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# 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 the department of  
2 land and natural resources is responsible for adopting rules  
3 concerning the protection, propagation, conservation, and  
4 allocation of the natural supply of aquatic life. Some members  
5 of the public have criticized the department of land and natural  
6 resources for setting bottomfish area closures, shoreline access  
7 boundaries, and other fishing restrictions in an arbitrary  
8 manner without scientific evidence to support the department of  
9 land and natural resource's position. Other members of the  
10 public have requested that the department provide greater  
11 protections for and limitations on the take of aquatic  
12 resources.

13           The legislature further finds that it is the primary  
14 responsibility of the department of land and natural resources  
15 to protect our limited natural resources. Carrying out this  
16 responsibility should be balanced with the responsibility of  
17 ensuring the public's reasonable use of these resources, if such



1 use or activity can be carried out without undue harm to the  
2 resources.

3       The purpose of this Act is to better understand the impacts  
4 of aquatic resource and fishing rules in Hawaii by requiring the  
5 department of land and natural resources, in conjunction with  
6 stakeholders including members of the fishing, native Hawaiian,  
7 marine science, and conservation communities, to review the  
8 effects of its lay gill net and bottomfish management rules and  
9 to determine whether the rules are achieving their intended  
10 purposes, the anticipated timeframe for achieving the intended  
11 purposes, and the effect on the resource, general public, and  
12 resource users. The Act also directs the department of land and  
13 natural resources to include a monitoring and evaluation  
14 component in all future rules regulating fish stocks and fishing  
15 gear types.

16       SECTION 2. (a) The department of land and natural  
17 resources shall:

- 18       (1) Review the effects of its bottomfish management rules  
19             and its lay gill net rules;
- 20       (2) Determine whether each rule is achieving its intended  
21             purpose;



- 1           (3) Estimate the timeframe necessary for each rule to  
2           achieve its intended purpose;
- 3           (4) Determine the effects of each rule on the health of  
4           the resource; and
- 5           (5) Determine the effects of each rule on the general  
6           public and user groups;
- 7 provided that this review by the department shall include  
8 consultation with members of the fishing, native Hawaiian,  
9 marine science, and conservation communities.
- 10           (b) The department of land and natural resources shall  
11 submit a report that shall include:
- 12           (1) An analysis of whether the bottomfish management and  
13           lay gill net rules are achieving their intended  
14           purposes;
- 15           (2) When the rules in paragraph (1) might achieve their  
16           intended purposes;
- 17           (3) The impact of the rules on the resource, public, and  
18           user groups; and
- 19           (4) An accounting of the community consultation as  
20           described in subsection (a);
- 21 to the legislature not later than twenty days prior to the  
22 convening of the 2009 regular session, and every five years



1 thereafter. The department of land and natural resources may  
2 include the report as part of its annual report to the  
3 legislature.

4 (c) In addition to subsections (a) and (b), for any rule  
5 that regulates a fish stock or fishing gear type adopted after  
6 January 1, 2008, pursuant to chapters 187A and 188, the  
7 department of land and natural resources shall incorporate  
8 monitoring and evaluation components, including consultation  
9 with members of the fishing, native Hawaiian, marine science,  
10 and conservation communities.

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

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

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



**Report Title:**

Fishing Rights and Regulations

**Description:**

Requires the department of land and natural resources to: in consultation with stakeholders, review its rules concerning lay gill nets and bottomfish; determine whether the rules are achieving their intended purpose; submit a report; and include monitoring and evaluation components in future rules regarding fish stock and fishing gear. (HB2687 SD2)

