
A BILL FOR AN ACT

RELATING TO OCEAN RESOURCES.

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

1 SECTION 1. The legislature finds that the Hawaii State
2 Constitution establishes clear fiduciary duties with respect to
3 Hawaii's natural resources, which are held and maintained in
4 trust on behalf of the people of the State. In order to explore
5 methods to better fulfill these public trust duties and
6 responsibilities, the legislature established the West Hawaii
7 regional fishery management area in 1998. The West Hawaii
8 regional fishery management area is differentiated from other
9 near-shore marine managed areas by the statutory authority of
10 the department of land and natural resources to regulate
11 fisheries in West Hawaii.

12 The legislature further finds that enforcement of laws and
13 rules regulating fish catch within the West Hawaii regional
14 fishery management area continues to be a persistent problem due
15 to the number of illegal catches that occur. For example,
16 reported poaching activities in West Hawaii's fish replenishment
17 areas indicate that ongoing illegal actions and their adverse
18 impacts to fisheries ecosystems sustainability pose an



1 increasing threat to the department of land and natural
2 resources' ability to enforce the State's constitutional
3 obligation under article XI, section 1, of the Hawaii State
4 Constitution to "conserve and protect Hawaii's natural beauty
5 and all natural resources, including land, water, air, minerals
6 and energy sources, and shall promote the development and
7 utilization of these resources in a manner consistent with their
8 conservation and in furtherance of the self-sufficiency of the
9 State." This constitutional obligation includes the
10 responsibility to conserve and manage the State's aquatic
11 resources for the benefit of present and future generations.

12 The legislature further finds that the West Hawaii regional
13 fishery management area, of all other fishery management areas
14 of the State, is particularly susceptible to illegal catches of
15 certain species of fish as identified by administrative rule.
16 Therefore, administrative inspections are necessary to enforce
17 laws and regulations particular to that area.

18 The purpose of this Act is to provide enhanced tools to
19 better ensure compliance and monitoring of aquatic resources
20 within the West Hawaii regional fishery management area.

21 SECTION 2. Chapter 188F, Hawaii Revised Statutes, is



1 amended by adding a new section to be appropriately designated
2 and to read as follows:

3 **"§188F- Administrative inspection of commercial fishers**
4 **and wholesalers within the West Hawaii regional fishery**
5 **management area; display of licenses.** (a) Any agent of the
6 department upon whom the board has conferred police powers, or
7 who has otherwise been authorized to conduct administrative
8 inspections, may conduct examinations and inspections under
9 subsection (d), of any fishing vessel or boat, within the waters
10 of the West Hawaii regional fishery management area, that is
11 required under subsection (c) to be marked for identification.

12 (b) No person to whom an aquarium collecting permit has
13 been issued that authorizes that person to engage in aquarium
14 collecting activities for special species listed in departmental
15 rules shall permit any other person to carry, display, or use
16 the permit in any way. Every person to whom an aquarium
17 collecting permit has been issued shall physically possess the
18 permit when fishing and shall show the permit upon the demand of
19 any officer authorized to enforce the fishing laws of the State.
20 No person, upon the request of an officer, shall refuse to show



1 the permit or withhold permission to inspect any bag or
2 container of any kind in which catch might be concealed.

3 (c) An aquarium collecting vessel shall:

4 (1) Be registered with the department;

5 (2) Clearly display the required identification, which
6 shall be permanently affixed to the vessel as provided
7 by rules of the department;

8 (3) Fly a stiffened flag and a dive flag as provided by
9 rules of the department; and

10 (4) Meet any other requirements as may be provided by
11 rules of the department.

12 (d) Administrative inspections of bags and containers
13 which may be used to hold live fish, may be conducted while the
14 fishing vessel or boat is on the water within the West Hawaii
15 regional fishing management area, in a boat harbor or boat ramp,
16 as well as any motor vehicle, in a boat harbor or boat ramp,
17 that is used to transfer the catch of that fishing vessel or
18 boat."

19 SECTION 3. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and proceedings that were
21 begun before its effective date.



- 1 SECTION 4. New statutory material is underscored.
- 2 SECTION 5. This Act shall take effect on January 1, 2016.



Report Title:

Aquatic Life; West Hawaii; Inspection; DLNR

Description:

Authorizes administrative inspections upon certain conditions within the West Hawaii regional fishery management area.

Effective 1/1/2016. (SD1)

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