

JAN 25 2006

S.B. NO. 3047

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# 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 8<sup>th</sup> 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

1 thereof as may be necessary for fiscal year 2006-2007 to carry  
2 out the purposes of this Act.

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

5 SECTION 4. New statutory material is underscored.

6 SECTION 5. This Act shall take effect on July 1, 2006;  
7 provided that section 2 take effect on January 1, 2006, and  
8 shall be applied retroactively from that date.

9

INTRODUCED BY:

Y. S. O. J. l.  
Russell. K. l.  
[Signature]  
[Signature]

**Report Title:**

Marine Resource Management

**SB. NO. 3047**

**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.

