
A BILL FOR AN ACT

RELATING TO MARINE RESOURCES.

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

1 SECTION 1. The legislature finds that the fish marine
2 resources of the state of Hawaii are in decline. The
3 replenishment and preservation of these resources are vital to
4 the economic, cultural, environmental, health, and social well-
5 being of the state's residents, visitors, and future
6 generations, in addition to global biodiversity.

7 The legislature also finds that the decline in size,
8 number, distribution, diversity, and quality of important and
9 desirable marine species and habitats may be reversed by
10 implementing a number of marine management tools, including
11 marine managed areas, increased enforcement of existing fishing
12 laws, bag limits, slotting, netting limitations, and fish
13 propagation programs for consumption and restocking.

14 During the 2005 regular session, the legislature adopted
15 H.C.R. No. 267, H.D. 1, authorizing the house committee on
16 water, land, and ocean resources and the senate committee on
17 water, land, and agriculture, together with the department of
18 land and natural resources, to meet marine resource stakeholders



1 on all islands to discuss the problem of Hawaii's depleting
2 marine resources and the need to adopt measures that would
3 ensure the viability of the resources for present and future
4 generations. The statewide meetings focused on marine managed
5 areas as the management tool of choice for the department of
6 land and natural resources and other stakeholders, including
7 environmentalists. "Marine managed area" means any area of the
8 marine environment established by law or rules that encompasses
9 defined management objectives, including protection of
10 geological, cultural, or natural resources, or that reduces
11 conflicts between user groups. Other stakeholders, such as the
12 fishing community, vehemently opposed the establishment of
13 additional marine managed areas, to such an extent that they
14 raised serious questions regarding the basis and effectiveness
15 of marine managed areas.

16 The legislature finds that the establishment of additional
17 marine managed areas will have a substantial impact on the
18 fishing community and should not be pursued without a further
19 and meaningful review of the effectiveness thereof and its
20 alternatives.

21 The legislature also finds that current enforcement of
22 state fishing laws is ineffective. Both proponents and
23 opponents of establishing additional marine managed areas,



1 expressed a complete lack of faith in the State's ability to
2 enforce its fishing laws. The link between ineffective
3 enforcement of the fishing laws and the declining status of our
4 marine resources cannot be avoided and mandates that the
5 enforcement capability of the department of land and natural
6 resources be enhanced.

7 The purpose of this Act is to require the department of
8 land and natural resources to assess the effectiveness of no-
9 take marine managed areas, study the effectiveness of other
10 marine management tools, and appropriate funds for purposes of
11 this Act.

12 SECTION 2. The department of land and natural resources
13 shall:

14 (1) Assess the effectiveness of the existing no-take
15 marine managed areas and de facto no-take areas, such
16 as marine areas surrounding Kahoolawe Island,
17 restricted military zones, and other areas closed off
18 to fishing due to development or security purposes
19 such as harbors; and

20 (2) Study the effectiveness of other means, other than the
21 establishment of additional no-take marine managed
22 areas, to produce more fish now and in the future,
23 including more effective enforcement of the State's



1 fishing laws, slotting and size limits, bag limits,
2 net fishing restrictions that do not prohibit net
3 fishing, and fish propagation programs, for
4 consumption and restocking.

5 The department of land and natural resources in assessing
6 and studying the various marine management tools shall seek the
7 assistance and input of all stakeholders, including the fishing
8 community. It is the intent of this Act that the means to
9 sustain and enhance the State's marine resources be tempered by
10 and balanced against the economic, social, and traditional-
11 practice needs of the stakeholders.

12 SECTION 3. The department of land and natural resources
13 shall submit an interim report to the legislature no later than
14 twenty days before the convening of the regular session of 2007
15 and a final report of its findings and recommendations,
16 including proposed legislation, to the legislature no later than
17 twenty days before the convening of the regular session of 2008.
18 The reports shall include an analysis of the impacts and
19 benefits of its recommendations, a record of the stakeholder's
20 assistance and input, and shall provide the supporting rationale
21 and data for the recommendations being proposed.

22 SECTION 4. There is appropriated out of the general
23 revenues of the State of Hawaii the sum of \$ or so much



1 thereof as may be necessary for fiscal year 2006-2007 for the
 2 assessment and study of the effectiveness of the various marine
 3 management tools; provided that any unexpended or unencumbered
 4 funds at the close of fiscal year 2006-2007 may be expended or
 5 encumbered during fiscal year 2007-2008 and shall not lapse
 6 until June 30, 2008.

7 The sum appropriated shall be expended by the department of
 8 land and natural resources for the purposes of this Act.

9 SECTION 5. There is appropriated out of the general
 10 revenues of the State of Hawaii the sum of \$ or so much
 11 thereof as may be necessary for fiscal year 2006-2007 to provide
 12 additional positions to assist in the enforcement of the
 13 State's fishing laws.

14 The sum appropriated shall be expended by the department of
 15 land and natural resources for the purposes of this Act.

16 SECTION 6. This Act shall take effect on July 1, 2006.
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INTRODUCED BY:

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JAN 24 2006



HB 25F7

Report Title:

Marine Resources; Assessment and Study; Enforcement; Funding

Description:

Requires the Department of Land and Natural Resources (DLNR) to assess and study the various marine management tools to address the depleting marine resources of the State. Appropriates funds for the assessment and study and for enforcement personnel for DLNR.

