

---

# 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.

10 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       (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;





**Report Title:**

Fishing Rights and Regulations; Ha`ena, Kauai

**Description:**

Establishes a community-based subsistence fishing area (Fishing Area) for the ahupua`a of Ha`ena, 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. (CD1)

