
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 management and
2 conservation of marine resources are vital to the economic,
3 cultural, environmental, health, and social well-being of the
4 State's residents, visitors, and future generations, in addition
5 to global biodiversity.

6 The legislature also finds that the management and
7 conservation of the State's resources can be achieved through
8 implementation of a number of marine management tools, including
9 marine managed areas through ahupua`a management practices,
10 following public input and evaluation, increased enforcement of
11 existing and new fishing laws, fishing licenses, bag limits,
12 slotting, seasonal closures, netting limitations, fish
13 propagating programs, invasive species control and eradication,
14 fish aggregating devices, additional artificial reefs, and
15 prevention of resource pollution from run-offs.

16 During the 2005 regular session, the legislature adopted
17 H.C.R. No. 267, H.D. 1, authorizing the house committee on
18 water, land, and ocean resources and the senate committee on



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

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



1 tied and mandates that the enforcement capability of the
2 department of land and natural resources be enhanced.

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

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

- 11 (1) Assess the effectiveness of no-take marine managed
12 areas;
- 13 (2) Consider the implementation of seasonal closures, in
14 lieu of no-take areas, based upon federal regulations
15 and natural spawning cycles;
- 16 (3) Establish a standardized process to assess,
17 prioritize, and implement effective measures and
18 programs to sustain and conserve Hawaii's marine
19 resources; and
- 20 (4) Hire additional personnel to enforce the State's
21 fishing laws.

22 SECTION 2. The department of land and natural resources
23 shall:



- 1 (1) Evaluate available scientific information and
2 stakeholder knowledge, including native Hawaiian
3 cultural beliefs and practices resulting from a long
4 history of use and observation of marine resources and
5 the environment, when developing effective measures
6 and programs;
- 7 (2) Assess the effectiveness of the existing no-take
8 marine managed areas and de facto no-take areas; and
- 9 (3) Establish a standardized process to assess,
10 prioritize, and implement effective measures and
11 programs to sustain and conserve Hawaii's marine
12 resources.

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

21 SECTION 3. The department of land and natural resources
22 shall submit an interim report to the legislature no later than
23 twenty days before the convening of the regular session of 2007

1 and a final report of its findings and recommendations,
2 including proposed legislation, to the legislature no later than
3 twenty days before the convening of the regular session of 2008.

4 The reports shall provide:

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

11 SECTION 4. There is appropriated out of the general
12 revenues of the State of Hawaii the sum of \$1, or so much
13 thereof as may be necessary for fiscal year 2006-2007, for the
14 assessment, prioritization, and implementation of effective
15 measures and programs to sustain and conserve Hawaii's marine
16 resources now and in the future; provided that:

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



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

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

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

10 SECTION 6. This Act shall take effect on July 1, 2050.



Report Title:

Marine Resources; Assessment; Enforcement; Funding

Description:

Requires DLNR to assess for effectiveness and implement various marine management tools to effectively manage and conserve marine resources of the State. Appropriates funds for the assessment and implementation and additional DLNR enforcement personnel. (SD2)

