

JAN 26 2011

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 prior to the
2 discovery of Hawaii by Captain Cook in 1779, fisheries in Hawaii
3 were abundant and resilient, capable of supporting the estimated
4 one million people in Hawaii at that time. The traditional
5 natural resource management of Hawaiians at that time employed a
6 *kapu* system to conserve fish stocks. The *kapu* system prohibited
7 the catching of certain fishes at certain times of the year,
8 including spawning periods, prohibited the catching of juvenile
9 fish, and encouraged taking only what was needed. The objective
10 of the traditional resource management system was to preserve
11 and sustain resources for the community that was dependent on
12 those resources for food.

13 The State has enacted laws prohibiting fishing in
14 geographical areas, laws with seasonal prohibitions and size
15 limits, and measures banning the sale of certain marine
16 resources, but the system seems to lack the ability to respond
17 to differing situations on different islands and changing
18 conditions.



1 In 2007, the legislature enacted Act 212, Session Laws of
2 Hawaii 2007, ". . . to create a system of best practices based
3 upon the indigenous resource management practices of moku
4 (regional) boundaries, which acknowledges the natural contours
5 of land, the specific resources located within those areas, and
6 the methodology necessary to sustain resources and the
7 community." The aha kiole advisory committee created by Act 212
8 discovered that traditional natural resources management
9 practices can be compatible with western concepts of resource
10 management. These management tools, however, need to be applied
11 with an understanding of the environmental and ecological
12 conditions affecting the natural resources. Also critical to
13 the successful application of management practices is the
14 participation and support of the community.

15 The legislature recognizes that traditional Hawaiian
16 fishing practices that are a part of traditional natural
17 resources management practices must be adapted to the local
18 environments and ecological conditions to ensure the survival of
19 the community and sustain those natural resources. Resource
20 management is site specific. The community has specific
21 knowledge of the fishery resources that exist in the environment
22 that they are living in, and of those resources that are



1 important to them. They have the knowledge and know the history
2 of what their fishery resources can yield, the patterns and
3 cycles of abundance and scarcity, and specific knowledge of the
4 environmental conditions that affect the fishery.

5 The purpose of this Act is to implement a community-based
6 fishery resource management area program for the island of
7 Lana'i.

8 SECTION 2. Chapter 188, Hawaii Revised Statutes, is
9 amended by adding a new section to be appropriately designated
10 and to read as follows:

11 "§188- Lana'i community-based fishery resource
12 management area; advisory committee; rules. (a) There is
13 designated the Lana'i community-based fishery resource management
14 area, which shall consist of all state waters and submerged
15 lands around the island of Lana'i.

16 (b) There is established the Lana'i community-based fishery
17 resource management area advisory committee, to be placed within
18 the department of land and natural resources for administrative
19 purposes, which shall consist of members who are residents
20 of the island of Lana'i and have knowledge of traditional
21 practices in the management of fishery resources. The members



1 shall be nominated and, by and with the advice and consent of
2 the senate, appointed by the governor as provided in section 26-
3 34.

4 The committee shall select a chairperson from among its
5 members. The majority of members of the committee shall
6 constitute a quorum and the concurrence of the majority of the
7 members shall be required for any action of the committee. The
8 members of the committee shall receive no compensation but shall
9 be reimbursed for necessary expenses, including travel expenses,
10 incurred in the performance of their duties. The department of
11 land and natural resources shall provide administrative support
12 for the committee.

13 (c) The Lana'i community-based fishery resource management
14 area advisory committee shall incorporate traditional Hawaiian
15 caretaker (konohiki) practices to develop a community-based
16 fishery resource management area program for the island of Lana'i
17 to implement traditional fishery management practices for the
18 regulation of fishing and gathering to promote the sustainable
19 use of marine resources. The committee shall:

20 (1) Develop and implement a plan that provides for a
21 management framework for fishery resources that allows
22 the timely adoption of rules initiated by the



1 committee based on guidelines recommended by the
2 community and the best available data and
3 environmental information;

4 (2) Establish a community-based fishery resource
5 management area system that:

6 (A) Identifies species that are important to the
7 community;

8 (B) Develops an understanding of the behavior,
9 biology, and life cycles of species through
10 direct monitoring of the stock by the community;
11 and

12 (C) Considers traditional resource management
13 practices, such as consideration of the periodic
14 cycles of the Hawaiian moon calendar, closures or
15 kapu during spawning of species, size
16 restrictions, and conservation principles to
17 protect immature and breeding stock from
18 overharvest;

19 (3) Conduct community forums to promote among residents
20 and nonresidents acceptance of the basic elements of
21 fishery management that have been adapted for the
22 island of Lana'i to instill a conservation ethic,



1 develop community and resource management support and
2 monitoring, and to conserve resources for future
3 generations;

4 (4) Implement educational programs in schools, the
5 department of land and natural resources, in
6 publications, and in community organizations regarding
7 fishing practices that promote care for and nurturing
8 of marine resources; and

9 (5) Promote the enforcement of fishing and gathering of
10 marine resources according to the community-based
11 fishery resource management area program through the
12 use of volunteers and community-based resource
13 managers.

14 (d) The committee shall propose rules to the department of
15 land and natural resources to implement the community-based
16 fishery resource management area program established pursuant to
17 subsection (c). The department shall adopt the rules proposed
18 by the committee pursuant to chapter 91, provided that the
19 public hearing shall be held on the island of Lana'i."

20 SECTION 3. There is appropriated out of the general
21 revenues of the State of Hawaii the sum of \$ or so much
22 thereof as may be necessary for the fiscal year 2011-2012 to



1 establish a community-based fishery resource management area
2 program.

3 The sum appropriated shall be expended by the department of
4 land and natural resources for the purposes of this Act.

5 SECTION 4. This Act shall take effect on July 1, 2011.

6

INTRODUCED BY: 



Report Title:

Lana'i; Fisheries; Resource Management; Appropriation

Description:

Designates the Lana'i community-based fishery resource management area. Establishes the Lana'i community-based fishery resource management area advisory committee to develop a community-based fishery resource management area program to implement traditional fishery management practices on the island of Lana'i.

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