

[\$188-22.6] Designation of community-based subsistence fishing area. (a) The department of land and natural resources may designate community-based subsistence fishing areas and carry out fishery management strategies for such areas, through administrative rules adopted pursuant to chapter 91, for the purpose of reaffirming and protecting fishing practices customarily and traditionally exercised for purposes of native Hawaiian subsistence, culture, and religion.

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

- (1) The name of the organization or group submitting the proposal;
- (2) The charter of the organization or group;
- (3) A list of the members of the organization or group;
- (4) A description of the location and boundaries of the marine waters and submerged lands proposed for designation;
- (5) Justification for the proposed designation including the extent to which the proposed activities in the fishing area may interfere with the use of the marine waters for navigation, fishing, and public recreation; and
- (6) A management plan containing a description of the specific activities to be conducted in the fishing area, evaluation and monitoring processes, methods of funding and enforcement, and other information necessary to advance the proposal.

Proposals shall meet community-based subsistence needs and judicious fishery conservation and management practices.

(c) For the purposes of this section:

- (1) "Native Hawaiian" means any descendant of the races inhabiting the Hawaiian Islands prior to 1778; and
- (2) "Subsistence" means the customary and traditional native Hawaiian uses of renewable ocean resources for direct personal or family consumption or sharing. [L 1994, c 271, §1]

Law Journals and Reviews

Propagating Cultural Kipuka: The Obstacles and Opportunities of Establishing a Community-Based Subsistence Fishing Area. 31 UH L. Rev. 193.

Method is Irrelevant: Allowing Native Hawaiian Traditional and Customary Subsistence Fishing to Thrive. 32 UH L. Rev. 203.

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