
A BILL FOR AN ACT

RELATING TO DESIGNATION OF A COMMUNITY-BASED SUBSISTENCE FISHING AREA.

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

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

4 "§188- Niihau community-based subsistence fishing area;
5 restrictions; regulations. (a) There is designated the Niihau
6 community-based subsistence fishing area on the coast of Niihau,
7 which shall consist of all state waters and submerged lands
8 bounded by:

9 (1) The shoreline of the island of Niihau; and

10 (2) An irregular line one mile offshore that is parallel
11 to the contours of the shoreline.

12 (b) In addition to the provisions of this chapter, the
13 following uses or activities shall be regulated in the Niihau
14 community-based subsistence fishing area:

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



- 1 (2) The issuance of any commercial marine license, as
- 2 defined in section 187A-1;
- 3 (3) The issuance of any aquarium fish permits, pursuant to
- 4 section 188-31;
- 5 (4) Fishing with the use of gill nets;
- 6 (5) Fishing with self-contained underwater breathing
- 7 apparatus and spears; and
- 8 (6) Any other use or activity that the department, in
- 9 consultation with the inhabitants of Niihau and other
- 10 interested parties, deems appropriate.
- 11 (c) The department, as soon as practical, shall consult
- 12 with as broad a base as possible of inhabitants of the island of
- 13 Niihau and other interested parties to establish rules for the
- 14 Niihau community-based subsistence fishing area, to include:
- 15 (1) A determination of fishing practices that are
- 16 customarily and traditionally exercised for purposes
- 17 of native Hawaiian subsistence, culture, and religion
- 18 in the fishing area;
- 19 (2) A management plan recognizing existing marine
- 20 activities permitted by the department and containing
- 21 a description of specific activities to be conducted
- 22 in the fishing area, including evaluation and



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1 monitoring processes and methods of funding and
2 enforcement;
3 (3) Limits on the harvest of aquatic life, as those terms
4 are defined in section 187A-1, in the fishing area;
5 and
6 (4) The establishment of no harvesting zones within the
7 fishing area without depriving native Hawaiians of
8 access to traditional sources of subsistence.
9 (d) The department shall adopt rules pursuant to chapter
10 91 necessary for the purpose of this section."

11 SECTION 2. New statutory material is underscored.

12 SECTION 3. This Act shall take effect upon its approval.

13

INTRODUCED BY: Cindy Evans
Kay Hanohu

JAN 14 2014



Report Title:

Niihau; Community-Based Subsistence Fishing Area

Description:

Establishes the Niihau community-based subsistence fishing area to restrict fishing in the waters off Niihau.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

