H.B. NO. **(92)**

A BILL FOR AN ACT

RELATING TO MARINE LIFE CONSERVATION DISTRICT.

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

SECTION 1. The legislature finds that Hawaii's fisheries 1 2 have historically provided a critical source of physical, cultural, and spiritual sustenance for the inhabitants of the 3 Hawaiian islands. The legislature finds that these fisheries 4 were sustainably harvested for centuries, prior to Western 5 6 contact, through traditional Hawaiian management strategies of strict, place-based kapu and community-based stewardship of the 7 ocean and its resources. The legislature notes that the success 8 of these traditional management strategies is reflected in 9 10 historical literature, describing Hawaii's flourishing fisheries and abundant nearshore resources at the time of Captain Cook's 11 12 arrival.

13 The legislature further finds that the relatively recent 14 application of Western economic and environmental philosophies, 15 including the commercialization of fishery stocks and the 16 disruption of ecological cycles through land development, stream 17 diversions, pollution, overfishing, and irresponsible fishing 18 practices, has contributed to a substantial and ongoing decline 2014-0547 HB SMA.doc

Page 2

in the health of our nearshore ocean environment. Regrettably,
 an impaired nearshore habitat, an ever-growing population, and a
 lack of responsive fishing regulations have now resulted in
 overharvested fisheries throughout most of the State.

5 The legislature finds that notwithstanding the dramatic 6 changes to Hawaii's social, economic, political, and resource 7 management philosophies, cultural kipuka continue to exist 8 within Hawaii's relatively isolated rural areas where 9 communities maintain traditional lifestyles, values, and a 10 reliance on nearshore fisheries and other natural resources. The island of Ni'ihau is one such kipuka. Known as the "last 11 Hawaiian island" where 'olelo Hawai'i is still spoken as a 12 13 primary language, Ni'ihau serves as an invaluable source of 14 mo'olelo and traditional knowledge, and its residents have played 15 key roles in revitalizing and nurturing the modern Hawaiian 16 language movement. The traditional lifestyle and aloha 'āina 17 values of Ni'ihau residents have also enabled them to rely on 18 nearshore fisheries that continue to flourish with historical 19 abundance.

20 Unfortunately, over the last decade, the success of the
21 Ni'ihau community in perpetuating the health of their critical

2014-0547 HB SMA.doc

Page 3

1 fishery resources has led to increasing fishing pressure by 2 those from other islands. Visitors from outside the Ni'ihau 3 community are capable of traveling great distances in the pursuit of fish, and seek to exploit the abundant resources of 4 5 Ni'ihau for commercial or other purposes. Ni'ihau residents have 6 expressed ongoing and deepening concerns over the increasing 7 impact of outside fishing interests and report declines in the abundance and accessibility of resources sustainably harvested 8 and relied upon by Ni'ihau residents for generations. The 9 10 legislature finds that the unabated and growing disregard of the 11 subsistence needs and traditional resource management practices 12 of Ni'ihau's residents, in spite of ten years of informal 13 requests for restraint, now calls for strong and decisive 14 legislative action.

Accordingly, the purpose of this Act is to provide greater 15 16 protection for Hawaii's least populated islands, such as Ni'ihau, whose communities currently, or in the future, may depend upon 17 18 healthy and carefully managed nearshore fisheries for their subsistence and cultural needs. This Act will better ensure the 19 perpetuation of these islands' fisheries as well as the 20 21 lifestyles and cultural practices that depend upon them by 22 empowering their residents to directly regulate the harvesting 2014-0547 HB SMA.doc

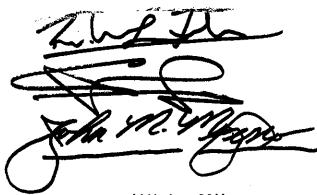
1	of their islands' nearshore fishery resources, while limiting		
2	threats to the abundance and accessibility of such resources.		
3	In addition, given fish-tagging programs and life history		
4	studies demonstrating the interisland dispersal of various		
5	nearshore fish species, this Act's protection of healthy and		
6	robust fisheries around Niʻihau and any similarly situated		
7	islands in the future will likely supplement and enhance the		
8	fisheries of other islands throughout the State.		
9	SECTION 2. Chapter 188, Hawaii Revised Statutes, is		
10	amended by adding a new section to be appropriately designated		
11	and to read as follows:		
12	"§188- Critical subsistence fisheries. (a) Except as		
14	<u>3100-</u> <u>Clicical Subsistence lighteries.</u> (a) Except as		
12	provided in subsection (b), on any island within the		
13	provided in subsection (b), on any island within the		
13 14	provided in subsection (b), on any island within the jurisdiction of the State with a total population between one		
13 14 15	provided in subsection (b), on any island within the jurisdiction of the State with a total population between one hundred and five hundred individuals, according to the latest		
13 14 15 16	provided in subsection (b), on any island within the jurisdiction of the State with a total population between one hundred and five hundred individuals, according to the latest United States Census data collected:		
13 14 15 16 17	provided in subsection (b), on any island within the jurisdiction of the State with a total population between one hundred and five hundred individuals, according to the latest United States Census data collected: (1) No person shall take, attempt to take, or possess		



1	<u>(2)</u> <u>N</u>	No person shall engage in fish feeding in state marine
2	W	aters, as defined in this chapter, within two miles
3	<u>0</u>	of the shoreline of the island.
4	(b) T	he prohibitions in subsection (a) shall not apply to
5	individuals	currently domiciled on an island described in
6	subsection	(a), or to individuals who are accompanied by an
7	individual	who is currently domiciled on the island.
8	(c) T	he department of land and natural resources may adopt
9	administrat	ive rules pursuant to chapter 91 to implement this
10	section."	
11	SECTIC	N 3. New statutory material is underscored.
1 2	SECTIO	N 4. This Act shall take effect upon its approval.
13		\frown

INTRODUCED BY:

my Ebana



JAN 1 7 2014

2014-0547 HB SMA.doc

Report Title:

Aquatic Life; Marine Waters; Shoreline

Description:

Prohibits the taking or possessing of aquatic life or fish feeding in marine waters within two miles of the shoreline of an island with a population between one hundred and five hundred individuals, with certain exceptions.

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

