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# A BILL FOR AN ACT

RELATING TO FISHING.

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

1 PART I

2 SECTION 1. The ahupua`a of Ha`ena is the westernmost land  
3 in the moku of Halele`a on the northwest coast of Kauai. The  
4 public highway ends in this ahupua`a, a land filled with many  
5 wahi pana or storied places, sites that are sacred to native  
6 Hawaiians and important to the whole state. The ahupua`a of  
7 Ha`ena and its offshore waters, since time immemorial, have been  
8 an important subsistence fishery resource for native Hawaiians  
9 and local families of the ahupua`a. However, the beauty of the  
10 land and sea and the proximity to the end of the public highway  
11 in the ahupua`a of Ha`ena attract hundreds of thousands of  
12 visitors to the area every year. As a result of this influx of  
13 visitors and a growing problem of indiscriminate fishing  
14 practices, there has been an adverse impact to the fish stocks  
15 and the integrity of the coral reef habitats in the area.

16 The legislature finds that a traditionally managed fishery  
17 wherein the inhabitants of the ahupua`a develop and assist in



1 development and enforcement of traditional regulations for the  
2 maintenance of the fishery is needed for the ahupua`a of Ha`ena.

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

5 SECTION 2. Chapter 188, Hawaii Revised Statutes, is  
6 amended by adding a new section to part II to be appropriately  
7 designated and to read as follows:

8 **"§188- Ha`ena community-based subsistence fishing area;**

9 **restrictions; regulations.** (a) There is designated the Ha`ena

10 community-based subsistence fishing area on the northwestern

11 coast of Kauai, which shall consist of all state waters and

12 submerged lands bounded by:

13 (1) The shoreline of the Haena district;

14 (2) A line that follows an imaginary extension of the

15 boundary between Hae`na state park and Na Pali state

16 park that extends seaward for one mile from the

17 shoreline;

18 (3) An irregular line one mile offshore that is parallel

19 to the contours of the shoreline; and

20 (4) A line that follows an imaginary extension of the

21 boundary between Hae`na and Wainiha, as specified in



1           the tax map of the county of Kauai, that extends  
2           seaward for one mile from the shoreline.

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

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

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

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

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

13          (5) Fishing with self-contained underwater breathing  
14          apparatus and spears; and

15          (6) Any other use or activity that the department of land  
16          and natural resources, in consultation with the  
17          inhabitants of the ahupua`a of Ha`ena and other  
18          interested parties, deems appropriate.

19          (c) The department of land and natural resources, as soon  
20          as practical, shall consult with as broad a base as possible,  
21          group of inhabitants of the ahupua`a of Ha`ena and other  
22          interested parties to establish rules for the Ha`ena



1 community-based subsistence fishing area, to include but not be  
2 limited to:

3 (1) A determination of fishing practices that are  
4 customarily and traditionally exercised for purposes  
5 of native Hawaiian subsistence, culture, and religion  
6 in the fishing area;

7 (2) A management plan recognizing existing marine  
8 activities permitted by the department of land and  
9 natural resources and containing a description of  
10 specific activities to be conducted in the fishing  
11 area, including evaluation and monitoring processes  
12 and methods of funding and enforcement;

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

15 (4) The establishment of no harvesting zones within the  
16 fishing area without depriving ahupua`a inhabitants of  
17 access to traditional sources of subsistence; and

18 (5) A process for the expansion of the fishing area to  
19 include other ahupua`a.

20 The department of land and natural resources shall adopt  
21 rules pursuant to chapter 91 necessary for the purpose of this  
22 section."



## 1 PART II

2 SECTION 3. The legislature finds that the department of  
3 land and natural resources is in the process of adopting rules  
4 regulating user conflicts in Kahului harbor and upon the  
5 adoption of the rules, the provision of Act 218, Session Laws of  
6 Hawaii 2005, will be unnecessary. The legislature further finds  
7 that the rule making process should be completed prior to June  
8 2007.

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

13 SECTION 4. Act 218, Session Laws of Hawaii 2005, is  
14 amended by amending section 3 to read as follows:

15 "SECTION 3. This Act shall take effect on [~~December 31,~~  
16 ~~2006.~~] June 30, 2007; provided that this Act shall be repealed  
17 upon the effective date of administrative rules adopted by the  
18 department of land and natural resources regarding user  
19 conflicts at Kahului harbor; and provided further that upon  
20 repeal of this Act, section 188-34, Hawaii Revised Statutes,  
21 shall be reenacted in the form in which it read on the day  
22 before the effective date of this Act."



1 PART III

2 SECTION 5. Statutory material to be repealed is bracketed  
3 and stricken. New statutory material is underscored.

4 SECTION 6. This Act shall take effect upon its approval.



**Report Title:**

Fishing Rights and Regulations; Ha`ena, Kauai

SB 2501  
SDI  
HD1

**Description:**

Establishes a community-based subsistence fishing area (Fishing Area) for the ahupuaa of Haena, Kauai, and authorizes DLNR, in consultation with the ahupuaa inhabitants and interested parties, to regulate uses and activities in the Fishing Area. Extends the effective date of the statutory prohibition against net fishing in Kahului Harbor to 6/30/07 and repeals the statutory prohibition upon the adoption of rules by DLNR regulating user conflicts in the harbor. (SB2501 HD1)

