

ACT 271

H.B. NO. 3446

A Bill for an Act Relating to Subsistence Fishing.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 188, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§188- Designation of community based subsistence fishing area.

(a) The department of land and natural resources may designate community based subsistence fishing areas and carry out fishery management strategies for such areas, through administrative rules adopted pursuant to chapter 91, for the purpose of reaffirming and protecting fishing practices customarily and traditionally exercised for purposes of native Hawaiian subsistence, culture, and religion.

(b) Proposals may be submitted to the department of land and natural resources for the department’s consideration. The proposal shall include:

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

- (2) The charter of the organization or group;
- (3) A list of the members of the organization or group;
- (4) A description of the location and boundaries of the marine waters and submerged lands proposed for designation;
- (5) Justification for the proposed designation including the extent to which the proposed activities in the fishing area may interfere with the use of the marine waters for navigation, fishing, and public recreation; and
- (6) A management plan containing a description of the specific activities to be conducted in the fishing area, evaluation and monitoring processes, methods of funding and enforcement, and other information necessary to advance the proposal.

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

(c) For the purposes of this section:

- (1) "Native Hawaiian" means any descendant of the races inhabiting the Hawaiian islands prior to 1778; and
- (2) "Subsistence" means the customary and traditional native Hawaiian uses of renewable ocean resources for direct personal or family consumption or sharing.

SECTION 2. The department shall establish a subsistence fishing pilot demonstration project for the fisheries adjacent to the coastline between Nihoa Flats on the east to Ilio Point on the west on the island of Molokai. The department of land and natural resources shall adopt rules pursuant to chapter 91 to delineate the offshore boundaries of the project area. In implementing this project, the department:

- (1) Shall protect and allow the continuation of all existing commercial fishing activities in the project area;
- (2) May allow non-native Hawaiians to continue existing recreational fishing activities;
- (3) Shall adopt rules pursuant to chapter 91 to implement the purpose and intent of this project by June 30, 1995; and
- (4) Shall file a status report on this pilot project no later than twenty days prior to the convening of the Regular Session of 1997.

SECTION 3. The pilot project shall cease to function on July 1, 1997.

SECTION 4. New statutory material is underscored.¹

SECTION 5. This Act shall take effect upon its approval; provided that the pilot project shall not take effect until the department of land and natural resources adopts rules for the pilot project.

(Approved July 1, 1994.)

Note

1. Edited pursuant to HRS §23G-16.5.