

Honolulu, Hawaii

MAR 01 2018RE: S.B. No. 2848
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committee on Water and Land, to which was referred S.B. No. 2848 entitled:

"A BILL FOR AN ACT RELATING TO BOTTOMFISH,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require any rules adopted by the Department of Land and Natural Resources pursuant to its rulemaking authority that regulates the fishing of bottomfish to be supported by peer-reviewed, scientific evidence and statistics on current status of stocks, indicating an environmental necessity of the regulation;
- (2) Apply the federal guidelines regarding annual catch limits of bottomfish in the absence of a rule adopted by the Department of Land and Natural Resources to restrict the fishing of bottomfish;
- (3) Require that when a coordinated state and federal management system is implemented, that management system be consistent with the fishery management plan provisions of the Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended; and
- (4) Specify the types of species referred to as bottomfish.



Your Committee received testimony in support of this measure from the Hawai'i Fishermen's Alliance for Conservation and Tradition, Inc.; and twenty individuals. Your Committee received testimony in opposition to this measure from the Office of Hawaiian Affairs and one individual. Your Committee received comments on this measure from the Department of the Attorney General and Department of Land and Natural Resources.

Your Committee finds that in the late 1990s, the federal government determined that overfishing of certain bottomfish was occurring around the main Hawaiian islands. To address the problem, the Department of Land and Natural Resources instituted a system for several bottomfish restricted fishing areas and various administrative rules. In 2007, the Department reduced the number of bottomfish restricted fishing areas but increased the area of the remaining twelve bottomfish restricted fishing areas.

Your Committee notes that pursuant to the federal determination of overfishing of certain bottomfish, the Department of Land and Natural Resources established a coordinated bottomfish management plan with the National Oceanic and Atmospheric Administration fisheries. The management plan includes peer-reviewed, science-based stock assessment that establishes the current annual catch limits, which stop all fishing, sale, and possession of certain species of bottomfish, referred to as deep 7 bottomfish, for each fishing year. Like this coordinated management plan, this measure will regulate bottomfish fishing in Hawaii through rules that are supported by peer-reviewed, scientific evidence.

Lastly, your Committee notes that adopting bottomfish fishing rules that are supported by peer-reviewed, scientific evidence may require funding. Thus, your Committee believes that providing a means of financing to the Department of Land and Natural Resources to adopt such rules merits further discussion as this measure moves through the legislative process.

Your Committee has amended this measure by:

- (1) Inserting an effective date of March 15, 2099, to encourage further discussion; and



- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2848, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2848, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Water and Land,



KARL RHOADS, Chair



