

Honolulu, Hawaii

FEB 07 2023

RE: S.B. No. 89

S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committee on Water and Land, to which was referred S.B. No. 89 entitled:

"A BILL FOR AN ACT RELATING TO MARINE MANAGEMENT AREAS,"

begs leave to report as follows:

The purpose and intent of this measure is to require the Department of Land and Natural Resources to comply with the rulemaking process of chapter 91, Hawaii Revised Statutes (HRS), when designating marine management areas.

Your Committee received testimony in support of this measure from one individual. Your Committee received testimony in opposition to this measure from Kua'āina Ulu 'Auamo and one individual. Your Committee received comments on this measure from the Department of Land and Natural Resources.

Your Committee finds that marine management areas are specific geographic areas designated by statute or administrative rule for the purpose of managing a variety of marine, estuarine, or anchialine resources and their use. Your Committee further finds that there are three statutes that authorize the Department of Land and Natural Resources to designate marine management areas:

- (1) Section 190-3, HRS, authorizes the designation of marine life conservation districts;



- (2) Section 188-53, HRS, authorizes the designation of fishery management areas, which include fishing reserves, refuges, and public fishing areas; and
- (3) Section 188-22.6, HRS, authorizes the designation of community-based subsistence fishing areas.

Your Committee finds that while sections 190-3 and 188-22.6, HRS, expressly require the Department of Land and Natural Resources to comply with the rulemaking process under chapter 91, HRS, there is no express requirement under section 188-53, HRS. Although the Department of Land and Natural Resources has historically complied with the chapter 91, HRS, rulemaking process as to the designation of fishery management areas, there is no guarantee that compliance will continue in the future, absent a statutory requirement. Therefore, this measure serves to expressly require that the Department of Land and Natural Resources comply with chapter 91, HRS, when designating all marine management areas.

Your Committee has amended this measure by:

- (1) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments 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. 89, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 89, S.D. 1, and be referred to your Committee on Judiciary.

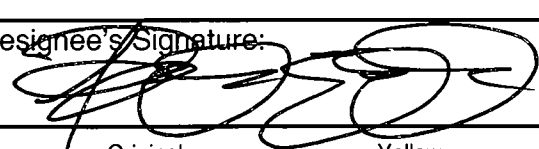
Respectfully submitted on  
behalf of the members of the  
Committee on Water and Land,

  
LORRAINE R. INOUE, Chair



The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Water and Land**  
**WTL**

Bill / Resolution No.:*	Committee Referral:	Date:
SB 89	WTL, JDC	02/01/23
<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	
INOUYE, Lorraine R. (C)	✓	
ELEFANTE, Brandon J.C. (VC)	✓	
CHANG, Stanley	✓	
MCKELVEY, Angus L.K.	✓	
FEVELLA, Kurt	✓	
<b>TOTAL</b>	5	ϕ
ϕ	ϕ	ϕ
Recommendation:		
<input checked="" type="checkbox"/> Adopted	<input type="checkbox"/> Not Adopted	
Chair's or Designee's Signature:		
		
Distribution:		
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency
		Goldenrod Committee File Copy

\*Only one measure per Record of Votes