

STAND. COM. REP. NO.

769

Honolulu, Hawaii

MAR 04 2011

RE: S.B. No. 580
S.D. 2

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 580, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO AQUATIC LIFE,"

begs leave to report as follows:

The purpose and intent of this measure is to require the Department of Land and Natural Resources to establish two additional marine life conservation districts, each one extending three miles or less from the shoreline of the Island of Maui into state marine waters. This measure also requires the Department of Land and Natural Resources to report to the Legislature annually on the effectiveness and enforcement of the two additional marine life conservation districts.

Your Committee received testimony in support of this measure from the Pacific Whale Foundation; Hui Ho'omalulu i ka 'Aina; Maui Tomorrow; The Humane Society of the United States; and numerous individuals. Your Committee received testimony in opposition to this measure from seven individuals. Your Committee received comments on this measure from the Department of Land and Natural Resources and seven individuals.

Marine life conservation districts are recognized in chapter 190, Hawaii Revised Statutes, as a valuable marine resources management tool. Chapter 190 also designates the Department of Land and Natural Resources as the lead agency in the administration of marine life conservation districts and



authorizes the Department to establish and modify the limits of these conservation districts.

Your Committee finds that establishing marine life conservation districts is an effective approach to furthering the policies and objectives of the Hawaii Ocean Resources Management Plan. The districts integrate the management of activities and resource use to sustain the quality and health of living and non-living marine resources and to ensure that the management of fisheries and ocean recreation activities is coordinated to enhance the effectiveness of marine life protection.

Your Committee believes, however, that these conservation districts should include the integrated regional management tools developed for the West Hawaii Regional Fishery Management Area (West Hawaii FMA) pursuant to Act 306, Session Laws of Hawaii 1998. The West Hawaii FMA was developed to provide for the effective management of fishery activities in the West Hawaii coastal area, to enhance near-shore resources, and to minimize conflicts of use. The West Hawaii FMA established by Act 306 has been successful due to the integration of reporting requirements and community involvement. Your Committee believes that incorporation of these provisions in this measure will enhance the marine life conservation districts established under this measure.

Your Committee has amended this measure by:

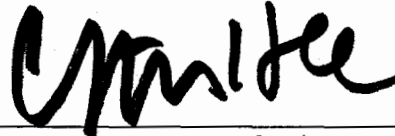
- (1) Changing the annual reporting requirement by requiring instead a report by the Department of Land and Natural Resources, in collaboration with the University of Hawaii and with community involvement, to be submitted every five years to the Legislature, beginning with the Regular Session of 2013;
- (2) Inserting an effective date of July 1, 2050, to allow for further discussion; and
- (3) 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 Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B.



No. 580, S.D. 1, as amended herein, and recommends that it pass
Third Reading in the form attached hereto as S.B. No. 580, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,



CLAYTON HEE, Chair



The Senate
Twenty-Sixth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB580, SDI	Committee Referral: WLH, JDL	Date: 3-1-11		
<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
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile (VC)				✓
GABBARD, Mike	✓			
IHARA, Jr., Les	✓			
SLOM, Sam				✓
TOTAL	3	0	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>[Handwritten Signature]</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