
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.

10 This situation has prompted the legislature to reassess how
11 its marine resources are being managed and used and to look to
12 native Hawaiian practices as a means to equitably share these
13 resources among Hawaii's citizens.

14 The purpose of this Act is to:

- 15 (1) Convene a task force to assist the department of land
16 and natural resources in developing rules to establish
17 a marine life conservation district to ensure greater
18 protection of the State's ocean resources; and
- 19 (2) Prohibit the department of land and natural resources
20 from implementing any rules under title 12, Hawaii
21 Revised Statutes, relating to fishing, gathering, or
22 ocean resources, within the coastal areas and



1 nearshore waters of the island of Niihau prior to the
2 task force's submittal of its final report.

3 SECTION 2. (a) The chairperson of the board of land and
4 natural resources shall convene a task force to assist the
5 department of land and natural resources in developing rules to
6 establish a marine life conservation district to ensure greater
7 protection of the State's ocean resources.

8 (b) The task force shall comprise:

9 (1) Two members appointed by the governor;

10 (2) Two members appointed by the president of the senate;

11 (3) Two members appointed by the speaker of the house of
12 representatives; and

13 (4) One member to be selected by the members appointed
14 pursuant to paragraphs (1), (2), and (3), from a list
15 of three candidates provided by the office of Hawaiian
16 affairs.

17 (c) The members of the task force shall elect a
18 chairperson from among its membership. Members of the task
19 force shall receive no compensation for their service on the
20 task force, but shall be reimbursed for reasonable expenses,
21 including travel expenses, incurred as a consequence of serving
22 on the task force.



1 (d) In performing its duties pursuant to this section, the
2 task force shall:

3 (1) Consult with persons who have expertise in host
4 culture konohiki practices;

5 (2) Examine empirical and scientific data compiled by
6 credible academic and scientific sources; and

7 (3) Conduct public outreach meetings on each island of the
8 State in consultation with the chairperson of the aha
9 moku advisory committee, to assist the department of
10 land and natural resources in developing rules to
11 ensure greater protection of the State's ocean
12 resources.

13 (e) The task force shall report its findings and
14 recommendations, including any proposed legislation, to the
15 legislature no later than twenty days prior to the convening of
16 the regular sessions of 2015, 2016, and 2017.

17 (f) The task force shall cease to exist on June 30, 2017.

18 SECTION 3. The department of land and natural resources
19 shall not adopt any rules under title 12, Hawaii Revised
20 Statutes, relating to fishing, gathering, or ocean resources,
21 within the coastal areas and nearshore waters of the island of



1 Niihau prior to the task force's submittal of its final report
2 pursuant to section 2 of this Act.

3 SECTION 4. This Act shall take effect on July 1, 2050.



Report Title:

DLNR; Marine Life Conservation District; Task Force; Niihau

Description:

Requires DLNR to convene a task force to assist DLNR in developing rules to establish a marine life conservation district to ensure greater protection of the State's ocean resources. Prohibits DLNR from adopting any rules under title 12, HRS, relating to fishing, gathering, or ocean resources, within the coastal areas and nearshore waters of the island of Niihau prior to the task force's submittal of its final report. Effective 7/1/2050. (SD2)

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