

Honolulu, Hawaii

APR 09 2009

RE: H.B. No. 1712  
H.D. 2  
S.D. 2

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2009  
State of Hawaii

Madam:

Your Committee on Ways and Means, to which was referred H.B. No. 1712, H.D. 2, 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 prevent the depletion of certain species of aquatic resources that are popular sources of recreational taking and consumption.

Specifically, this measure:

- (1) Requires the Department of Land and Natural Resources to consider and incorporate, in addition to information it receives at on-going public informational meetings, available and relevant data in the adoption of new rules regulating the taking of uhu, weke/moana kali, and ulua/papio;
- (2) Requires the Department of Land and Natural Resources to adopt appropriate monitoring and evaluation criteria to determine the effects of the rules it adopts regulating uhu, weke/moana kali, and ulua/papio;
- (3) Makes it unlawful to take or harvest any of the four species of opihi that inhabit the Hawaiian Islands:



- (A) At any time from any coastal area or nearshore waters of off-shore islets in the State;
- (B) At any time from below the waterline of any coastal area or nearshore waters of the islands of the State;
- (C) From above the waterline of any coastal area or nearshore waters of the State during the closed season from February 1 through May 31, and September 1 through November 30;
- (D) In an amount greater than one quart of opihi with shells attached or one half pint of opihi without shells attached, per day during the open seasons; and
- (E) At any time from the coastal areas or nearshore waters of the island of Oahu;

provided that restrictions on the taking or harvesting of opihi shall not affect any right customarily and traditionally exercised for subsistence, cultural, and religious purposes by native Hawaiian ahupua`a tenants;

- (4) Provides that the taking and harvesting of opihi within the Kahoolawe Island Reserve shall be governed by the Kahoolawe Island Reserve Commission;
- (5) Imposes a limit of a minimum size of ten inches and a daily bag limit on the taking of not more than two kumu, two moano ukali, and two munu on the island of Maui; and
- (6) Imposes a limit of a minimum size of twelve inches and a daily bag limit of two uhu on the island of Maui.

Your Committee received thirty-four written comments on this measure. The written comments may be reviewed on the Legislature's website.

Your Committee finds that for a variety of reasons, including but not limited to runoff, sedimentation, pollution, the lack or profusion of fresh water intrusion into the marine ecosystem, overharvesting, and the introduction of invasive species, many vital marine species are threatened with irreversible damage.



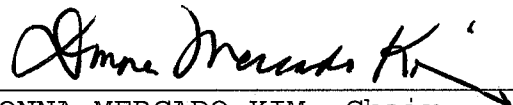
These species are vital for cultural, traditional, and religious practices of native Hawaiians and are also vital for recreational taking practices and for consumption, in some cases for subsistence purposes. The protection and preservation of these marine species is necessary for the benefit of today's residents and future generations of the State.

Your Committee has amended this measure by:

- (1) Providing that restrictions on opihi in section 4 shall take effect on June 1, 2014, and be repealed on August 31, 2014; and
- (2) Changing its effective date to July 1, 2046, to allow for further discussion of the measure.

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. 1712, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1712, H.D. 2, S.D. 2.

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




DONNA MERCADO KIM, Chair



The Senate  
Twenty-Fifth Legislature  
State of Hawaii

**Record of Votes**  
**Committee on Ways and Means**  
**WAM**

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 1712, HD2, SD1	WTL, WAM	APRIL 2, 2009		
<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
KIM, Donna Mercado (C)	/			
TSUTSUI, Shan S. (VC)	/			
CHUN OAKLAND, Suzanne	/			
ENGLISH, J. Kalani	/			
FUKUNAGA, Carol	/			
GALUTERIA, Brickwood	/			
HEE, Clayton	/			
HOOSER, Gary L.	/			
KIDANI, Michelle N.	/			
KOKUBUN, Russell S.				/
TOKUDA, Jill N.	/			
HEMMINGS, Fred				/
<b>TOTAL</b>	10			2
Recommendation:				
<input checked="" type="checkbox"/> Adopted		<input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:				
				
<b>Distribution:</b>				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

\*Only one measure per Record of Votes