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## A BILL FOR AN ACT

RELATING TO FISHING.

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

1           SECTION 1.   Section 188-22.6, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           " ~~[ ]~~ §188-22.6 ~~[ ]~~   **Designation of community-based**  
4 **subsistence fishing area.**   (a)   The department of land and  
5 natural resources may designate community-based subsistence  
6 fishing areas and carry out fishery management strategies for  
7 such areas, through administrative rules adopted pursuant to  
8 chapter 91, for the purpose of reaffirming and protecting  
9 fishing practices customarily and traditionally exercised for  
10 purposes of native Hawaiian subsistence, culture, and  
11 religion~~[ ]~~; provided that the designation shall be approved by  
12 at least fifty per cent of the residents of the affected  
13 community.

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



- 1           (1) The name of the organization or group submitting the
- 2           proposal;
- 3           (2) The charter of the organization or group;
- 4           (3) A list of the members of the organization or group;
- 5           (4) A description of the location and boundaries of the
- 6           marine waters and submerged lands proposed for
- 7           designation;
- 8           (5) Justification for the proposed designation including
- 9           the extent to which the proposed activities in the
- 10          fishing area may interfere with the use of the marine
- 11          waters for navigation, fishing, and public recreation;
- 12          and
- 13          (6) A management plan containing a description of the
- 14          specific activities to be conducted in the fishing
- 15          area, evaluation and monitoring processes, methods of
- 16          funding and enforcement, and other information
- 17          necessary to advance the proposal.
- 18   Proposals shall meet community-based subsistence needs [~~and~~],
- 19   judicious fishery conservation and management practices~~[and]~~, and
- 20   be approved by at least fifty per cent of the residents of the
- 21   affected community.



1 (c) For the purposes of this section:

2 [~~1~~] "Affected community" means within ten miles of the  
3 shoreline boundary of the area to be designated as a community-  
4 based subsistence fishing area.

5 "Native Hawaiian" means any descendant of the races  
6 inhabiting the Hawaiian Islands prior to 1778 [~~and~~].

7 [~~2~~] "Subsistence" means the customary and traditional  
8 native Hawaiian uses of renewable ocean resources for direct  
9 personal or family consumption or sharing."

10 SECTION 2. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

12 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: *Dan Linn*

JAN 22 2021



# H.B. NO. 496

**Report Title:**

Community-based Subsistence Fishing Areas; Community Approval

**Description:**

Conditions the designation of community-based subsistence fishing areas upon approval of the affected community.

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

