

Honolulu, Hawaii

Feb 17, 2006

RE: H.B. No. 2587  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Third State Legislature  
Regular Session of 2006  
State of Hawaii

Sir:

Your Committee on Water, Land, & Ocean Resources, to which was referred H.B. No. 2587 entitled:

"A BILL FOR AN ACT RELATING TO MARINE RESOURCES,"

begs leave to report as follows:

The purpose of this bill is to address the declining fish stock of Hawaii by:

- (1) Requiring the Department of Land and Natural Resources (DLNR), with the assistance and input of all stakeholders, to:
  - (A) Assess the effectiveness of the existing no-take managed marine areas (MMA) and defacto no-take areas such as Kahoolawe Island and military zones;
  - (B) Study the effectiveness of means other than additional no-take MMAs to produce more fish, including more effective enforcement of fishing laws, slotting and size limits, and fish propagation programs; and
  - (C) Report its preliminary finding and recommendations to the Legislature at least 20 days before the convening of the Regular Session of 2007, with a final report at least 20 days before the convening of the Regular Session of 2008;



- (2) Appropriating an unspecified sum for the assessment and study; and
- (3) Appropriating an unspecified sum for additional positions in DLNR for the enforcement of the State's fishing laws.

The Association of Hawaiian Civic Clubs, several organizations, and individuals testified in support of this bill. The Office of Hawaiian Affairs supported the intent of this measure. DLNR, Nature Conservancy-Hawaii, Conservation Council for Hawaii, Community Conservation Network, Maui Coastal Land Trust, Hui Malama o Pupukeya-Waimea, Paa Pono Milolii, Sierra Club, Hawaii Chapter, and numerous other organizations and individuals opposed this bill. The Ocean Law & Policy Forum and an individual commented on this measure.

Your Committee finds that the use of MMAs as a marine management tool is highly contentious among certain factions of the fishing community and among other stakeholders, it is a tested method of replenishing fishing stock. After receiving public testimony of this bill, decision making was deferred. A proposed version of this bill was prepared and circulated among the Committee members in an effort to obtain consensus. The draft proposed to hold DLNR accountable through transparent processes and community input, without unnecessarily interfering with and imposing overly restrictive conditions and criteria on, its mandate to protect the state's marine resources.

Your Committee notes that DLNR currently has the authority, through its rulemaking authority, to use various marine management tools, including MMAs. However, your Committee believes that providing DLNR with express statutory authorization will express the Legislature's commitment and financial support to replenishing and sustaining the fish stock of the state.

After considering many factors, including the legislative process that this measure will be subjected to, your Committee has amended this bill by, among other things:

- (1) Amending the purpose section;
- (2) Deleting reference to specific no-take MMA sites relating to DLNR's mandate to assess the effectiveness of existing no-take MMAs;



- (3) Requiring DLNR to assess, prioritize, and implement effective measures and programs to increase the fish population without citing examples of the various means, rather than studying the effectiveness of means other than no-take MMAs and citing examples of the other means to produce more fish;
- (4) Specifically giving DLNR the flexibility to use a variety of methods to assess effectiveness with respect to assessing the effectiveness of various marine management tools;
- (5) Mandating that the means be "in balance with" the economic, social, and traditional practice needs of the stakeholders, rather than requiring that the means of sustaining and enhancing the state's marine resources be "tempered by and balanced against"; and
- (6) Replacing the study of the effectiveness of the various marine management tools, as one of the purposes of the appropriation, with the implementation of effective measures and programs, following a process of assessment and prioritization.

Your Committee has also amended this bill by making technical, nonsubstantive amendments for clarity, style, and consistency.

As affirmed by the record of votes of the members of your Committee on Water, Land, & Ocean Resources that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2587, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2587, H.D. 1, and be referred to the Committee on Finance.

Respectfully submitted on  
behalf of the members of the  
Committee on Water, Land, &  
Ocean Resources,

  
EZRA R. KANOHO, Chair



