1. WHY DO WE NEED A COMMUNITY-BASED SUBSISTENCE FISHING AREA?
Key subsistence species in the north coast of Moloka‘i such as moi, uhu, and koke (lobster) populations have almost disappeared. A Moloka‘i Subsistence Task Force Report commissioned in 1994 showed that Moloka‘i families rely heavily on subsistence fishing and gathering. We need to restock the ice box and protect the subsistence livelihoods of Moloka‘i families and others who depend on this area for food. The Mo‘omomi North Coast of Moloka‘i Community-Based Subsistence Fishing Area (CBSFA) draft proposed rules and management plan will ensure that Moloka‘i’s families and future generations will have the resources to continue to thrive through subsistence practices.

2. WHO IS BEHIND MO‘OMOMI’S PROPOSAL?
Formed in 1993, Hui Mālama O Mo‘omomi (the Hui) is a volunteer community group that represents the kūpuna, subsistence fishers, gatherers, practitioners, and ‘ohana of the Pālā‘au Ho‘olehua Hawaiian Homestead community and Pālā‘au Moku residents. These families have a connection to the proposed area that spans multiple generations. The mission of the Hui is to perpetuate local resources essential for the subsistence of present and future generations of Ho‘olehua Homesteaders; to maintain subsistence as a viable option in Moloka‘i’s fluctuating economy; and to encourage young Hawaiians to perpetuate traditional Hawaiian fishing practices.
Over the past 20 years, the Hui has worked on the proposal with Moloka‘i community members, marine scientists, land stewards, teachers, students, scholars, community organizations, elected and appointed officials, and others.

3. WHAT AND WHO WAS INVOLVED IN CREATING AND PROPOSING THESE RULES?

Between 2013-2016, the Hui held at least 16 lawai‘a, landowner, and public meetings and workshops to engage the community in creating the proposal. At least 200 informational flyers about the proposed rules were also distributed to Moloka‘i residents in 2016 and landowner/stewardship partners continue to be involved.

The Hui also continues to provide ongoing culturally-based resource care and management programs, camps, and classes for the community. In 2014, the ‘Aha Kiōle-Pālā‘au Moku facilitated a moku wide survey to collect feedback for the Mo‘omomi CBSFA proposal. Survey results revealed that the majority of homestead families expressed their support for the proposal.

4. WHERE ARE WE IN THE RULEMAKING PROCESS AND WHAT IS THE PURPOSE OF THE PUBLIC SCOPING MEETINGS?
PRE-CHAPTER 91:
• Public scoping meetings (#1-2: Molokai, 3/15/17; #3: Honolulu, 3/21/17; and #4: Maui, 4/5/17)
FORMAL CHAPTER 91 RULEMAKING:
• Board of Land and Natural Resource (BLNR) approval to hold public hearings
• Attorney General office review and approval
• Small Business Review Board approval
• Governor’s approval to hold public hearings
• Public rulemaking hearings.

Before the formal rulemaking process begins, the Department of Land and Natural Resources (DLNR) Division of Aquatic Resources (DAR) wants to meet with the community to share...
[CONTINUED] information, hear questions, and get feedback about the draft proposed rules and management plan. Four public scoping meeting are scheduled to provide the general public with an opportunity to learn about the background for the proposal and gives the fishing families of the Pālā‘au Moku an opportunity to share why subsistence fishing and gathering of marine resources is vital to their livelihood.

5. WHAT INFORMATION AND SCIENCE INFORMS THESE DRAFT PROPOSED RULES?

This proposal has been informed by generational and long-term observations, understanding, and wisdom of kūpuna and fishing families of Pālā‘au Moku and Hui members. Since 1995, Hui members have continued to monitor the area from Kalaeoka‘ilo through Nihoa Flats. Over 20 years of observations in this area has shown a steady decline in size, population, and catch of ula, kūmū, uhu, kole, and moi. In the Main Hawaiian Islands, evidence from both researchers and resource users also shows that, over the past 20 years, marine resources have generally declined (Friedlander et al., 2008).

6. HOW DOES THIS PROPOSAL PROTECT TRADITIONAL SUBSISTENCE FISHING PRACTICES?

State law protects and reaffirms “fishing practices traditionally and customarily carried out for purposes of Native Hawaiian subsistence, culture and religion” (Haw. Rev. Stat. §188-22.6). This proposal is designed to use ancestral knowledge, customs, and traditional practices to help manage the nearshore resources on the North Coast of Moloka‘i so they are available to Moloka‘i ‘ohana, their children, grandchildren and other subsistence users for generations to come. The draft proposed rules and management plan show how the simple application of traditional knowledge and practices can keep marine resources healthy and abundant even though they continue to be harvested.

The proposal mainly focuses on caring for five critical species that Moloka‘i subsistence users identified as important to their subsistence. Proposed regulations and specific gear restrictions are meant to ensure these nearshore subsistence resources continue to thrive and the ko‘a and traditional subsistence fishing areas within the boundary are protected. Since the area is a critical nursery, protecting these species will benefit outer areas of the boundary.

7. DO THESE DRAFT PROPOSED RULES EXCLUDE PEOPLE FROM FISHING?

No. The proposed rules will apply to everyone equally. Unlike Marine Life Conservation Districts (MLCDs) and other Fish Replenishment Areas or no-take areas, these draft proposed CBSFA rules do not restrict all types of fishing. Subsistence and recreational fishing activities will continue, but they will be guided by traditional and customary fishery management practices.

8. WHAT TYPE OF FISHING/COMMERCIAL ACTIVITIES ARE ALLOWED?

The draft proposed rules allow for subsistence and recreational catch of pelagic species within the boundary and should not have a large impact on commercial catch of pelagic species, which are typically caught in deeper waters outside of one nautical mile. Ulua species and papiro (juveniles) are the only nearshore/coastal pelagic species typically found within the one-mile boundary. Commercial harvest of akule and ta‘ape will still be allowed within the boundary with the exception of Kawa‘aloa Bay.

9. WILL ACCESS TO THE COASTLINE/OCEAN BE AFFECTED?

No. Access to the coastline will continue under the guidelines provided by each landowner and access to the Mo‘omomi Pavilion will not be affected. The Hui also continues to maintain the traditional fishing trails and encourages their use.

10. WHAT ABOUT ENFORCEMENT?

The Hui will continue to share and educate the community on pono fishing practices. DLNR’s Division of Conservation and Resource Enforcement (DOCARE) is also committed to provide training to community volunteers and anyone interested in learning how to appropriately observe, document, and report violations.

11. WHY THE ONE NAUTICAL MILE BOUNDARY?

State waters extend 3 nautical miles from the shoreline. Traditionally, ahupua‘a boundaries and fishing grounds extended “from the reefs, and where there happen to be no reefs, from the distance of one geographical mile seaward to the beach at the low water mark.” This one-mile boundary is a fundamental feature of traditional customary management of nearshore fisheries by Native Hawaiians and is consistent with current state law (King, Haw. Civ. Code § 384-396 (1859); Haw. Rev. Stat. § 187A-23(a)).

In Mo‘omomi, the one-mile boundary ensures protection of most of the ko‘a and traditional fishing areas. A narrower boundary would not protect the broad range of subsistence fishing practices that occur in these areas. An outer boundary based on depth would also be difficult to manage and enforce because the underwater landscape varies greatly from place to place along this stretch of coastline.