
A BILL FOR AN ACT

RELATING TO COMMERCIAL MARINE FISHING REPORTS.

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

1 SECTION 1. The federal government currently relies upon
2 the State's fisheries reporting system and the resultant data
3 for the management of fisheries in state and federal marine
4 waters. Because of a declared decline in bottomfish fishery due
5 to overfishing, the federal government recently voiced the need
6 for the State to better monitor bottomfish catches. In an
7 effort to address these issues, the federal government proposes
8 to reduce overall take to a specified annual total catch and
9 then to monitor fishing more closely by requiring reporting by
10 trips, rather than reports solely based on monthly catch.

11 The department of land and natural resources (department)
12 has agreed to assist and cooperate because it involves a fishery
13 with shared jurisdiction and agrees with the reporting
14 requirement. Should the department agree to alter its
15 requirement on fishers to report by trip, the current reporting
16 frequency by month would need to change. The overall authority
17 wording in section 189-3, Hawaii Revised Statutes, is sufficient
18 for this purpose, but the section's title, which presently



1 references "monthly catch", should be amended to accommodate a
2 more flexible approach.

3 The purpose of this Act is to create a new section within
4 chapter 189, Hawaii Revised Statutes, providing that where there
5 is shared state and federal jurisdiction over a fishery, that
6 the department shall adopt rules to effectuate the federal
7 requirements, and to amend the title of section 189-3, Hawaii
8 Revised Statutes, to more accurately reflect the need for
9 flexibility in reporting requirements.

10 SECTION 2. Chapter 189, Hawaii Revised Statutes, is
11 amended by adding a new section to be appropriately designated
12 and to read as follows:

13 **"§189- Catch report; shared jurisdiction of fisheries.**

14 (a) Where there is a shared jurisdiction between the state and
15 federal government over a fishery, the department shall adopt
16 rules necessary to effectuate the federal requirements.

17 (b) Any information submitted to the department by any
18 person in compliance with any requirement under this section
19 shall be confidential and shall not be disclosed, except when
20 required under court order or pursuant to subpoena issued by the
21 department of the attorney general, or with the prior written
22 consent of the person submitting the information, or under



1 cooperative agreements with government agencies of the United
2 States for exchange and use of the information specifically to
3 manage marine life. The department, by rule, may establish
4 procedures necessary to preserve the confidentiality, except
5 that the department may release or make public any information
6 in the aggregate or summary form which does not directly or
7 indirectly disclose the identity of any person who submits
8 information."

9 SECTION 3. Section 189-3, Hawaii Revised Statutes, is
10 amended by amending the title to read:

11 "**§189-3** ~~[Monthly catch report.]~~ **Commercial marine fishing**
12 **reports.**"

13 SECTION 4. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 5. This Act shall take effect on July 1, 2020.



Report Title:

Commercial Marine Fishing Reports

Description:

Creates a new section in chapter 189, Hawaii Revised Statutes, entitled "Catch Report - Shared Fisheries" providing that where there is shared state and federal jurisdiction over a fishery, that the Department of Land and Natural Resources shall adopt rules necessary to effect the federal requirements. Amends the title of section 189-3, Hawaii Revised Statutes, from "monthly catch" to "commercial marine fishing reports" to more accurately reflect the need for flexibility in reporting requirements.

(SD1)

