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Jurisdictional Limits of Hawaii

In re Island Airlines, Inc., 47 Haw. 1, 384 P.2d 536 ([1963](#))

CAB v. Island Airlines, Inc., 235 F. Supp. 990 ([D. Haw. 1964](#))

Island Airlines, Inc. v. C. A. B., 352 F.2d 735 ([9th Cir. 1965](#))

If the flights are intrastate, then of course, the federal courts should not permit the C.A.B. to require a certificate, but conversely, if the "channels" are high seas, then flight over them should and must be subject to the C.A.B.'s authority.

Chun v. BLNR, 151 Haw. 374, 514 P.3d 981 ([2022](#))

Hawai'i's statutes now apparently claim a [twelve nautical mile](#) wide territorial sea. [Act 126, SLH 1990](#), amended several sections of the Hawai'i Revised Statutes by adding a definition of "state marine waters", including one section currently codified as HRS §189-1.5.

The state's marine waters are defined by [HRS § 189-1.5](#) (2011) as "extending from the upper reaches of the wash of the waves on shore seaward to the limit of the State's police power and management authority, including the United States territorial sea, notwithstanding any law to the contrary." The legislative history of HRS § 189-1.5 states ([HB2233](#) – Added for reference):

The purpose of this bill is to define the boundaries of the state marine waters as extending twelve nautical miles seaward from the upper reaches of the wash of the waves on shore and the archipelagic waters. It also defines the [territorial sea](#) as the waters and seabed extending seaward to twelve nautical miles from the baseline of the United States as determined in accordance with international law and as established by [Presidential Proclamation 5928](#), dated December 27, 1988.

Conclusion

If the State claims a 12 nautical mile boundary around each island, then Kauai and the Big Island may still be surrounded by intervening "interstate" federal airspace and sea. Conversely, Oahu, Molokai, Maui, Lanai, and Kahoolawe would be interconnected.

Disclaimer: This information is for educational purposes only. Please consult with a lawyer with expertise in state and federal law for professional legal advice on this matter.