

Honolulu, Hawaii

MAR - 3 2006

RE: S.B. No. 2501  
S.D. 1

Honorable Robert Bunda  
President of the Senate  
Twenty-Third State Legislature  
Regular Session of 2006  
State of Hawaii

Sir:

Your Committee on Water, Land, and Agriculture, to which was referred S.B. No. 2501 entitled:

"A BILL FOR AN ACT RELATING TO FISHING,"

begs leave to report as follows:

The purpose of this measure is to establish a community-based subsistence fishing area in the state marine waters adjacent to the ahupua`a of Ha`ena on the island of Kauai.

Testimony in support of this measure was submitted by the Department of Land and Natural Resources, the Office of Hawaiian Affairs, the Community Conservation Network, the Hanalei Watershed Hui, the Nature Conservancy, and two individuals. Testimony in opposition to this measure was submitted by Aqua Lung Pacific, Frogman Charters, the Hawaii Nearshore Fishermen, Holo-Holo Charters Inc., Kauai Sea Tours, Lahaina Divers, Maui Dive Shop, Maui-Molokai Sea Cruises, Ocean Tourism Coalition, and one individual.

Your Committee finds that the influx of visitors and a growing problem of indiscriminate fishing practices have adversely impacted the fish stocks and the integrity of the coral reefs in the Ha`ena ahupua`a on the northwest coast of Kauai. To help conserve the natural resources in this area, this measure establishes a community-based subsistence fishing area in the ahupua`a of Ha`ena.



Your Committee noted suggestions made by the Community Conservation Network and other individuals and has adopted the following amendments to:

- (1) Regulate rather than restrict certain uses and activities in the subsistence fishing area;
- (2) Provide that the Department of Land and Natural Resources will consult with the inhabitants of the Ha`ena ahupua`a, as well as other interested parties when regulating activities in the area or when creating rules for this area; and
- (3) Delineate the boundaries for the subsistence fishing area.

Your Committee has further amended this measure by making technical, nonsubstantive changes for style.

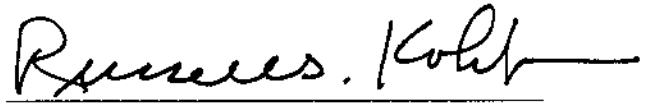
Your Committee finds that the Legislature is tasked with establishing all community-based subsistence fishing areas, and these fishing areas should not be established through administrative rules at the discretion of the Department of Land and Natural Resources. Your Committee is very concerned about this issue and recommends further discussion on amending the provision in this measure, which tasks the Department of Land and Natural Resources with adopting rules for the expansion of the fishing area to include neighboring ahupua`a, to determine if the language should be narrowed.

Your Committee further noted requests to also create a community-based subsistence fishing area for the island of Ni`ihau. Your Committee finds that a community-based subsistence fishing area may be possible; however, creating one through this measure is not appropriate at this time.

As affirmed by the record of votes of the members of your Committee on Water, Land, and Agriculture that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2501, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2501, S.D. 1, and be placed on the calendar for Third Reading.



Respectfully submitted on  
behalf of the members of the  
Committee on Water, Land, and  
Agriculture,

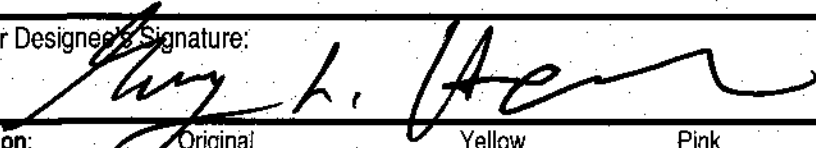


RUSSELL S. KOKUBUN, Chair



The Senate  
Twenty-Third Legislature  
State of Hawaii

Record of Votes of the  
Committee on Water, Land and Agriculture  
(Bills and Resolutions)

Measure:* <i>SB2501</i>	Committee Referral: <i>WLA</i>	Date: <i>5/1/06</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is to:				
<input type="checkbox"/> Pass, unamended (2312) <input checked="" type="checkbox"/> Pass, with amendments (2311) <input type="checkbox"/> Hold (2310) <input type="checkbox"/> Recommit (2313)				
Members	Ayes	Ayes(WR)	Nays	Excused
KOKUBUN, Russell S. (C)	✓			
HOOSER, Gary L. (VC)	✓			
ENGLISH, J. Kalani	✓			
FUKUNAGA, Carol	✓			
HEMMINGS, Fred				✓
TOTAL	<i>4</i>			<i>1</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution:             Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Do not list more than one measure per Record of Votes.