

JAN 28 2009

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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. 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



area, including evaluation and monitoring processes  
and methods of funding and enforcement; and

(3) Limits on the harvest of aquatic life, as those terms  
are defined in section 187A-1, in the fishing area.

(d) The department of land and natural resources shall  
adopt rules pursuant to chapter 91 necessary for the purpose of  
this section."

SECTION 3. New statutory material is underscored.

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

INTRODUCED BY:

J. Kalani Egosh

Rossly of Baker

S.S.L.

Will Eyo

Alan Hill

Anna Inerudo-Ki

John Hill

Chase Johnson

Clemente Michikawa

David Y. Ig

Norman Sakomfo

JM



**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.

