

**LATE**

COMMITTEE ON AGRICULTURE AND HAWAIIAN AFFAIRS

Senator Jill N. Tokuda, Chair  
Senator J. Kalani English, Vice Chair

COMMITTEE ON WATER AND LAND

Senator Clayton Hee, Chair  
Senator Russell S. Kokubun, Vice Chair

NOTICE OF HEARING

DATE: Tuesday, February 12, 2008  
TIME: 2:45 PM  
PLACE: Conference Room 224  
State Capitol  
415 South Beretania Street

From: Tony Costa  
Hawaii Nearshore Fishermen  
Honolulu, Hawaii 96821  
808-540-1308 Office

Re.: Testimony in OPPOSITION of SB 2749  
Date: Friday, February 12, 2008  
Time: 2:45 pm  
Place: Conference Room 415 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 SB2749.

Hawaii Nearshore Fishermen feel that SB2749 would prohibit commercial fishing activity in Hawaii State waters in the nearshore out to 2 miles surrounding the island of Niihau. (Section 3, line 14 (a) commercial uses shall be strictly prohibited.)

It is for this reason we are in staunch opposition to this bill.

Amendments to the bill could be crafted to allow fishing by permitted vessels fishing for sustainable commercial resource species such as Akule, Taape, Menpachi etc.

Additionally, HNF are fundamentally opposed to race based or geographic residence based fishery management. It is our opinion that fishery management should resource based.

We are in opposition to the bill in its present form.

Thank you for allowing me to testify.

Respectfully submitted,

Tony Costa

**LATE**

TO: THE COMMITTEE ON AGRICULTURE AND HAWAIIAN AFFAIRS  
Senator Jill N. Tokuda, Chair  
Senator J. Kalani English, Vice Chair

THE COMMITTEE ON WATER AND LAND  
Senator Clayton Hee, Chair  
Senator Russell S. Kokubun, Vice Chair

FROM: LEO A. OHAI and NEPHI OHAI  
February 12, 2008

TESTIMONY OPPOSING SB 2749: RELATING TO THE NI'HAU ISLAND  
RESERVE COMMISSION

We oppose SB 2749 for the following reasons:

1. The waters around Ni'ihau is a major fishing ground for us. We have fished here for over 65 years and closing these grounds would put us out of business. The fish caught around Ni'ihau feed thousands of people through out Hawaii and should be kept open to fishing.
2. There is no shortage of fish around Ni'ihau for subsistence purposes and we regularly share our catches made off Ni'ihau and Kaua'i with the Ni'ihau Hawaiians that reside on Ni'ihau and Kauai.
3. The fishing industry in Hawaii is slowly dying every year because we are losing our fishing grounds to new regulations, environmentalists, pollution, and recreation. If the waters off Ni'ihau are closed out to two miles we would lose large schools of Akule, Hahalalu, Aku and other fisheries that feed thousands in Hawaii.
3. It is good to preserve native Hawaiian rights, traditions and culture. This can be done without closing two miles of ocean. The ocean resources should be open to all native Hawaiians and citizens of Hawaii.
4. How many native Hawaiians live on Ni'ihau? Maybe 150 people now live there but they are not all pure Hawaiian. Every year the blood quantum is reduced through intermarriage and perhaps in 20 years the residents of Ni'ihau would be mostly non-Hawaiian. If the Ni'ihau Island Reserve shall be held in perpetuity, a time will come when it will be serving non-hawaiians at the expense of all other native Hawaiians.
5. The State departments and agencies should not be subject to the oversight of the Ni'ihau island reserve commission. All powers and duties of the Board of Land and Natural Resources and the Land Use Commission concerning dispositions and approvals pertaining to the island reserve should not be transferred to the reserve commission.
6. The powers and duties of the county of Kaua'i and its agencies concerning coastal zone dispositions and approvals pertaining to the island reserve should not be transferred to the reserve commission.
7. If the citizens of Hawaii, Hawaiian and Non-Hawaiian, contribute to a trust fund to support the island reserve, will they have access to see and enjoy what they are

supporting?

8. Ni`ihau is a private island. The Robinsons control who goes there, who lives there and what is done there. The reserve commission must be residents of Ni`ihau and they will eventually serve Robinson's agenda for the island and surrounding waters.

Many of the objectives of SB2749 are good and should be kept. We ask that this bill be modified to include our concerns listed above.

Mahalo.

Leo A. Ohai

Nephi Ohai