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# A BILL FOR AN ACT

RELATING TO FEDERAL FISHERIES REGULATIONS.

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

1           SECTION 1. Chapter 187A, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§187A- Consistency of state and federal fisheries  
5 regulations. (a) The department shall adopt administrative  
6 rules pursuant to chapter 91 for fisheries located in both state  
7 and federal waters, that are equivalent to and consistent with  
8 federal fisheries regulations for the same waters, to create  
9 uniform, complementary, and comprehensive management measures to  
10 improve efficiencies in management and effectiveness of  
11 enforcement, under the following conditions:

12           (1) A federal agency with responsibility for the  
13           management of fisheries in federal marine waters  
14           around the Hawaiian Islands has:

15           (A) Declared that a fishery is in a state of  
16           overfishing, is overfished, or is in some other  
17           state of unsustainability; and



1           (B) Promulgated or amended federal fisheries  
2                           regulations to correct the decline in the  
3                           fishery;

4           and

5           (2) The fishery occurs in both state and federal marine  
6                           waters.

7           (b) The board shall annually establish a fishing season, a  
8           total fishing quota, or individual fishing quotas, or adopt  
9           rules pursuant to chapter 91 relating to bag, size, and gear  
10           limits, consistent with federal fisheries regulations that are  
11           adopted or declared by the federal government to prevent  
12           overfishing and with similar state rules adopted under  
13           subsection (a).

14           (c) If the federal fisheries agency declares a fishery to  
15           be sustainable and amends or repeals its regulations  
16           accordingly, the department shall amend or repeal any rules for  
17           that fishery adopted under subsection (a).

18           (d) Nothing contained in this section shall be construed  
19           to prohibit any person from exercising native Hawaiian gathering  
20           rights or traditional cultural practices authorized by law or  
21           permitted by the department pursuant to article XII, section 7,  
22           of the Hawaii Constitution.



1       (e) This section shall not apply to the Papahānaumokuākea  
2 Marine National Monument.

3       (f) As used in this section, unless the context clearly  
4 indicates otherwise:

5       "Declared" or "declares" means a public announcement made  
6 by a federal agency with the responsibility for the management  
7 of fisheries in federal marine waters around the Hawaiian  
8 Islands pursuant to the provisions of the Magnuson-Stevens  
9 Fishery Conservation and Management Act (P.L. 94-265), as  
10 amended by the Magnuson-Stevens Fishery Conservation and  
11 Management Reauthorization Act of 2006 (P.L. 109-479), that a  
12 fishery in state marine waters is in a state of overfishing,  
13 overfished, or in some other state of unsustainability.

14       "Federal fisheries regulations" means regulations relating  
15 to the management of marine fisheries adopted by federal  
16 agencies such as the National Marine Fisheries Service or the  
17 United States Department of Commerce, and codified in the Code  
18 of Federal Regulations.

19       "Federal marine waters" means the Exclusive Economic Zone  
20 established by Presidential Proclamation 5030, 3 Code of Federal  
21 Regulations 22, dated March 10, 1983, and is that area adjacent  
22 to the United States which, except where modified to accommodate



1 international boundaries, encompasses all waters from a baseline  
2 starting at the seaward boundary of state territorial seas  
3 extending seaward two hundred nautical miles.

4 "Fishery" or "fisheries" means one or more stocks of marine  
5 resources other than marine mammals and birds that can be  
6 treated as a unit for purposes of conservation and management  
7 and that are identified on the basis of geographical,  
8 scientific, technical, recreational, and economic  
9 characteristics; and any fishing for such stocks.

10 "Overfishing" or "overfished" means a rate or level of  
11 fishing mortality that jeopardizes the capacity of a fishery to  
12 produce the maximum sustainable yield on a continuing basis."

13 SECTION 2. New statutory material is underscored.

14 SECTION 3. This Act shall take effect upon its approval.



H.B. NO. 3174  
H.D. 1  
S.D. 1  
C.D. 1

**Report Title:**

Federal Fisheries Regulation

**Description:**

Clarifies that the department of land and natural resources shall adopt, amend, or repeal administrative rules to be consistent with federal fishery regulations to improve management and enforcement in a state and federal marine water fishery, under certain conditions. (HB3174 CD1)

