

STAND. COM. REP. NO.

3352

Honolulu, Hawaii

APR 04 2008

RE: H.B. No. 2687
H.D. 1
S.D. 2

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam:

Your Committee on Ways and Means, to which was referred H.B. No. 2687, H.D. 1, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to require the Department of Land and Natural Resources to review certain of its administrative rules relating to aquatic life adopted after January 1, 2008.

Specifically, this measure requires the Department of Land and Natural Resources, in conjunction with a working group that represents the commercial fishing industry, recreational fishing community, and the scientific and academic community, to review administrative rules adopted by the Department pursuant to Chapters 187A and 188, Hawaii Revised Statutes, after January 1, 2008. The measure further requires the Department and the working group to determine and report on a variety of issues, including whether the rules are achieving their intended purposes, timeframes to achieve intended purposes, effects of the rules on the health of the resources, and effects of the rules on the general public and user groups.

Testimony in support of this measure was submitted by the Hawaii Tropical Fish Association and a concerned individual. Testimony opposed to this measure was submitted by the Department of Land and Natural Resources, the Nature Conservancy, and a

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concerned individual. Comments on this measure were submitted by Coral Fish Hawaii and Tropical Express Diving.

Your Committee finds that it is the primary responsibility of the Department of Land and Natural Resources to protect our limited natural resources. The rules adopted by the Department to carry out this responsibility should be balanced with ensuring the public's reasonable use of these resources, if such use or activity can be carried out without undue harm to the resources.

Your Committee also recognizes the concerns of the Department of Land and Natural Resources and others that the Department may not have the resources and capacity needed to carry out the broad review and reporting requirements found in this measure. Your Committee also notes that, while the establishment of a working group would assist the Department and provide stakeholder input, the narrowly defined membership criteria for the group may preclude many qualified people from participating and may ultimately damage the ability of the group to effectuate a meaningful review.

Accordingly, your Committee has amended this measure to establish more defined parameters for reviewing and reporting on the effectiveness of the administrative rules. Specifically, this measure has been amended by:

- (1) Identifying only the Department of Land and Natural Resources' recent lay gill net and bottomfish rules for present monitoring, analysis, and reporting to the Legislature;
- (2) Directing the Department to consult with relevant stakeholders including fishermen, Native Hawaiian practitioners, marine scientists, and conservation groups;
- (3) Directing the Department to incorporate a monitoring and evaluation component into any new regulations of fish stocks or fishing gear; and
- (4) Making technical nonsubstantive amendments for the purposes of clarity, consistency, and style.



As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2687, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2687, H.D. 1, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,

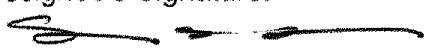


ROSALYN H. BAKER, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* <i>HB2687, HD1, SD1</i>	Committee Referral: <i>WTL, WAM</i>	Date: <i>3/27/08</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	/			
TSUTSUI, Shan S. (VC)	/			
CHUN OAKLAND, Suzanne	/			
ENGLISH, J. Kalani				/
FUKUNAGA, Carol	/			
HOOSER, Gary L.	/			
INOUYE, Lorraine R.	/			
KIM, Donna Mercado	/			
MENOR, Ron	/			
TOKUDA, Jill N.		/		
HEMMINGS, Fred	/			
WHALEN, Paul	/			
TOTAL	<i>10</i>	<i>1</i>	<i>0</i>	<i>1</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes