

Honolulu, Hawaii

FEB 29 2008

RE: S.B. No. 3225  
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 S.B. No. 3225, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO FISHING,"

begs leave to report as follows:

The purpose of this measure is to improve the management of consumptive and nonconsumptive uses of aquatic resources by establishing regional fishery management area plans for Maui and Oahu.

The Humane Society of the United States, Conservation Council for Hawaii, Kihei Community Association, Lost Fish Coalition, Snorkel Bob's Hawaii, Ocean Law & Policy Institute, and two hundred three individuals submitted testimony in support of this measure. The Department of Land and Natural Resources, Hawaii Nearshore Fishermen, and seven individuals submitted testimony in opposition to this measure. Octopus Garden Divers submitted comments.

Your Committee finds that ornamental reef fish are critical to the health of Hawaii's reefs. Currently, there is limited regulation for effective management of this important resource. As a result, reef habitats around Maui and Oahu are being degraded and fish populations are decreasing. There is a need for comprehensive and sustainable strategies to manage the taking of ornamental marine species, as well as for species conservation in the wild.



The West Hawaii regional fishery management area is a network of fish replenishment areas in which aquarium fish collection is prohibited. A portion of the fish replenishment areas also serve as fish reserves where no fishing of reef-dwelling fish is allowed. Recent data indicates that the overall number of yellow tangs has increased in the regional fishery management area at the same time that the aquarium fishery was expanded. This has also had a positive effect on the reef ecosystem and non-extractive activities, such as diving and snorkeling.

Your Committee finds that this measure requires the Department of Land and Natural Resources to establish similar, regionally appropriate, aquarium fishery management strategies for Maui and Oahu.

Upon further consideration, your Committee has amended this measure by:

- (1) Adding a findings and purpose section;
- (2) Establishing the framework for a regionally appropriate aquarium fishery management strategy for the islands of Oahu and Maui;
- (3) Narrowing the scope by, among other things, changing the target area from the regional ocean area surrounding each island to the State's marine waters surrounding each island;
- (4) Requiring public input and consultation prior to designating fish replenishment areas;
- (5) Requiring the Department of Land and Natural Resources to establish the fish replenishment areas before January 1, 2010;
- (6) Requiring the Department of Land and Natural Resources to develop appropriate criteria for classifying species as being of sufficient concern for a harvest prohibition and to provide the list of species of special concern by January 1, 2010;
- (7) Providing authorized agents of the Department of Land and Natural Resources and other duly authorized law enforcement officers with authority to conduct

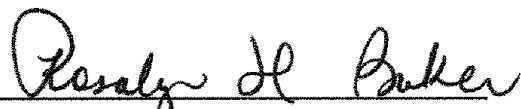


examinations and inspections to enforce the limitations and restrictions within the regional fishery management areas;

- (8) Establishing an interim fish replenishment area in South Maui, from Kahekili Park to Ahihi Kinau, and designating certain species to be included in a harvest prohibition;
- (9) Clarifying that permits shall only be valid for the regional fishery management area for which the permit was issued;
- (10) Establishing penalties for violation of fishing limitations or restrictions within the regional fishery management areas;
- (11) Making the Act effective on July 1, 2050, to encourage further discussion; and
- (12) 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 S.B. No. 3225, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3225, S.D. 2.

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



ROSALYN H. BAKER, Chair



