

JAN 15 2014

---

# A BILL FOR AN ACT

RELATING TO MARINE LIFE CONSERVATION DISTRICT.

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

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



1 in the health of our nearshore ocean environment. Regrettably,  
2 an impaired nearshore habitat, an ever-growing population, and a  
3 lack of responsive fishing regulations have now resulted in  
4 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 kīpuka 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.  
11 The island of Ni'ihau is one such kīpuka. Known as the "last  
12 Hawaiian island" where 'ōlelo Hawai'i is still spoken as a  
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



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  
4 pursuit of fish, and seek to exploit the abundant resources of  
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  
8 abundance and accessibility of resources sustainably harvested  
9 and relied upon by Ni'ihau residents for generations. The  
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.

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



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 Ni'ihau 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**  
13 **provided in subsection (b), on any island within the**  
14 **jurisdiction of the State with a total population between one**  
15 **hundred and five hundred individuals, according to the latest**  
16 **United States Census data collected:**

17 (1) No person shall take, attempt to take, or possess  
18 aquatic life in state marine waters, as defined in  
19 this chapter, within two miles of the shoreline of the  
20 island; and



(2) No person shall engage in fish feeding in state marine waters, as defined in this chapter, within two miles of the shoreline of the island.

(b) The prohibitions in subsection (a) shall not apply to individuals currently domiciled on an island described in subsection (a), or to individuals who are accompanied by an individual who is currently domiciled on the island.

(c) The department of land and natural resources may adopt administrative rules pursuant to chapter 91 to implement this section."

SECTION 3. New statutory material is underscored.

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

INTRODUCED BY:



**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.*

