
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 declining. 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 through ahupua`a management practices,
12 increased enforcement of existing and new fishing laws, fishing
13 licenses, bag limits, slotting, seasonal closures, netting
14 limitations, fish propagating programs, invasive species control
15 and eradication, fish aggregating devices, additional artificial
16 reefs, and prevention of resource pollution from run-offs.

17 During the 2005 regular session, the legislature adopted
18 H.C.R. No. 267, H.D. 1, authorizing the house committee on



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

19 The legislature finds that current enforcement of state
20 fishing laws is ineffective. Both proponents and opponents of
21 establishing additional marine managed areas expressed a
22 complete lack of faith in the State's ability to enforce its
23 fishing laws. The link between ineffective enforcement of the



1 fishing laws and the declining status of our marine resources
2 cannot be avoided and mandates that the enforcement capability
3 of the department of land and natural resources be enhanced.

4 The legislature stresses importance of coordinating federal
5 and state restoration efforts through proper communication, as
6 well as through seasonal closures based on spawning cycles. The
7 legislature realizes that this alone will not solve all of the
8 marine resource problems; however, it is an imperative step
9 toward better marine management practices.

10 The purpose of this Act is to require the department of
11 land and natural resources to:

- 12 (1) Assess the effectiveness of no-take marine managed
13 areas;
- 14 (2) Establish a standardized process to assess,
15 prioritize, and implement effective measures and
16 programs to sustain and conserve Hawaii's marine
17 resources; and
- 18 (3) Hire additional personnel to enforce the State's
19 fishing laws.

20 SECTION 2. The department of land and natural resources
21 shall:

- 22 (1) Evaluate available scientific information and
23 stakeholder knowledge, including Native Hawaiian



1 cultural beliefs and practices resulting from a long
2 history of use and observation of marine resources and
3 the environment, when developing effective measures
4 and programs;

5 (2) Assess the effectiveness of the existing no-take
6 marine managed areas and de facto no-take areas; and

7 (3) Establish a standardized process to assess,
8 prioritize, and implement effective measures and
9 programs to sustain and conserve Hawaii's marine
10 resources.

11 The department of land and natural resources, in assessing
12 the various marine management tools, through a variety of
13 methods, shall seek the assistance and input of all
14 stakeholders, including the fishing community. It is the intent
15 of this Act that the means to sustain and enhance the State's
16 marine resources be in balance with the long-standing economic
17 health of the State and with the social and traditional
18 practices of all stakeholders.

19 SECTION 3. The department of land and natural resources
20 shall submit an interim report to the legislature no later than
21 twenty days before the convening of the regular session of 2007
22 and a final report of its findings and recommendations,
23 including proposed legislation, to the legislature no later than



1 twenty days before the convening of the regular session of 2008.

2 The reports shall provide:

- 3 (1) An analysis of the effects and benefits of its
4 recommendations;
- 5 (2) A record of the stakeholders' assistance and input;
6 and
- 7 (3) The supporting rationale and data for the
8 recommendations being proposed.

9 SECTION 4. There is appropriated out of the general
10 revenues of the State of Hawaii the sum of \$ or so
11 much thereof as may be necessary for fiscal year 2006-2007 for
12 the assessment, prioritization, and implementation of effective
13 measures and programs to increase Hawaii's fish population now
14 and in the future; provided that:

- 15 (1) The measures and programs shall be implemented
16 following a process of assessment and prioritization;
17 and
- 18 (2) Any unexpended or unencumbered funds at the close of
19 fiscal year 2006-2007 may be expended or encumbered
20 during fiscal year 2007-2008 and shall not lapse until
21 June 30, 2008.

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

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

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

8 SECTION 6. This Act shall take effect on July 1, 2020.

HB2587, SD1

Report Title:

Marine Resources; Assessment; Enforcement; Funding

Description:

Requires DLNR to assess for effectiveness and implement the various marine management tools to address the depleting marine resources of the State. Appropriates funds for the assessment and implementation and additional DLNR enforcement personnel.
(SD1)

