

HB3440
TONY COSTA
HAWAII NEARSHORE FISHERMEN

1

COMMITTEE ON WATER, LAND USE & HAWAIIAN AFFAIRS

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From: Tony Costa
Hawaii Nearshore Fishermen
Honolulu, Hawaii
808-540-1308 Tel

Re.: Testimony in OPPOSITION TO HB3440
Date: Friday, February 8, 2008
Time: 8:30 a.m.
Place: Conference Room 312 State Capitol
415 South Beretania Street

Copies needed: 5

TESTIMONY

My name is Tony Costa and I am testifying on behalf of Hawaii Near Shore Fishermen, a loosely organized, tight-knit group of nearshore fishermen. Hawaii Nearshore Fishermen are in OPPOSITION TO HB3440.

HB3440 intent is to address recreational thrill craft overuse in Ni'ihau's nearshore waters and address a littering problem on Ni'ihau's beaches. However, the mechanism to do this is to create an FMA through a "community based subsistence fishing area" in Ni'ihau waters.

Hawaii Nearshore Fishermen are concerned that an unintended consequence that commercial Akule fishing could be restricted in an FMA style community base subsistence fishing area.

Hawaii enjoys an open access policy to Hawaii Waters and Beaches. Niihau Island is indeed privately owned. However, the waters and the beaches are open as they should be to all citizens. Currently, there is much ado about access to beaches being denied by gated homeowners building walls, gates, and other structural impediments to access.

In our view, a community based subsistence management area could similarly restrict access. Most importantly it could restrict access to those native Hawaiians who have been fishing there sustainably for over 60 years.

If Jet skis and thrill craft overuse of Ni'ihau waters are the management intent of HB3440, we would like to suggest addressing the recreational thrill craft use of the area instead of addressing it as a subsistence fishing area.

HNF are strongly opposed to HB3440 in its current form.

Respectfully submitted,
Tony Costa
Hawaii Nearshore Fishermen

House of Representatives
Committee on Water, Land Use and Hawaiian Affairs
Representative Ken Ito, Chair
Representative Jon Riki Karamatsu, Vice Chair

TESTIMONY ON HOUSE BILL 3440

Friday, February 8, 2008
8:30 a.m. – Conference Room 312

Chair Ito, Vice Chair Karamatsu and members of the WLH Committee,

Mahalo for the opportunity to provide testimony on this measure. Pae 'Āina Communications **supports the intent of this measure with amendments.**

We strongly support the need to bring regulations and enforcement to the waters and shores of the Island of Ni'ihau.

We would like to provide the following amendments to replace Section 2 of HB 3440:

SECTION 2. The island of Ni'ihau, as defined in the administrative rules of the department of land and natural resources, shall be designated a marine life conservation district, as provided in section 190, Hawaii Revised Statutes (HRS). The department of land and natural resources, in consultation with the 'aha kiole council, shall adopt exceptions to the conservation district and other rules and prohibitions consistent with section 190-03 and 190-04, HRS. The department through administrative rule making shall adopt the following initial permitted activities:

- (1) Residents of the Island of Ni'ihau may take and possess enough to be considered for subsistence (combined total, squeezed dry) of limu kohu and limu

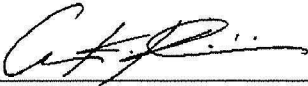
lipe`epe`e by hand harvest only, provided the limu's holdfast is left in place;

(2) Residents of the Island of Ni`ihau may take and possess any finfish with hook-and-line from the shoreline, with not more than two poles per person and one line per pole, with no more than two hooks per line; and

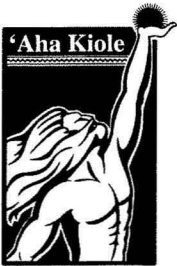
(3) To take with legal nets and possess `opelu during August and September, and akule during the appropriate season.

Thank you all for the opportunity to provide testimony and we ask for your strong consideration of our amendments.

Mahalo ha`aha`a iā `oukou,



Adrian K. Kamali`i, PRP
President and Chief Consultant
Pae `Āina Communications, LLC



**AHA KIOLE ADVISORY COMMITTEE
IN SUPPORT, WITH AMENDMENTS OF
HB 3440 – Relating to the Island of Ni‘ihau**

House Committee on Water, Land, Ocean Resources, and Hawaiian Affairs
Conference Room 312, 8:30 a.m.
February 8, 2008

Aloha Chair Ito and Members of the Committee:

The Aha Kiole Advisory Committee was created through Act 212 in Legislative Session 2007. “The purpose of this Act is to initiate the process to create a system of best practices that is based upon the indigenous resource management practices of moku (regional) boundaries, which acknowledges the natural contours of land, the specific resources located within those areas, and the methodology necessary to sustain resources and the community.

On the Island of Ni‘ihau, the boundaries of the resource management areas extend out into the sea. Impacts on the ocean surrounding Ni‘ihau directly affect the Native Hawaiian living there. It is important that the ocean surrounding this Island be protected, but more importantly, it is crucial that the people of Ni‘ihau be the stewards of its surrounding waters. The way that the Bill is crafted now will negatively impact existing beneficial fishing practices.

The true issue on the protection of Ni‘ihau’s waters lies in the ability of the people of the island to determine their own sustainability needs and methods. We have found that the outside recreational vehicles and thrill craft abuse the right of access to our shores. Including commercial ventures who Clorox our subsistence resources. These are the ones responsible for the debris and desecration of our shores. Ni‘ihau is a community-based subsistence fishing area. We ask that direct rules ban the outside recreational thrill craft ventures such as jet skis be created through the administrative process of the Dept. of Land and Natural Resources.

We ask that the purpose clause of HB 3440 be changed to read “The purpose of this Act is to limit all outside recreational activities for onshore and offshore of Ni‘ihau.”

Further, we ask that the DLNR provide enforcement officer positions within the division of conservation and resources enforcement, department of land and natural resources, to protect the island of Ni‘ihau and its resources with a special designation that said officers be residence of Ni‘ihau, be familiar with its resources and be directly connected to its communities.

We ask that in accordance with Act 212, that the Aha Kiole Advisory Committee, particularly the Kiole for Ni‘ihau and Ni‘ihau community be consulted in issues affecting Ni‘ihau and its natural resources including ocean issues.

We are in support of HB 3440 with the amendments as stated. Thank you for your consideration in hearing this testimony.

Ilei Beniamina
Aha Kiole – Ni‘ihau