

JAN 24 2018

A BILL FOR AN ACT

RELATING TO BOTTOMFISH.

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

1 SECTION 1. The legislature finds that in the late 1990s,
2 the federal government determined that overfishing of certain
3 bottomfish was occurring around the main Hawaiian Islands.
4 To address the problem, the department of land and natural
5 resources instituted a system for several bottomfish
6 restricted fishing areas and various administrative rules.
7 In 2007, the department of land and natural resources reduced
8 the number of bottomfish restricted fishing areas but
9 increased the area of the remaining twelve bottomfish
10 restricted fishing areas.

11 The legislature further finds that as a result of the
12 federal determination of overfishing of certain bottomfish,
13 the department of land and natural resources established a
14 coordinated bottomfish management plan with the National
15 Oceanic and Atmospheric Administration fisheries. The
16 management plan includes peer-reviewed, science-based stock
17 assessment that establishes the current annual catch limits,



1 which stop all fishing, sale, and possession of certain
2 species of bottomfish, referred to as deep 7 bottomfish, for
3 each fishing year.

4 The legislature further finds that the bottomfish that
5 are subject to fishing restrictions under Hawaii law are no
6 longer being overfished or subject to other stressors.
7 Furthermore, the department of land and natural resources has
8 not established a validated scientific basis upon which to
9 continue restricting the fishing of bottomfish through the
10 bottomfish restricted fishing areas system.

11 The purpose of this Act is to ensure that regulations
12 related to bottomfish are supported by the current status of
13 stocks and scientific evidence.

14 SECTION 2. Chapter 187A, Hawaii Revised Statutes, is
15 amended by adding a new section to be appropriately designated
16 and to read as follows:

17 "§187A- Bottomfishing rules. (a) Any rule adopted by
18 the department pursuant to section 187A-5 that regulates the
19 fishing of bottomfish shall be supported by peer-reviewed,
20 scientific evidence and statistics on current status of stocks,
21 indicating an environmental necessity for the regulation.



(b) Any regulation that does not comply with subsection
(a) shall be deemed void and unenforceable.

(c) In the absence of a rule adopted by the department to
restrict the fishing of bottomfish, the federal guidelines
regarding annual catch limits of bottomfish shall apply.

(d) When a coordinated state and federal management system
is implemented, the system shall be consistent with the fishery
management plan provisions of the Magnuson-Stevens Fishery
Conservation and Management Act of 1976, as amended.

(e) As used in this section, the term "bottomfish" refers
to the following species:

(1) ‘Ula‘ula koa’e, ruby or longtail snapper, or onaga

(Etelis coruscans);

(2) ‘Ula‘ula or ehu (Etelis carbunculus);

(3) Kalekale (Pristipomoides sieboldii);

(4) ‘Ōpakapaka (Pristipomoides filamentosus);

(5) ‘Ukikiki or gindai (Pristipomoides zonatus);

(6) Hāpu‘u, hapu‘upu‘u, or Hawaiian grouper (Epinephelus
quernus); and

(7) Lehi or rusty jobfish (Aphareus rutilans)."

SECTION 3. New statutory material is underscored.



1 SECTION 4. This Act shall take effect upon its approval.

2

INTRODUCED BY:

M.D.W.

By Request



S.B. NO. 2848

Report Title:

Aquatic Resources; Bottomfish; DLNR

Description:

Ensures that DLNR regulations related to bottomfishing are supported by the current status of stocks and scientific evidence.

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