

JAN 18 2023

A BILL FOR AN ACT

RELATING TO COMMUNITY-BASED SUBSISTENCE FISHING AREAS.

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

1 SECTION 1. The legislature finds that a community's needs
2 and practices change over time. To remain relevant and
3 beneficial to a community, community-based supports, such as
4 community-based subsistence fishing areas, must adapt
5 accordingly. Rather than change in response to a community's
6 needs, however, community-based subsistence fishing area
7 designations are permanent. Therefore, the purpose of this Act
8 is to establish a time limitation upon community-based
9 subsistence fishing area designations to ensure community-based
10 subsistence fishing areas reflect the needs of Hawaii's
11 communities.

12 SECTION 2. Section 188-22.6, Hawaii Revised Statutes, is
13 amended by amending subsection (a) to read as follows:

14 "(a) The department of land and natural resources may
15 designate community-based subsistence fishing areas and carry
16 out fishery management strategies, pursuant to administrative
17 rules adopted under chapter 91, for [such] the areas [~~, through~~



1 ~~administrative rules adopted pursuant to chapter 91,~~] for the
2 purpose of reaffirming and protecting fishing practices
3 customarily and traditionally exercised for purposes of native
4 Hawaiian subsistence, culture, and religion[-]; provided that
5 each designation shall remain valid for not more
6 than _____ years; provided further that each designation in the
7 year prior to its expiration may be considered for an extension
8 of _____ years, unless the designation has been established by
9 statute prior to its expiration."

10 SECTION 3. Section 188-22.9, Hawaii Revised Statutes, is
11 amended by amending subsection (a) to read as follows:

12 "(a) There is designated the Ha'ena community-based
13 subsistence fishing area, as provided in section 188-22.6, on
14 the northwestern coast of Kauai, which shall consist of all
15 state waters and submerged lands bounded by:

- 16 (1) The shoreline of the Ha'ena district;
- 17 (2) A line that follows an imaginary extension of the
18 boundary between Ha'ena state park and Na Pali state
19 park that extends seaward for one mile from the
20 shoreline;



1 (3) An irregular line one mile offshore that is parallel
2 to the contours of the shoreline; and

3 (4) A line that follows an imaginary extension of the
4 boundary between Ha'ena and Wainiha, as specified in
5 the tax map of the county of Kauai, that extends
6 seaward for one mile from the shoreline."

7 SECTION 4. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 5. This Act shall take effect upon its approval.

10

INTRODUCED BY: 



S.B. NO. 92

Report Title:

Community-Based Subsistence Fishing Areas; Designations;
Department of Land and Natural Resources

Description:

Establishes a time limitation for community-based subsistence fishing area designations; provided that the Department of Land and Natural Resources may consider extending a designation in the year prior to the designation's expiration unless the designation is made through statute before its expiration.

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