
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 has 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, provided any substantial benefits to the
5 State's economy, or contributed to local food security concerns.
6 The operation of open water commercial finfish mariculture also
7 conflicts with existing state law.

8 Due to the shortcomings of open water commercial finfish
9 mariculture, the State and the local commercial fishing industry
10 should focus on safer alternatives, including the development of
11 land-based, closed-loop re-circulating aquaculture systems.

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

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

19 "§190D- Open water commercial finfish mariculture;
20 prohibition. (a) Notwithstanding any law to the contrary, the
21 board shall not issue any permit allowing 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 190D-3, Hawaii Revised Statutes, is
2 amended by amending the definition of "mariculture" to read as
3 follows:

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

11 SECTION 5. Section 205A-22, Hawaii Revised Statutes, is
12 amended by adding a new definition to be appropriately inserted
13 and to read as follows:

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

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.

19

INTRODUCED BY:

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Report Title:

Commercial Finfish Mariculture

Description:

Suspends the development of new commercial finfish mariculture operations and the expansion or transfer of any existing operations. Redefines "mariculture".

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