

STAND. COM. REP. NO. 424

Honolulu, Hawaii

Feb 19, 2009

RE: H.B. No. 1712

H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Sir:

Your Committee on Water, Land, & Ocean Resources, to which
was referred H.B. No. 1712 entitled:

"A BILL FOR AN ACT RELATING TO FISHING,"

begs leave to report as follows:

The purpose of this bill is to ensure that rules regarding
the taking and protection of uhu, weke/moana kali, and ulua/papio
are based on supporting data, not solely input from public
informational briefings, by requiring the Department of Land and
Natural Resources (DLNR) to:

- (1) Provide supporting data, including stock assessments, as
the basis for any new rules to regulate the taking of
uhu, weke/moana kali, and ulua/papio, in addition to the
input DLNR receives from the public at informational
meetings; and
- (2) Provide a monitoring and evaluation component to
determine the effect of the rules adopted on the uhu,
weke/moana kali, and ulua/papio fish populations.

Hawaii Nearshore Fishermen and several concerned individuals
testified in support of this bill. DLNR, The Nature Conservancy
of Hawaii, and the Ocean Law & Policy Institute opposed this
measure. A concerned individual provided comments.

HB1712 HD1 HSCR WLO HMS 2009-2222



Your Committee has amended this bill by:

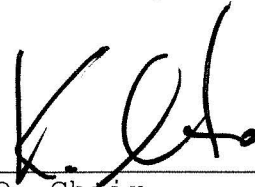
- (1) Deleting the requirement for DLNR to provide biennial public information meetings to provide updates on the effects of the take rules, and to advise the public if changes to these rules are required, whenever collected data indicate the need for further protection or that stocks have recovered sufficiently;
- (2) Deleting the requirement for DLNR to conduct an ongoing study on:
 - (a) Whether the take rules are achieving their intended purposes;
 - (b) The periods that the rules are expected to take to meet their intended purposes;
 - (c) The impact the rules will have on the resources, public, and user groups; and
 - (d) An accounting of the public input and data used to support the basis for the rules;
- (3) Deleting the requirement that DLNR periodically report to the Legislature on its findings and recommendations; and
- (4) Making technical, nonsubstantive amendments for style, clarity, and consistency.

Your Committee stresses that when regulating marine life, DLNR should not base their rules solely on information gathered at public information meetings, but on all information available, including affirmatively obtaining data supporting the finding that take rules are necessary.

As affirmed by the record of votes of the members of your Committee on Water, Land, & Ocean Resources that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1712, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1712, 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,



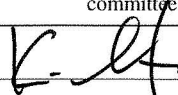
KEN ITO, Chair



State of Hawaii
House of Representatives
The Twenty-fifth Legislature

HSCR 924

Record of Votes of the Committee on Water, Land, & Ocean Resources

Bill/Resolution No.: HB1712	Committee Referral: WLO, FIN	Date: 2/13/09		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
WLO Members	Ayes	Ayes (WR)	Nays	Excused
1. ITO, Ken (C)	✓			
2. HAR, Sharon E. (VC)	✓			
3. CABANILLA, Rida				✓
4. CHANG, Jerry L.	✓			
5. CHONG, Pono				✓
6. COFFMAN, Denny	✓			
7. HERKES, Robert N.				✓
8. LEE, Chris			✓	
9. LUKE, Sylvia		✓		
10. MORITA, Hermina M.			✓	
11. SAGUM, Roland D., III	✓			
12. CHING, Corinne W.L.		✓		
13. THIELEN, Cynthia			✓	
TOTAL (13)	5	2	3	3
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				