



EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

June 26, 2006

GOV. MSG. NO. 771

The Honorable Robert Bunda, President
and Members of the Senate
Twenty-Third State Legislature
State Capitol, Room 003
Honolulu, Hawaii 96813

Dear Mr. President and Members of the Senate:

This is to inform you that on June 26, 2006, the following bill was signed into law:

SB2501 SD1 HD1 CD1

A BILL FOR AN ACT RELATING TO FISHING.
(ACT 241)

Sincerely,

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

LINDA LINGLE

THE SENATE
TWENTY-THIRD LEGISLATURE, 2006
STATE OF HAWAII

S.B. NO. 2501
S.D. 1
H.D. 1
C.D. 1

A BILL FOR AN ACT

RELATING TO FISHING.

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

1 SECTION 1. The purpose of this Act is to create and amend
 2 fishing provisions that affect the communities of Ha`ena, Kauai
 3 and Kahului, Maui. Specifically, part I of this Act establishes
 4 a community-based subsistence fishing area for the ahupua`a of
 5 Ha`ena to protect the fish stocks and coral reef habitats. Part
 6 II of this Act extends the effective date of Act 218, Session
 7 Laws of Hawaii 2005, to allow the department of land and natural
 8 resources time to adopt necessary rules regulating user
 9 conflicts in Kahului harbor.

PART I

11 SECTION 2. The ahupua`a of Ha`ena is the westernmost land
 12 in the moku of Halele`a on the northwest coast of Kauai. The
 13 public highway ends in this ahupua`a, a land filled with many
 14 wahi pana or storied places, sites that are sacred to native
 15 Hawaiians and important to the whole state. The ahupua`a of
 16 Ha`ena and its offshore waters, since time immemorial, have been
 17 an important subsistence fishery resource for native Hawaiians
 18 and local families of the ahupua`a. However, the beauty of the



1 land and sea and the proximity to the end of the public highway
2 in the ahupua`a of Ha`ena attract hundreds of thousands of
3 visitors to the area every year. As a result of this influx of
4 visitors and a growing problem of indiscriminate fishing
5 practices, there has been an adverse impact to the fish stocks
6 and the integrity of the coral reef habitats in the area.

7 The legislature finds that a traditionally managed fishery
8 wherein the inhabitants of the ahupua`a develop and assist in
9 development and enforcement of traditional regulations for the
10 maintenance of the fishery is needed for the ahupua`a of Ha`ena.

11 The purpose of this Act is to establish a community-based
12 subsistence fishing area in the ahupua`a of Ha`ena.

13 SECTION 3. Chapter 188, Hawaii Revised Statutes, is
14 amended by adding a new section to part II to be appropriately
15 designated and to read as follows:

16 "§188- Ha`ena community-based subsistence fishing area;
17 restrictions; regulations. (a) There is designated the Ha`ena
18 community-based subsistence fishing area on the northwestern
19 coast of Kauai, which shall consist of all state waters and
20 submerged lands bounded by:

21 (1) The shoreline of the Haena district;

1 (2) A line that follows an imaginary extension of the
2 boundary between Hae`na state park and Na Pali state
3 park that extends seaward for one mile from the
4 shoreline;

5 (3) An irregular line one mile offshore that is parallel
6 to the contours of the shoreline; and

7 (4) A line that follows an imaginary extension of the
8 boundary between Hae`na and Wainiha, as specified in
9 the tax map of the county of Kauai, that extends
10 seaward for one mile from the shoreline.

11 (b) In addition to the provisions of this chapter, the
12 following uses or activities shall be regulated in the Ha`ena
13 community-based subsistence fishing area:

14 (1) Any activities with a commercial purpose, as defined
15 in section 187A-1;

16 (2) The issuance of any commercial marine license, as
17 defined in section 187A-1;

18 (3) The issuance of any aquarium fish permits, pursuant to
19 section 188-31;

20 (4) Fishing with the use of gill nets;

21 (5) Fishing with self-contained underwater breathing
22 apparatus and spears; and

1 (6) Any other use or activity that the department of land
2 and natural resources, in consultation with the
3 inhabitants of the ahupua`a of Ha`ena and other
4 interested parties, deems appropriate.

5 (c) The department of land and natural resources, as soon
6 as practical, shall consult with as broad a base as possible,
7 group of inhabitants of the ahupua`a of Ha`ena and other
8 interested parties to establish rules for the Ha`ena
9 community-based subsistence fishing area, to include but not be
10 limited to:

11 (1) A determination of fishing practices that are
12 customarily and traditionally exercised for purposes
13 of native Hawaiian subsistence, culture, and religion
14 in the fishing area;

15 (2) A management plan recognizing existing marine
16 activities permitted by the department of land and
17 natural resources and containing a description of
18 specific activities to be conducted in the fishing
19 area, including evaluation and monitoring processes
20 and methods of funding and enforcement;

21 (3) Limits on the harvest of aquatic life, as those terms
22 are defined in section 187A-1, in the fishing area;



- 1 (4) The establishment of no harvesting zones within the
- 2 fishing area without depriving ahupua`a inhabitants of
- 3 access to traditional sources of subsistence; and
- 4 (5) A process for the expansion of the fishing area to
- 5 include other ahupua`a.

6 The department of land and natural resources shall adopt
 7 rules pursuant to chapter 91 necessary for the purpose of this
 8 section."

PART II

10 SECTION 4. The legislature finds that the department of
 11 land and natural resources is in the process of adopting rules
 12 regulating user conflicts in Kahului harbor and upon the
 13 adoption of the rules, the provision of Act 218, Session Laws of
 14 Hawaii 2005, will be unnecessary. The legislature further finds
 15 that the rule making process should be completed prior to June
 16 2007.

17 The purpose of this part is to extend the effective date of
 18 Act 218, Session Laws of Hawaii 2005, to allow the department of
 19 land and natural resources time to adopt necessary rules prior
 20 to June 2007.

21 SECTION 5. Act 218, Session Laws of Hawaii 2005, is
 22 amended by amending section 3 to read as follows:

1 "SECTION 3. This Act shall take effect on [~~December 31,~~
2 ~~2006-~~] June 30, 2007; provided that this Act shall be repealed
3 upon the effective date of administrative rules adopted by the
4 department of land and natural resources regarding user
5 conflicts at Kahului harbor; and provided further that upon
6 repeal of this Act, section 188-34, Hawaii Revised Statutes,
7 shall be reenacted in the form in which it read on the day
8 before the effective date of this Act."

9 PART III

10 SECTION 6. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 7. This Act shall take effect upon its approval.



GOVERNOR OF THE STATE OF HAWAII


Approved this day: JUN 26 2006

THE SENATE OF THE STATE OF HAWAII

Date: May 2, 2006
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006.

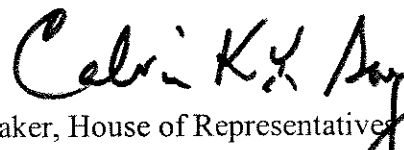


President of the Senate


Clerk of the Senate

**THE HOUSE OF REPRESENTATIVES
OF THE STATE OF HAWAII**

Date: May 2, 2006
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the House of Representatives of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006.


Speaker, House of Representatives

Clerk, House of Representatives