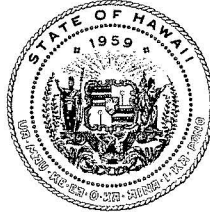
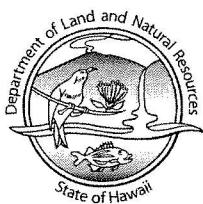


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GOVERNOR OF HAWAII



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LAND
STATE PARKS

**TESTIMONY OF THE CHAIRPERSON
OF THE BOARD OF LAND AND NATURAL RESOURCES**

on HOUSE BILL 3175 -RELATING TO COMMERCIAL MARINE FISHING REPORTS

**BEFORE THE HOUSE COMMITTEE ON
FINANCE**

February 27, 2008

House Bill 3175 is an administration bill which proposes to amend the title of section 189-3, Hawaii Revised Statutes (HRS), to more accurately reflect the need for flexibility in reporting requirements. If enacted, this measure will provide the authority to collect data and information at a frequency that will support more timely and efficient management of commercial fisheries. The Department of Land and Natural Resources (Department) strongly supports this administrative bill.

For federal waters in Hawaii, federal Magnuson-Stevens Act (MSA) mandates for Hawaii are implemented by the Department of Commerce via the National Oceanic and Atmospheric Administration (NOAA). Under the current authority, the federal fisheries in the EEZ must now be managed via an annual catch limit, or ACL, which is established individually for each stock or stock complex. An ACL must be set annually for each species or species complex being harvested in federal waters. Once this ACL is reached in a given year, the corresponding fishery will close for the remainder of the year. To determine whether an ACL has been reached or exceeded for a given species, detailed catch reporting is required; this information is currently collected by the State of Hawaii, although only for commercial landings, and is shared with NOAA in an effort to avoid a duplicate requirement on fishers to be licensed and to report their catches.

For example, due to a federally declared state of overfishing in the main Hawaiian Islands bottomfish fishery, NOAA managers recently voiced the need to better monitor bottomfish catches in order to assess when a newly established ACL was being reached or possibly exceeded. In particular, they have expressed support for reporting data based on trips, rather than reports that are submitted on monthly basis. The Department also sees the efficacy of requiring trip reports to be consistent with federal partners to obtain timely information for fishery management and to avoid confusion of the fishers.

The Department has agreed to cooperate in this case because the fishery involved is under shared jurisdiction and in a declared state of overfishing. However, for the Department to alter its requirement on commercial bottomfishers to report by trip, the current reporting frequency by month would have to change. Although the overall authority language in section 189-3, HRS, is sufficient for this purpose, the section's title, which presently makes reference to "monthly catch", would need to be amended to allow greater flexibility in terms of the time period in which reporting could be specified to occur.

Without this authority, the Department could not collect the information on fishing it needs to properly manage fisheries. Some people may see this proposal as unnecessarily burdensome, unenforceable, and fragmented, given that no data is being collected on non-commercial fishing effort. In addition, the Department also understands the potential burden represented by the possibility of more frequent reporting. However, if fisheries catch information is not collected in a timely manner, a monitoring mechanism to determine how much is harvested at a given time will not be in place, and will lead to further unsustainable harvest of depleted populations. Enforcement of reporting requirements and understanding the effect of non-commercial fishing are both issues that are being addressed; in particular, greater attempts to enforce current requirements have been implemented via submittal reminders to fishers, and prompt transmittal of non-compliance information to enforcement officers.

In summary, this measure will allow the Department greater flexibility in regard to the collection of commercial fisheries catch data. This will in turn aid in the more timely and efficient management of Hawaii's commercial fisheries, particularly those shared jurisdiction stocks in currently declared states of overfishing.

Representative Marcus Oshiro, Chair
Representative Marilyn Lee, Vice Chair
Committee on Finance

Wednesday, February 27, 2008
11:00AM, House Conference Room 308

In Support of HB 3175 with Recommended Amendments – Relating to Commercial Marine Fishing Reports

Good morning Chair Oshiro, Vice Chair Lee and honorable House Finance Committee Members. I am Roy Morioka of Honolulu, Oahu, a retiree and fisherman. Thank you for this opportunity to testify in support with amendment. While I support the measure as it simply revises the title of section 189-3, HRS from “monthly catch” to “commercial marine fishing reports,” I am concerned that passage of this measure could be unintentionally misinterpreted and increase the reporting requirement for all commercial fishermen. Therefore, I call your attention to, and concur with the WLH Committee’s Report: STAND. COM. REP. NO. 565-08 which states in part: *“Your Committee finds that this section title change is necessary to allow DLNR to require more frequent bottomfish catch monitoring to comply with the annual catch limit mandates in recent amendments to the federal Magnuson-Stevens Act. However, your Committee finds that it is not DLNR’s intent to change reporting requirements for the other types of catches.”*

Currently, the State’s requires commercial fishermen to submit their Fishing Report (catch and effort data) on a monthly basis. The need for more frequent reports may be needed to address a Federal rule that is currently published for review with a March 7, 2008 comment by date, for the bottomfish fishery that falls under the joint jurisdiction of the state and federal fishery managers using the “annual catch limit - ACL” regimen, that basically sets an annual quota and closes that fishery when the ACL quota is reached. To require all commercial fishermen to report their catches of non-bottomfish on a more frequent basis would unnecessarily cause increased administrative and cost requirements on both the fishermen and the state.

While I recognize that the Committee on Finance may not be afforded the authority necessary to materially amend this legislation, I believe it necessary to clarify its intent, **by including specific language to insure that at this time, only the bottomfish catch reports may require more frequent reports, and provide a provision be included to complement federal rules where joint jurisdiction over a fishery occurs and increased reporting is required.** Additionally, there needs to be **included specifically, that this and all other rule changes are subject to the Chapter 91 Administrative Rules and the process contained therein.** I apologize that I do not have the specific language for these recommended amendments.

Thank you again for your consideration and this opportunity to testify and recommend amendments on this bill.

Sincerely Yours,
Roy N. Morioka

FINtestimony

From: carl [mjellings@hawaii.rr.com]
Sent: Tuesday, February 26, 2008 12:39 PM
To: FINtestimony
Subject: 2/27/2008 HB3175 Agenda #2

HB 3175

DATE: Wednesday, February 27, 2008
TIME: 11:00 A.M.
PLACE: Conference Room 308

A G E N D A # 2

COMMITTEE ON FINANCE

Honorable Chair Rep. Marcus R. Oshiro

Honorable Vice Chair Rep. Marilyn B. Lee

Honorable Representative Karen Awana, Honorable Representative Mele Carroll, Honorable Representative Roland Sagum

and Honorable Members

Aloha From Waianae

After consideration from Water Land Chair Honorable Representative Ken Ito and consideration from DLNR DAR that it is "NOT" the intent of this Bill to

cause per trip reporting for akule fishers, ONE of Hawaii's strongest and thriving fisheries, I would like to change My Prior Opposition to **SUPPORT** of

this important measure, Bottom fishers fish on a tach or (total allowable catch) it is important that DAR recieves data on a more timely basis as to protect

and insure a sustained fishery.

Mahalo for allowing me to testify Carl Pao Jellings