
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, and that has been passed down for generations.
4 However, the legislature finds that Hawaii's nearshore reef
5 fisheries have declined over the years due to a variety of
6 threats to the nearshore ecosystem, including 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 Hawaii 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 Through the department of land and natural resources
2 (DLNR), the State has jurisdiction over management of the
3 State's marine waters, which extend from the upper reaches of
4 the wash of the waves on shore seaward to the limit of the
5 State's police power and management authority. Section 187A-2,
6 Hawaii Revised Statutes, further charges the department to,
7 among other things:

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

21 The division of aquatic resources of DLNR also states that
22 as part of its mission, "Major program areas include projects to



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

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

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

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



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

3 The legislature further finds that DLNR has not done any of
4 the following:

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

12 Instead, DLNR continues to restrict the taking of marine
13 resources throughout the state.

14 The purpose of this Act is to:

- 15 (1) Require DLNR to provide supporting data, including
16 stock assessments, as the basis for any new rules to
17 regulate the taking of uhu, weke/moana kali, and
18 ulua/papio, in addition to the input the department
19 receives from the public at informational meetings;
20 and



1 (2) Directs DLNR to provide a monitoring and evaluation
2 component to determine the effect of the rules adopted
3 regarding those fish populations.

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

6 (1) Continue to hold public informational meetings to hear
7 concerns and suggestions from the public regarding the
8 taking and protection of uhu, weke/moana kali, and
9 ulua/papio;

10 (2) Use and present all available data to support the
11 basis for any rule proposed based on public input, and
12 if no data is available, use all available means to
13 gather the necessary data;

14 (3) Develop a monitoring and evaluation program to
15 determine the effects that runoff, sedimentation,
16 pollution, lack or profusion of fresh water intrusion
17 into the marine ecosystem, and the introduction of
18 invasive species have on the ecosystem that affect the
19 habitat and forage of uhu, weke/moana kali, and
20 ulua/papio; and

21 (4) Develop a monitoring and evaluation program to
22 determine the outcomes to be achieved by the



1 implementation of any proposed rule and estimate the
2 timeframes through which the outcomes will be
3 achieved.

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



Report Title:

Ocean Resources; Fishing Rules

Description:

Requires DLNR to continue to hold public informational meetings to hear concerns and suggestions from the public regarding the taking and protection of uhu, weke/moana kali, and ulua/papio. Requires DLNR to use and present all available data to support the basis for any rule proposed based on public input, and if no data is available, use all available means to gather the necessary data. 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. Requires DLNR to develop a monitoring and evaluation program to determine the outcomes to be achieved by the implementation of any proposed rule and estimate the timeframes through which the outcomes will be achieved. (SB378 HD1)

