

DAVID Y. IGE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

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Testimony of  
SUZANNE D. CASE  
Chairperson

Before the House Committee on  
FINANCE

Thursday, February 25, 2016  
3:00 PM  
State Capitol, Conference Room 308

In consideration of  
HOUSE BILL 2023, HOUSE DRAFT 1  
RELATING TO COMMUNITY-BASED SUBSISTENCE FISHING AREAS

House Bill 2023, House Draft 1, proposes to require the Department of Land and Natural Resources (Department) to designate and adopt rules for the management of no fewer than five (5) community-based subsistence fishing areas (CBSFAs) by December 31, 2020. The bill also proposes to establish the designation process and rule requirements. **While the Department supports the concept of community-based co-management, we oppose this measure.**

Working cooperatively with communities to manage and restore our fisheries in Hawaii, including through the designation of CBSFAs and other types of designations, is a priority for the Department. Hawaii's near-shore fisheries have declined an estimated 75% in the past hundred years. Communities who steward their marine environments, who maintain generations of intimate knowledge about their natural and cultural marine resources, and who rely on them for sustenance, recreation and way of life, can be a great resource to the Department and to the public in our collective efforts to protect and restore our reefs.

However, designation is a lengthy process that takes considerably more time than most people expect. This slow process is due to the level of community consultation that must occur in order to gather input from all interested parties on a CBSFA proposal. The Department has chosen not to begin the formal rule-making process until we are satisfied that community discussions have occurred to sufficiently address the multitude of concerns. The speed of the process, then, is determined by the community and not necessarily by the Department.

Once the rule-making process has begun, the timetable is about a year and the process is methodical. The time consuming portion of the process is the community discussions and the rule

SUZANNE D. CASE  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA  
FIRST DEPUTY

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DEPUTY DIRECTOR - WATER

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

development phase prior to the actual rule-making process. The proposed timetable in the bill is unrealistic from our experience. The Department is currently working with more than five (5) communities that have expressed an interest in CBSFA designation. These communities are at various stages of developing their proposal, and the Department has provided them with guidance according to our recently developed CBSFA Designation Procedures Guide. Requiring communities to accept an artificial timetable before they are ready for designation may cause more conflicts and opposition to the proposal.

Thank you for your consideration of this testimony.



**HB2023 HD1**  
**RELATING TO COMMUNITY-BASED SUBSISTENCE FISHING AREAS**  
House Committee on Finance

February 25, 2016

3:00 p.m.

Room 308

The Office of Hawaiian Affairs (OHA) **SUPPORTS** HB2023 HD1, which seeks to better empower kīpuka communities in the stewardship of nearshore resources that inform their cultural traditions, values, and way of life.

**Community-based fisheries management can help sustain Hawai‘i’s nearshore resources, and perpetuate the cultural lifestyles and values that rely upon their health.** Community-based management has long been cited as a key component in sustainably managing our ocean resources, which are currently open to exploitation by the general public, and are typically subject to generic regulations of questionable sufficiency. The effectiveness of such a management approach may derive, in part, on subsistence, “kīpuka” communities’ intimate familiarity with and concern for the nearshore resources in their area. Such communities may be best situated to guide the establishment of sustainable, place-specific harvesting practices and associated rules, consistent with time-tested values and traditional knowledge.

In recognition of the potential for community-based management to address the continuing decline of our nearshore resources, while also perpetuating Hawai‘i’s cultural traditions and values, the Legislature authorized the Department of Land and Natural Resources to work with traditional subsistence communities in establishing “community-based subsistence fishing areas” (CBSFAs) and rules over 20 years ago. However, notwithstanding the authority given to the Department, as well as the diligent efforts of subsistence communities in many areas of the state, an apparent lack of administrative support has left Hawai‘i with rules for only one CBSFA, two decades after the CBSFA statute was enacted.

This measure may provide the legislative encouragement needed for the more timely and meaningful adoption of community-based fisheries management in our islands. With the looming impacts of climate change, population growth, and the ever-mounting pressure on our limited nearshore resources, the need to more proactively explore alternative management approaches, such as CBSFAs, is greater now than ever before. The rulemaking actions required under this measure may therefore be critical to maintaining and perpetuating the health of our nearshore resources, as well as the subsistence communities, traditional lifestyles, and cultural values that depend on them.

Accordingly, OHA urges the Committee to **PASS** HB2023 HD1. Mahalo nui for the opportunity to testify on this measure.

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 23, 2016 7:50 PM  
**To:** FINTestimony  
**Cc:** shyla.moon@ymail.com  
**Subject:** Submitted testimony for HB2023 on Feb 25, 2016 15:00PM

**HB2023**

Submitted on: 2/23/2016

Testimony for FIN on Feb 25, 2016 15:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Shyla Moon	Hunting Farming Fishing Association	Oppose	No

Comments: The community based subsistence fishing areas haven't even been proven in Hawaii as effective. The organizations and people behind these closures and managements are not representing Hawaii, but only their own personal interest of Hawaiians and rich people. There is no rush for something as important as protecting and managing our oceans. Why create a bill that creates more pressure to rush through these processes? We strongly oppose this bill. Mahalo

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**Department of Land and Natural Resources  
Aha Moku Advisory Committee  
State of Hawaii  
Post Office Box 621  
Honolulu, Hawaii 96809**

**Testimony of  
LESLIE KULOLOIO  
Chair**

**Before the House Committee on  
FINANCE**

**Thursday, February 25, 2016  
3:00 P.M.  
Conference Room 308**

**In consideration of  
House Bill 2023 HD 1  
RELATING TO COMMUNITY-BASED SUBSISTENCE FISHING AREAS**

House Bill 2023 HD 1 requires the Department of Land and Natural Resources to designate and adopt rules for the management of no fewer than five community-based subsistence fishing areas by December 31, 2020. It further establishes designation process and rule requirements. **Aha Moku supports the intent of this measure and offers the following comments.**

The Aha Moku was created by this Legislature to advise the Chairperson of the Board of Land and Natural Resources on issues related to land and natural resource management through the Aha Moku System. But specifically it was mandated to bring the voices of the people forward in respect to the Aha Moku System. This includes working with the mokupuni (8 islands), moku (46 large districts on each island), and the ahupua'a (607 specific smaller geographic districts within the moku). This has resulted so far in a collaborative relationship between Aha Moku and the existing DLNR community-based subsistence fishing area (CBSFA) operations.

Aha Moku supports the efforts and achievements of the existing CBSFA office that is currently part of the Division of Aquatics within the DLNR. We believe this measure would benefit the ahupua'a marine and coastal communities in their quest to sustain their coastal resources but would need the necessary funding to do so. There is no appropriation or position request attached to this measure.

Currently the DLNR has a CBSFA component that is addressing the need for community-based subsistence fishing within different ahupua'a. However, there is only one staff position working on this which is not sufficient to fulfill the mandates of this measure.

Thank you for the opportunity to testify on HB 2023 HD 1.



Testimony Before The  
House Committee on Finance  
**IN SUPPORT OF HB 2023 HD1**  
Friday February 24, 2016, 3:00pm, Room 308

Aloha Chair Luke and Vice Chair Hashimoto and Committee Members:

My name is Kevin Chang, I am the Executive Director of Kua'āina Ulu 'Auamo (or KUA) and this is our testimony in support of HB 2023 HD 1 with comments.

KUA works to empower communities to improve their quality of life through caring for their environmental heritage together to better Hawai'i and achieve 'āina momona— an abundant, productive ecological system that supports community well-being. We employ a community-driven approach that currently supports three statewide networks: more than 31 mālama 'āina community groups collectively referred to as E Alu Pū (moving forward together), 38 fishpond projects and practitioners called the Hui Mālama Loko I'a, and a new and growing group of Limu practitioners called the Limu Hui.

This bill is heartening to read, especially after the long process that the community in Hā'ena, Kaua'i went through. KUA supports the intent of HB2023 HD 1 and views it as a very positive sign of progress in the implementation of community based subsistence fishing areas and rules. Many communities around the state have desired and/or have worked extremely hard in a voluntary capacity to develop CBSFA designations and rules with the DLNR for some time now- over 20 years and 5 administrations- since HRS 188-22.6 came into effect.

KUA also supports current progress in the exploration, development and implementation of community-based co-management of our near shore marine resources through other means such as, for example, the innovative ways communities participate in management of their fisheries in West Hawai'i or through the Community Fishery Enforcement Unit on Maui or the Makai Watch Program.

However, if the Legislature passes HB2023 HD1, we urge that the DLNR receive sufficient permanent staff and resources to effectively support this work. This would require the concomitant support of bills like HB1846 and HB2039. Communities have learned it is also not enough to pass laws but enable our state and communities to do the actual work of making the law real. This dual approval approach (required CBSFAs with resources) will contribute greatly to healthy governance and increased public trust.

I apologize for not being with you in person today as I have a prior commitment. Mahalo for your service to our community and this opportunity to testify.

Aloha 'Āina Momona.

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 24, 2016 2:38 PM  
**To:** FINTestimony  
**Cc:** wekeis333@gmail.com  
**Subject:** Submitted testimony for HB2023 on Feb 25, 2016 15:00PM

**HB2023**

Submitted on: 2/24/2016

Testimony for FIN on Feb 25, 2016 15:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tony Sylvester	Individual	Comments Only	No

Comments: We are very concerned about what community-based co-management of our near shore marine resources will involve down the road. Currently The CBSFA at Haena is just getting off the ground and no one knows what the outcome will be. Please give CBSFA at Haena some time to work things out before considering other areas for this unproven approach. After all, these are State waters, which belong to all of us not just people leaving in a particular area. I am surprised this is not illegal. Will I be denied access to these areas? Will this become a race-based concept? South point on the Big Island became this way after people started enforcing their own rules for the area. At one time they illegally were charging people money to drive through the area.

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**LATE**

February 25, 2016

Re. HB2023: Requires the Department of Land and Natural Resources to designate and adopt rules for the management of no fewer than five community-based subsistence fishing areas by December 31, 2020. Establishes designation process and rule requirements. (HB2023 HD1)

Chair Luke, Vice Chair Nishimoto, committee members:

The Hawaii Fishermen's Alliance for Conservation and Tradition, Inc. (HFACT), is **OPPOSED** to HB2023.

Fundamental elements of community-based subsistence fishing areas (CBSFAs) require clarity. For example, what is the definition of "community?" "Subsistence?" What comprises traditional and cultural practices? Does using a fiberglass boat and motor(s), monofilament line, modern diving gear, GPS, etc. qualify?

The Department of Land and Natural Resources (DLNR) lacks sufficient resources, to include manpower, to properly manage and monitor the CBSFA program. Legislative direction to compel designation of five CBSFAs by December 31, 2020, requires provision of concomitant funding and personnel resources to the Department.

Thank you for the opportunity to provide testimony on this measure.

Sincerely, Ronald Tam, HFACT Secretary/Treasurer



From: mailinglist@capitol.hawaii.gov  
Sent: Thursday, February 25, 2016 7:20 AM  
To: FINTestimony  
Cc: matt.htfa@gmail.com  
Subject: Submitted testimony for HB2023 on Feb 25, 2016 15:00PM

**LATE**

**HB2023**

Submitted on: 2/25/2016

Testimony for FIN on Feb 25, 2016 15:00PM in Conference Room 308

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

Comments: Please do not pass this bill. Community based management isn't easy to do properly. If it's done wrong, it divides our community and creates conflict. Forcing the state to enact these measures within 5 years will cause them to rush the process and make too many mistakes.

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From: mailinglist@capitol.hawaii.gov  
Sent: Wednesday, February 24, 2016 9:21 PM  
To: FINTestimony  
Cc: jonikamiya@gmail.com  
Subject: Submitted testimony for HB2023 on Feb 25, 2016 15:00PM



**HB2023**

Submitted on: 2/24/2016

Testimony for FIN on Feb 25, 2016 15:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joni Kamiya	Individual	Oppose	No

Comments: In a time where we need stronger communities, this bill sets a bad precedent to return to vigilanteism.

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From: mailinglist@capitol.hawaii.gov  
Sent: Wednesday, February 24, 2016 8:10 PM  
To: FINTestimony  
Cc: makani.christensen@gmail.com  
Subject: Submitted testimony for HB2023 on Feb 25, 2016 15:00PM

**LATE**

**HB2023**

Submitted on: 2/24/2016

Testimony for FIN on Feb 25, 2016 15:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
makani	Hunting, Farming and Fishing Association	Oppose	Yes

Comments: We are in opposition to HB2023. The community based management concept is detrimental to the community and to food security. This will give small groups/special interest rule making ability, and hinder those who actively utilize the resources to provide food the community.

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From: mailinglist@capitol.hawaii.gov  
Sent: Thursday, February 25, 2016 2:56 AM  
To: FINTestimony  
Cc: isaacvmoon@gmail.com  
Subject: Submitted testimony for HB2023 on Feb 25, 2016 15:00PM



**HB2023**

Submitted on: 2/25/2016

Testimony for FIN on Feb 25, 2016 15:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Isaac Moon	Individual	Oppose	No

Comments: I oppose the creations of more community based subsistence fishing areas in Hawaii. Strongly oppose HB2023.

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From: mailinglist@capitol.hawaii.gov  
Sent: Wednesday, February 24, 2016 11:54 PM  
To: FINTestimony  
Cc: bennette@bettercropshawaii.com  
Subject: \*Submitted testimony for HB2023 on Feb 25, 2016 15:00PM\*

**LATE**

**HB2023**

Submitted on: 2/24/2016

Testimony for FIN on Feb 25, 2016 15:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Bennette Misalucha	Hawaii Crop Improvement Association	Oppose	No

Comments:

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