

STAND. COM. REP. NO.

736

Honolulu, Hawaii

Feb 16, 2007

RE: H.B. No. 1578
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Sir:

Your Committee on Water, Land, Ocean Resources & Hawaiian
Affairs, to which was referred H.B. No. 1578 entitled:

"A BILL FOR AN ACT RELATING TO OCEAN RESOURCES,"

begs leave to report as follows:

The purpose of this bill is to ensure that native Hawaiians
can practice their culture, by requiring the Department of Land
and Natural Resources (DLNR) to consult with native Hawaiian
practitioners (kupuna) prior to adopting and implementing lay gill
net fishing regulations and prohibitions. This bill also requires
DLNR to:

- (1) Consult with native Hawaiian practitioners (kupuna) and
experts during the administrative rule-making process
and prior to adopting and implementing lay gill net
fishing regulations and prohibitions;
- (2) Include in the prohibitions or restrictions a monitoring
and assessment program to determine their efficacy, and
an enforcement plan;
- (3) Ensure the availability of adequate funding and
resources to monitor, enforce, and assess the efficacy
of the prohibitions and restrictions; and



- (4) Ensure that the prohibitions and restrictions are the result of analysis that includes the use of peer-reviewed science and Hawaiian science based on traditional knowledge,

prior to prohibiting or limiting fishing in any area open to public fishing. This bill also appropriates funds for the development of lay net gill fishing rules in this manner.

The Association of Hawaiian Civic Clubs, the Hawaiian Civic Club of Hilo, the Pearl Harbor Hawaiian Civic Club, the Princess Kaiulani Hawaiian Civic Club, Hawaii Nearshore Fishermen, and several concerned individuals testified in support of this bill. DLNR, Conservation Council for Hawaii, Malama Hawaii, Sierra Club-Hawaii Chapter, The Nature Conservancy of Hawaii, the secretary of the Hawaii Waikaha'olu Chapter of Trout Unlimited, and a large number of concerned individuals opposed this measure.

Your Committee notes that a suggestion was made that specifically, the Aha Moku Councils and the Hawaiian Civic Clubs should be consulted during this process.

Your Committee has amended this bill by:

- (1) Delaying application of the requirement to rules adopted or implemented after July 1, 2007; and
- (2) Making technical, nonsubstantive amendments for style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Water, Land, Ocean Resources & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1578, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1578, H.D. 1, and be referred to the Committee on Finance.



Respectfully submitted on
behalf of the members of the
Committee on Water, Land, Ocean
Resources & Hawaiian Affairs,



KEN ITO, Chair



