

**HB 2023,
HD1**

DAVID Y. IGE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
SUZANNE D. CASE
Chairperson**

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

**Wednesday, March 16, 2016
3:00 PM
State Capitol, Conference Room 224**

**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

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FIRST DEPUTY

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DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
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CONSERVATION AND COASTAL LANDS
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ENGINEERING
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
Senate Committee on Water, Land, and Agriculture

March 16, 2016

3:00 p.m.

Room 224

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
To: [WLA Testimony](#)
Cc: fishingready@gmail.com
Subject: *Submitted testimony for HB2023 on Mar 16, 2016 15:00PM*
Date: Monday, March 14, 2016 11:14:35 AM

HB2023

Submitted on: 3/14/2016

Testimony for WLA on Mar 16, 2016 15:00PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Ronald Tam	HFACT	Oppose	Yes

Comments:

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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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: tony@pop-hawaii.com
Subject: Submitted testimony for HB2023 on Mar 16, 2016 15:00PM
Date: Tuesday, March 15, 2016 8:12:30 AM

HB2023

Submitted on: 3/15/2016

Testimony for WLA on Mar 16, 2016 15:00PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Tony Costa	Hawaii Nearshore Fishermen	Oppose	No

Comments: Fully oppose Community based management is code for limiting access with a bias toward one "community" over the other. Leads to conflict and other unintended consequences - violence, violation of civil rights, etc. Seafood is a public resource and use and access should not be dictated/managed by private initiatives - rather should be fairly and equitably managed through proper science and not by emotion and feelings of varied and scattered opinions HNF fully and vehemently oppose HB2023

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To: [WLA Testimony](#)
Cc: kulavista@aol.com
Subject: Submitted testimony for HB2023 on Mar 16, 2016 15:00PM
Date: Tuesday, March 15, 2016 10:34:08 AM

HB2023

Submitted on: 3/15/2016

Testimony for WLA on Mar 16, 2016 15:00PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Wayne Sugiyama	Wayne's Ocean World	Oppose	No

Comments: This bill would close off any fishing in those areas, to the benefit of big hotels in front of those areas. I oppose this bill.

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To: [WLA Testimony](#)
Cc: coralfish@hawaiiantel.net
Subject: Submitted testimony for HB2023 on Mar 16, 2016 15:00PM
Date: Tuesday, March 15, 2016 10:13:39 AM

HB2023

Submitted on: 3/15/2016

Testimony for WLA on Mar 16, 2016 15:00PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
John R. Fernley	Coral Fish Hawaii	Oppose	No

Comments: I strongly oppose HB 2023 as it could be very dangerous in establishing locally established regulations that are not science driven. Forcing the state to rush the process will increase the chance it will be done wrong.

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To: [WLA Testimony](#)
Cc: mjellings@hawaii.rr.com
Subject: Submitted testimony for HB2023 on Mar 16, 2016 15:00PM
Date: Friday, March 11, 2016 9:41:48 PM

HB2023

Submitted on: 3/11/2016

Testimony for WLA on Mar 16, 2016 15:00PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Carl M Jellings Sr	Individual	Oppose	No

Comments: Strong Opposition

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Cc: yamaguchd009@hawaii.rr.com
Subject: *Submitted testimony for HB2023 on Mar 16, 2016 15:00PM*
Date: Sunday, March 13, 2016 9:34:56 PM

HB2023

Submitted on: 3/13/2016

Testimony for WLA on Mar 16, 2016 15:00PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Dennis Yamaguchi	Individual	Oppose	No

Comments:

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Cc: nathanabe@yahoo.com
Subject: *Submitted testimony for HB2023 on Mar 16, 2016 15:00PM*
Date: Friday, March 11, 2016 11:51:51 AM

HB2023

Submitted on: 3/11/2016

Testimony for WLA on Mar 16, 2016 15:00PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Nathan Abe	Individual	Oppose	No

Comments:

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Date: Friday, March 11, 2016 10:00:21 AM

HB2023

Submitted on: 3/11/2016

Testimony for WLA on Mar 16, 2016 15:00PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
William K.Chang	Individual	Oppose	No

Comments: There has been one area defined and the rules and guidelines have yet to be established. First and foremost the definition of "Community" needs defined as we are a state and our constitution provides equal access to all residents. All stakeholders and users need to be involved with the process this should not be limited to only residents of the particular area as this will affect all areas and users of the state. Until then, no other areas should be defined and established.

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Cc: shyla.moon@ymail.com
Subject: Submitted testimony for HB2023 on Mar 16, 2016 15:00PM
Date: Sunday, March 13, 2016 1:33:57 PM

HB2023

Submitted on: 3/13/2016

Testimony for WLA on Mar 16, 2016 15:00PM in Conference Room 224

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

Comments: The first community based subsistence fishing area on Kauai Haena hasn't even come out with its management plan with the public. We shouldn't be allowing more to be created without a known success to base it on. Why the rush? Try wait. Thank you for your time, Shyla Moon

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Cc: nahacky@gmail.com
Subject: *Submitted testimony for HB2023 on Mar 16, 2016 15:00PM*
Date: Tuesday, March 15, 2016 6:48:10 AM

HB2023

Submitted on: 3/15/2016

Testimony for WLA on Mar 16, 2016 15:00PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Anthony Nahacky	Individual	Oppose	No

Comments:

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Cc: wekeis333@gmail.com
Subject: Submitted testimony for HB2023 on Mar 16, 2016 15:00PM
Date: Tuesday, March 15, 2016 7:10:52 AM

HB2023

Submitted on: 3/15/2016

Testimony for WLA on Mar 16, 2016 15:00PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
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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