
A BILL FOR AN ACT

RELATING TO FISHING.

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

1 SECTION 1. The legislature finds that prior to Captain
2 Cook's arrival in Hawaii in 1778, fisheries in Hawaii were
3 abundant, resilient, and capable of supporting the estimated one
4 million people in Hawaii at that time. The traditional natural
5 resource management of Hawaiians at that time employed a kapu
6 system to conserve fish stocks. The kapu system prohibited the
7 catching of certain fish at certain times of the year, including
8 spawning periods, prohibited the catching of juvenile fish, and
9 encouraged taking only what was needed. The objective of the
10 traditional resource management system was to preserve and
11 sustain resources for the community, which was dependent on
12 those resources for food.

13 The State has enacted laws prohibiting fishing in
14 geographical areas, laws with seasonal prohibitions and size
15 limits, and measures banning the sale of certain marine
16 resources, but the system seems to lack the ability to respond
17 to differing situations on different islands and changing
18 conditions.



1 In 2007, the legislature enacted Act 212, Session Laws of
2 Hawaii 2007, "to create a system of best practices that is based
3 upon the indigenous resource management practices of moku
4 (regional) boundaries, which acknowledges the natural contours
5 of land, the specific resources located within those areas, and
6 the methodology necessary to sustain resources and the
7 community." The aha kiole advisory committee created by Act 212
8 discovered that traditional natural resources management
9 practices can be compatible with western concepts of resource
10 management. These management tools, however, need to be applied
11 with an understanding of the environmental and ecological
12 conditions affecting the natural resources. Also critical to
13 the successful application of management practices is the
14 participation and support of the community.

15 The legislature recognizes that traditional Hawaiian
16 fishing practices that are a part of traditional natural
17 resources management practices must be adapted to the local
18 environments and ecological conditions to ensure the survival of
19 the community and sustain those natural resources. Resource
20 management is site-specific. The community has specific
21 knowledge of the fishery resources that exist in the environment
22 that they are living in and of those resources that are



1 important to them. They have the knowledge and know the history
2 of what their fishery resources can yield, the patterns and
3 cycles of abundance and scarcity, and specific knowledge of the
4 environmental conditions that affect the fishery.

5 The purpose of this Act is to implement a community-based
6 fishery resource management area program for the island of
7 Lana'i.

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

11 "§188- Lana'i community-based fishery resource management
12 area; advisory committee; rules. (a) There is designated the
13 Lana'i community-based fishery resource management area, which
14 shall consist of all state waters and submerged lands around the
15 island of Lana'i.

16 (b) There is established the Lana'i community-based fishery
17 resource management area advisory committee, to be placed within
18 the department of land and natural resources for administrative
19 purposes, which shall consist of _____ members who are residents
20 of the island of Lana'i and have knowledge of traditional
21 cultural practices that emphasize sustaining fishery resources.



1 The members shall be nominated and, by and with the advice and
2 consent of the senate, appointed by the governor as provided in
3 section 26-34.

4 The committee shall select a chairperson from among its
5 members. A majority of members of the committee shall
6 constitute a quorum, and the concurrence of the majority of the
7 members shall be required for any action of the committee. The
8 members of the committee shall receive no compensation but shall
9 be reimbursed for necessary expenses, including travel expenses,
10 incurred in the performance of their duties. The department of
11 land and natural resources shall provide administrative support
12 for the committee.

13 (c) The Lana'i community-based fishery resource management
14 area advisory committee shall incorporate traditional cultural
15 practices that emphasize natural resource conservation to
16 develop a community-based fishery resource management area
17 program for the island of Lana'i to implement fishery management
18 practices for the regulation of fishing and gathering to promote
19 the sustainable use of marine resources. The committee shall:

20 (1) Develop and implement a plan that provides for a
21 management framework for fishery resources that allows
22 for the timely adoption of rules initiated by the



1 committee based on guidelines that adopt the best
2 available information, regardless of whether that
3 information is from personal observation of and
4 adjustments and responses to environmental changes or
5 otherwise;

6 (2) Establish a community-based fishery resource
7 management area system that:

8 (A) Identifies species that are important to the
9 community;

10 (B) Develops an understanding of the behavior,
11 biology, and life cycles of species through
12 direct monitoring of the stock by the community;

13 (C) Considers traditional resource management
14 practices, such as consideration of the periodic
15 cycles of the Hawaiian moon calendar, closures or
16 kapu during spawning of species, size
17 restrictions, and conservation principles to
18 protect immature and breeding stock from being
19 overharvested; and

20 (D) Can respond quickly to environmental changes and
21 changes in the fishery stock;



1 (3) Conduct community forums to promote among residents
2 and nonresidents acceptance of the basic elements of
3 fishery management that have been adapted for the
4 island of Lana'i to instill a conservation ethic, to
5 develop community and resource management support and
6 monitoring, and to conserve resources for future
7 generations;

8 (4) Implement educational programs in schools, in the
9 department of land and natural resources, in
10 publications, and in community organizations regarding
11 fishing practices that promote care for and nurturing
12 of marine resources; and

13 (5) Promote the enforcement of fishing and gathering of
14 marine resources according to the community-based
15 fishery resource management area program through the
16 use of volunteers and community-based resource
17 managers.

18 (d) The committee shall propose rules to the department of
19 land and natural resources to implement the community-based
20 fishery resource management area program established pursuant to
21 subsection (c). The department shall adopt the rules proposed



1 by the committee pursuant to chapter 91; provided that the
2 public hearing shall be held on the island of Lana'i."

3 SECTION 3. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$ or so
5 much thereof as may be necessary for the fiscal year 2011-2012
6 to establish a community-based fishery resource management area
7 program on the island of Lana'i.

8 The sum appropriated shall be expended by the department of
9 land and natural resources for the purposes of this Act.

10 SECTION 4. New statutory material is underscored.

11 SECTION 5. This Act shall take effect on July 1, 2011;
12 provided that this Act shall be repealed upon the adoption of
13 rules pursuant to chapter 91, Hawaii Revised Statutes, to
14 implement the 'aha kiolo management system, also known as the
15 'aha moku management system, and that the rules proposed by the
16 Lana'i community-based fishery resource management area advisory
17 committee and adopted pursuant to chapter 91, Hawaii Revised
18 Statutes, shall be incorporated as the fishery management
19 structure for the island of Lana'i.

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Report Title:

Lanai; Fisheries; Resource Management; Appropriation

Description:

Designates the Lanai community-based fishery resource management area. Establishes the Lanai community-based fishery resource management area advisory committee to develop a community-based fishery resource management area program to implement traditional fishery management practices on the island of Lanai. Repeal upon adoption of rules to implement the aha kiole or aha moku management system. (SD1)

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