
A BILL FOR AN ACT

RELATING TO FISHING.

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

1 SECTION 1. The legislature finds that in ancient times,
2 the people of Molokai were known for their ability to produce
3 abundant quantities of food, and the island of Molokai and its
4 surrounding ocean was frequently referred to as "Aina Momona,"
5 meaning "abundant land." The people of Molokai maintained a
6 sustainable and self-sufficient food supply for over a thousand
7 years through careful stewardship. However, modernization and
8 abandonment of traditional resource management have led to the
9 severe decline of Molokai's fishery. Lack of meaningful
10 stewardship threatens to cause irreparable harm to the cultural,
11 social, and economic well-being of the island.

12 Today, subsistence remains an important component of the
13 lives of the people of Molokai, as it supplements their
14 traditionally low income. Subsistence, especially fishing, can
15 constitute twenty-five per cent of the income of an average
16 Molokai family. Thirty-five per cent of Molokai residents rely
17 on some form of subsistence for their food supply.



1 The decrease in the abundance and diversity of the
2 nearshore fishery on Molokai can be attributed to:

- 3 (1) Loss of traditional methods of fishery management
4 which allow fisheries to replenish themselves;
5 (2) Increase in commercial fishing;
6 (3) Lack of enforcement of state regulations;
7 (4) Recreational pursuits such as canoe races, which
8 attract hundreds of recreational fishing boats; and
9 (5) Poor management of agricultural practices, which have
10 led to excessive amounts of sediment deposited on the
11 south shore reefs of Molokai damaging the coral reef
12 habitats.

13 The residents and community organizations of Molokai are
14 eager to assist in developing a management plan that
15 incorporates traditional knowledge, active monitoring, and
16 enforcement activity for the management of the nearshore fishery
17 on Molokai.

18 The purpose of this Act is to create and amend fishing
19 provisions that affect the community on the island of Molokai.
20 Specifically, this Act establishes a community-based subsistence
21 fishing area around the island of Molokai to protect the fish
22 stocks and coral reef habitats.



1 SECTION 2. Chapter 188, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§188- Molokai community-based subsistence fishing
5 area; restrictions; regulations. (a) There is designated the
6 Molokai community-based subsistence fishing area on the island
7 of Molokai, which shall consist of all state waters and
8 submerged lands within an irregular line miles offshore
9 that is parallel to the contours of the shoreline of the island
10 of Molokai.

11 (b) In addition to the provisions of this chapter and any
12 traditional management systems established by the 'aha kiole
13 advisory committee or the 'aha moku council, the following uses
14 or activities shall be regulated in the Molokai community-based
15 subsistence fishing area:

16 (1) Any activities with a commercial purpose, as defined
17 in section 187A-1;

18 (2) The issuance of any commercial marine license, as
19 defined in section 187A-1;

20 (3) The issuance of any aquarium fish permits, as defined
21 in section 188-31;



1 (4) Fishing with self-contained underwater breathing
2 apparatus and spears; and

3 (5) Any other use or activity that the department of land
4 and natural resources, in consultation with the
5 inhabitants of the island of Molokai, the 'aha kiolo
6 advisory committee or 'aha moku council, and other
7 interested parties, deems appropriate.

8 (c) The department of land and natural resources, as soon
9 as practicable, shall consult with as broad a base as possible,
10 group of inhabitants of the island of Molokai and other
11 interested parties to establish rules for the Molokai community-
12 based subsistence fishing area, to include but not be limited
13 to:

14 (1) A determination of fishing practices that are
15 customarily and traditionally exercised for purposes
16 of native Hawaiian subsistence, culture, and religion
17 in the fishing area;

18 (2) A management plan recognizing existing marine
19 activities permitted by the department of land and
20 natural resources and containing a description of
21 specific activities to be conducted in the fishing



1 area, including evaluation and monitoring processes
 2 and methods of funding and enforcement; and
 3 (3) Limits on the harvest of aquatic life, as those terms
 4 are defined in section 187A-1, in the fishing area.
 5 (d) The department of land and natural resources shall
 6 adopt rules pursuant to chapter 91 necessary for the purpose of
 7 this section."

8 SECTION 3. New statutory material is underscored.

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

10

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JAN 23 2009



Report Title:

Molokai Community-Based Subsistence Fishing Area

Description:

Designates certain state waters surrounding the island of Molokai as the Molokai Community-Based Subsistence Fishing Area.

