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**LATE TESTIMONY**

Testimony of The Nature Conservancy of Hawaii  
Supporting With Amendments H.B. 3174 HD 1 Relating to Federal Fisheries Regulations  
Senate Committee on Water and Land  
Monday, March 24, 2008, 2:45PM, Rm. 414

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*The Nature Conservancy of Hawai'i is a private non-profit conservation organization dedicated to the preservation of Hawaii's native plants, animals, and ecosystems. The Conservancy has helped to protect nearly 200,000 acres of natural lands for native species in Hawai'i. Today, we actively manage more than 32,000 acres in 11 nature preserves on O'ahu, Maui, Hawai'i, Moloka'i, Lāna'i, and Kaua'i. We also work closely with government agencies, private parties and communities on cooperative land and marine management projects.*

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The Nature Conservancy of Hawai'i supports H.B. 3174 HD 1 Relating to Federal Fisheries Regulations, but we suggest one amendment noted below.

This bill allows the Department of Land and Natural Resources to adopt rules and management measures that are consistent with federal regulations in shared fisheries, like the state-federal bottomfish fishery in Hawai'i. This will allow for clear and consistent fisheries management. With this legislation, the State will also be required to amend or repeal its rules should federal regulatory agencies declare that their rules are no longer necessary—again to achieve consistency and fairness as between state and federal regulatory regimes.

**However, we suggest that the word "shall" be changed to "may" on page 1 line 5, as follows:**

"§187A- Consistency of state and federal fisheries regulations. (a) The department ~~may shall~~ adopt, amend, and repeal administrative rules that are equivalent to and consistent with federal fisheries regulations..."

While this legislation involves shared fisheries, we don't believe the State should entirely relinquish its discretion over fisheries management in State waters to the decisions of federal fishery managers.

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