

MAR 08 2024

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# SENATE CONCURRENT RESOLUTION

REQUESTING THAT STATE AND COUNTY DEPARTMENTS AND AGENCIES MEET  
CERTAIN GUIDELINES BEFORE PASSING ANY ORDINANCE OR RULE  
THAT RESTRICTS SUBSISTENCE FISHING.

1           WHEREAS, subsistence fishing is a way of life in the State;  
2 and

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4           WHEREAS, many recent proposed rules and actions taken with  
5 the intent to protect and preserve ocean resources have had  
6 unintended consequences on those who practice subsistence  
7 fishing; and

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9           WHEREAS, many who practice subsistence fishing feel that  
10 certain guidelines must first be met to prevent blind rulemaking  
11 that can unreasonably restrict the practice of subsistence  
12 fishing; and

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14           WHEREAS, for example, the lack of clear definitions and  
15 unspecified goals of limiting "unsustainable" practices or  
16 protecting "sustainable resources" can be vague and may place  
17 blame on subsistence fishing when certain issues may not, in  
18 fact, result from subsistence fishing; and

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20           WHEREAS, although data is often cited, it is unclear how  
21 the data is collected, upon which proposed rules and actions  
22 that restrict subsistence fishing are based; and

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24           WHEREAS, there are other options available to mitigate  
25 threats to aquatic resources, and restricting the practice of  
26 subsistence fishing should be a last resort; and

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28           WHEREAS, if a department or agency determines certain  
29 fishing restrictions, like bag limits, are necessary, these  
30 restrictions should be temporary and a plan to increase the  
31 specified biomass of an aquatic resource should be partnered  
32 with the mitigation of threats to the sustainable production of



1 that aquatic resource, such as implementing artificial reefs;  
2 and

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4 WHEREAS, state and county departments and agencies that  
5 propose rules and take actions that restrict subsistence fishing  
6 should clearly state the expected outcome for the proposed rule  
7 to be adopted and the action to be taken; and

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9 WHEREAS, before imposing limits, state and county  
10 departments and agencies should also consider and identify all  
11 population factors equally, including but not limited to  
12 residents and times of high or low tourism, and not place blame  
13 primarily on those who practice subsistence fishing for  
14 unsustainable levels of take; and

15  
16 WHEREAS, to assist with tailored solutions that work  
17 towards sustainable production and to address real issues, state  
18 and county departments and agencies should meet certain  
19 guidelines before passing any law, ordinance, or rule that  
20 restricts subsistence fishing; now, therefore,

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22 BE IT RESOLVED by the Senate of the Thirty-second  
23 Legislature of the State of Hawaii, Regular Session of 2024, the  
24 House of Representatives concurring, that state and county  
25 departments and agencies are requested to meet certain  
26 guidelines before passing any ordinance or rule that restricts  
27 subsistence fishing; and

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29 BE IT FURTHER RESOLVED that state and county departments  
30 and agencies are requested to provide to the public the  
31 following information before passing any ordinance or rule  
32 relating to subsistence fishing:

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34 (1) The method of collecting data upon which the law,  
35 ordinance, or rule is based, including whether the  
36 data was collected under abnormal conditions, such as  
37 during the coronavirus disease 2019 pandemic, severe  
38 weather events, or decreased traffic due to natural  
39 disasters;

40  
41 (2) Disclosure of accurate numbers;  
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- 1           (3) The steps and methods taken, and any definitions used,  
2           to determine whether a species is sustainable or  
3           unsustainable; and  
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- 5           (4) The plan to increase specified biomass along with any  
6           restrictions or mitigation efforts and the time limits  
7           of the restrictions; and  
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9           BE IT FURTHER RESOLVED that state and county departments  
10          and agencies are requested to generate a report that contains  
11          clear methods and guidelines for rulemaking that restricts  
12          subsistence fishing and to post the report in an easily  
13          accessible format and location on the department's or agency's  
14          website to be made available for public viewing; and  
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16          BE IT FURTHER RESOLVED that certified copies of this  
17          Concurrent Resolution be transmitted to the Governor,  
18          Chairperson of the Board of Land and Natural Resources, and the  
19          Chairs of the Honolulu City Council, Maui County Council, Hawaii  
20          County Council, and Kauai County Council.  
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OFFERED BY: Lynn De Coite  
                  by request

