
A BILL FOR AN ACT

RELATING TO AQUACULTURE AND MARICULTURE.

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

1 PART I

2 SECTION 1. The legislature finds that open ocean commercial
3 finfish mariculture is a specialized branch of aquaculture. Open
4 ocean commercial finfish mariculture in netpens or cages is a
5 type of mariculture that has expanded in Hawaii since 1999, when
6 amendments to chapter 190D, Hawaii Revised Statutes, allowed
7 commercial leasing of publicly owned oceans and submerged ceded
8 lands.

9 With the recent discovery of a deadly virus transmitted from
10 farmed fish to wild fish in the Pacific Northwest, it is clear
11 the State must take care with its wild fisheries. Existing open
12 ocean finfish netpen or cage mariculture facilities in Hawaii
13 have been associated with escaped farmed fish, contaminated fish
14 feed, pollution from fish fecal contamination, experimental
15 antibiotic use, and interference with other marine wildlife,
16 including federally-protected marine mammals.

17 Studies have proven that netpen finfish held in densely-
18 populated captive environments are more susceptible to diseases



1 and parasites and therefore require periodic treatment with
2 antibiotics. In addition, open ocean netpens and cages require
3 chemical treatment to address the build-up of algae and other
4 organic materials on cages. This combination of diseases,
5 parasites, excessive feed, fish excrement, antibiotics, and
6 chemicals have polluting effects on wild marine species and
7 Hawaii's pristine marine environment. Studies have also proven
8 that wastes from commercial finfish netpen and cage mariculture
9 operations can carry far from facilities and impact nearshore
10 areas.

11 The protection and preservation of Hawaii's pristine marine
12 environment is essential to the perpetuation of traditional and
13 customary native Hawaiian fishing practices and rights.

14 The legislature also finds that the open ocean commercial
15 finfish mariculture industry is not yet economically viable and,
16 as a consequence, has been relying upon taxpayer-funded grants
17 from government agencies for its existence.

18 The purpose of this Act is to protect pristine marine
19 environmental resources, native Hawaiian rights, and coastal
20 communities by:

21 (1) Imposing a temporary moratorium on the leasing of state
22 marine waters for the construction, expansion, or



1 transfer of any open ocean commercial finfish
2 mariculture facility; and
3 (2) Requiring the department of land and natural resources
4 to submit a report to the legislature on the adequacy
5 of current management practices regarding open ocean
6 commercial finfish mariculture facilities.

7 PART II

8 SECTION 2. (a) Notwithstanding any law to the contrary,
9 until June 30, 2014, the board of land and natural resources
10 shall not lease state marine waters for the construction,
11 expansion, or transfer of any open ocean commercial finfish
12 mariculture facility.

13 (b) Any lease or permit issued prior to the effective date
14 of this Act for an open ocean commercial finfish mariculture
15 facility shall remain in effect subject to the terms and
16 conditions established under the lease or permit and shall not
17 be transferable to another person or entity; provided that no
18 lease that expires after the effective date of this Act shall be
19 renewed before July 1, 2014.

20 (c) This section shall apply to:

21 (1) The placement, installation, or use of an open ocean
22 commercial finfish mariculture facility; and



1 (2) The operation of finfish mariculture facilities
2 involved in the propagation or rearing, or attempted
3 propagation or rearing, of finfish species for profit.

4 (d) For the purposes of this section, "open ocean
5 commercial finfish mariculture facility" means a structure,
6 installation, or other complex used, in whole or in part, for
7 commercial finfish mariculture activities.

8 SECTION 3. (a) The department of land and natural
9 resources shall prepare a report on:

10 (1) The adequacy of its current management practices
11 regarding open ocean commercial finfish mariculture
12 facilities;

13 (2) The benchmarks and monitoring and enforcement
14 procedures the department has in place to ensure that
15 the State's marine waters are not irreparably harmed by
16 open ocean commercial finfish mariculture activities;
17 and

18 (3) Whether the temporary moratorium of leases imposed by
19 section 2 of this Act should be made permanent.

20 (b) The department of land and natural resources shall
21 submit the report of its findings and recommendations, including
22 any proposed legislation, to the legislature no later than



1 twenty days prior to the convening of the regular session of
2 2013.

3 PART III

4 SECTION 4. Section 171-1, Hawaii Revised Statutes, is
5 amended by adding a new definition to be appropriately inserted
6 and to read as follows:

7 "Mariculture" shall have the same meaning as defined in
8 section 190D-3."

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

12 "Mariculture" means the aquaculture, cultivation, and
13 production for research, development, demonstration, and
14 commercial purposes of aquatic plants and animals within state
15 marine waters, [~~but excludes~~] including floating structures that
16 are not anchored[-], but excludes Hawaiian fishponds as defined
17 in section 183B-1."

18 PART IV

19 SECTION 6. If any provision of this Act, or the
20 application thereof to any person or circumstance, is held
21 invalid, the invalidity does not affect other provisions or
22 applications of the Act that can be given effect without the



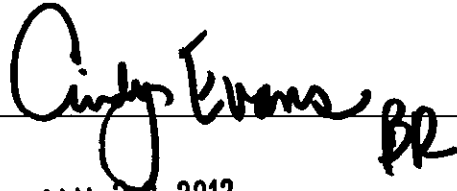
1 invalid provision or application, and to this end the provisions
2 of this Act are severable.

3 SECTION 7. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 8. This Act shall take effect upon its approval.

6

INTRODUCED BY:


JAN 23 2012



H.B. NO. 2783

Report Title:

Commercial Finfish Mariculture; Temporary Moratorium; Report

Description:

Imposes a temporary moratorium on the leasing of state marine waters for the construction, expansion, or transfer of any open ocean commercial finfish mariculture facility. Requires DLNR to submit a report to the legislature on the adequacy of current management practices.

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