
HOUSE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO
REPORT TO THE LEGISLATURE ON EXISTING MARINE PROTECTED
AREAS.

1 WHEREAS, Section 187A-2, Hawaii Revised Statutes, requires
2 the Department of Land and Natural Resources to establish,
3 manage, and regulate public fishing areas, artificial reefs,
4 fish aggregating devices, marine life conservation districts,
5 shoreline fishery management areas, refuges, and other areas;
6 and
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8 WHEREAS, the Department of Land and Natural Resources
9 defines marine protected areas as any area of the marine
10 environment established by law or regulation to protect and
11 enhance part or all of the natural resources therein; and
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13 WHEREAS, scientific studies on the impacts of marine
14 protected areas vary depending upon the purpose, scope, and
15 situation applied, and are not the solution to many fishery
16 management issues; and
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18 WHEREAS, marine protected areas have been shown to increase
19 biomass within the closed area if it is effectively placed,
20 monitored, and enforced; and
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22 WHEREAS, scientific publications have cited the
23 ineffectiveness of marine protected areas when communities that
24 are being regulated do not support the management strategy; and
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26 WHEREAS, in the past, Hawaii's fishing community has
27 demonstrated its opposition to the Department of Land and
28 Natural Resource's use of marine protected areas and questioned
29 the agency's ability and willingness to plan, monitor, and
30 enforce area closures; and
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1 WHEREAS, also in the past, the Department of Land and
2 Natural Resources has clearly reflected the department's
3 predetermined management philosophy of supporting the use of
4 marine protected areas without being held accountable for
5 planning, monitoring, or evaluating their effectiveness as a
6 management tool or being accountable to the public or community
7 leaders; and
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9 WHEREAS, the Department of Land and Natural Resources'
10 report entitled, "Approach to Marine Resource Management" openly
11 reveals the agency's absence of a strategy to monitor fishery
12 resources in a manner that will help determine stock status and
13 effectiveness of the management program; and
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15 WHEREAS, the Department of Land and Natural Resources has
16 failed to monitor and evaluate the effectiveness of nineteen
17 bottomfish marine protected areas that were created in 1998 and
18 has not fulfilled its mandate to report on these marine
19 protected areas by 2003; and
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21 WHEREAS, the Department of Land and Natural Resources has
22 failed to manage and conserve bottomfish resources, which has
23 resulted in a declaration of overfishing by the United States
24 Secretary of Commerce and a federal intervention; and
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26 WHEREAS, the scientific information and analysis in the
27 Department of Land and Natural Resources' December 2004 report
28 to the Legislature entitled, "A Report on the Findings and
29 Recommendations of Effectiveness of the West Hawaii Regional
30 Fishery Management Area" was not peer-reviewed, was
31 misinterpreted, and continues to be misrepresented in validating
32 predetermined management actions; and
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34 WHEREAS, the establishment of many marine protected areas,
35 including Hanauma Bay, Pupukea, and Kealakekua Bay, have
36 generally led to the displacement of local and traditional
37 family ocean-related activities for commercial tourism-related
38 businesses; and
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40 WHEREAS, management strategies, such as gear restrictions,
41 seasonal closures, catch limits, size limits, and others, have
42 been and continue to be effectively used to manage fisheries in
43 Hawaii and throughout the world; now, therefore,
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1 BE IT RESOLVED by the House of Representatives of the
2 Twenty-fourth Legislature of the State of Hawaii, Regular
3 Session of 2007, the Senate concurring, that the Department of
4 Land and Natural Resources is requested to prepare a report to
5 the Legislature that includes:

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- 7 (1) An inventory of all marine protected areas in the
8 State where fishing is restricted;
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- 10 (2) The stated objectives or goals for each marine
11 protected area, as defined in its establishment;
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- 13 (3) A description of the management strategy, baseline
14 data, and controls used in the establishment of each
15 of the current marine protected areas;
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- 17 (4) A description of the monitoring, control, and
18 enforcement programs implemented by the respective
19 divisions in support of each marine protected area;
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- 21 (5) A descriptive evaluation and summary analysis of the
22 effectiveness of each marine protected area in:
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- 24 (A) Achieving the stated management objectives or
25 goals; and
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- 27 (B) Fulfilling the monitoring, control, and
28 enforcement programs; and
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- 30 (6) A summary of public comments and responses on the
31 draft report to the Legislature, to be collected
32 following public meetings in each county; and
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34 BE IT FURTHER RESOLVED that the Department of Land and
35 Natural Resources, is requested to submit its report to the
36 Legislature not later than twenty days prior to the convening of
37 the Regular Session of 2008; and
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39 BE IT FURTHER RESOLVED that certified copies of this
40 Concurrent Resolution be transmitted to the Governor, and the
41 Chairperson of the Board of Land and Natural Resources.

