
A BILL FOR AN ACT

RELATING TO MARINE LIFE CONSERVATION DISTRICT.

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

1 SECTION 1. The legislature finds that Hawaii's fisheries
2 have historically provided a critical source of physical,
3 cultural, and spiritual sustenance for the inhabitants of the
4 Hawaiian islands. The legislature finds that these fisheries
5 were sustainably harvested for centuries, prior to Western
6 contact, through traditional Hawaiian management strategies of
7 strict, place-based kapu and community-based stewardship of the
8 ocean and its resources. The legislature notes that the success
9 of these traditional management strategies is reflected in
10 historical literature, describing Hawaii's flourishing fisheries
11 and abundant nearshore resources at the time of Captain Cook's
12 arrival.

13 The legislature further finds that the relatively recent
14 application of Western economic and environmental philosophies,
15 including the commercialization of fishery stocks and the
16 disruption of ecological cycles through land development, stream
17 diversions, pollution, overfishing, and irresponsible fishing
18 practices, has contributed to a substantial and ongoing decline



1 in the health of our nearshore ocean environment. Regrettably,
2 an impaired nearshore habitat, an ever-growing population, and a
3 lack of responsive fishing regulations have now resulted in
4 overharvested fisheries throughout most of the State.

5 The legislature finds that notwithstanding the dramatic
6 changes to Hawaii's social, economic, political, and resource
7 management philosophies, cultural kīpuka continue to exist
8 within Hawaii's relatively isolated rural areas where
9 communities maintain traditional lifestyles, values, and a
10 reliance on nearshore fisheries and other natural resources.
11 The island of Ni'ihau is one such kīpuka. Known as the "last
12 Hawaiian island" where 'ōlelo Hawai'i is still spoken as a
13 primary language, Ni'ihau serves as an invaluable source of
14 mo'olelo and traditional knowledge, and its residents have played
15 key roles in revitalizing and nurturing the modern Hawaiian
16 language movement. The traditional lifestyle and aloha 'āina
17 values of Ni'ihau residents have also enabled them to rely on
18 nearshore fisheries that continue to flourish with historical
19 abundance.

20 Unfortunately, over the last decade, the success of the
21 Ni'ihau community in perpetuating the health of their critical



1 fishery resources has led to increasing fishing pressure by
2 those from other islands. Visitors from outside the Ni'ihau
3 community are capable of traveling great distances in the
4 pursuit of fish, and seek to exploit the abundant resources of
5 Ni'ihau for commercial or other purposes. Ni'ihau residents have
6 expressed ongoing and deepening concerns over the increasing
7 impact of outside fishing interests and report declines in the
8 abundance and accessibility of resources sustainably harvested
9 and relied upon by Ni'ihau residents for generations. The
10 legislature finds that the unabated and growing disregard of the
11 subsistence needs and traditional resource management practices
12 of Ni'ihau's residents, in spite of ten years of informal
13 requests for restraint, now calls for strong and decisive
14 legislative action.

15 Accordingly, the purpose of this Act is to provide greater
16 protection for Hawaii's least populated islands, such as Ni'ihau,
17 whose communities currently, or in the future, may depend upon
18 healthy and carefully managed nearshore fisheries for their
19 subsistence and cultural needs. This Act will better ensure the
20 perpetuation of these islands' fisheries as well as the
21 lifestyles and cultural practices that depend upon them by
22 empowering their residents to directly regulate the harvesting



1 of their islands' nearshore fishery resources, while limiting
 2 threats to the abundance and accessibility of such resources.
 3 In addition, given fish-tagging programs and life history
 4 studies demonstrating the interisland dispersal of various
 5 nearshore fish species, this Act's protection of healthy and
 6 robust fisheries around Ni'ihau and any similarly situated
 7 islands in the future will likely supplement and enhance the
 8 fisheries of other islands throughout the State.

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

12 "§188- Critical subsistence fisheries. (a) Except as
 13 provided in subsection (b), on any island within the
 14 jurisdiction of the State with a total population of less than
 15 five hundred individuals, according to the latest United States
 16 Census data collected:

17 (1) No person shall take, attempt to take, or possess
 18 aquatic life in state marine waters, as defined in
 19 this chapter, within two miles of the shoreline of the
 20 island;



1 (2) No person shall engage in fish feeding in state marine
2 waters, as defined in this chapter, within two miles
3 of the shoreline of the island; and

4 (3) No person shall operate a tour boat, vessel, or jet
5 ski, or ride a surfboard, kayak, zodiac, or other
6 pleasure or recreational craft.

7 (b) The prohibitions in subsection (a) shall not apply to
8 individuals currently domiciled on an island described in
9 subsection (a), or to individuals who are accompanied by an
10 individual who is currently domiciled on the island.

11 (c) The department of land and natural resources may adopt
12 administrative rules pursuant to chapter 91 to implement this
13 section."

14 SECTION 3. New statutory material is underscored.

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

16



Report Title:

Aquatic Life; Marine Waters; Shoreline

Description:

Prohibits the taking or possessing of aquatic life or fish feeding, and the operation of certain vessels and crafts, in marine waters within two miles of the shoreline of an island with a population of less than five hundred individuals, except by an individual domiciled on the island or accompanied by such an individual. (SD1)

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