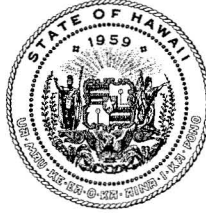
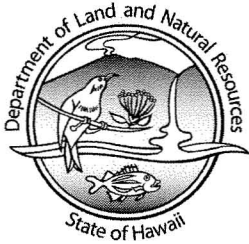


LINDA LINGLE  
GOVERNOR OF HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

Laura H. Thielen  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT  
  
Russell Y. Tsuji  
FIRST DEPUTY  
  
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AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
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CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

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

**On House Concurrent Resolution 346 /House Resolution 287– REQUESTING THE  
DEPARTMENT OF LAND AND NATURAL RESOURCES, DIVISION OF AQUATIC  
RESOURCES TO CONDUCT A STUDY ON HAWAII ADMINISTRATIVE RULES, TITLE  
13, SUBTITLE 4, PARTS I, II, IV, AND V.**

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

March 24, 2008

House Concurrent Resolution 346/House Resolution 287 requests the Division of Aquatic Resources of the Department of Land and Natural Resources (Department) conduct a study of all administrative rules under Title 13, Subtitle 4, Parts I, II, IV, and V, and that the study include information on the rule adopted, the justification for its adoption, the rule's expected objective, and for rules under Parts I and II, to identify the entity for the rule's management. The Department opposes these resolutions and offers the following comments.

The Department adheres to the requirements of Chapter 91, Hawaii Revised Statutes, in regard to its rulemaking. Consequently, the Department clearly articulates the reason and need for each rule proposed, and also clearly explains what it expects each rule to achieve. Furthermore, it is clear that the managing entity involved is the Department, because no other agency can promulgate rules under Title 13.

The Department notes that this legislative body has passed on to the Senate, House Bill 2687 (RELATING TO AQUATIC RESOURCES) which requires the Department to conduct a review of any administrative rule adopted after January 1, 2008, concerning: (1) The protection and propagation of introduced and transplanted aquatic life; or (2) The conservation and allocation of the natural supply of aquatic life; and determine and report on, among other things, whether the rules have achieved their intended purpose, the impact on the general public and user groups, and the impact on the health of the resource.

HOUSE OF REPRESENTATIVES  
THE TWENTY-FOURTH LEGISLATURE  
REGULAR SESSION OF 2008

COMMITTEE ON WATER, LAND, OCEAN RESOURCES & HAWAIIAN AFFAIRS

Rep. Ken Ito, Chair

Rep. Jon Riki Karamatsu, Vice Chair

Rep. Mele Carroll

Rep. Roland D. Sagum, III

Rep. Michael Y. Magaoay

Rep. Scott K. Saiki

Rep. Hermina M. Morita

Rep. Cynthia Thielen

DATE: Monday, March 24, 2008

TIME: 10:30 a.m.

PLACE: Conference Room 312

State Capitol

415 South Beretania Street

Strong support of HCR346 and HR287 REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES, DIVISION OF AQUATIC RESOURCES, TO CONDUCT A STUDY ON PARTS I, II, IV, AND V OF TITLE 13, SUBTITLE 4, OF THE HAWAII ADMINISTRATIVE RULES.

Good morning Chair Ito, Vice-chair Karamatsu, and Honorable Members of the Committee on Water, Land, Ocean Resources and Hawaiian Affairs, I am Roy Morioka, a retiree and fisherman from Waialae-iki, Oahu and I thank you for allowing me to testify in strong support of both HCR346 and its companion HR287 that calls upon the DLNR/HDAR to properly administer its duties as the lead manager of our state's marine resources. The promulgation and implementation of fishery rules without the proper baseline analyses to be measured against, the absence of timely monitoring and review of the rules to insure that the rule is achieving its intended objective, and failure responsibly report to the resource users and community at large on the progress or lack thereof of the rules is improper and the department should be held to a standard that is simply put, common sense.

I applaud the House for their call to initiate these long awaited measures to insure fairness, practicality, responsibility, improved communication and good stewardship by the DLNR/HDAR.

Thank you again for allowing me to testify on these resolutions.

Sincerely Yours,  
Roy N. Morioka

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**From:** carl [mailto:mjellings@hawaii.rr.com]  
**Sent:** Sunday, March 23, 2008 3:54 PM  
**To:** WLHtestimony  
**Subject:** HCR 346- HR 287

Monday, March 24, 2008

TIME:

10:30 a.m.

HCR 346

HR 287

Conference Room 312

COMMITTEE ON WATER, LAND, OCEAN RESOURCES & HAWAIIAN AFFAIRS

*Rep. Ken Ito, Chair*

*Rep. Jon Riki Karamatsu, Vice Chair*

*Rep. Mele Carroll*

*Rep. Roland D.*

*Sagum, III*

*Rep. Michael Y.*

*Rep. Scott K. Saiki*

*Magaoay*

*Rep. Hermina M.*

*Rep. Cynthia Thielen*

*Morita*

*Honorable Rep. Ken Ito, Chair*

*Honorable Rep. Jon Riki Karamatsu, Vice Chair*

*Honorable Committee Members*

*Aloha Honorable Chair Representative Ken Ito*

*WHEREAS, the mission of DLNR's, Division of Aquatic*

*Resources (Division) is to manage, conserve, and restore the*

*state's unique aquatic resources and ecosystems for present and*

*future generations;*

*Aloha My Name is Carl P Jellings Sr. a life long resident of Waianae ,Nanakuli and full time fishermen Both subsistence and Comm. it is with much respect for the ocean and it's resources that I testify today.Over these past years 38 all together I have watched our Ocean resources deminish and time after time rules implimented to protect resources from direct take "rule after rule", with seasonal closure's baglimit's area closures such as FMA"s,, MLCD"s,, gear restrictions, size restriction's net hiegh restrictions length restrictions etc. , in 1997 new rules for akule fishing were implimented ,size increase to 8 and 1 half inches , net eye size increase,and a seasonal closure from June till October 31st remained, a total of 4 month"s closed. it is a success fisheries were fished in a sustainable manner infact so sustainable that it was deemed underutilized by past DLNR Chairman Peter Young. Although these rules have succeded up until the late nineteys ,rescently fishers who have advocated to protect resources from overfishing are now finding thier fishing grounds threatened,and that not one of these current rules address,such as habitat degredation ,and overuse, . Hawaiian"s have protected thier resources for generation"s to the detriment of thier people from most all negative influence ,even negative gossip was forbidden before fishing, it was thier means of survival of Life and Death .(I have witnessed Hawaiian"s and Non Hawaiians picking and choosing what it is to be Hawaiian, to protect our resource"s with Konohiki and Kapu system"s "ment" to protect it"s entire surrounding water"s this I have NOT seen.)*

*Much Aloha for allowing Me to testify this 24th Day of March 2008 " the year of the pa "pa" Sincerily Carl Pao Jellings Sr.*

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**From:** HBPAA@aol.com [mailto:HBPAA@aol.com]  
**Sent:** Sunday, March 23, 2008 2:06 PM  
**To:** WLHtestimony  
**Subject:** Testimony in Support of HCR 346

**HBPA**

Hawaii Boaters Political Action Association  
282 Aikahi Place, Kailua, Hawaii 96734

Representative Ken Ito, Chair  
Representative Jon Riki Karamatsu, Vice Chair  
House Committee on Water, Land, Ocean Resources and Hawaiian Affairs

William E. Mossman

[WLHTestimony@Capitol.hawaii.gov](mailto:WLHTestimony@Capitol.hawaii.gov)  
WLH hearing 3/24/08  
10:30 am Rm. 312

## **Testimony in Support of HCR 346**

Chair Ito, Vice Chair Karamatsu and members of the committee,

The purpose of HCR 346 succinctly describes the perceptions of most of the Hawaii fishermen who question the usefulness of these rules and are confused by the considerable "overlap" of some rules/terms, e.g. "Regional Fisheries Management Areas" vs. "Marine Life Conservation Areas" vs. "Community Based Subsistence Fishing Areas"). This may be a good way for DLNR-DAR to start cleaning house in this area. We strongly support HCR 346.

Thank you.

Sincerely,

William E. Mossman

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