HOUSE OF REPRESENTATIVES TWENTY-FOURTH LEGISLATURE, 2008 STATE OF HAWAII

H.B. NO. 3435

A BILL FOR AN ACT

RELATING TO THE EAST MAUI COMMUNITY-BASED SUBSISTENCE FISHING AREA.

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

SECTION 1. The moku of Koʻolau, Hana, Kipahulu, Kaupo, and
Kahikinui are the eastern most traditional land divisions of the
island of Maui. These moku are renowned for their places and
stories that are sacred to native Hawaiians and important to the
people of Hawaii, and for their steadfast efforts to perpetuate
traditional and cultural practices.

7 The moku of Koʻolau, Hana, Kipahulu, Kaupo, and Kahikinui and their offshore waters have been an important subsistence 8 9 fishery resource for native Hawaiians and local families who live there for centuries. However, fisheries have declined 10 11 dramatically in the last one hundred years. The steep decline 12 in the abundance and diversity of nearshore fisheries of east 13 Maui, especially in the last thirty years, can be attributed to 14 the loss of the old Hawaiian system of konohiki fisheries, 15 overharvest, loss of access, loss of stream flow, lack of 16 responsibility, commercial fishing and export industries, use of 17 modern technology, lack of enforcement of state regulations, and 2008-0760 HB SMA-2.doc

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centralized state management that cannot take into account the
variations and nuances of remote fisheries.

3 In addition the beauty of the land and sea and the 4 proximity to Haleakala National Park attracts over a million 5 visitors to the area every year. As a result of this influx of 6 visitors and new residents, and improved access by land and sea, 7 indiscriminate fishing practices have increased, adversely 8 impacting traditional fisheries and thus the way of life of 9 ahupua'a inhabitants and the integrity of the intertidal and 10 coral reef ecosystems.

11 The legislature finds that a traditionally managed fishery 12 wherein the inhabitants of ahupua'a and their community 13 organizations develop and assist in the development and 14 enforcement of regulations and a plan of management that 15 incorporates traditional knowledge and active monitoring for the 16 maintenance of the nearshore fishery is needed for Ko'olau, Hana, 17 Kipahulu, Kaupo, and Kahikinui.

18 The purpose of this Act is to create and amend fishing 19 provisions that affect the communities of Koʻolau, Hana, 20 Kipahulu, Kaupo, and Kahikinui and on the island of Maui, by 21 establishing the east Maui community-based fishing area to 22 protect the fish stocks and coral reef habitats.



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1	SECTION 2	. Chapter 188, Hawaii Revised Statutes, is
2	amended by add	ing a new section to part II to be appropriately
3	designated and	to read as follows:
4	" <u>§188-</u>	East Maui community-based subsistence fishing
5	area. (a) Th	ere is designated the east Maui community-based
6	subsistence fi	shing area on the eastern coast of Maui, which
7	shall consist	of all state waters and submerged lands bounded:
8	<u>(1)</u> In t	he moku of Koʻolau, by:
9	(A)	The shoreline of the moku of Koʻolau;
10	<u>(B)</u>	A line that follows an imaginary extension of
11		Mokupupu point at Ulaino and extends seaward for
12		one mile from the shoreline;
13	(C)	An irregular line one mile offshore that is
14		parallel to the contours of the shoreline; and
15	(D)	A line that follows an imaginary extension of
16		Oopuola stream in the ahupua'a of Makaiwa.
17	<u>(2)</u> In t	he moku of Hana, by:
18	(A)	The shoreline of the moku of Hana;
19	<u>(B)</u>	A line that follows an imaginary extension of
20		Pua'alu'u gulch, which is the eastern boundary of
21		the Kipahulu portion of Haleakala National Park



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1			that extends seaward for one mile from the
2			shoreline;
3		(C)	An irregular line one mile offshore that is
4			parallel to the contours of the shoreline; and
5		<u>(D)</u>	A line that follows an imaginary extension of
6			Mokupupu point at Ulaino that extends seaward for
7			one mile from the shoreline.
8	(3)	In t	he moku of Kipahulu, by:
9		<u>(A)</u>	The shoreline of the moku of Kipahulu;
10		<u>(B)</u>	A line that follows an imaginary extension of
11			Kalepa gulch, which is the western boundary of
12			the Ka'apahu portion of Haleakala National Park
13			that extends seaward for one mile from the
14			shoreline;
15		(C)	An irregular line one mile offshore that is
16			parallel to the contours of the shoreline; and
17		(D)	A line that follows an imaginary extension of
18			Pua'alu'u gulch, which is the eastern boundary of
19			the Kipahulu portion of Haleakala National Park
20			that extends seaward for one mile from the
21			shoreline.
22	(4)	In t	he moku of Kaupo, by:



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1		<u>(A)</u>	The shoreline of the moku of Kaupo;
2		<u>(B)</u>	A line that follows the imaginary extension of
3			Waiopai gulch, and extends seaward for one mile
4			from the shoreline;
5		<u>(C)</u>	An irregular line one mile offshore that is
6			parallel to the contours of the shoreline; and
7		<u>(D)</u>	A line that follows an imaginary extension of
8			Kalepa gulch, which is the western boundary of
9			the Ka'apahu portion of Haleakala National Park,
10			and extends seaward for one mile from the
11			shoreline.
12	(5)	<u>In t</u>	he moku of Kahikinui, by:
13		<u>(A)</u>	The shoreline of the moku of Kahikinui;
14			A line that follows the impriment outenging from
		<u>(B)</u>	A line that follows the imaginary extension from
15		<u>(B)</u>	Kanaloa point;
15 16		(B) (C)	э.
			Kanaloa point;
16			Kanaloa point; An irregular line one mile offshore that is
16 17		<u>(C)</u>	Kanaloa point; An irregular line one mile offshore that is parallel to the contours of the shoreline; and
16 17 18		<u>(C)</u>	<pre>Kanaloa point; An irregular line one mile offshore that is parallel to the contours of the shoreline; and A line that follows the imaginary extension of</pre>
16 17 18 19	<u>(b)</u>	(C) (D)	<pre>Kanaloa point; An irregular line one mile offshore that is parallel to the contours of the shoreline; and A line that follows the imaginary extension of Waiopai gulch, and extends seaward for one mile</pre>
16 17 18 19 20		<u>(C)</u> (D) In a	<pre>Kanaloa point; An irregular line one mile offshore that is parallel to the contours of the shoreline; and A line that follows the imaginary extension of Waiopai gulch, and extends seaward for one mile from the shoreline.</pre>

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1	regulated	in the east Maui community-based subsistence fishing
2	area:	
3	(1)	Any activities with a commercial purpose, as defined
4		in section 187A-1;
5	(2)	The issuance of any commercial marine license, as
6		defined in section 187A-1;
7	(3)	The issuance of any aquarium fish permits, pursuant to
8		section 188-31;
9	(4)	Fishing with the use of gill nets;
10	(5)	Fishing with self-contained underwater breathing
11		apparatus and spears; and
12	(6)	Any other use or activity that the department of land
13		and natural resources, in consultation with the
14		inhabitants of the moku of Koʻolau, Hana, Kipahulu,
15		Kaupo, and Kahikinui and other interested parties,
16		deems appropriate.
17	(c)	The department of land and natural resources, as soon
18	as practio	cal, shall consult with as broad a base as possible,
19	including	the group of inhabitants of the moku of Koʻolau, Hana,
20	Kipahulu,	Kaupo, and Kahikinui, their community groups, and
21	other inte	erested parties to establish rules for the east Maui

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1	community-based subsistence fishing area, to include but not be		
2	limited to:		
3	(1)	A determination of fishing practices that are	
4		customarily and traditionally exercised for purposes	
5		of native Hawaiian subsistence, culture, and religion	
6		in the fishing area;	
7	(2)	A management plan recognizing existing marine	
8		activities permitted by the department of land and	
9		natural resources and containing a description of	
10		specific activities to be conducted in the fishing	
11		area, including evaluation and monitoring processes	
12		and methods of funding and enforcement;	
13	(3)	Limits on the harvest of aquatic life, as those terms	
14		are defined in section 187A-1, in the fishing area;	
15	(4)	The establishment of no harvesting zones within the	
16		fishing area without depriving ahupua'a inhabitants of	
17		access to traditional sources of subsistence; and	
18	(5)	A process for the expansion of the fishing area to	
19		include other ahupua'a or moku.	
20	The	department of land and natural resources shall adopt	
21	rules pursuant to chapter 91 necessary for the purpose of this		
22	section."		
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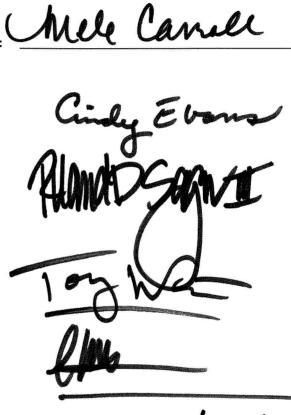
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1 SECTION 3. New statutory material is underscored.

2 SECTION 4. This Act shall take effect upon its approval.

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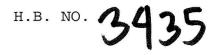
INTRODUCED BY:



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Report Title:

East Maui Community-Based Subsistence Fishing Area

Description:

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Creating the east Maui community-based subsistence fishing area to consist of the waters along the moku of Koʻolau, Hana, Kipahulu, Kaupo, and Kahikinui. Authorizes DLNR to regulate uses and activities in the east Maui community-based subsistence fishing area.

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