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## A BILL FOR AN ACT

RELATING TO MARICULTURE.

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

1           SECTION 1. The legislature finds that mariculture is a  
2 specialized branch of aquaculture involving the cultivation of  
3 marine organisms for food and other products in the open ocean,  
4 tanks, or enclosed sections of the ocean. Finfish is another  
5 name for fish.

6           This Act is concerned with open water commercial finfish  
7 mariculture operators in state waters. These operators have  
8 caused many problems, including failing to respect the rights of  
9 native Hawaiian fishing traditions, threatening the marine  
10 environment with escaped farmed fish, polluting local waters  
11 with heavier concentrations of nitrogen from fish fecal  
12 contamination, and interfering with marine wildlife.

13           The implementation of modern technologies to alleviate the  
14 problems associated with open water commercial finfish  
15 mariculture operations have not been successful and has done  
16 little to curb the environmental, cultural, and economic  
17 problems associated with this industry.



1           The legislature also finds that the open water commercial  
2 finfish mariculture industry has not justified its existence.  
3 The industry has not demonstrated an appreciable level of  
4 economic viability, has not proven to be a substantial benefit  
5 to the State's economy, and has not contributed to local food  
6 security concerns. The operation of open water commercial  
7 finfish mariculture also conflicts with existing state law.

8           Therefore, due to the shortcomings of open water commercial  
9 finfish mariculture, the State and the local commercial fishing  
10 industry as a whole are focused on safer alternatives, including  
11 the development of land-based, closed-loop re-circulating  
12 aquaculture systems.

13           The purpose of this Act is to suspend the development,  
14 expansion, or transfer of any existing permits of open water  
15 commercial finfish mariculture facilities and to clarify  
16 prohibited mariculture activities in existing state law.

17           SECTION 2. Chapter 190D, Hawaii Revised Statutes, is  
18 amended by adding a new section to be appropriately designated  
19 and to read as follows:

20           "§190D-           Open water commercial finfish mariculture;  
21 prohibition. (a) Notwithstanding any law to the contrary, the  
22 board shall not issue any permit related to the construction,



1 expansion, or transfer of any open water commercial finfish  
2 mariculture facility.

3 (b) Any permit issued prior to the effective date of this  
4 Act for an open water commercial finfish mariculture facility  
5 shall remain in effect and shall not be transferrable to another  
6 person or entity.

7 (c) This section shall apply to:

8 (1) The placement, installation, or use of an open water  
9 commercial finfish mariculture facility; and

10 (2) The operation of finfish mariculture facilities in  
11 state waters involved in the propagation or rearing or  
12 attempted propagation or rearing of finfish species  
13 for profit.

14 (d) For the purposes of this section, "open water  
15 commercial finfish mariculture facility" means a structure,  
16 installation, or other complex used, in whole or in part, for  
17 commercial finfish mariculture activities in state waters."

18 SECTION 3. Section 171-1, Hawaii Revised Statutes, is  
19 amended by adding a new definition to be appropriately inserted  
20 and to read as follows:

21 "Mariculture" has the same meaning as that term is defined  
22 in section 190D-3."



1 SECTION 4. Section 205A-22, Hawaii Revised Statutes, is  
2 amended by adding a new definition to be appropriately inserted  
3 and to read as follows:

4 "Mariculture" has the same meaning as that term is defined  
5 in section 190D-3."

6 SECTION 5. Section 190D-3, Hawaii Revised Statutes, is  
7 amended by amending the definition of "mariculture" to read as  
8 follows:

9 "Mariculture" means [the] aquaculture, [cultivation, and  
10 production for research, development, demonstration, and  
11 commercial purposes of aquatic plants and animals] as defined in  
12 section 187A-1, within open state marine waters, but excludes  
13 floating structures that are not anchored[-], any operation or  
14 activity on or directly adjacent to land, and commercial  
15 aquaculture or cultivation of any finfish species."

16 SECTION 6. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

18 SECTION 7. This Act shall take effect upon its approval.

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INTRODUCED BY:

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**Report Title:**

Commercial Finfish Mariculture

**Description:**

Suspends the expansion of any new commercial finfish mariculture operations. Authorizes existing commercial finfish mariculture operations to continue.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

