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GOVERNOR OF HAWAII



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

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

**Before the House Committee on
FINANCE**

**Wednesday, February 26, 2014
11:15 AM
State Capitol, Conference Room 308**

**In consideration of
HOUSE BILL 709, HOUSE DRAFT 2
RELATING TO OCEAN RESOURCES**

House Bill 709, House Draft 2 proposes to establish a task force to assist the Department of Land and Natural Resources (Department) in developing rules applicable to the coastal areas and nearshore waters. **The Department opposes this measure.**

House Bill 709, House Draft 2 seeks to address concerns arising from a hearing held on a variety of Niihau related bills on January 29, 2014. As such, the Department has concerns about the current draft.

The Department already has the authority to conduct public outreach meetings on each island for the purpose of adopting rules, and already consults with a wide range of stakeholders, including the Aha Moku Advisory Committee.

We are particularly concerned about the provision that prevents us from implementing any rules for Niihau prior to June 30, 2017. The situation at Niihau is urgent and we would like the flexibility to implement rules as soon as practical rather than waiting for the task force final report.

To achieve the spirit of discussions on the need for natural resources protection for Niihau, the Department recommends that this measure be modified to direct that funds under the bill be used to conduct an assessment of Niihau waters for the purpose of future management.

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

ESTHER 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



HB709 HD2
RELATING TO OCEAN RESOURCES
House Committee on Finance

February 26, 2014

11:15 a.m.

Room 308

The Office of Hawaiian Affairs (OHA) **OPPOSES** HB709 HD2, which would prohibit the establishment of any rules protecting the nearshore resources of Ni‘ihau for at least three years.

Ni‘ihau is a unique and invaluable kīpuka for Hawaiian language, culture, and a traditional way of life dependent upon nearshore natural resources. As the only island in which ‘Ōlelo Hawai‘i is the predominant language, and where residents maintain a traditional relationship with and dependence on nearshore and other natural resources for their daily subsistence needs, Ni‘ihau is truly a cultural kīpuka of Hawai‘i nei. Ensuring that the cultural knowledge, values, and practices of this island can continue to exist may be of critical importance to those who value Hawaiian culture and the maintenance of a direct connection to Hawai‘i’s rich cultural past. Notably, protecting and sustaining the cultural lifestyle of Ni‘ihau requires protecting the nearshore natural resources upon which its residents depend.

Unfortunately, largely unregulated fishing activities have already impacted the nearshore resources upon which Ni‘ihau residents uniquely depend. For several years now, residents of Ni‘ihau have reported growing levels of fishing activities in the waters surrounding their island, particularly by visitors from other islands who are willing to travel across many miles of open ocean to harvest from Ni‘ihau’s relatively abundant nearshore fisheries. Such activities appear to have disrupted Ni‘ihau residents’ careful stewardship and traditionally-based ocean harvesting practices that have otherwise sustained the island’s inhabitants and resources for generations; long-time residents have reported that fish-capture rates have already decreased by 50% over the last decade. Accordingly, without some regulation or mitigation of the growing fishing pressures in the waters surrounding their island, these residents have expressed a sincere concern that their very way of life may be threatened.

This bill may prevent timely regulatory intervention necessary to prevent further impacts to Ni‘ihau’s critically important nearshore resources. Given what is known about nearshore species’ life histories, spawning cycles, and migration patterns, it may take years if not decades for impaired nearshore fisheries to rebound. Should fishing impacts to Ni‘ihau’s resources continue unabated, the subsistence lifestyle of Ni‘ihau residents dependent on these resources may therefore be significantly disrupted. By

effectively prohibiting the implementation of any aquatic resource rules regarding Ni‘ihau’s nearshore waters until 2017, and possibly longer, this bill may inadvertently prevent any protective actions for the island’s nearshore resources until they have been significantly depleted, and the island’s culturally invaluable way of life irreparably harmed.

Therefore, OHA urges the committee to **HOLD** HB709 HD2. Mahalo for the opportunity to testify on this measure.

finance1

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 25, 2014 9:12 AM
To: FINTestimony
Cc: teresamlee.51@gmail.com
Subject: Submitted testimony for HB709 on Feb 26, 2014 11:15AM

HB709

Submitted on: 2/25/2014

Testimony for FIN on Feb 26, 2014 11:15AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Teresa L. Nakama	Individual	Support	No

Comments: The need for scientific facts are necessary before any new rules or regulations are necessary for all coastal areas and near shore use.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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**Aha Moku Advisory Committee
Testimony of Leimana DaMate**

Before the House Committee on Finance

Wednesday, February 26, 2014
11:15 A.M.

State Capitol, Conference Room 308



**In Consideration of
H.B. 709, HD2
RELATING TO OCEAN RESOURCES**

House Bill 709 HD2 establishes a task force to assist the DLNR in developing rules that regulate activities within and that are applicable to all coastal areas and near shore waters. It calls for reports to the Legislature in 2015, 2016, and 2017. It also prohibits DLNR from adopting any such rules affecting coastal areas and near shore waters of Niihau until the task force submits a final report. It appropriates funds for the DLNR, in consultation with the executive director of the Aha Moku Advisory Committee (AMAC) to conduct public outreach meetings for the purpose of adopting rules regarding statewide coastal management, applicable to all coastal areas and near shore waters. **The Aha Moku Advisory Committee opposes this measure.**

H.B. 709 HD 2 seeks to focus on issues that came from a hearing held on January 29, 2014 in which important Niihau bills were addressed. The AMAC does not agree with the current draft.

Per its mandate, the AMAC supports the Hawaiian resource managers of site specific districts (ahupua'a and moku) of each island. In this case, the Native Hawaiian people of Niihau, through the AMAC, brought their issues and concerns for their resources to the legislature and to DLNR.

For the first time, the people of Niihau reached out to the State for advice and assistance. Their situation on resource protection is dire, and they will not be able to wait for three years until this suggested task force completes their work. Further, the AMAC is attached to DLNR administratively and already consults with the Department.

The Aha Moku System is inclusive of eight main Hawaiian Islands and forty-three (43) traditional moku districts. Each moku is able to work with DLNR now through the Aha Moku System which is comprised of ahupua'a and moku Hawaiian communities and the general public who are dedicated to the sustainability of Hawaii's natural and cultural resources.

We feel this bill is redundant and ask that it be held. Thank you for the opportunity to testify.

Respectfully yours,

Leimana DaMate, Executive Director
Aha Moku Advisory Committee
Ph.: 808-587-1498



FISHING TALES

with
*Mike
Sakamoto*

LATE

Testimony to the House Committee on Finance
February 26, 2014

Testimony in support of HB 709 HD2, Relating to Ocean Resources

To: The Honorable Sylvia Luke, Chair
The Honorable Scott Nishimoto, Vice-Chair
The Honorable Aaron Johanson, Vice-Chair
Members of the Committee

My name is Stefanie Sakamoto, and I am testifying on behalf of Fishing Tales with Mike Sakamoto, a company that was founded by my father in 1985. In addition to producing a fishing show in Hawaii for 18 years, Mike Sakamoto was a tireless fishing advocate, whose philosophy included the preservation of fishing rights and ocean resources for future generations.

We are in support of HB 709 HD2, which would create a task force to assist the Department of Land and Natural Resources with rule-making concerning fishing practices. This is a concept that Mike Sakamoto had long advocated for. We are all in favor of protecting our ocean resources. In Hawaii, fishing is not only a way of life for many people, but it is also a very important food source, and facet in our economy. This task force concept would go a long way towards developing meaningful rules, based upon scientific data and empirical evidence on the current state of our fishery.

Thank you for the opportunity to testify.

Mahalo,

Stefanie Y. Sakamoto