
A BILL FOR AN ACT

RELATING TO FEDERAL FISHERIES REGULATIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 187A, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§187A- Consistency of state and federal fisheries
5 regulations. (a) The department shall adopt, amend, and repeal
6 administrative rules that are equivalent to and consistent with
7 federal fisheries regulations, for the beneficial joint
8 management of fisheries that occur in both state and federal
9 marine waters to create uniform, complementary, and
10 comprehensive management measures to improve efficiencies in
11 management and effectiveness of enforcement, under the following
12 conditions:

13 (1) A federal agency with the responsibility for the
14 management of fisheries in federal marine waters
15 around the Hawaiian Islands has:

16 (A) Declared a fishery to be in a state of
17 overfishing, is overfished, or in some other
18 state of unsustainability; and



1 (B) Promulgated or amended federal regulations to
2 correct the decline in the fishery;

3 and

4 (2) The fishery occurs in both state and federal marine
5 waters.

6 (b) The board may annually declare a fishing season, a
7 total fishing quota, or individual fishing quotas, or enact the
8 requirements for other mechanisms to prevent overfishing that
9 are consistent with federal fisheries regulations and similar
10 state rules adopted under the conditions of paragraphs (1) and
11 (2) of subsection (a).

12 (c) When the federal fisheries agency again declares the
13 fishery to be sustainable and amends or repeals its regulations,
14 the department shall amend or repeal its rules accordingly.

15 (d) Nothing contained in this section shall be construed
16 to prohibit any person from exercising native Hawaiian gathering
17 rights or traditional cultural practices as authorized by law or
18 as permitted by the department pursuant to article XII, section
19 7, of the Hawaii Constitution;

20 (e) No rule adopted pursuant to this section shall be
21 exempt from the requirements of chapter 91.



1 (f) As used in this section, unless the context clearly
2 indicates otherwise:

3 "Declared" or "declares" means when a federal agency with
4 the responsibility for the management of fisheries in federal
5 marine waters around the Hawaiian Islands has made a public
6 announcement of a determination that the same fishery in state
7 marine waters is in a state of overfishing, is overfished, or in
8 some other state of unsustainability, pursuant to the provisions
9 of the Magnuson-Stevens Fishery Conservation and Management Act
10 (P.L. 94-265), as amended by the Magnuson-Stevens Fishery
11 Conservation and Management Reauthorization Act of 2006 (P.L.
12 109-479).

13 "Federal fisheries regulations" means those formal federal
14 laws relating to the management of marine fisheries by federal
15 agencies, such as the National Marine Fisheries Service, United
16 States Department of Commerce.

17 "Federal marine waters" means the exclusive economic zone
18 established by Presidential Proclamation 5030, 3 Code of Federal
19 Regulations 22, dated March 10, 1983, and is that area adjacent
20 to the United States which, except where modified to accommodate
21 international boundaries, encompasses all waters from a baseline



1 starting at the seaward boundary of state territorial seas
2 extending seaward two hundred nautical miles.

3 "Fishery" or "fisheries" means one or more stocks of marine
4 resources other than marine mammals and birds that can be
5 treated as a unit for purposes of conservation and management
6 and that are identified on the basis of geographical,
7 scientific, technical, recreational, and economic
8 characteristics; and any fishing for such stocks.

9 "Overfishing" or "overfished" means a rate or level of
10 fishing mortality that jeopardizes the capacity of a fishery to
11 produce the maximum sustainable yield on a continuing basis."

12 SECTION 2. New statutory material is underscored.

13 SECTION 3. This Act shall take effect upon its approval.



Report Title:

Federal Fisheries Regulation

Description:

Clarifies that the Department of Land and Natural Resources shall adopt, amend, or repeal administrative rules to be consistent with federal fishery regulations to improve management and enforcement in a state and federal marine water fishery, under certain conditions. (HB3174 HD1)

