
A BILL FOR AN ACT

RELATING TO FISHING ON THE NORTH COAST OF MOLOKA'I.

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 Moloka'i were known for their ability to produce
3 abundant quantities of food, and the island of Moloka'i and its
4 surrounding ocean was frequently referred to as "Āina Momona,"
5 meaning "abundant land." The people of Moloka'i 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 Moloka'i'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 Moloka'i, as it supplements their
14 traditionally low income. Subsistence, especially fishing, can
15 constitute twenty-five per cent of the income of an average



1 Moloka'i family. Thirty-five per cent of Moloka'i residents rely
2 on some form of subsistence for their food supply.

3 The decrease in the abundance and diversity of the
4 nearshore fishery on Moloka'i can be attributed to:

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

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

20 The purpose of this Act is to create and amend fishing
21 provisions that affect the community on the island of Moloka'i.



1 Specifically, this Act establishes a community-based subsistence
2 fishing area around the island of Moloka'i to protect the fish
3 stocks and coral reef habitats.

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

7 "§188- Moloka'i community-based subsistence fishing area;
8 restrictions; regulations. (a) There is designated the Moloka'i
9 community-based subsistence fishing area on the island of
10 Moloka'i, which shall consist of all state waters and submerged
11 lands within an irregular line two miles offshore that is
12 parallel to the contours of the shoreline of the island of
13 Moloka'i's north coast from Kalaupapa to Halawa head.

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

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



- 1 (2) The issuance of any commercial marine license, as
- 2 defined in section 187A-1;
- 3 (3) The issuance of any aquarium fish permits, as defined
- 4 in section 188-31;
- 5 (4) Fishing with self-contained underwater breathing
- 6 apparatus and spears; and
- 7 (5) Any other use or activity that the department of land
- 8 and natural resources, in consultation with the
- 9 inhabitants of the island of Moloka'i, the 'aha kiolo
- 10 advisory committee or 'aha moku council, and other
- 11 interested parties, deems appropriate.

12 (c) The department of land and natural resources, as soon

13 as practicable, shall consult with as broad a base as possible,

14 group of inhabitants of the island of Moloka'i and other

15 interested parties to establish rules for the Moloka'i community-

16 based subsistence fishing area, to include but not be limited

17 to:

- 18 (1) A determination of fishing practices that are
- 19 customarily and traditionally exercised for purposes
- 20 of native Hawaiian subsistence, culture, and religion
- 21 in the fishing area;



1 (2) A management plan recognizing existing marine
2 activities permitted by the department of land and
3 natural resources and containing a description of
4 specific activities to be conducted in the fishing
5 area, including evaluation and monitoring processes
6 and methods of funding and enforcement; and

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

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

12 SECTION 3. New statutory material is underscored.

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

14

INTRODUCED BY: Bud Kofari

JAN 27 2016



H.B. NO. 2760

Report Title:

Moloka'i Community-Based Subsistence Fishing Area; Department of Land and Natural Resources

Description:

Designates certain state waters surrounding the north coast from Kalaupapa to Halawa head of the island of Moloka'i as the Moloka'i Community-Based Subsistence Fishing Area.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

