
A BILL FOR AN ACT

RELATING TO FISHING.

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

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

15 The legislature finds that a traditionally managed fishery
16 wherein the inhabitants of the ahupua`a develop and assist in
17 development and enforcement of traditional regulations for the
18 maintenance of the fishery is needed for the ahupua`a of Ha`ena.



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

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

6 "§188- Haena community based subsistence fishing area;
7 restrictions; regulations. (a) There is designated the Haena
8 community based subsistence fishing area, comprising of all
9 state waters that are contiguous to the ahupuaa of Haena, on the
10 northwestern coast of Kauai, the actual boundaries of which
11 shall be determined by the department of land and natural
12 resources.

13 (b) In addition to the provisions of this chapter, the
14 following uses or activities shall be prohibited in the Haena
15 community based subsistence fishing area:

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

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

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

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



1 (5) Fishing with self-contained underwater breathing
2 apparatus and spears; and

3 (6) Any other use or activity that the department of land
4 and natural resources, in consultation with the
5 inhabitants of the ahupuaa of Haena, deems
6 appropriate.

7 (c) The department of land and natural resources, as soon
8 as practical, shall consult with as broad a based as possible
9 group of inhabitants of the ahupuaa of Haena to establish rules
10 for the Haena community based subsistence fishing area, to
11 include but not be limited to:

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

16 (2) A management plan containing a description of specific
17 activities to be conducted in the fishing area,
18 including evaluation and monitoring processes and
19 methods of funding and enforcement;

20 (3) Limits on the harvest of aquatic life, as those terms
21 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 ahupuaa inhabitants of
- 3 access to traditional sources of subsistence;
- 4 (5) A process for the expansion of the fishing area to
- 5 include neighboring ahupuaa; and
- 6 (6) Any other regulations or restriction that the
- 7 inhabitants of the ahupuaa of Haena may recommend.

8 The department shall adopt rules pursuant to chapter 91
 9 necessary for the purpose of this section."

10 SECTION 3. New statutory material is underscored.

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

12

INTRODUCED BY:

[Signature]

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Nemine Noite

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JAN 19 2006



Report Title:

Fishing Rights and Regulations; Haena, Kauai

Description:

Establishes a community based subsistence fishing area in the state marine waters adjacent to the ahupuaa of Haena, Kauai; restricts certain uses and activities in the fishing area; requires DLNR to consult with the inhabitants of the ahupuaa of Haena on rules for the fishing area.

