

STAND. COM. REP. NO.

2809

Honolulu, Hawaii

FEB 28 2014

RE: S.B. No. 2125
S.D. 2

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Madam:

Your Committee on Ways and Means, to which was referred S.B. No. 2125, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO MARINE LIFE CONSERVATION DISTRICT,"

begs leave to report as follows:

The purpose and intent of this measure is to establish marine conservation guidelines for less populated islands in the State.

Specifically, the measure prohibits the following actions or activities within two miles of the shoreline of an island with a population of less than five hundred persons:

- (1) Taking or possessing aquatic life;
- (2) Engaging in fish feeding; and
- (3) Operating a tour boat, vessel, or jet ski, or riding a surfboard, kayak, zodiac, or other pleasure or recreational craft,

unless the person is domiciled on the island or accompanied by a person who is domiciled on the island.

Your Committee received written comments in opposition from three individuals. The Department of Land and Natural Resources submitted written comments on the measure.

SB2125 SD2 SSCR LRB 14-1814-1.doc



Your Committee finds that the relatively recent application of Western economic and environmental philosophies, including the commercialization of fishery stocks and the disruption of ecological cycles through land development, stream diversions, pollution, overfishing, and irresponsible fishing practices, has contributed to a substantial and ongoing decline in the health of the State's nearshore ocean environment. Your Committee further finds that, over time, recreational and subsistence activities, including fishing, gathering, and leisure tours, have intersected in such a manner that necessitates state review and oversight of coastal areas. Your Committee believes that the convening of a task force to assist the Department of Land and Natural Resources in developing rules to establish a marine life conservation district would ensure greater protection of the State's ocean resources by allowing interested parties to engage in meaningful discourse.

Accordingly, your Committee has amended this measure by deleting its substantive contents and inserting language that:

- (1) Requires the Chairperson of the Board of Land and Natural Resources to convene a task force to assist the Department of Land and Natural Resources in developing rules to establish a marine life conservation district to ensure greater protection of the State's ocean resources; and
- (2) Prohibits the Department of Land and Natural Resources from adopting any rules under title 12, Hawaii Revised Statutes, relating to fishing, gathering, or ocean resources, within the coastal areas and nearshore waters of the island of Niihau prior to the task force's submittal of its final report.

Your Committee further amended the measure by:

- (1) Making conforming changes to the purpose section to reflect the new substantive provisions; and
- (2) Changing the effective date from upon approval to July 1, 2050, to facilitate further discussion on the measure.

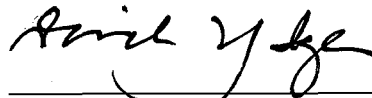
Your Committee notes that due to anecdotal accounts of disputes between different user groups accessing the marine



resources in the nearshore waters and coastal areas of Niihau, your Committee requests that the County of Kauai should provide the same level of public safety services to Niihau residents as it does for Kauai residents.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2125, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2125, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,



DAVID Y. IGE, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2125 SD1	WTL/HWN, WAM	2-28-14		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
IGE, David Y. (C)	✓			
KIDANI, Michelle N. (VC)		✓		
CHUN OAKLAND, Suzanne	✓			
DELA CRUZ, Donovan M.	✓			
ENGLISH, J. Kalani	✓			
ESPERO, Will		✓		
KAHELE, Gilbert	✓	✓ <i>mak</i>		
KEITH-AGARAN, Gilbert S.C.	✓			
KOUCHI, Ronald D.	✓			
RUDERMAN, Russell E.	✓			
THIELEN, Laura H.	✓			
TOKUDA, Jill N.	✓			
SLOM, Sam	✓	✓		
	10	3	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Michelle N. Kidani</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes