
A BILL FOR AN ACT

RELATING TO FISHING.

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

1 SECTION 1. The ahupua`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- Ha`ena community-based subsistence fishing area;
7 restrictions; regulations. (a) There is designated the Ha`ena
8 community-based subsistence fishing area, comprising of all
9 state waters that are contiguous to the ahupua`a of Ha`ena, on
10 the northwestern coast of Kauai. The Ha`ena community-based
11 subsistence fishing area shall be bounded to the west by the
12 boundary between Ha`ena state park and Na Pali state park;
13 bounded to the east by the boundary between Ha`ena and Wainiha,
14 as specified in the tax map key of the county of Kauai; and
15 bounded to the north by a boundary one mile from shore following
16 the contours of the coast line.

17 (b) In addition to the provisions of this chapter, the
18 following uses or activities shall be regulated in the Haena
19 community-based subsistence fishing area:

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

- 1 (2) The issuance of any commercial marine license, as
2 defined in section 187A-1;
- 3 (3) The issuance of any aquarium fish permits, pursuant to
4 section 188-31;
- 5 (4) Fishing with the use of gill nets;
- 6 (5) Fishing with self-contained underwater breathing
7 apparatus and spears; and
- 8 (6) Any other use or activity that the department of land
9 and natural resources, in consultation with the
10 inhabitants of the ahupua`a of Ha`ena and other
11 interested parties, deems appropriate.
- 12 (c) The department of land and natural resources, as soon
13 as practical, shall consult with as broad a based as possible
14 group of inhabitants of the ahupua`a of Ha`ena and other
15 interested parties to establish rules for the Ha`ena
16 community-based subsistence fishing area, to include but not be
17 limited to:
- 18 (1) A determination of fishing practices that are
19 customarily and traditionally exercised for purposes
20 of native Hawaiian subsistence, culture, and religion
21 in the fishing area;



- 1 (2) A management plan containing a description of specific
2 activities to be conducted in the fishing area,
3 including evaluation and monitoring processes and
4 methods of funding and enforcement;
- 5 (3) Limits on the harvest of aquatic life, as those terms
6 are defined in section 187A-1, in the fishing area;
- 7 (4) The establishment of no harvesting zones within the
8 fishing area without depriving ahupua`a inhabitants of
9 access to traditional sources of subsistence; and
- 10 (5) A process for the expansion of the fishing area to
11 include other ahupua`a.

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

14 SECTION 3. New statutory material is underscored.

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

Report Title:

Fishing Rights and Regulations; Ha`ena, Kauai

Description:

Establishes a community-based subsistence fishing area in the state marine waters adjacent to the ahupua`a of Ha`ena, Kauai; regulate certain uses and activities in the fishing area; requires DLNR to consult with the inhabitants of the ahupua`a of Ha`ena and other interested parties on rules for the fishing area. (SD1)

