.

“Plan” means the West Hawaii regional fishery management area plan established in section -4.

**§ -2 West Hawaii regional fishery management area; establishment.**

The department of land and natural resources shall establish 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, from Ka Lae, Kau (South Point) to Upolu Point, North Kohala, but not including Kawaihae commercial harbor.

**§ -3 West Hawaii regional fishery management area; purpose.** The purpose of the West Hawaii regional fishery management area shall be to:

- (1) Ensure the sustainability of the State’s nearshore ocean resources;
- (2) Identify areas with resource and use conflicts;
- (3) Provide management plans as well as implementing regulations for minimizing user conflicts and resource depletion, through the designation of sections of coastal waters in the West Hawaii regional fishery management area as fish replenishment areas where certain specified fish harvesting activities are prohibited, and other areas where anchoring and ocean recreation activities are restricted;
- (4) Establish a system of day-use mooring buoys in high-use coral reef areas and limit anchoring in some of these areas to prevent anchor damage to corals;
- (5) Identify areas and resources of statewide significance for protection;
- (6) Carry out scientific research and monitoring of the nearshore resources and environment; and
- (7) Provide for substantive involvement of the community in resource management decisions for this area through facilitated dialogues with community residents and resource users.

**§ -4 West Hawaii regional fishery management area plan.** The department shall develop a West Hawaii regional fishery management area plan that identifies and designates appropriate areas of the management area as follows:

- (1) Designates a minimum of thirty per cent of coastal waters in the West Hawaii regional fishery management area as fish replenishment areas in which aquarium fish collection is prohibited;
- (2) Establishes a day-use mooring buoy system along the coastline of the West Hawaii regional fishery management area and designates some high-use areas where no anchoring is allowed;
- (3) Establishes a portion of the fish replenishment areas as fish reserves where no fishing of reef-dwelling fish is allowed; and
- (4) Designates areas where the use of gill nets as set nets shall be prohibited.

**§ -5 Review.** A review of the effectiveness of the West Hawaii regional fishery management area plan shall be conducted every five years by the department of land and natural resources, in cooperation with the University of Hawaii. The department shall submit a report of its findings and recommendations based on the review to the legislature no later than twenty days before the convening of the regular session following the review.

§ -6 Rules. The department shall adopt rules to effectuate the purposes of this chapter in accordance with chapter 91.”

SECTION 3. As part of the West Hawaii regional fishery management area plan, the department of land and natural resources shall adopt rules in accordance with chapter 91, Hawaii Revised Statutes, as follows:

- (1) By October 1, 1998, designate a minimum of thirty per cent of coastal waters in the West Hawaii regional fishery management area as fish replenishment areas in which aquarium fish collection is prohibited. This area would include existing no-collecting areas;
- (2) By July 1, 1999, establish a day-use mooring buoy system along the coastline of the West Hawaii regional fishery management area and designate some high-use areas where no anchoring is allowed;
- (3) By October 1, 1999, establish a portion of the fish replenishment areas as fish reserves where no fishing of reef-dwelling fish is allowed. These reserves will extend out to a depth of two hundred meters, the edge of the insular shelf, or as otherwise designated by the department; and
- (4) By July 1, 2000, designate areas where the use of gill nets as set nets shall be prohibited.

The department of land and natural resources shall identify the specific areas and restrictions after close consultation and facilitated dialogue with working groups of community members and resource users.

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

(Approved July 20, 1998.)