
A BILL FOR AN ACT

RELATING TO COMMUNITY-BASED SUBSISTENCE FISHING AREAS.

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

1 SECTION 1: The legislature finds that it has been more
2 than two decades since the department of land and natural
3 resources was given the statutory authority under Act 271,
4 Session Laws of Hawaii 1994, to establish community-based
5 subsistence fishing areas by rule. Since that time, the
6 department has adopted rules for only one such area, Ha'ena
7 community-based subsistence fishing area, and only after being
8 specifically required to do so pursuant to Act 241, Session Laws
9 of Hawaii 2006. The department did not adopt rules for the
10 Ha'ena community-based subsistence fishing area until ten years
11 after its establishment by the legislature.

12 The legislature finds that the statutory process for
13 designation of and rulemaking for community-based subsistence
14 fishing areas provides a unique opportunity for local
15 communities to participate in the management of natural
16 resources for the benefit of the local community, the State, and
17 the environment as a whole. This process, created under Act 241



1 and codified as section 188-22.6, Hawaii Revised Statutes,
 2 relies on collaboration between the department and grassroots
 3 community organizations to designate and develop resource
 4 management policies for special fisheries management areas.
 5 Both the process for area designation and the rules for resource
 6 management are designed to reaffirm and protect fishing
 7 practices customarily and traditionally exercised for purposes
 8 of native Hawaiian subsistence and culture.

9 The legislature finds that ten years is too long to wait
 10 for the next community-based subsistence fishing area. The
 11 purpose of this Act is to require the department of land and
 12 natural resources to designate and adopt rules for five
 13 additional community-based subsistence fishing areas in the
 14 State by the end of 2020.

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

18 "§188- Designation of new community-based subsistence
 19 fishing areas required; time limits. (a) No later than
 20 December 31, 2020, the department shall designate at least five
 21 community-based subsistence fishing areas throughout the State



1 pursuant to section 188-22.6 and adopt rules pursuant to chapter
2 91.

3 (b) As soon as practical, but in no case later than
4 December 31, 2017, the department shall publish a request or
5 series of requests for proposals for designation and management
6 of community-based subsistence fishing areas. The department
7 shall accept for consideration all proposals that meet the
8 minimum criteria established in this section. Proposals shall
9 include:

10 (1) The name of the organization or group submitting the
11 proposal;

12 (2) The charter of the organization or group;

13 (3) A list of the members of the organization or group;

14 (4) A description of the location and boundaries of the
15 marine waters and submerged lands proposed for
16 designation;

17 (5) Justification for the proposed designation including
18 the extent to which the proposed activities in the
19 fishing area may interfere with the use of the marine
20 waters for navigation, fishing, and public recreation;

21 and



1 (6) A management plan containing a description of the
2 specific activities to be conducted in the fishing
3 area, evaluation and monitoring processes, methods of
4 funding and enforcement, and other information
5 necessary to advance the proposal.

6 Proposals shall meet community-based subsistence needs and
7 judicious fishery conservation and management practices.

8 (c) The department, as soon as practical, but no later
9 than December 31, 2018, shall institute a process of
10 consultation with the groups or organizations that submitted
11 proposals considered under subsection (b), in addition to a
12 broad base of residents, community groups, native Hawaiian
13 cultural practitioners, inhabitants of the ahupua'a potentially
14 affected by designations proposed under subsection (b), and
15 other interested parties to designate no fewer than five
16 community-based subsistence fishing areas and to establish rules
17 for each designated area. For each area proposed for
18 designation, the department shall determine the fishing and
19 harvesting or gathering practices that are customarily and
20 traditionally exercised for purposes of native Hawaiian
21 subsistence and culture in the proposed fishing areas.



1 (d) As soon as practical, but in no case later than
 2 December 31, 2020, the department shall adopt rules pursuant to
 3 chapter 91 to designate no fewer than five community-based
 4 subsistence fishing areas and support the management of each
 5 designated area. Rules for each designated area shall include
 6 but not be limited to:

7 (1) Limits on the taking of aquatic life, as defined in
 8 section 187A-1;

9 (2) Limits on other activities that may disturb, degrade,
 10 or alter the marine environment or may directly
 11 interfere with harvesting or gathering practices or
 12 subsistence resources, including but not limited to
 13 boating and other non-extractive activities;

14 (3) The establishment of no harvesting, no fishing, or
 15 other limited use zones within the area, if
 16 appropriate; provided that limited use zones shall not
 17 deprive ahupua'a inhabitants of access to traditional
 18 sources of subsistence; and

19 (4) A process for the expansion of the fishing area to
 20 include other ahupua'a, if appropriate.



1 (e) The department shall submit an annual report to the
2 legislature of the department's progress in complying with this
3 section as well as any recommendations and proposed legislation
4 no later than twenty days prior to the start of each regular
5 session, beginning with the regular session of 2017."

6 SECTION 3. New statutory material is underscored.

7 SECTION 4. This Act shall take effect on December 24,
8 2088.



Report Title:

Community-Based Subsistence Fishing Areas; DLNR; Rules

Description:

Requires the Department of Land and Natural Resources to designate and adopt rules for the management of no fewer than five community-based subsistence fishing areas by December 31, 2020. Establishes designation process and rule requirements. (HB2023 HD1)

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

