

## lowen2-Anosh

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**From:** cullen2 -Jolyn on behalf of omhtestimony  
**Sent:** Wednesday, January 30, 2013 3:27 PM  
**To:** waltestimony  
**Subject:** FW: Submitted testimony for HB359 on Feb 1, 2013 08:00AM

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From: [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov) [mailto:[mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)]  
Sent: Wednesday, January 30, 2013 9:04 AM  
To: omhtestimony  
Cc: [nahacky@ilhawaii.net](mailto:nahacky@ilhawaii.net)  
Subject: Submitted testimony for HB359 on Feb 1, 2013 08:00AM

### **HB359**

Submitted on: 1/30/2013

Testimony for OMH on Feb 1, 2013 08:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ulla Carmiencke	Individual	Support	No

Comments: As an aquarium fisher-woman I follow all regulations and therefore expanded enforcement will not have a negative affect on my fishing. I do not support the right of anyone to violate fishing regulations by taking advantage of limited enforcement. This being the case I fully support this bill and suggest others do also. Sincerely, Ulla Carmiencke

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**lowen2-Anosh**

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**Sent:** Wednesday, January 30, 2013 3:28 PM  
**To:** waltestimony  
**Subject:** FW: Submitted testimony for HB359 on Feb 1, 2013 08:00AM

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Sent: Wednesday, January 30, 2013 8:57 AM  
To: omhtestimony  
Cc: [nahacky@gmail.com](mailto:nahacky@gmail.com)  
Subject: Submitted testimony for HB359 on Feb 1, 2013 08:00AM

**HB359**

Submitted on: 1/30/2013  
Testimony for OMH on Feb 1, 2013 08:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Anthony Nahacky	Individual	Support	No

Comments: Like any fishery or business enterprise there is always one or two people that do not follow the regulations. As an aquarium fisherman for 45 years I fully support efforts to remove these individuals from the fishery through reasonable enforcement as proposed in this bill. This bill unlike many others concerning the aquarium fishery proposes useful regulation that will benefit all. Please support this bill, Sincerely Anthony Nahacky

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## lowen2-Anosh

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**From:** cullen2 -Jolyn on behalf of omhtestimony  
**Sent:** Thursday, January 31, 2013 7:43 AM  
**To:** waltestimony  
**Subject:** FW: Submitted testimony for HB359 on Feb 1, 2013 08:00AM  
**Attachments:** HB359\_testimony.pdf

### Jolyn Garidan Prieto

Office of Representative Ty Cullen, District 39  
Committee Clerk, Committee on Ocean Management & Hawaiian Affairs  
415 S. Beretania Street, Room 316  
Honolulu, Hawaii 96813  
Tel: 808.586.8490  
Fax: 808.586.8494

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From: [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov) [mailto:[mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)]  
Sent: Thursday, January 31, 2013 12:44 AM  
To: omhtestimony  
Cc: [matt.htfa@gmail.com](mailto:matt.htfa@gmail.com)  
Subject: Submitted testimony for HB359 on Feb 1, 2013 08:00AM

### **HB359**

Submitted on: 1/31/2013  
Testimony for OMH on Feb 1, 2013 08:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Matthew Ross	Individual	Support	No

### Comments:

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**Attachments:** HB 359 Testimony Rev.pdf

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Sent: Thursday, January 31, 2013 5:15 AM  
To: omhtestimony  
Cc: [marshall@pijac.org](mailto:marshall@pijac.org)  
Subject: Submitted testimony for HB359 on Feb 1, 2013 08:00AM

### **HB359**

Submitted on: 1/31/2013

Testimony for OMH on Feb 1, 2013 08:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Marshall Meyers	Pet Industry Joint Advisory Council	Support	No

#### Comments:

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NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of  
WILLIAM J. AILA, JR.  
Chairperson**

**Before the House Committees on  
WATER AND LAND  
and  
OCEAN, MARINE RESOURCES, AND HAWAIIAN AFFAIRS**

**FRIDAY, FEBRUARY 1, 2013  
8:00 AM  
State Capitol, Conference Room 325**

**In consideration of  
HOUSE BILL 359  
RELATING TO OCEAN RESOURCES**

House Bill 359 proposes to authorize administrative inspections of commercial fishers and wholesalers within the West Hawaii regional fishery management area. The Department of Land and Natural Resources (“Department”) offers the following comments.

The Department currently inspects commercial fishers and wholesalers under Hawaii Revised Statutes (HRS) §187A-15 and §189-14. These statutes apply statewide, not just in West Hawaii.

The term “administrative inspections” is not clear. When does it apply? How does this differ from the existing authority? The Department notes the elimination of the “probable cause” requirement. This may present constitutional problem, certainly for criminal prosecutions.

Finally, the Department would like to address a general issue in natural resources enforcement that needs more attention. In an effort to ensure compliance with both statutes and administrative rules, many people focus on tougher criminal penalties. But the practical reality is that administrative enforcement is easier, quicker, and more effective than law suits. And administrative enforcement is far more effective, less time consuming, and far less expensive than cumbersome criminal prosecution. This is not to say that, sometimes, bad actors that must be pursued under the criminal laws.

Administrative actions give the Department an opportunity to educate and change behavior across a broad community spectrum. Since the ultimate purpose of administrative rules is to modify social behavior over the long term, not to collect fines, the opportunity to interact with the fishing community on a more informal basis is important.

**WILLIAM J. AILA, JR.**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**ESTER KIA'AINA**  
FIRST DEPUTY

**WILLIAM M. TAM**  
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

By contrast, law suits require a state attorney general (or a *county* prosecutor) to file civil (or criminal) actions in court. Invariably, they get tied up in the court's process and schedule. Often, the State's attorney or the county prosecutor are not familiar with complex natural resources management issues or have higher priority cases. If they do get to trial, then he or she must convince a circuit court judge (who may have no background in natural resources management) that this case is worth serious attention and that the penalties are important in a larger management program. Many view fishing violations as incidental slaps on the wrist.

In a criminal case, the prosecutor has the highest burden of proof ("beyond a reasonable doubt" v. "reliable, probative, and substantial evidence") and the county prosecutor must present witnesses (often state Department enforcement officers) with whom the prosecutor has little or no regular professional contact (or even time). The obstacles of convincing a county prosecutor to pursue a criminal action in circuit court with a judge facing a crowded felony calendar and state witnesses (who seldom appear in court) are often overwhelming.

The Department can address administratively the same remedies quicker, more effectively, and with a greater chance of success.

**lowen2-Anosh**

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Sent: Thursday, January 31, 2013 11:13 AM  
To: omhtestimony  
Cc: [bert.basabe@gmail.com](mailto:bert.basabe@gmail.com)  
Subject: \*Submitted testimony for HB359 on Feb 1, 2013 08:00AM\*

**HB359**

Submitted on: 1/31/2013  
Testimony for OMH on Feb 1, 2013 08:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Bertha Basabe	Individual	Support	No

Comments:

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Sent: Thursday, January 31, 2013 11:14 AM  
To: omhtestimony  
Cc: [bert.basabe@gmail.com](mailto:bert.basabe@gmail.com)  
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**HB359**

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Pete Basabe	Individual	Support	No

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Sent: Thursday, January 31, 2013 11:18 AM  
To: omhtestimony  
Cc: [pbasabe@hawaii.rr.com](mailto:pbasabe@hawaii.rr.com)  
Subject: \*Submitted testimony for HB359 on Feb 1, 2013 08:00AM\*

### **HB359**

Submitted on: 1/31/2013

Testimony for OMH on Feb 1, 2013 08:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Taetuna Faavesi	Individual	Support	No

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Sent: Thursday, January 31, 2013 11:20 AM  
To: omhtestimony  
Cc: [pbasabe@hawaii.rr.com](mailto:pbasabe@hawaii.rr.com)  
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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ben Casuga	Individual	Support	No

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In testimony opposing HR 359

While I have no problem at all with “enhanced tools to better ensure compliance and monitoring of (fishing) activities within West Hawaii”, they must be efficient, fair and realistic.

The “any agent of the department upon whom the board has conferred powers of police officers, or who has otherwise been authorized to conduct administrative inspections” is completely and totally unacceptable.

Once you take the power of inspection away from trained and professional law enforcement officers (in this case, DOCARE), and share it with “duly authorized agent of the department”, now you are creating a problem bigger than you could have ever imagined. Why don't you just introduce Mongoose onto the islands to control rats or Peacock Groupers into the ocean as a food fish source.

Have you even thought about the consequences of this proposal? This vague, non specific direction has the potential to give any non qualified, untrained state worker, at, for example, the DAR office, to act autonomously and harass any commercial fisherman they please, because they don't like them, they have an axe to grind, a personal agenda or on the directive of a superior to do their dirty work.

This is a recipe for disaster.

You can't just dole out this kind of responsibility “willy nilly”. DOCARE officers are specially trained to do their work, and to think or expect untrained and unqualified “agents” to do this job correctly, and with the proposed “no probable cause” amendment as well, is ridiculous. Trained DOCARE professionals are challenged enough, with probable cause, to do their jobs fairly.

Leave this work to the professionals. Leave this job with DOCARE.

I also take issue with the fabrication of a problem where a problem doesn't exist. Your rationale and justification for this bill are unfounded. The present inspection process is quite adequate and while it could arguably use a few more inspectors to improve on it, anything more is simply superfluous and unnecessary.

If you want to try and trample all over my constitutional rights by trying to eliminate probable cause from the inspection process, be my guest and good luck to you.

“Probable cause” has been a long-standing constitutional protection shared by all Americans; one that separates us from all the countries in the world we despise for their lack of civil rights.

Last I looked, one of the cornerstones that makes our judicial system a world gold standard is that we are all innocent until proven guilty.

We are not China or Russia or any one of a dozen Arab countries.

I'm sorry but you need probable cause.

Faithfully submitted,

Robert Hajek

## lowen2-Anosh

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Sent: Thursday, January 31, 2013 11:45 AM  
To: omhtestimony  
Cc: [schmidt@saia-online.eu](mailto:schmidt@saia-online.eu)  
Subject: Submitted testimony for HB359 on Feb 1, 2013 08:00AM

### **HB359**

Submitted on: 1/31/2013

Testimony for OMH on Feb 1, 2013 08:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
christiane schmidt	ESAIA e.V.	Support	No

Comments: Dear Committee, we as an organisation with the goal to support and improve sustainability and ethics in the trade and hobby with marine wildlife, are fully supportive of this bill. We commend your effort to not only establish meaningful regulation and legislation for the Hawaiian aquarium fishery, but also to enable control and enforcement. Personally working in fisheries in often underdeveloped countries, I can only confirm that enforcement of existing legislation and regulation is key to successful management of resource use. Therefore we are fully supportive to your efforts to better monitor and ensure compliance with the existing rules. Kind regards, christiane for ESAIA e.V.

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## lowen1-Kyli

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**To:** waltestimony  
**Subject:** FW: Submitted testimony for HB359 on Feb 1, 2013 08:00AM  
**Attachments:** HB359 Testimony.pdf

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To: omhtestimony  
Cc: [chris.buerner@qualitymarine.com](mailto:chris.buerner@qualitymarine.com)  
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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Chris Buerner	Quality Marine	Support	No

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5420 W. 104th Street  
Los Angeles, CA 90045 U.S.A  
Ph: 310-645-1107 Fax: 310-670-8837  
www.qualitymarine.com

January 31, 2013

**State of Hawaii**  
**House Committee On Oceans, Marine Resources & Hawaiian Affairs**  
**Re: Proposed Bill H.B. No.359**

To whom it may concern,

We are submitting this testimony in support of House Bill No. 359. The passage of this measure will provide the DLNR the authority to exercise enforcement of current and future fishing regulations. Responsible industry support the efforts by the State and the DLNR to manage the fisher responsibly and we endorse increased authority for the department to apply the measures effectively.

Sincerely,

A handwritten signature in black ink, appearing to read 'G. Christopher Buerner', with a long, sweeping flourish extending to the right.

G. Christopher Buerner

President, Quality Marine

## lowen1-Kyli

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To: omhtestimony  
Cc: [Christin27@msn.com](mailto:Christin27@msn.com)  
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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Christin Walsh	Individual	Support	No

Comments: It really is about time we give these people the opportunity to show they have nothing to hide. This needs passing. Badly.

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## lowen1-Kyli

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Sent: Thursday, January 31, 2013 1:01 PM  
To: omhtestimony  
Cc: [davidtarnas@hawaii.rr.com](mailto:davidtarnas@hawaii.rr.com)  
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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
David Tarnas	Individual	Support	No

Comments: This bill allows enforcement officers to inspect the catch in the holds and coolers of commercial fishers. Having this authority would enhance enforcement as well as compliance with marine resource management regulations in West Hawaii. Mahalo!!

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Sent: Thursday, January 31, 2013 1:35 PM  
To: omhtestimony  
Cc: [douglasperrine@yahoo.com](mailto:douglasperrine@yahoo.com)  
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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Douglas Perrine	Individual	Support	No

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## lowen1-Kyli

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Sent: Thursday, January 31, 2013 3:31 PM  
To: omhtestimony  
Cc: [dalesarver@hawaii.rr.com](mailto:dalesarver@hawaii.rr.com)  
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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dale Sarver, Ph.D.	Individual	Support	No

Comments: Hawaii is the only State that I know of where fish and wildlife enforcement officials cannot search vehicles and coolers for game infractions. It is just a given everywhere else and is accepted by all hunters and fishermen. The present situation in Hawaii is a joke if coolers and and boats cannot be inspected. There is no point in making fish and game laws if the enforcement agencies have their hands tied like this. Hawaii's fish populations are grossly overfished and this has been recognized by the government since the 1950's, and yet precious little has been done to correct the situation. This is a common sense law and it frankly unbelievable that it has not been acted on a very long time ago.

Aloha

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**lowen1-Kyli**

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**Subject:** FW: Submitted testimony for HB359 on Feb 1, 2013 08:00AM

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**HB359**

Submitted on: 1/31/2013  
Testimony for OMH on Feb 1, 2013 08:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dulice Reden	Individual	Support	No

Comments: We desperately need measures to protect our fisheries.

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### **HB359**

Submitted on: 1/31/2013

Testimony for OMH on Feb 1, 2013 08:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
James Kerr	Individual	Support	No

#### Comments:

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I am in support of HB 359. Hawaii stands out in its' lack of ability to enforce Commercial Fishing bag and size limits. Most other States have Enforcement Officers with the ability to lawfully inspect terrestrial AND marine catches. Please pass this Bill so that catches can be scrutinized for legality and so that our marine resources can be actually BE protected according to Hawaii law.

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### **HB359**

Submitted on: 1/31/2013

Testimony for OMH on Feb 1, 2013 08:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Janice Kerr	Individual	Support	No

#### Comments:

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I strongly support HB 359 because we need to allow enforcement officers to inspect the catch in holds and coolers of commercial fishers, including aquarium collectors. Currently we don't have sufficient enforcement or Inspector authority to inspect the "catches". This is the only way to know if the any part of the "catch" is illegal. Hawaii already has Enforcement Officers empowered by law to look in backpacks and coolers of hunters here. I believe that commercial fishers should also be subject to equivalent scrutiny. I see no other way to ensure bag limits and size limits are adhered to. Also, nearly every other State grants Enforcement Officers the right to inspect marine and terrestrial "catches". Hawaii deserves no less.

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### **HB359**

Submitted on: 1/31/2013

Testimony for OMH on Feb 1, 2013 08:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jennifer Smith	Individual	Support	No

#### Comments:

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### **HB359**

Submitted on: 1/31/2013

Testimony for OMH on Feb 1, 2013 08:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jerry F. Halverson	Individual	Support	No

Comments: We need this legislation! I'm out on my OC-1 at least three days each week, and I see frequent violations of the replenishment areas and of the quantities of fish collected. What good is a law if it's not enforced? Laws absent enforcement make a mockery of our legislature.

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### **HB359**

Submitted on: 1/31/2013

Testimony for OMH on Feb 1, 2013 08:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jerry Kane	Individual	Support	No

Comments: Please vote for HB 359. It is absolutely necessary that enforcement officers have this authority.

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### **HB359**

Submitted on: 1/31/2013

Testimony for OMH on Feb 1, 2013 08:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
John Hoover	Individual	Support	No

#### Comments:

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### **HB359**

Submitted on: 1/31/2013

Testimony for OMH on Feb 1, 2013 08:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
John Nunn	Individual	Support	No

Comments: I support HB 359 in it's entirety.

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### **HB359**

Submitted on: 1/31/2013

Testimony for OMH on Feb 1, 2013 08:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Judith Perino	Individual	Support	No

Comments: This bill will aid in assuring sustainability of the fishery along the West Hawaii coastline and I support the effort.

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### **HB359**

Submitted on: 1/31/2013

Testimony for OMH on Feb 1, 2013 08:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kara Osada-D'Avella	Individual	Support	No

Comments: We have needed this for years. It is the only way we can start enforcing regulations.

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### **HB359**

Submitted on: 1/31/2013

Testimony for OMH on Feb 1, 2013 08:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kristina Anderson	Individual	Support	No

#### Comments:

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### **HB359**

Submitted on: 1/31/2013

Testimony for OMH on Feb 1, 2013 08:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lauren OMalley	Individual	Support	No

Comments: Protective legislation is only as strong as the enforcement capacity of the overseeing agency. Inspectors should have the right to open and search in closed containers in commercial fishing vessels to evaluate whether applicable fishery laws are being complied with. Thank you for protecting sustainable use of our valuable resources.

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### **HB359**

Submitted on: 1/31/2013

Testimony for OMH on Feb 1, 2013 08:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Laurence Scott	Individual	Support	No

#### Comments:

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Submitted on: 1/31/2013

Testimony for OMH on Feb 1, 2013 08:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Liz Foote	Individual	Support	No

Comments: I'm sorry I don't have more time to put together some science- and conservation-based testimony, but this is simply a common sense measure that will help immensely with enforcement.

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lorraine Newport	Individual	Support	No

Comments:

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Submitted on: 1/31/2013

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Marian W. Wilkins	Individual	Support	No

Comments: I just found out about the hearing. We must have some way to regulate aquatic collecting and this measure would provide some relief. I have noticed how few fish I see when snorkeling compared to a few years ago. It's sad and my mainland friends are very disappointed, also.

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Submitted on: 1/31/2013

Testimony for OMH on Feb 1, 2013 08:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Marjorie Ziegler		Support	No

Comments: This is needed statewide. We support the bill. Mahalo nui loa. Marjorie Ziegler  
Conservation Council for Hawai'i

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Submitted on: 1/31/2013

Testimony for OMH on Feb 1, 2013 08:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Marni Herkes	Individual	Support	No

Comments: RE: HB 359 Important phases in bill: fulfill the public trust; fiduciary duties for natural resources. I am in support of HB 359 to enable Hawaii's enforcement officers to 'establish reliable data'; to help officers preserve Hawai'i's important natural resources. Enforcement is a vital tool for effective management. Thank you for your consideration.

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Submitted on: 1/31/2013

Testimony for OMH on Feb 1, 2013 08:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mikalee Shaffer	Individual	Support	No

Comments: I support HB 359 in it's entirety.

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Cc: [pbasabe@hawaii.rr.com](mailto:pbasabe@hawaii.rr.com)  
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### **HB359**

Submitted on: 1/31/2013

Testimony for OMH on Feb 1, 2013 08:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nicholas Ramirez	Individual	Support	No

#### Comments:

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Cc: [pmaurin@gmail.com](mailto:pmaurin@gmail.com)  
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### **HB359**

Submitted on: 1/31/2013

Testimony for OMH on Feb 1, 2013 08:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
paulo	Individual	Support	No

Comments: I would like to express my strong support to this bill. Enforcement is key to any management objective that has associated rules and regulations. The local West Hawaii has worked hard and long to take ownership of their own local resources - something that should be celebrated and encouraged. Co-management and community involvement provide a useful approach to achieve sustainable use of the marine environment, recognizing all stakeholders, and this bill supports this by making regulations passed with community input meaningful and effective. This bill recognizes this communal effort by providing incentives for compliance. I applaud the legislature for introducing this bill, and encourage it to adopt it. Mahalo.

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To: omhtestimony  
Cc: [coralfish@hawaiiantel.net](mailto:coralfish@hawaiiantel.net)  
Subject: Submitted testimony for HB359 on Feb 1, 2013 08:00AM

### **HB359**

Submitted on: 1/31/2013

Testimony for OMH on Feb 1, 2013 08:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Randy Fernley	Coral Fish Hawaii	Oppose	No

Comments: As a tropical fish retailer in Aiea, I believe that the existing DLNR rule that states that a person can take "1 gal of sand per day per person for non-commercial purposes" is sufficient. Although very few people exercise this option, I feel it should be available.

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**Attachments:** HB359\_Written testimony in support\_RMost.docx

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Cc: [rebeccamost@gmail.com](mailto:rebeccamost@gmail.com)  
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### **HB359**

Submitted on: 1/31/2013

Testimony for OMH on Feb 1, 2013 08:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rebecca Most	Individual	Support	No

#### Comments:

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Rebecca Most  
PO Box 1354  
Hilo, HI 96721  
[rebeccamost@gmail.com](mailto:rebeccamost@gmail.com)

Written testimony in **support** of House Bill 359

Aloha-

I support HB 359, which would allow enforcement officers to inspect the catch in holds and coolers of commercial fishers, including aquarium collectors. People are always complaining we don't have enough enforcement, but one of the biggest problems enforcement officers have is the lack of authority to inspect catch. How can they tell if you have something illegal, too many fish, fish of the wrong size, etc. if they can't look in the cooler? Enforcement officers have the right to look in backpacks and coolers of hunters in Hawaii. Why not of commercial fishers? What good are bag limits and size limits if we can't see what's been caught? Virtually every other state in the union grants its enforcement officers the right to inspect catch, whether marine or terrestrial. This bill is a good step in the right direction to improve DOCARE, allowing the officers the power to fulfill their duties as protectors of our natural resources. I urge you to vote in favor of this bill, which will help protect our resources and discourage poaching in protected areas.

Mahalo,

A handwritten signature in black ink that reads "Rebecca Most". The signature is written in a cursive style and is positioned above the printed name.

Rebecca Most

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To: omhtestimony  
Cc: [rrgordon7@aol.com](mailto:rrgordon7@aol.com)  
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### **HB359**

Submitted on: 1/31/2013

Testimony for OMH on Feb 1, 2013 08:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Richard Gordon	Individual	Support	No

Comments: Without verification, they can take as many as they want. This is money to them, and if no one is watching the cookie jar, ALL THE COOKIES (FISH) WILL BE GONE.

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Sent: Thursday, January 31, 2013 3:21 PM  
To: omhtestimony  
Cc: [rgaffney@pacificboatsales.com](mailto:rgaffney@pacificboatsales.com)  
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### **HB359**

Submitted on: 1/31/2013

Testimony for OMH on Feb 1, 2013 08:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rick Gaffney	Individual	Support	No

Comments: For too many years, DLNR Enforcement (DOCARE) has been hampered by their inability to inspect the contents of coolers in order to determine if a resource violation has taken place. HB359 rectifies that by giving our resource enforcement officers an essential tool for the protection of our ocean resources. As a lifetime resident and fisherman, I can think of no good reason to prevent the inspection of fish boxes and coolers, so please vote in favor of this important piece of legislation. Mahalo, Rick Gaffney Kailua Kona, HI 96740

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**Attachments:** HouseBill359SUPPORT.doc

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### **HB359**

Submitted on: 1/31/2013

Testimony for OMH on Feb 1, 2013 08:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Susan Kellam	Individual	Support	No

#### Comments:

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To Whom It May Concern,

I am in complete support of House Bill 359. DLNR needs to be able to enforce the law. This is essential. Please support this Bill and support DLNR.

Mahalo,

Susan Kellam

87-3208 Carissa Rd

Captain Cook, HI 96704



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### **HB359**

Submitted on: 1/31/2013

Testimony for OMH on Feb 1, 2013 08:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tamara Paltin	Individual	Support	No

### Comments:

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### **HB359**

Submitted on: 1/31/2013

Testimony for OMH on Feb 1, 2013 08:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tina Owens	Individual	Support	No

Comments: I am in very strong support of HB 359, allowing enforcement officers to inspect commercial catch of marine species. There is no point in making marine management rules unless they can be enforced, and without the ability to look inside coolers, fish boxes, and wholesalers tanks and coolers, it is impossible to know whether regulations are being obeyed or not. Virtually every other state allows its enforcement officers to inspect bags, coolers, etc. Even Hawaii allows inspection of hunters' bags. Why do we not have such enforcement for commercial fisheries? West Hawaii is trying very hard to put meaningful management measures in place for our reefs to thrive and our keiki to have fish in the future. Our hands continue to be tied by this lack of enforcement authority. Please pass this bill. Mahalo.

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Submitted on: 1/31/2013

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Wayne	Individual	Support	No

Comments: Aloha Please vote for this legislation in order to protect Hawaii's marine environment.  
Mahalo

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