
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 a community's needs
2 and practices change over time. To remain relevant and
3 beneficial to a community, community-based supports, such as
4 community-based subsistence fishing areas, must adapt
5 accordingly. Rather than change in response to a community's
6 needs, however, community-based subsistence fishing area
7 designations are permanent. Therefore, the purpose of this Act
8 is to establish a time limitation upon community-based
9 subsistence fishing area designations to ensure community-based
10 subsistence fishing areas reflect the needs of Hawaii's
11 communities.

12 SECTION 2. Section 188-22.6, Hawaii Revised Statutes, is
13 amended by amending subsection (a) to read as follows:

14 "(a) The department of land and natural resources may
15 designate community-based subsistence fishing areas and,
16 pursuant to administrative rules adopted under chapter 91, carry
17 out fishery management strategies for ~~[such]~~ the areas ~~[, through~~



1 ~~administrative rules adopted pursuant to chapter 91,~~] for the
2 purpose of reaffirming and protecting fishing practices
3 customarily and traditionally exercised for purposes of native
4 Hawaiian subsistence, culture, and religion[-]; provided that:

5 (1) Each designation shall remain valid for not more
6 than _____ years;

7 (2) Each designation in the year prior to its expiration
8 may be considered for an extension of _____ years,
9 unless the designation has been established by statute
10 prior to its expiration; and

11 (3) If a designation is established by statute, the
12 designation shall remain valid for not more
13 than _____ years."

14 SECTION 3. Section 188-22.9, Hawaii Revised Statutes, is
15 repealed.

16 ~~["~~§188-22.9~~ Ha'ena community-based subsistence fishing~~
17 ~~area; restrictions; regulations.~~ (a) ~~There is designated the~~
18 ~~Ha'ena community based subsistence fishing area on the~~
19 ~~northwestern coast of Kauai, which shall consist of all state~~
20 ~~waters and submerged lands bounded by:~~

21 ~~(1) The shoreline of the Ha'ena district;~~



1 ~~(2) A line that follows an imaginary extension of the~~
2 ~~boundary between Hae'na state park and Na Pali state~~
3 ~~park that extends seaward for one mile from the~~
4 ~~shoreline;~~

5 ~~(3) An irregular line one mile offshore that is parallel~~
6 ~~to the contours of the shoreline; and~~

7 ~~(4) A line that follows an imaginary extension of the~~
8 ~~boundary between Hae'na and Wainiha, as specified in~~
9 ~~the tax map of the county of Kauai, that extends~~
10 ~~seaward for one mile from the shoreline.~~

11 ~~(b) In addition to the provisions of this chapter, the~~
12 ~~following uses or activities shall be regulated in the Ha'ena~~
13 ~~community based subsistence fishing area:~~

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

16 ~~(2) The issuance of any commercial marine license, as~~
17 ~~defined in section 187A 1;~~

18 ~~(3) The issuance of any aquarium fish permits, pursuant to~~
19 ~~section 188 31;~~

20 ~~(4) Fishing with the use of gill nets;~~



1 ~~(5) Fishing with self-contained underwater breathing~~
2 ~~apparatus and spears, and~~

3 ~~(6) Any other use or activity that the department of land~~
4 ~~and natural resources, in consultation with the~~
5 ~~inhabitants of the ahupua'a of Ha'ena and other~~
6 ~~interested parties, deems appropriate.~~

7 ~~(c) The department of land and natural resources, as soon~~
8 ~~as practical, shall consult with as broad a base as possible,~~
9 ~~group of inhabitants of the ahupua'a of Ha'ena and other~~
10 ~~interested parties to establish rules for the Ha'ena community-~~
11 ~~based subsistence fishing area, to include but not be limited~~
12 ~~to:~~

13 ~~(1) A determination of fishing practices that are~~
14 ~~customarily and traditionally exercised for purposes~~
15 ~~of native Hawaiian subsistence, culture, and religion~~
16 ~~in the fishing area;~~

17 ~~(2) A management plan recognizing existing marine~~
18 ~~activities permitted by the department of land and~~
19 ~~natural resources and containing a description of~~
20 ~~specific activities to be conducted in the fishing~~



- 1 ~~area, including evaluation and monitoring processes~~
- 2 ~~and methods of funding and 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 ~~(4) The establishment of no harvesting zones within the~~
- 6 ~~fishing area without depriving ahupua'a inhabitants of~~
- 7 ~~access to traditional sources of subsistence; and~~
- 8 ~~(5) A process for the expansion of the fishing area to~~
- 9 ~~include other ahupua'a.~~

10 ~~The department of land and natural resources shall adopt~~
 11 ~~rules pursuant to chapter 91 necessary for the purpose of this~~
 12 ~~section."~~]

13 SECTION 4. The department of land and natural resources
 14 shall submit a report to the legislature, the board of land and
 15 natural resources, and community-based subsistence fishing area
 16 stakeholders, on the status and progress of all community-based
 17 subsistence fishing areas no later than twenty days prior to the
 18 convening of the regular session of 2024, and every five years
 19 thereafter.

20 SECTION 5. Statutory material to be repealed is bracketed
 21 and stricken. New statutory material is underscored.



1 SECTION 6. This Act shall take effect on July 1, 2050.



Report Title:

Community-Based Subsistence Fishing Areas; Designations;
Department of Land and Natural Resources

Description:

Establishes a time limitation for community-based subsistence fishing area designations; provided that the Department of Land and Natural Resources may consider extending a designation in the year prior to the designation's expiration unless the designation is made through statute before its expiration. Establishes that designations made by statute shall remain valid for not more than _____ years. Requires the Department of Land and Natural Resources to submit a status report to the Legislature, Board of Land and Natural Resources, and community-based subsistence fishing area stakeholders every five years. Repeals section 188-22.9, Hawaii Revised Statutes, establishing the Haena community-based subsistence fishing area. Effective 7/1/2050. (SD1)

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

