
A BILL FOR AN ACT

RELATING TO MARINE RESOURCE MANAGEMENT.

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

- 1 SECTION 1. The legislature finds and declares that:
- 2 (1) Fishing in Hawaii is a tradition woven into our island
3 communities and local cultures that have been passed
4 down for generations;
- 5 (2) According to the Hawaii marine recreational survey
6 conducted by the department of land and natural
7 resources, division of aquatic resources, fishing
8 continues to be the most popular outdoor activity
9 statewide with an estimated two hundred thousand
10 participants per year of all ages;
- 11 (3) Sustainable fisheries, both recreational and
12 commercial, need to be managed with sound science;
- 13 (4) Fishermen have long demonstrated a conservation ethic,
14 by annually contributing over \$500,000,000 to state
15 fisheries conservation management programs and
16 projects nationally through payment of federal excise
17 taxes on fishing equipment, motorboats and fuel, as
18 well as license fees;



- 1 (5) According to the National Marine Fisheries Service,
2 commercial fisheries contributed more than \$57,000,000
3 to the state's economy in 2004, as Honolulu is ranked
4 8th nationally in ex-vessel value landings;
- 5 (6) According to 2001 American Sportfishing Association
6 data, recreational fishing contributed as much as
7 \$184,000,000 to Hawaii's economy;
- 8 (7) It is a longstanding policy of the federal government
9 to allow public access to public lands and waters for
10 recreational purposes consistent with sound
11 conservation. The policy is reflected in the National
12 Forest Management Act, the National Wildlife Refuge
13 System Improvement Act, Wilderness Act, Wild and
14 Scenic Rivers Act, and the National Park Service Act;
- 15 (8) In most instances, fishery resources can be maintained
16 through a variety of management measures, including
17 take limits, minimum size requirements, catch and
18 release, and closed seasons without restricting access
19 to public fishing areas;
- 20 (9) A clear policy is required to demonstrate to the
21 fishing public that marine fisheries can be managed
22 without unnecessarily closing waters to fishing. A



1 documented process using peer-reviewed science and
2 allowing for public participation and input on the
3 implementation, use, and monitoring of proposed
4 prohibition or limitation of public fishing areas to
5 maintain the optimum balance between fishing
6 opportunity and resource sustainability is necessary
7 and warranted; and

8 (10) Any fishery management plan prepared, and any rule
9 adopted to implement such plan, including the closing
10 of marine areas to fishing shall conform to marine
11 conservation and management standards that:

12 (A) Simultaneously provide fair-fishing community
13 participation and appropriate use of marine
14 resources;

15 (B) Are based upon the best scientific information
16 available;

17 (C) Do not discriminate between fishing sectors or
18 between other marine resource users, and if it
19 becomes necessary to allocate or assign fishing
20 privileges among fishermen or other marine users,
21 such allocations shall be:



- 1 (i) Fair and equitable to all such fishermen and
- 2 other marine users; and
- 3 (ii) Reasonably calculated to promote
- 4 conservation;
- 5 (D) Take into account the importance of fishery
- 6 resources to fishing communities to:
- 7 (i) Provide for the sustained participation of
- 8 such communities; and
- 9 (ii) To the extent practicable, minimize adverse
- 10 economic and social impacts on such
- 11 communities;
- 12 and
- 13 (E) Provide monitoring and enforcement of measures to
- 14 allow for future evaluation of the plan.

15 The purpose of this Act is to require the department of
16 land and natural resources to demonstrate a scientific need
17 prior to establishing new prohibitions or limitations on fishing
18 in public fishing areas.

19 SECTION 2. Chapter 190, Hawaii Revised Statutes, is
20 amended by adding a new section to be appropriately designated
21 and to read as follows:



1 "§190- Demonstration of scientific need prior to fishing
2 restrictions. As of January 1, 2006, fishing shall not be
3 prohibited or limited in any areas open to public fishing,
4 unless:

5 (1) A peer-reviewed, scientific analysis clearly
6 demonstrates a correlation between fishing and a
7 specific conservation problem and that less severe
8 conservation measures, such as minimum sizing, closed
9 seasons, bag limits, and enforcement of existing
10 regulations will not adequately provide for
11 conservation and management of the affected stocks of
12 targeted fish;

13 (2) The closed area regulation includes specific
14 measurable criteria to determine the conservation
15 benefit of the closed area on the affected stocks of
16 fish, including:

17 (A) The identification of specific species to be
18 protected (including current stock assessment of
19 the species as they occur throughout their
20 range);



- 1 (B) The historic and current fishing effort,
2 including numbers of fishermen, hooks, and soak
3 time on the targeted species;
- 4 (C) The historic and current extraction rate,
5 including data on fish caught and released or
6 damaged, of targeted species;
- 7 (D) Other environmental and non-fishing use factors
8 that may be contributing to the current condition
9 of the targeted species; and
- 10 (E) A scheduled review of the continued need for the
11 closed area is at least once every three years,
12 with a report to the legislature and public;
- 13 (3) The closed area is no larger than that which is
14 supported by the best available peer reviewed
15 scientific information; and
- 16 (4) A sunset provision is included to automatically end
17 the closed area, unless closure continues to meet the
18 conditions in paragraph (1), (2), or (3) that was the
19 basis of the closure."

20 SECTION 3. There is appropriated out of the general
21 revenues of the State of Hawaii the sum of \$ or so much

HB 2881

Report Title:

Marine Resource Management

Description:

Requires the Department of Land and Natural Resources to demonstrate a scientific need prior to prohibiting or limiting fishing in any public fishing area.

HB HMS 2006-1322

