
A BILL FOR AN ACT

RELATING TO AQUATIC RESOURCES.

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

1 SECTION 1. The legislature finds that over the past ten
2 years, the department of land and natural resources has adopted
3 rules concerning the protection and propagation of introduced
4 and transplanted aquatic life, and the conservation and
5 allocation of the natural supply of aquatic life that have
6 greatly diminished the public's ability to use Hawaii's aquatic
7 resources. In some instances, the public has criticized the
8 department of land and natural resources for setting bottom fish
9 area closures, shoreline access boundaries, and other fishing
10 restrictions in an arbitrary manner without scientific evidence
11 to support the department of land and natural resource's
12 position.

13 The legislature further finds that the responsibility of
14 protecting our limited natural resources must be balanced with
15 the equally important responsibility of ensuring the public's
16 reasonable use of these resources.

17 The purpose of this Act is to better understand the impacts
18 of aquatic resource and fishing rules in Hawaii by requiring the



1 department of land and natural resources, in conjunction with a
2 working group consisting of members of the fishing community, to
3 review the effects of its rules, including its lay gill net and
4 bottomfish management rules, and to determine whether the rules
5 are achieving their intended purposes, the anticipated timeframe
6 for achieving the intended purposes, the effect on the resource,
7 general public, and resource users.

8 SECTION 2. (a) The department of land and natural
9 resources shall:

- 10 (1) Form a working group consisting of a member from each
11 of the following categories:
- 12 (A) A representative of commercial fishing;
 - 13 (B) A representative of recreational fishing; and
 - 14 (C) A representative of the scientific or educational
15 community who has a background related to
16 fishing.

17 The working group shall serve without compensation but
18 each shall be reimbursed for expenses, including
19 travel expenses, incurred in the performance of their
20 duties.

- 21 (2) Together with the working group:



- 1 (A) Review each rule adopted after January 1, 2008,
2 pursuant to chapters 187A and 188, Hawaii Revised
3 Statutes, concerning the protection and
4 propagation of introduced and transplanted
5 aquatic life or the conservation and allocation
6 of the natural supply of aquatic life in any
7 area, including rules that establish size limits,
8 bag limits, open and closed fishing seasons,
9 specifications and numbers of fishing or taking
10 gear that may be possessed, or that restrict
11 public access to the natural supply of aquatic
12 life, including the effects of its bottomfish
13 management rules and its lay gill net rules;
- 14 (B) Determine whether each rule is achieving its
15 intended purpose;
- 16 (C) Estimate the timeframe necessary for each rule to
17 achieve its intended purpose;
- 18 (D) Determine the effects of each rule on the health
19 of the resource; and
- 20 (E) Determine the effects of each rule on the general
21 public and user groups.



1 (b) The department of land and natural resources and the
2 working group shall submit a report, including an analysis of
3 whether the rules are achieving their intended purposes, when
4 they might achieve their intended purposes, and the impact of
5 the rules on the resource, public, and user groups, to the
6 legislature no later than twenty days prior to the convening of
7 the 2009 regular session, and every five years thereafter. The
8 department of land and natural resources may include the report
9 as part of its annual report to the legislature.

10 (c) For purpose of this Act, the following terms shall be
11 defined as follows:

12 "Commercial fisherman" shall mean a person who:

- 13 (1) Has an annual income of which eighty per cent is
14 derived from fishing;
- 15 (2) Has possessed a valid Hawaii commercial fishing
16 license for at least thirty years;
- 17 (3) Is knowledgeable of deep sea and shoreline fishing
18 methods;
- 19 (4) Files Hawaii state income taxes as a full-time
20 resident of Hawaii;
- 21 (5) Is knowledgeable of and a practitioner of native
22 Hawaiian cultural fishing practices; and



1 (6) Has actual knowledge of current Hawaii state or
2 federal fishing laws and rules governing the waters in
3 and around the State.

4 "Recreational fisherman" shall mean a person who:

- 5 (1) Possesses membership in a fishing organization
6 organized in Hawaii;
- 7 (2) Possesses membership in an organization organized in
8 Hawaii that is committed to the preservation or
9 education of Hawaii ocean resources;
- 10 (3) Is knowledgeable of deep sea and shoreline fishing
11 methods;
- 12 (4) Files Hawaii state income taxes as a full-time
13 resident of Hawaii;
- 14 (5) Is knowledgeable of and a practitioner of native
15 Hawaiian cultural fishing practices; and
- 16 (6) Has actual knowledge of current Hawaii state or
17 federal fishing laws and rules governing the waters in
18 and around the State.

19 "Representative of the scientific or educational community"
20 shall mean a person who:



- 1 (1) Possesses an advanced academic degree and experience
- 2 marine biology or ecology resource management in
- 3 marine ecosystems, fisheries, or a related field;
- 4 (2) Is knowledgeable of deep sea and shoreline fishing
- 5 methods;
- 6 (3) Files Hawaii state income taxes as a full-time
- 7 resident of Hawaii;
- 8 (4) Is knowledgeable of and a practitioner of native
- 9 Hawaiian cultural fishing practices;
- 10 (5) Meets the requirements of being a "commercial
- 11 fisherman" under this Act; and
- 12 (6) Has actual knowledge of current Hawaii state or
- 13 federal fishing laws and rules governing the waters in
- 14 and around the State.

15 SECTION 3. There is appropriated out of the general
16 revenues of the State of Hawaii the sum of \$ or so
17 much thereof as may be necessary for fiscal year 2008-2009 for
18 the purposes of this Act.

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



1 SECTION 4. This Act shall take effect upon its approval
2 and shall be repealed on December 31, 2020; provided that
3 section 3 shall take effect on July 1, 2008.



Report Title:

Fishing Rights and Regulations

Description:

Requires the department of land and natural resources and a working group to: review each rule adopted after 01/1/08, concerning the protection and propagation of certain aquatic life or the conservation and allocation of the natural supply of aquatic life; determine whether the rule is achieving its intended purpose; and submit a report. Sunsets on 12/31/20.
(SD1)

