

JAN 18 2008

A BILL FOR AN ACT

RELATING TO THE EAST MAUI COMMUNITY-BASED SUBSISTENCE FISHING
AREA.

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

1 SECTION 1. The moku of Ko'olau, Hana, Kipahulu, Kaupo, and
2 Kahikinui are the eastern most traditional land divisions of the
3 island of Maui. These moku are renowned for their places and
4 stories that are sacred to native Hawaiians and important to the
5 people of Hawaii, and for their steadfast efforts to perpetuate
6 traditional and cultural practices.

7 The moku of Ko'olau, Hana, Kipahulu, Kaupo, and Kahikinui
8 and their offshore waters have been an important subsistence
9 fishery resource for native Hawaiians and local families who
10 live there for centuries. However, fisheries have declined
11 dramatically in the last one hundred years. The steep decline
12 in the abundance and diversity of nearshore fisheries of east
13 Maui, especially in the last thirty years, can be attributed to
14 the loss of the old Hawaiian system of konohiki fisheries,
15 overharvest, loss of access, loss of stream flow, lack of
16 responsibility, commercial fishing and export industries, use of
17 modern technology, lack of enforcement of state regulations, and



1 centralized state management that cannot take into account the
2 variations and nuances of remote fisheries.

3 In addition the beauty of the land and sea and the
4 proximity to Haleakala National Park attracts over a million
5 visitors to the area every year. As a result of this influx of
6 visitors and new residents, and improved access by land and sea,
7 indiscriminate fishing practices have increased, adversely
8 impacting traditional fisheries and thus the way of life of
9 ahupua'a inhabitants and the integrity of the intertidal and
10 coral reef ecosystems.

11 The legislature finds that a traditionally managed fishery
12 wherein the inhabitants of ahupua'a and their community
13 organizations develop and assist in the development and
14 enforcement of regulations and a plan of management that
15 incorporates traditional knowledge and active monitoring for the
16 maintenance of the nearshore fishery is needed for Ko'olau, Hana,
17 Kipahulu, Kaupo, and Kahikinui.

18 The purpose of this Act is to create and amend fishing
19 provisions that affect the communities of Ko'olau, Hana,
20 Kipahulu, Kaupo, and Kahikinui and on the island of Maui, by
21 establishing the east Maui community-based fishing area to
22 protect the fish stocks and coral reef habitats.



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

4 "§188- East Maui community-based subsistence fishing
5 area. (a) There is designated the east Maui community-based
6 subsistence fishing area on the eastern coast of Maui, which
7 shall consist of all state waters and submerged lands bounded:

8 (1) In the moku of Ko'olau, by:

9 (A) The shoreline of the moku of Ko'olau;

10 (B) A line that follows an imaginary extension of

11 Mokupupu point at Ulaino and extends seaward for
12 one mile from the shoreline;

13 (C) An irregular line one mile offshore that is
14 parallel to the contours of the shoreline; and

15 (D) A line that follows an imaginary extension of
16 Oopuola stream in the ahupua'a of Makaiwa.

17 (2) In the moku of Hana, by:

18 (A) The shoreline of the moku of Hana;

19 (B) A line that follows an imaginary extension of

20 Pua'alu'u gulch, which is the eastern boundary of
21 the Kipahulu portion of Haleakala National Park



1 that extends seaward for one mile from the
2 shoreline;
3 (C) An irregular line one mile offshore that is
4 parallel to the contours of the shoreline; and
5 (D) A line that follows an imaginary extension of
6 Mokupupu point at Ulaino that extends seaward for
7 one mile from the shoreline.

8 (3) In the moku of Kipahulu, by:

9 (A) The shoreline of the moku of Kipahulu;
10 (B) A line that follows an imaginary extension of
11 Kalepa gulch, which is the western boundary of
12 the Ka'apahu portion of Haleakala National Park
13 that extends seaward for one mile from the
14 shoreline;
15 (C) An irregular line one mile offshore that is
16 parallel to the contours of the shoreline; and
17 (D) A line that follows an imaginary extension of
18 Pua'alu'u gulch, which is the eastern boundary of
19 the Kipahulu portion of Haleakala National Park
20 that extends seaward for one mile from the
21 shoreline.

22 (4) In the moku of Kaupo, by:



- 1 (A) The shoreline of the moku of Kaupo;
- 2 (B) A line that follows the imaginary extension of
- 3 Waiopai gulch, and extends seaward for one mile
- 4 from the shoreline;
- 5 (C) An irregular line one mile offshore that is
- 6 parallel to the contours of the shoreline; and
- 7 (D) A line that follows an imaginary extension of
- 8 Kalepa gulch, which is the western boundary of
- 9 the Ka'apahu portion of Haleakala National Park,
- 10 and extends seaward for one mile from the
- 11 shoreline.

12 (5) In the moku of Kahikinui, by:

- 13 (A) The shoreline of the moku of Kahikinui;
- 14 (B) A line that follows the imaginary extension from
- 15 Kanaloa point;
- 16 (C) An irregular line one mile offshore that is
- 17 parallel to the contours of the shoreline; and
- 18 (D) A line that follows the imaginary extension of
- 19 Waiopai gulch, and extends seaward for one mile
- 20 from the shoreline.

21 (b) In addition to any other restrictions established
22 under this chapter, the following uses or activities shall be



1 regulated in the east Maui community-based subsistence fishing
2 area:

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

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

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

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

10 (5) Fishing with self-contained underwater breathing
11 apparatus and spears; and

12 (6) Any other use or activity that the department of land
13 and natural resources, in consultation with the
14 inhabitants of the moku of Ko'olau, Hana, Kipahulu,
15 Kaupo, and Kahikinui and other interested parties,
16 deems appropriate.

17 (c) The department of land and natural resources, as soon
18 as practical, shall consult with as broad a base as possible,
19 including the group of inhabitants of the moku of Ko'olau, Hana,
20 Kipahulu, Kaupo, and Kahikinui, their community groups, and
21 other interested parties to establish rules for the east Maui



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 or moku.

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 SECTION 3. New statutory material is underscored.

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

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Report Title:

East Maui Community-Based Subsistence Fishing Area

Description:

Creating the east Maui community-based subsistence fishing area to consist of the waters along the moku of Ko'olau, Hana, Kipahulu, Kaupo, and Kahikinui. Authorizes DLNR to regulate uses and activities in the east Maui community-based subsistence fishing area.

