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## A BILL FOR AN ACT

RELATING TO FISHING.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds and declares that fishing  
2 in Hawaii is a tradition woven into its island communities and  
3 local cultures that have been passed down for generations. The  
4 legislature finds that Hawaii's nearshore reef fisheries have  
5 declined over the years due to a variety of threats to the  
6 nearshore ecosystem including but not limited to runoff,  
7 sedimentation, pollution, lack or profusion of fresh water  
8 intrusion into the marine ecosystem, and the introduction of  
9 invasive species..

10           The state constitution, article XI, section 1, declares in  
11 part that, "For the benefit of present and future generations,  
12 the State and its political subdivisions shall conserve and  
13 protect Hawaii's natural beauty and all natural resources,  
14 including land, water, air, minerals and energy resources, and  
15 shall promote the development and utilization of these resources  
16 in a manner consistent with their conservation and in  
17 furtherance of the self-sufficiency of the State."



1           The State, through the department of land and natural  
2 resources, has jurisdiction over management of the State's  
3 marine waters, extending from the upper reaches of the wash of  
4 the waves on shore seaward to the limit of the State's police  
5 power and management authority. Section 187A-2, Hawaii Revised  
6 Statutes, further charges the department to, among other things:

7           (1) Manage and administer the aquatic life and aquatic  
8 resources of the State;

9           (2) Establish, manage, and regulate public fishing areas,  
10 artificial reefs, fish aggregating devices, marine  
11 life conservation districts, shoreline fishery  
12 management areas, refuges, and other areas; and

13           (3) Gather and compile information and statistics  
14 concerning the habitat and character of, and increase  
15 and decrease in, aquatic resources in the State,  
16 including the care and propagation of aquatic  
17 resources for protective, productive, and aesthetic  
18 purposes, and other useful information, which the  
19 department deems proper.

20           The division of aquatic resources of the department of land  
21 and natural resources further states that as part of its  
22 mission, "Major program areas include projects to manage or



1 enhance fisheries for long-term sustainability of the resources,  
2 protect and restore the aquatic environment, protect native and  
3 resident aquatic species and their habitat, and provide  
4 facilities and opportunities for recreational fishing."

5 The legislature finds that it is the primary responsibility  
6 of the department of land and natural resources to protect our  
7 limited natural resources. Carrying out this responsibility  
8 should be balanced with the responsibility of ensuring the  
9 public's reasonable use of these resources, if such use or  
10 activity can be carried out without undue harm to the resources.

11 The department of land and natural resources is presently  
12 conducting statewide public informational meetings to listen to  
13 concerns and suggestions from the public regarding taking and  
14 protection of three main fish families that the department feels  
15 may be in need of updated regulations. These three main fish  
16 families are the parrotfish (uhu), the goatfish (weke/moana  
17 kali), and the jacks (ulua/papio).

18 Some members of the public have expressed concern that the  
19 department of land and natural resources will utilize the  
20 information gathered at these public meetings, without the  
21 benefit of any supporting data, as the sole basis to design the  
22 new rules and restrictions. The department of land and natural



1 resources has publicly stated, "The input we receive from the  
2 public will help the division of aquatic resources design rules  
3 that will support the ongoing conservation of our marine  
4 resources while balancing the needs of recreational, subsistence  
5 and commercial fishers."

6 The legislature further finds that the department of land  
7 and natural resources has not done any of the following:

- 8 (1) Properly managed or enhanced fisheries for long-term  
9 sustainability of the resources;
- 10 (2) Protected and restored the aquatic environment;
- 11 (3) Protected native and resident aquatic species and  
12 their habitat; and
- 13 (4) Provided facilities and opportunities for recreational  
14 fishing.

15 Instead, the department of land and natural resources continues  
16 to restrict the taking of marine resources throughout the State.

17 The purpose of this Act is to require the department of  
18 land and natural resources to provide supporting data, including  
19 stock assessments, as the basis for any new rules to regulate  
20 the taking of uhu, weke/moana kali, and ulua/papio, in addition  
21 to the input the department receives from the public at  
22 informational meetings. The Act also directs the department of



1 land and natural resources to provide a monitoring and  
2 evaluation component to determine the effect of the rules  
3 adopted on the uhu, weke/moana kali, and ulua/papio fish  
4 populations.

5 SECTION 2. (a) The department of land and natural  
6 resources shall:

- 7 (1) Continue to hold public informational meetings to hear  
8 concerns and suggestions from the public regarding the  
9 taking and protection of uhu, weke/moana kali, and  
10 ulua/papio;
- 11 (2) Utilize and present all available data to support the  
12 basis for any rule proposed based on the public input,  
13 and if no data is available use all available means to  
14 gather the necessary data;
- 15 (3) Develop a monitoring and evaluation program to  
16 determine the effects that runoff, sedimentation,  
17 pollution, lack or profusion of fresh water intrusion  
18 into the marine ecosystem, and the introduction of  
19 invasive species have on the ecosystem that affects  
20 the habitat and forage of uhu, weke/moana kali, and  
21 ulua/papio;



- 1 (4) Develop a monitoring and evaluation program to  
2 determine the outcomes to be achieved by the  
3 implementation of any proposed rule and estimate the  
4 timeframes through which the outcomes will be  
5 achieved; and
- 6 (5) Provide at a minimum, biennial public informational  
7 meetings to provide updates on the effects of these  
8 rules and advise the public if changes to take rules  
9 are required, including the stiffening or relaxation  
10 of those rules, whenever the data collected for uhu,  
11 weke/moana kali, and ulua/papio indicate the need for  
12 further protection or that stocks have recovered  
13 sufficiently.
- 14 (b) The department of land and natural resources shall  
15 conduct an ongoing study that shall include but not be limited  
16 to the following:
- 17 (1) An analysis of whether the rules to regulate the take  
18 of uhu, weke/moana kali, and ulua/papio are achieving  
19 their intended purposes;
- 20 (2) The periods which the rules to regulate the taking of  
21 uhu, weke/moana kali, and ulua/papio are expected  
22 their intended purposes;



- 1 (3) The impact the rules will have on the resources,
- 2 public, and user groups; and
- 3 (4) An accounting of the public input and data utilized to
- 4 support the basis for the rules.

5 The department of land and natural resources shall submit  
6 periodic reports of its findings and recommendations, including  
7 any proposed legislation, to the legislature not later than  
8 twenty days prior to the convening of the regular sessions of  
9 2010, 2015, and 2020. The department of land and natural  
10 resources may include the report as part of its annual report to  
11 the legislature.

12 SECTION 3. This Act shall take effect upon its approval  
13 and shall be repealed on December 31, 2020.

14

INTRODUCED BY: \_\_\_\_\_

JAN 28 2009



**Report Title:**

Ocean Resources

**Description:**

Requires the department of land and natural resources to submit a report to the legislature on any proposed rules to regulate the taking of uhu, weke/moana kali, and ulua/papio.

