

STAND. COM. REP. NO. 2301

Honolulu, Hawaii

FEB 12 2014

RE: S.B. No. 2125
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Madam:

Your Committees on Water and Land and Hawaiian Affairs, to which was referred S.B. No. 2125 entitled:

"A BILL FOR AN ACT RELATING TO MARINE LIFE CONSERVATION DISTRICT,"

beg leave to report as follows:

The purpose and intent of this measure is to prohibit a person from taking, attempting to take, or possessing aquatic life in state marine waters, within two miles of the shoreline of an island with a total population between one hundred and five hundred individuals, and to prohibit a person from engaging in fish feeding in state marine waters, within two miles of the shoreline of the island.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources; Aha Moku Advisory Committee; Association of Hawaiian Civic Clubs; Hawaii Fishermen's Alliance for Conservation and Tradition, Inc.; and sixty-four individuals. Your Committees received testimony in opposition to this measure from five individuals. Your Committees received comments from the Office of Hawaiian Affairs and two individuals. Your Committees wish to note for the record the presence at the hearing on this measure of approximately twenty-five Ni'ihau residents who testified in Hawaiian and English in support and sang a Hawaiian chant.

Your Committees find that Hawaii's fisheries have historically provided a critical source of physical, cultural, and

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spiritual sustenance for the inhabitants of the Hawaiian islands. Prior to Western contact, these fisheries were sustainably harvested for centuries through traditional Hawaiian management strategies of strict, place-based kapu and community-based stewardship of the ocean and its resources.

The relatively recent application of Western economic and environmental philosophies, including the commercialization of fishery stocks and the disruption of ecological cycles through land development, stream diversions, pollution, overfishing, and irresponsible fishing practices, has contributed to a substantial and ongoing decline in the health of our nearshore ocean environment. However, cultural kīpuka continue to exist within Hawaii's relatively isolated rural areas where communities maintain traditional lifestyles, values, and a reliance on nearshore fisheries and other natural resources. The island of Ni'ihau is one such kīpuka. However, visitors from outside the Ni'ihau community are capable of traveling great distances in the pursuit of fish and seek to exploit the abundant resources of Ni'ihau for commercial or other purposes.

Your Committees find that Ni'ihau residents practice traditional Native Hawaiian fishing using throw nets and spears in contrast to modern fishing practices using high speed motor boats, scuba gear, and global positioning systems. Ni'ihau is perhaps the last bastion in the State of native Hawaiian fishing practices. Your Committees believe that it is important to preserve and perpetuate Native Hawaiian cultural practices that go back for hundreds of years and many generations.

Your Committees find that the people of Ni'ihau are in many ways the victim of modernization. They do not seek this measure for their own advantage. The people of Ni'ihau are not engaged in commercial fishing ventures and do not seek their own economic gain through this measure. They do seek to preserve their way of life, including subsistence fishing. Your Committees further find that the fish stocks around Ni'ihau are dwindling, which threatens the food supply for people who practice subsistence fishing. This measure is pivotal to preserving and perpetuating fish stocks and more than one thousand years of old Ni'ihau seashore culture.

Your Committees have amended this measure by:



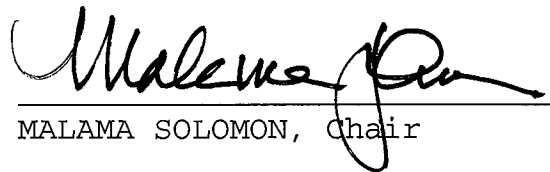
- (1) Applying the prohibitions under this measure to any island with a total population of less than five hundred individuals; and
- (2) Inserting language to additionally prohibit any person, except an individual currently domiciled on the island or accompanied by an individual currently domiciled on the island, from operating a tour boat, vessel, or jet ski, or riding a surfboard, kayak, zodiac, or other pleasure or recreational craft on the island.

As affirmed by the records of votes of the members of your Committees on Water and Land and Hawaiian Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2125, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2125, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committees on Water and Land
and Hawaiian Affairs,



MAILE S.L. SHIMABUKURO, Chair




MALAMA SOLOMON, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:* SB2125	Committee Referral: WTL/HWN, WAM	Date: 2/3/2014		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
SOLOMON, Malama (C)	✓			
GALUTERIA, Brickwood (VC)	✓			
DELA CRUZ, Donovan M.	✓			
IHARA, Jr., Les	✓			
RUDERMAN, Russell E.	✓			
SHIMABUKURO, Maile S.L.				✓
TANIGUCHI, Brian				✓
THIELEN, Laura H.				✓
SLOM, Sam				✓
TOTAL	5			4
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

