

Honolulu, Hawaii

FEB - 7 2023

RE: S.B. No. 92  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committee on Water and Land, to which was referred S.B. No. 92 entitled:

"A BILL FOR AN ACT RELATING TO COMMUNITY-BASED SUBSISTENCE FISHING AREAS,"

begs leave to report as follows:

The purpose and intent of this measure is to establish a time limitation for community-based subsistence fishing area designations and allow the Department of Land and Natural Resources to consider extending a designation in the year prior to the designation's expiration unless the designation is made through statute before its expiration.

Your Committee received testimony in support of this measure from Hawai'i Fishermen's Alliance for Conservation and Tradition, Inc.; Hawai'i Alliance for Progressive Action; and one individual. Your Committee received testimony in opposition to this measure from the Office of Hawaiian Affairs; Hawai'i Wildlife Fund; Kuakini Hawaiian Civic Club of Kona; Hui 'Ohana o Honaunau; Protect Keopuka 'Ohana; Earthjustice; The Nature Conservancy; Sierra Club of Hawai'i; Kua'āina Ulu 'Auamo; Kalanihale; HULI PAC; Kauhakō Ohana Association; Destination Kona Coast; Aloha Animal Advocates, Inc.; Malama Pupukea-Waimea; Big Island Reef Keepers Hui; Hawaii Reef and Ocean Coalition; Kipahulu Ohana, Inc.; Moana Ohana LLC; Miloli'i Makai Watch; Hawaii Marine Education and Research Center; and thirty individuals. Your Committee received comments on this



measure from the Department of Land and Natural Resources and University of Hawai'i System.

Your Committee finds that a community's needs and cultural practices can change over time. To remain relevant, community-based programs, such as community-based subsistence fishing areas, must adapt accordingly. However, your Committee finds that community-based fishing area designations are permanent. Therefore, this measure establishes a time limitation on community-based subsistence fishing area designations to ensure community-based subsistence fishing areas reflect the needs of Hawaii's communities.

Your Committee notes that the Ha'ena community-based subsistence fishing area is the only fishing area currently designated by statute. Your Committee further notes that because of the Ha'ena fishing area's statutory designation, it would not be impacted by a sunset limitation and would thus contravene the intent of this measure.

Therefore, your Committee has amended this measure by:

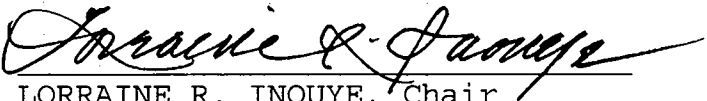
- (1) Establishing that designations made by statute shall remain valid for not more than an unspecified number of years, to encourage further discussion;
- (2) Requiring the Department of Land and Natural Resources to submit a status report to the Legislature, Board of Land and Natural Resources, and community-based subsistence fishing area stakeholders every five years;
- (3) Repealing the statute designating the Ha'ena community-based subsistence fishing area;
- (4) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (5) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 92,



as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 92, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

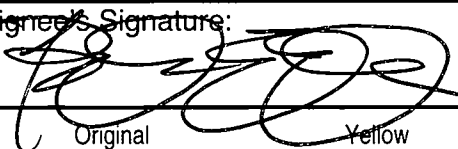
Respectfully submitted on  
behalf of the members of the  
Committee on Water and Land,

  
LORRAINE R. INOUE, Chair



The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Water and Land**  
**WTL**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 92	WTL, JDC/WAM	02/01/23		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
INOUYE, Lorraine R. (C)	✓			
ELEFANTE, Brandon J.C. (VC)	✓			
CHANG, Stanley	✓			
MCKELVEY, Angus L.K.	✓			
FEVELLA, Kurt	✓			
<b>TOTAL</b>	5	0	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
<b>Distribution:</b> Original             Yellow             Pink             Goldenrod				
File with Committee Report             Clerk's Office             Drafting Agency             Committee File Copy				

\*Only one measure per Record of Votes