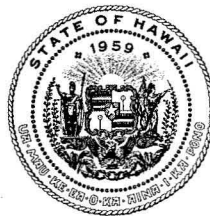


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**TESTIMONY OF THE CHAIRPERSON
OF THE BOARD OF LAND AND NATURAL RESOURCES**

on HOUSE BILL 3175 -RELATING TO COMMERCIAL MARINE FISHING REPORTS

**BEFORE THE HOUSE COMMITTEE ON
WATER, LAND, OCEAN RESOURCES, AND HAWAIIAN AFFAIRS**

February 13, 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.