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# 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 Captain  
2 Cook's first visit to Hawaii in 1778, fisheries in Hawaii were  
3 abundant and resilient, capable of supporting the estimated  
4 population in Hawaii of one hundred ten thousand to four hundred  
5 thousand at that time. The traditional natural resource  
6 management of Hawaiians at that time employed a kapu system to  
7 conserve fish stocks. The kapu system prohibited the catching  
8 of certain fishes at certain times of the year, including  
9 spawning periods, prohibited the catching of juvenile fish, and  
10 encouraged taking only what was needed. The objective of the  
11 traditional resource management system was to preserve and  
12 sustain resources for the community that was dependent on those  
13 resources for food.

14           The State has enacted laws prohibiting fishing in  
15 geographical areas, laws with seasonal prohibitions and size  
16 limits, and measures banning the sale of certain marine  
17 resources, but the system seems to lack the ability to respond



1 to differing situations on different islands and changing  
2 conditions.

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

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



1 knowledge of the fishery resources that exist in the environment  
2 that they are living in, and of those resources that are  
3 important to them. They have the knowledge and know the history  
4 of what their fishery resources can yield, the patterns and  
5 cycles of abundance and scarcity, and specific knowledge of the  
6 environmental conditions that affect the fishery.

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

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

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

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



1 of the island of Lana'i and have knowledge of traditional  
2 practices in the management of fishery resources. The members  
3 shall be nominated and, by and with the advice and consent of  
4 the senate, appointed by the governor as provided in section  
5 26-34.

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

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



- 1        (1) Develop and implement a plan that provides for a  
2        management framework for fishery resources that allows  
3        the timely adoption of rules initiated by the  
4        committee based on guidelines recommended by the  
5        community and the best available data and  
6        environmental information;
- 7        (2) Establish a community-based fishery resource  
8        management area system that:
- 9        (A) Identifies species that are important to the  
10       community;
- 11       (B) Develops an understanding of the behavior,  
12       biology, and life cycles of species through  
13       direct monitoring of the stock by the community;  
14       and
- 15       (C) Considers traditional resource management  
16       practices, such as consideration of the periodic  
17       cycles of the Hawaiian moon calendar, closures or  
18       kapu during spawning of species, size  
19       restrictions, and conservation principles to  
20       protect immature and breeding stock from  
21       overharvest;



1       (3) Conduct community forums to promote among residents  
2       and nonresidents acceptance of the basic elements of  
3       fishery management that have been adapted for the  
4       island of Lana'i to instill a conservation ethic,  
5       develop community and resource management support and  
6       monitoring, and to conserve resources for future  
7       generations;

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

13       (5) Promote the enforcement of fishing and gathering of  
14       marine resources according to the community-based  
15       fishery resource management area program through the  
16       use of volunteers and community-based resource  
17       managers.

18       (d) The committee shall propose rules to the department of  
19       land and natural resources to implement the community-based  
20       fishery resource management area program established pursuant to  
21       subsection (c). The department shall adopt the rules proposed



1 by the committee pursuant to chapter 91, provided that the  
2 public hearing shall be held on the island of Lana'i."

3 SECTION 3. Funding to establish and maintain the Lana'i  
4 community-based fishery resource management area program shall  
5 be provided solely by private funding sources rather than state  
6 financial resources.

7 The department of land and natural resources shall provide  
8 management oversight for the establishment and maintenance of  
9 the Lana'i community-based fishery resource management area.

10 SECTION 4. New statutory material is underscored.

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

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**Report Title:**

Lanai; Fisheries; Resource Management; Funding

**Description:**

Designates the Lanai community-based fishery resource management area. Establishes the Lanai 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 Lanai.  
(SD1)

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