
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 has 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 runoff, sedimentation, pollution,
7 lack or profusion of fresh water intrusion into the marine
8 ecosystem, and the introduction of invasive species.

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

17 The State, through the department of land and natural
18 resources, has jurisdiction over management of the State's



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

- 5 (1) Manage and administer the aquatic life and aquatic
6 resources of the state;
- 7 (2) Establish, manage, and regulate public fishing areas,
8 artificial reefs, fish aggregating devices, marine
9 life conservation districts, shoreline fishery
10 management areas, refuges, and other areas; and
- 11 (3) Gather and compile information and statistics
12 concerning the habitat and character of, and increase
13 and decrease in, aquatic resources in the State,
14 including the care and propagation of aquatic
15 resources for protective, productive, and aesthetic
16 purposes, and other useful information that the
17 department deems proper.

18 The division of aquatic resources of the department of land
19 and natural resources further states that as part of its
20 mission, "Major program areas include projects to manage or
21 enhance fisheries for long-term sustainability of the resources,
22 protect and restore the aquatic environment, protect native and



1 resident aquatic species and their habitat, and provide
2 facilities and opportunities for recreational fishing."

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

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

16 Some members of the public have expressed concern that the
17 department of land and natural resources will use the
18 information gathered at these public meetings, without the
19 benefit of any supporting data, as the sole basis to design the
20 new rules and restrictions. The department of land and natural
21 resources has publicly stated, "The input we receive from the
22 public will help the division of aquatic resources design rules



1 that will support the ongoing conservation of our marine
2 resources while balancing the needs of recreational, subsistence
3 and commercial fishers."

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

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

13 Instead, the department of land and natural resources continues
14 to restrict the taking of marine resources throughout the state.

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



1 adopted regarding the uhu, weke/moana kali, and ulua/papio fish
2 populations.

3 SECTION 2. The department of land and natural resources
4 shall:

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



1 timeframes through which the outcomes will be
2 achieved.

3 SECTION 3. This Act shall take effect on July 1, 2020, and
4 shall be repealed on December 31, 2020.

Report Title:

Ocean Resources; Fishing Rules

Description:

Requires DLNR to gather and use all available data to support the adoption of any rules to regulate the taking of uhu, weke/moana kali, and ulua/papio. Requires DLNR to develop a monitoring and evaluation program to determine the effects of any rules adopted. Requires DLNR to develop a monitoring and evaluation program to determine the effects that runoff, sedimentation, pollution, lack or profusion of fresh water intrusion into the marine ecosystem, and the introduction of invasive species have on the ecosystem that affects the habitat and forage of uhu, weke/moana kali, and ulua/papio. (HB1712 HD2)

