



GOV. MSG. NO. 754

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

May 27, 2008

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fourth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on May 27, 2008, the following bill was signed into law:

HB3174 HD1 SD1 CD1

A BILL FOR AN ACT RELATING TO FEDERAL
FISHERIES REGULATIONS.
(ACT 112)

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

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.

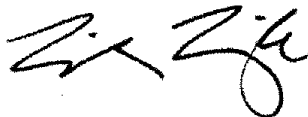
4 "Fishery" or "fisheries" means one or more stocks of marine
5 resources other than marine mammals and birds that can be
6 treated as a unit for purposes of conservation and management
7 and that are identified on the basis of geographical,
8 scientific, technical, recreational, and economic
9 characteristics;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

APPROVED this 27 day of MAY, 2008



GOVERNOR OF THE STATE OF HAWAII

