

JAN 22 2008

A BILL FOR AN ACT

RELATING TO FISHING.

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

1 SECTION 1. The legislature finds that the community of
2 Honaunau, located north of Ho'okena in the South Kona district on
3 the island of Hawaii, and its offshore waters have traditionally
4 been an important subsistence fishery resource for native
5 Hawaiians and local families of the community. The ahupua'a of
6 Honaunau includes the northern shoreline of Puuhonua o Honaunau
7 National Historical Park, which is filled with many *wahi pana*,
8 or storied places, that are sacred to native Hawaiians and
9 important to the state.

10 The community of Ho'okena, one of the last Hawaiian fishing
11 villages to use traditional outrigger 'ōpelu fishing canoes, is
12 located 12 miles north of Miloli'i in the South Kona district on
13 the island of Hawaii. The residents of this historically
14 significant area continue to practice traditional fishing
15 methods handed down from preceding generations for subsistence
16 use.



1 The legislature further finds that the communities of
2 Honaunau and Ho'okena are dependent upon the catch of nearshore
3 fish and other marine resources for a significant portion of
4 their nutritional needs and for the preservation of their
5 fishing traditions and cultural heritage. A sharp increase in
6 the recreational use of Honaunau Bay and Ho'okena beach park,
7 together with a growing problem of indiscriminate fishing
8 practices, have adversely impacted the fragile coral reef
9 ecosystem, the ability of subsistence fishermen to access
10 traditional fishing grounds, and the number and types of fish in
11 the area. The communities of Honaunau and Ho'okena are concerned
12 about this decline and believe that if current trends continue,
13 the danger to the cultural, social, and economic well-being of
14 their communities will increase to an irrevocable level and
15 cause irreparable harm. The communities of Honaunau and
16 Ho'okena believe that the inadequacy of current regulations and
17 policies regarding the management of their traditional fishing
18 grounds is jeopardizing marine resources and the sustainability
19 of fish necessary to meet subsistence needs.

20 The legislature further finds that traditionally managed
21 fisheries in which the inhabitants of the communities of
22 Honaunau and Ho'okena respectively develop and assist in the



1 development and enforcement of culturally sensitive regulations
 2 for the maintenance of the fishery and coral reef resources are
 3 needed to preserve the traditional fishing grounds of both
 4 Honaunau and Ho'okena.

5 The purpose of this Act is to establish two community-based
 6 subsistence fishing areas to protect the fish stocks and coral
 7 reef habitats:

8 (1) The area including the shoreline and nearshore waters
 9 of the community of Honaunau; and

10 (2) The area including the shoreline and nearshore waters
 11 of the community of Ho'okena.

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

15 "§188- Honaunau and Ho'okena community-based subsistence
 16 fishing areas; restrictions; regulations. (a) There are
 17 designated:

18 (1) The Honaunau community-based subsistence fishing area,
 19 which shall consist of all state waters and submerged
 20 lands from the shoreline of the Honaunau community in
 21 South Kona on the island of Hawaii from the



1 northernmost boundary of Lae o Kanoni to the
2 southernmost boundary of Paumoa; and

3 (2) The Ho'okena community-based subsistence fishing area,
4 which shall consist of all state waters and submerged
5 lands from the shoreline of Ho'okena traditional
6 fishing grounds in South Kona on the island of Hawaii
7 from the northernmost boundary of Loa Point in the
8 ahupua'a of Kealia 1 to the southernmost boundary of
9 Lae o Kamimi in the ahupua'a of Alika.

10 The specific boundaries of each fishing area shall be
11 determined by the department of land and natural resources in
12 collaboration with the respective communities of Honaunau and
13 Ho'okena.

14 (b) In addition to the provisions of this chapter, the
15 following uses or activities shall be regulated in the Honaunau
16 and Ho'okena community-based subsistence fishing areas:

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

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



- 1 (3) The issuance of any aquarium fish permits, pursuant to
2 section 188-31;
- 3 (4) Fishing with self-contained underwater breathing
4 apparatus and spears; and
- 5 (5) Any other use or activity that the department of land
6 and natural resources, in consultation with the
7 inhabitants of the communities of Honaunau and
8 Ho'okena, respectively, and other interested parties,
9 deems appropriate.
- 10 (c) The department of land and natural resources, as soon
11 as is practicable, shall consult the broadest possible base of
12 inhabitants of the communities of Honaunau and Hookena and
13 interested parties as possible to establish rules for the
14 Honaunau and Hookena community-based subsistence fishing areas,
15 respectively, to include but not be limited to:
- 16 (1) A determination of fishing practices that are
17 customarily and traditionally exercised for purposes
18 of native Hawaiian subsistence, culture, and religion
19 in the community-based subsistence fishing areas;
- 20 (2) A management plan for each community-based subsistence
21 fishing area recognizing existing marine activities
22 permitted by the department of land and natural



1 resources and containing a description of specific
 2 activities to be conducted in the fishing area to
 3 ensure long-term sustainable populations of fish and
 4 other marine species, including evaluation and
 5 monitoring processes and methods of funding and
 6 enforcement;

7 (3) Limits on the harvest of aquatic life, as those terms
 8 are defined in section 187A-1, in the respective
 9 fishing areas; and

10 (4) Any other regulations or restrictions that the
 11 inhabitants of the communities of Honaunau and Ho'okena
 12 and interested parties may recommend.

13 (d) The department of land and natural resources shall
 14 adopt rules pursuant to chapter 91 necessary for the purpose of
 15 this section."

16 SECTION 3. New statutory material is underscored.

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

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INTRODUCED BY: *Am B/r*

Report Title:

Honaunau and Hookena Community-based Subsistence Fishing Areas

Description:

Designates the Honaunau and Hookena Community-based Subsistence Fishing Areas in the South Kona District of the island of Hawaii. Requires the Department of Land and Natural Resources to consult with the inhabitants of the respective fishing areas.

