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# A BILL FOR AN ACT

RELATING TO COMMERCIAL MARINE FISHING REPORTS.

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

1           SECTION 1. The federal government currently relies upon  
2 the State's fisheries reporting system and the resultant data  
3 for the management of fisheries in state and federal marine  
4 waters. Because of a declared decline in the bottomfish fishery  
5 due to overfishing, the federal government recently voiced the  
6 need for the State to better monitor bottomfish catches. In an  
7 effort to address these issues, the federal government proposes  
8 to reduce overall take to a specified annual total catch and  
9 then to monitor fishing more closely by requiring reporting by  
10 trips, rather than reports solely based on monthly catch.

11           The department of land and natural resources (department)  
12 has agreed to assist and cooperate because it involves a fishery  
13 with shared jurisdiction and agrees with the reporting  
14 requirement.

15           The purpose of this Act is to create a new section within  
16 chapter 189, Hawaii Revised Statutes, providing that where there  
17 is shared state and federal jurisdiction over a fishery, except  
18 the Papahānaumokuākea Marine National Monument, that the



1 department shall adopt rules to effectuate the federal  
2 requirements.

3 SECTION 2. Chapter 189, Hawaii Revised Statutes, is  
4 amended by adding a new section to be appropriately designated  
5 and to read as follows:

6 "§189- Catch report; shared jurisdiction of fisheries.

7 (a) Where there is a shared jurisdiction between the state and  
8 federal government over a fishery, the department shall adopt  
9 rules necessary to effectuate the federal requirements.

10 (b) Any information submitted to the department by any  
11 person in compliance with any requirement under this section  
12 shall be confidential and shall not be disclosed, except when  
13 required under court order or pursuant to subpoena issued by the  
14 department of the attorney general, or with the prior written  
15 consent of the person who submitted the information, or under  
16 cooperative agreements with government agencies of the United  
17 States for exchange and use of the information specifically to  
18 manage marine life. The department, by rule, may establish  
19 procedures necessary to preserve the confidentiality, except  
20 that the department may release or make public any information  
21 in the aggregate or summary form which does not directly or



1 indirectly disclose the identity of any person who submits  
2 information.

3 (c) This section shall not apply to the Papahanaumokuakea  
4 Marine National Monument."

5 SECTION 3. New statutory material is underscored.

6 SECTION 4. This Act shall take effect on July 1, 2008.



H.B. NO. 3175  
H.D. 1  
S.D. 1  
C.D. 1

**Report Title:**

Commercial Marine Fishing Reports

**Description:**

Requires DLNR to adopt rules to effect federal requirements for fisheries where jurisdiction is shared by the state and federal governments. (HB3175 CD1)

HB3175 CD1 HMS 2008-4050

