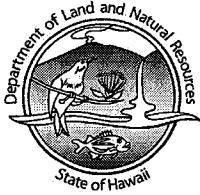


TESTIMONY
HCR251

LINDA LINGLE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
LAURA H. THIELEN
Chairperson**

**Before the Senate Committee on
WATER, LAND, AGRICULTURE, AND HAWAIIAN AFFAIRS**

**Monday, April 27, 2009
2:00 PM
State Capitol, Conference Room 224**

**In consideration of
HOUSE CONCURRENT RESOLUTION 251 -
URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES, DIVISION
OF AQUATIC RESOURCES TO CONSULT AND CONFER WITH LICENSED
SPECIALIZED FISHING PRACTITIONERS PRIOR TO IMPLEMENTING REVISED
OR NEW REGULATIONS AFFECTING THESE STYLES OF NEAR-SHORE
COMMERCIAL FISHING AND TO SEEK ADVISE FROM AND WORK
COLLABORATIVELY WITH THEM ON ANY AND ALL FUTURE REGULATIONS
RELATING TO COMMERCIAL FISHING.**

House Concurrent Resolution 251 urges the Department of Land and Natural Resources (Department), Division of Aquatic Resources to consult and confer with licensed specialized fishing practitioners prior to implementing revised or new regulations affecting these styles of nearshore commercial fishing and to seek advice from and work collaboratively with them on any and all future regulations relating to commercial fishing. While many of the ideas in various resolutions have merit, given the uncertainties of the fiscal situation, the impact on the Department's operating budget, the need to direct new efforts to apply for federal stimulus grants, which will come with additional reporting requirements, the Department cannot support this resolution at this time.

In the course of administrative rulemaking, the Department is obligated to comply with the requirements of Chapter 91, Hawaii Revised Statutes, to regulate fishing. These requirements along with executive branch policies require the Department to conduct an open public process in which all interested stakeholders may participate. Further, the Department has a program, commercial fisheries and resources enhancement, and its objective is to manage commercial fisheries sustainably. The Department appreciates the experience of Hawaii's commercial fishers, and often consults with them in regards to reported anomalies, fishing effort, and proposed rules. In this regard, the Department, as a normal course of conducting its business, does consult and is open to the concerns and suggestions of the licensed commercial fishers.

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

THE SENATE
THE TWENTY-FIFTH LEGISLATURE
REGULAR SESSION OF 2009

COMMITTEE ON WATER, LAND, AGRICULTURE, AND HAWAIIAN AFFAIRS

Senator Clayton Hee, Chair
Senator Jill N. Tokuda, Vice Chair

NOTICE OF HEARING

DATE: Monday, April 27, 2009
TIME: 2:00 p.m.
PLACE: Conference Room 224
State Capitol
415 South Beretania Street

The Fishermen SUPPORT HCR251

The Hawaii Nearshore Fishermen here today represent the island of Oahu: Waianae, Haleiwa, Kahuku, Hauula, Kaneohe, East Oahu, and Honolulu.

We are Hawaii's Nearshore Fishermen. We represent an elite group of expert fishermen who practice a rare and unique form of fishing that islanders and markets have depended on for the last 50 years.

The backbone of these fishermen's fishing style has its roots in the Hawaiian method of surround and bag fishing. Surround bag net fishermen also practice aqua lung spear and trap fishing.

The fishermen represented here combine a total of over 500 years of expert knowledge about fishing in Hawaiian waters and conditions. Nowhere else on earth will you find the level of detail and knowledge of ocean currents, weather patterns, tides, conditions, and all Hawaiian marine resource conditions and relating fish behavior than through the eyes of the individuals you see here before you today.

The fishermen here have been quietly fishing sustainably in a manner taught to them by their elders – this ever evolving cultural practice, has been passed down through a sometimes painstaking "apprenticeship" that conservatively takes half their life to even start to master.

The importance of providing nearshore caught species fresh from the ocean to those who cannot catch fish themselves also traces its roots back to the Hawaiian way of "mahele" where the fishermen would share and divide the catch for dissemination to the community.

These Hawaii nearshore Fishermen interact and find balance with the earth's cycles of abundance, seasons and weather every day. They live the ocean.

These fishermen have a connection to their environment that has afforded them a “consciousness” about fish stocks and the marine environment that even the highest degreed scientist could only surmise about.

Hawaii’s Fishermen are here today to respectfully and honorably let you know that they exist and that their profession is worth not only honoring but celebrating and due acknowledgement is just. Further to that, and most importantly we are here to support and embrace the spirit of cooperation that HCR251 speaks to.

These fishermen are here today to respectfully advise you that there are many conditions about fish stocks that go untold and are lost in the fast and fanciful and popular quest to end the harvesting of fish species from the ocean in the name of saving the environment.

We want you to know we have harvested in a sustainable manner by tradition.

We want you to know we see many good things about fish stocks as well as negative impacts to fish stocks.

We want you to know we know without doubt when it is necessary to regulate take – we should we do it daily. But we also want you to know we know when exaggerations about our nearshore are used to establish permanent fishing restrictions.

As stated earlier, we represent all districts of Oahu.

We provide Oahu markets, family, and community with nearshore caught species and we feel it is only reasonable that we are afforded fair and equitable recognition, treatment, and communication.

The Commercial Marine License holders provide the States only clear eye into the status of fish stocks. We are the only ones providing landings data being used by the departments Department of Aquatic Resources. It would be only natural that the fishermen should be nurtured in this capacity and HCR251 urges just that.

The fishermen are very grateful for the support they do receive and would like to thank the legislature for supporting this resolution.

Respectfully submitted,
Tony Costa
Hawaii Nearshore Fishermen

Senator Clayton Hee, Chair
Senator Jill N. Tokuda, Vice Chair
Committee on Water, Land, Agriculture, and Hawaiian Affairs
Monday, April 27, 2009 Conference Room 224
HCR 251

My name is Frank Farm Jr. and among the various work endeavors of my life was that of a commercial fisherman in the State of Hawaii. This included various types of commercial, recreational, share fishing and marine research, to include but not limited to trolling, hook and line, bottom-fishing, trapping, diving (freediving and SCUBA), fence and bag netting by targeting schools species, etc. My fishing activity and effort increased to the point that it was a rare situation that a few days or a week would pass and I was not engaged in some sort of fishing/marine activity. A large amount of this time was as a diving fisherman, and most of this activity involved SCUBA diving. I have made in excess of 18,000 SCUBA dives, some in research, or hobby activity, but mostly in support of trapping, spearing and underwater "fence and bag" operations.

This brings us to the reason I am here. I speak in support of HCR 251. Granted over the years, there are differences between the fishing community and Department of Aquatic Resources (DAR), and obviously these differences will continue, but hopefully to a lesser degree. What is needed is an effort to work together and share information that will result in improved management and meaningful regulations.

These specialized commercial fishers have a lot to offer, but will not completely 'open up' and share much information and some private techniques to DAR, especially if the fishers are of the opinion that their knowledge and information is not taken seriously and/or treated as unreliable.

Their accumulated knowledge and experience is the result of days, years, etc. primarily underwater pursuing their method/type of fishing. This involved exploring different depths and habitat, the currents for the different areas around the entire island (s), learning how fish act, interact and being able to react to various situations at different areas (habitat). Learning the stages of the moon phase, and its effect on currents and targeted fish activity,

There are occupational benefits i.e. profitable catches, supplying certain types of fish to the marketplace that would otherwise not be readily available for consumption and the challenge that the fish and the ocean provides. There are also hazards, such as, rough seas, currents, sharks, eels, potential lost at sea, bends, cuts, etc.

BUT these are the fishers that really know what is going on....they have been doing it for many years. As ONE example for a specific type fishery... the 'fence and bag' technique. I, as did other fishers, started exploring this technique in the late 50's. with the goal that certain schools of various fish could be targeted and harvested efficiently. Not so easy at first, but through years of trial and error, (some even comical) overcoming the

negative or conflicting elements, including how the fish may be thinking and brainstorming and developing few empirical ideas. This 'F&B' method works well today and will probably see some improvement in the future. This technique has provided a sustainable, productive amount of select fish to the marketplace and consumers throughout many years. It can and should continue without "severely restricting or otherwise closing this and other similar specialized fishing because 'DAR/the management' is lacking good data, or the knowledge as to where the fish are located. Unfortunately, it is easy to report the lack of fish in certain locations. Unknowledgeable sources with insufficient data, sometimes coupled with emotional or otherwise similar well intended input can jeopardize a sustainable fishery, negatively impact the livelihood of fishers, and removing the availability of certain desired species for the consumer.

These specialized licensed fishers consistently devote much time not only on the ocean but also underwater. Their endeavors include time underwater at the shallow, intermediate and deep depths of the ocean. They keep the markets supplied with fish and provides for Hawaii's population.

I have highlighted only one of a few of the specialized type of fishery, that can be adversely affected if the "managers" do not consult and confer with these licensed specialized fishing practitioners prior to implementing or revising regulations affecting these styles of near-shore commercial fishing.

The responsible fishers that are within the meaning of this resolution, should be the ones that can contribute the most to setting the standards to best manage these particular resources. It will require sincere cooperation and trust from all parties involved.

Strong recommendation to support this resolution. Questions?

Thank You

Overview Fishing / Marine Background

+President Ocean Marine Services... did numerous ocean research including cruises for OTEC, Woods Hole, State of Hawaii-- fabricated and deployed the State of Hawaii's first FADS (Fish Aggregating Devices) from the Big Island to Niihau, etc..., Boat and logistics support Deep dives with Sylvia Earle and Jim suit, provided support vessel for various projects HURL submarine - Makalii, did salvage and rescue projects of ships, etc.

+ US Coast Guard Masters license

+ Past president Hawaii Council of Diving Clubs, twice recognized as Outstanding Diver of Year

+Director of the Hyperbaric Treatment Center 26 years, etc. attended and or participated in numerous National/International medical/diving meetings.

+Associate member Undersea and Hyperbaric Medical Society since 1987,

- + Co authored/presented several research papers on diving and hyperbaric medicine. National and International
- + Attended and or participated in numerous National/International workshops related to diving medicine or fisheries management and research
- + Member and past chairman of Western Pacific Regional Fisheries Management Council, several terms
- + President of the oldest diving fishing club in the State of Hawaii
- + Member - Underwater Society of America,
- + Coach Team USA World Championships Freediving Spearfishing @ Portugal
- + Inducted Hawaii Freediving Wall of Fame
- +Hawaii Malacological Society,
- +Salt Water Aquarium Society,
- Others

TESTIMONY
HCR251
(END)