

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 08, 2016 12:37 PM  
**To:** omhtestimony  
**Cc:** yamaguchd009@hawaii.rr.com  
**Subject:** \*Submitted testimony for HB2023 on Feb 10, 2016 09:00AM\*

**HB2023**

Submitted on: 2/8/2016

Testimony for OMH on Feb 10, 2016 09:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dennis Yamaguchi	Individual	Oppose	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 08, 2016 7:13 AM  
**To:** omhtestimony  
**Cc:** oesim@hawaiiantel.net  
**Subject:** \*Submitted testimony for HB2023 on Feb 10, 2016 09:00AM\*

**HB2023**

Submitted on: 2/8/2016

Testimony for OMH on Feb 10, 2016 09:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
glenn fukuda	Individual	Oppose	No

Comments:

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**Sent:** Friday, February 05, 2016 7:02 PM  
**To:** omhtestimony  
**Cc:** mjellings@hawaii.rr.com  
**Subject:** \*Submitted testimony for HB2023 on Feb 10, 2016 09:00AM\*

**HB2023**

Submitted on: 2/5/2016

Testimony for OMH on Feb 10, 2016 09:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Carl M Jellings Sr	Individual	Oppose	Yes

Comments:

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**Sent:** Tuesday, February 09, 2016 1:19 PM  
**To:** omhtestimony  
**Cc:** tampaltin@gmail.com  
**Subject:** Submitted testimony for HB2023 on Feb 10, 2016 09:00AM

**HB2023**

Submitted on: 2/9/2016

Testimony for OMH on Feb 10, 2016 09:00AM 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: Aloha Representatives, My name is Tamara Paltin, I am involved in many networks that focus on restoring our marine ecosystems, I have worked with the community and with DLNR and realistically, DLNR is not up to the task of taking care of our fisheries in the same way that communities that depend on their fisheries can. Haena community is a shining example of what a group of committed community members can accomplish, they have stuck to this flawed process for over 20 years and continue to work to take care of their area. I believe if this bill is passed DLNR will need sufficient permanent staff and resources to effectively support this work. This would require the support of HB1846 and HB2039. It is not enough to pass laws but we must also enable our state and our people to do the actual work of making the law real. This two prong approach (CBSFA + resources) will contribute to healthy governance and restore faith in government. Tamara Paltin

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**Sent:** Tuesday, February 09, 2016 10:47 AM  
**To:** omhtestimony  
**Cc:** shyla.moon@ymail.com  
**Subject:** Submitted testimony for HB2023 on Feb 10, 2016 09:00AM

**HB2023**

Submitted on: 2/9/2016

Testimony for OMH on Feb 10, 2016 09:00AM in Conference Room 325

<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: I'm currently a board member of the Hunting Farming Fishing Association. To create a law to create five community based subsistence areas is to assume there will be areas in need management. How could the State even consider a assumption as this? The first community based subsistence fishing area in Haena hasn't even gotten as far as the community input management process. It hasn't gone through time to account as successful. The State should slow down and take the time for the proper assessments of these proposed areas before making this law. What's the rush? May I suggest that DLNR hire more employees for their Division of Aquatics and have these professionals assess the areas first. Also to consider outside independent research. I strongly oppose HB2023.

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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 House Committee on  
**OCEAN, MARINE RESOURCES, & HAWAIIAN AFFAIRS**

Wednesday, February 10, 2016  
9:00 AM  
State Capitol, Conference Room 325

In consideration of  
**HOUSE BILL 2023**  
**RELATING TO COMMUNITY-BASED SUBSISTENCE FISHING AREAS**

House Bill 2023 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

JEFFREY T. PEARSON P.E.  
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

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.

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 09, 2016 10:34 AM  
**To:** omhtestimony  
**Cc:** rkailianu57@gmail.com  
**Subject:** \*Submitted testimony for HB2023 on Feb 10, 2016 09:00AM\*

**HB2023**

Submitted on: 2/9/2016

Testimony for OMH on Feb 10, 2016 09:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rachel L. Kailianu	Ho`omana Pono, LLC	Support	Yes

Comments:

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**To:** omhtestimony  
**Cc:** dean@HawaiiGoesFishing.com  
**Subject:** Submitted testimony for HB2023 on Feb 10, 2016 09:00AM

**HB2023**

Submitted on: 2/9/2016

Testimony for OMH on Feb 10, 2016 09:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dean Sensui	Hawaii Goes Fishing	Oppose	No

Comments: At the moment there is one CBSFA in place that's awaiting the institution of a management plan. While good intentions are behind the creation of these zones, there are a lot of questions about who determines the rules, who enforces the rules, and who would be allowed to access the resource. There are fears within the fishing community that, in the absence of adequate oversight by DOCARE, a vigilante enforcement group would arise. We have already seen examples of that kind of reaction along the coastlines of Molokai where fishermen from elsewhere have experienced a boat being boarded, equipment vandalized, and even shots fired at them. Hawaii should hold off on creating any more CBSFAs in order to observe what develops at Haena, Kauai over a period of several years. It would be helpful to see how their management plan works out over time, and whether it's as effective as hoped. There could be unexpected problems that develop along with ideas for improvement, and those should be taken into account before establishing other CBSFAs. Let's not rush forward into what could become a complicated patchwork of conflicting fishery management systems. Aloha, Dean Sensui, Hawaii Goes Fishing.

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**HB2023**

Submitted on: 2/9/2016

Testimony for OMH on Feb 10, 2016 09:00AM in Conference Room 325

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

Comments: CBSFAs are an important step in protecting our challenged marine resources. Further, it puts some of the responsibility for that protection in the hands of local communities. Please pass this bill.

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**To:** omhtestimony  
**Cc:** shyla.moon@ymail.com  
**Subject:** Submitted testimony for HB2023 on Feb 10, 2016 09:00AM

**HB2023**

Submitted on: 2/9/2016

Testimony for OMH on Feb 10, 2016 09:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Shyla Moon	Individual	Oppose	No

Comments: To create a law to create five community based subsistence areas is to assume there will be areas in need management. How could the State even consider a assumption as this? The first community based subsistence fishing area in Haena hasn't even gotten as far as the community input management process. It hasn't gone through time to account as successful. The State should slow down and take the time for the proper assessments of these proposed areas before making this law. What's the rush? May I suggest that DLNR hire more employees for their Division of Aquatics and have these professionals assess the areas first. Also to consider outside independent research. I strongly oppose HB2023.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 08, 2016 11:31 PM  
**To:** omhtestimony  
**Cc:** hawaii hunting association@hawaiiantel.net  
**Subject:** Submitted testimony for HB2023 on Feb 10, 2016 09:00AM

**HB2023**

Submitted on: 2/8/2016

Testimony for OMH on Feb 10, 2016 09:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tom Lodge	Individual	Oppose	No

Comments: OPPOSE! Management Areas should be evaluated for effectiveness, accommodation, and feasibility before you start implementing plans for more. Let's let Science and the people of Hawaii tell us if this has been a good idea and experiment before moving on to more. Give this proposal 5 years to work first, then let the people decide. Much Aloha, Tom Lodge

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Testimony Before The  
House Committee on Ocean, Marine Resources & Hawaiian Affairs  
**IN SUPPORT OF HB 2023**  
Wednesday February 10, 2016, 9:00am, Room 325

Aloha Chair Ing and Vice Chair Lowen 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 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 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, 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.

Testimony of The Nature Conservancy of Hawai'i  
Supporting the Intent of H.B. 2023 Relating to Community-based  
Subsistence Fishing Areas  
House Committee on Ocean, Marine Resources & Hawaiian Affairs  
Wednesday, February 10, 2016, 9:00AM, Room 325

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*The Nature Conservancy of Hawai'i is a private non-profit conservation organization dedicated to the preservation of the lands and waters upon which life depends. The Conservancy has helped to protect nearly 200,000 acres of natural lands in Hawai'i. We manage 40,000 acres in 14 preserves and work in 19 coastal communities to help protect the near-shore reefs and waters of the main Hawaiian Islands. We forge partnerships with government, private parties and communities to protect Hawai'i's important watershed forests and coral reefs.*

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The Nature Conservancy supports the intent of H.B. 2023 and moving forward deliberately with the development and implementation of community-based co-management of our near shore marine resources. We also note that the Department of Land and Natural Resources (DLNR) works with communities on managing near shore marine resources through a variety of means, including community-based subsistence fishing areas (CBSFAs), fisheries replenishment areas, fisheries management areas, and voluntary activities such as the Makai Watch program.

Whether the Legislature chooses to pass H.B. 2023 specific to CBSFAs under HRS §188-22.6, we urge the Legislature to provide the DLNR with sufficient permanent staff and resources to effectively support community-based co-management work as proposed in [H.B. 1846](#) and [H.B. 2039](#).

Hawai'i's reef fish populations have declined by more than 75% over the past 100 years. This loss is not only a loss to Hawai'i's fishers, it is a loss to all of Hawai'i's people, and to a cultural heritage that is unique in the world. Communities around the state have witnessed the dramatic declines over generations, and they have the commitment and connection to place needed to reverse this decline by managing their areas respectfully and sustainably in partnership with the DLNR. While the process has been long for many of these communities, we are encouraged and grateful to the DLNR for its support of community-based co-management. The Nature Conservancy's marine conservation program is focused on assisting communities with caring for coral reefs and near shore marine resources to help ensure that the benefits that these areas provide -- including food, shoreline protection, recreation and cultural values -- will be available for generations to come. We will continue to work with communities and the department on achieving these goals across the state.

Thank you for the opportunity to provide our comments.

BOARD OF TRUSTEES

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**HB2023**  
**RELATING TO COMMUNITY-BASED SUBSISTENCE FISHING AREAS**  
House Committee on Ocean, Marine Resources, & Hawaiian Affairs

February 10, 2016

9:00 a.m.

Room 325

The Office of Hawaiian Affairs (OHA) Beneficiary Advocacy and Empowerment Committee will recommend that the Board of Trustees **SUPPORT WITH AMENDMENTS** HB2023, which seeks to better empower kīpuka communities to guide the stewardship of the 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 depend upon them.**

OHA appreciates the intent of this measure, in demonstrating the Legislature’s continued support of community-based fisheries management. Community-based fisheries 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.<sup>1</sup> Community-based management relies in part upon subsistence, “kīpuka” communities’ intimate knowledge of and concern for the nearshore resources in their area, to guide the establishment of sustainable, place-specific harvesting practices.

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 mounting pressure on our limited nearshore resources, the need to more proactively explore alternative management approaches, including community-based fisheries management,

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<sup>1</sup> See, e.g., Wayne Tanaka, *Ho’ohana aku a Ho’ōla aku: First steps to averting the tragedy of the commons in Hawai‘i’s nearshore fisheries*, 10 ASIAN PACIFIC LAW AND POLICY J. 235 (2008) available at [http://blog.hawaii.edu/aplpj/files/2011/11/APLPJ\\_10.1\\_tanaka.pdf](http://blog.hawaii.edu/aplpj/files/2011/11/APLPJ_10.1_tanaka.pdf).

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.

OHA notes that this measure should be amended to more properly reflect the role of administrative “rules,” which generally describe prohibited and permitted conduct, and that of a “management plan,” which contains additional components including internal agency matters and planning provisions that do not affect the rights of the public. Insofar as a management plan encompasses such non-regulatory matters, it is not appropriate for promulgation as a “rule” subject to the chapter 91 rulemaking process. In addition, OHA recommends providing express rulemaking authority regarding non-fishing activities, such as thrill craft riding in sensitive areas, which may nevertheless directly impact traditional and customary practices or subsistence resources. Accordingly, OHA urges the Committee to amend subsection (d) beginning on page 5, line 1, to read as follows:

(d) As soon as practical, but in no case later than December 31, 2020, the department shall adopt rules pursuant to chapter 91 to designate no fewer than five community-based subsistence fishing areas and support the management of each designated area. Rules for each designated area shall include but not be limited to:

- (1) Limits on the taking of aquatic life, as defined in section 187A-1;
- (2) Limits on other activities that may disturb, degrade, or alter the marine environment, or that may directly interfere with harvesting or gathering practices or subsistence resources, including but not limited to boating and other non-extractive activities;
- (3) The establishment of no harvesting, no fishing, or other limited use zones within the area, if



appropriate; provided that limited use zones  
shall not deprive ahupua'a inhabitants of  
access to traditional sources of subsistence;  
and

(4) A process for the expansion of the fishing area  
to include other ahupua'a, if appropriate.

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

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 09, 2016 3:06 PM  
**To:** omhtestimony  
**Cc:** ryankohatsu@gmail.com  
**Subject:** Submitted testimony for HB2023 on Feb 10, 2016 09:00AM

**HB2023**

Submitted on: 2/9/2016

Testimony for OMH on Feb 10, 2016 09:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ryan Kohatsu	Hawaii Sportsmen's Alliance	Oppose	No

Comments: The Hawaii's Sportsmen's Alliance opposes this measure. Community-Based Subsistence Fishing Areas is in its infancy stages of implementation. It is a proposed management tool the DLNR is still working on and should not be mandated at such an early stage. Existing efforts for these have already shown decisions being made upon conjecture over hard scientific data. This undermines the work of the department and will seek to place a mandate on the department that may not be warranted.

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**HB2025**  
**RELATING TO MARINE SPECIES**

House Committee on Ocean, Marine Resources, & Hawaiian Affairs

February 10, 2016

9:00 a.m.

Room 325

The Office of Hawaiian Affairs (OHA) Beneficiary Advocacy and Empowerment Committee will recommend that the Board of Trustees take a position of **COMMENT** on HB2025, which establishes a task force to identify and address the potential extinction of ten vital marine species.

OHA appreciates this measure's stated concerns regarding the potential loss of marine species that may be threatened, in part, by demand from the aquarium market. However, while OHA understands that there may be financial incentives to harvest specimens of relatively cryptic or rare species for the aquarium trade, it is unclear whether such harvesting pressure alone may pose the greatest threat to such species' existence. In addition, while Hawai'i does host a number of endemic species found nowhere else in the world, total global extinction might not be an appropriate benchmark to prioritize local threats to indigenous ocean resources that may also be found in other Pacific or tropical locations.

Accordingly, the Committee may wish to enable any task force created under this measure to examine the full range of threats facing our marine species, including but not limited to climate change, water and habitat quality, and stream or groundwater flow. Furthermore, the Committee may also wish to consider allowing the task force to identify and address vital species threatened with local extirpation, rather than global extinction. Finally, the Committee may wish to consider examining whether the Endangered Species Recovery Committee, established under Hawai'i Revised Statutes section 195D-25, might be more appropriately suited to address the concerns expressed in this measure.

In addition, should the Committee desire to move this measure forward, OHA requests an amendment to page 2, line 16, to read as follows:

(2) The administrator of the office of Hawaiian affairs, or the administrator's designee;

Mahalo nui for the opportunity to testify on this measure.

**LATE**

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 10, 2016 6:40 AM  
**To:** omhtestimony  
**Cc:** wwmsteiner@gmail.com  
**Subject:** Submitted testimony for HB2023 on Feb 10, 2016 09:00AM

**HB2023**

Submitted on: 2/10/2016

Testimony for OMH on Feb 10, 2016 09:00AM in Conference Room 325

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

Comments: This testimony is to support HB 2023 establishing subsistence fishing areas for Native Hawaiians. Every effort should be made to support native populations because they provide the basis for the State's number one industry that stabilizes Hawaii's economy. Hawaiian culture remains a valued contribution to this economy and a reason many tourists come to Hawaii. Hawaiian culture has proven it's ability to manage its own fisheries over hundreds of years and only the advent of modern cultures and their harvest technologies has led to our fishery decline.

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**LATE**

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**Sent:** Wednesday, February 10, 2016 12:47 AM  
**To:** omhstestimony  
**Cc:** babesagainstbiotech@gmail.com  
**Subject:** \*Submitted testimony for HB2023 on Feb 10, 2016 09:00AM\*

**HB2023**

Submitted on: 2/10/2016  
Testimony for OMH on Feb 10, 2016 09:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nomi Carmona	Babes Against Biotech	Support	No

Comments:

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**LATE**

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 09, 2016 11:19 PM  
**To:** omhtestimony  
**Cc:** hokuokekai50@msn.com  
**Subject:** \*Submitted testimony for HB2023 on Feb 10, 2016 09:00AM\*

**HB2023**

Submitted on: 2/9/2016  
Testimony for OMH on Feb 10, 2016 09:00AM in Conference Room 325

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

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 09, 2016 10:34 PM  
**To:** omhtestimony  
**Cc:** makani.christensen@gmail.com  
**Subject:** Submitted testimony for HB2023 on Feb 10, 2016 09:00AM

**HB2023**

Submitted on: 2/9/2016

Testimony for OMH on Feb 10, 2016 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
makani	Hunting Farming and Fishing Association	Oppose	No

Comments: -The bill is designed to give special interest groups control of the ocean, and these groups do not represent the community as a whole (State Waters). -Although the bill maybe of intentions to manage the ocean ecosystem, the bill will have unintended consequence of access to ocean resources. -The bill lacks selection criteria under subsection (b). How will the DLNR determine which proposal is best? -The rules could already be put in place under existing regulations if DLNR feels it is necessary. What is the outcome of the Haena Community Base Management Proposal? -There have been vigilante enforcement on Kauai since the Community Base Management Rules went into place. -Bill may be unconstitutional in its current form as it constitutes special legislation as it grants a special privilege or fanchise to a limited (and private) group. That privilege would be the right to dictate policy to the relevant agencies in their own self-interest. -State waters are for all people of Hawaii. -A great example of community based management offshoot is the 10 year ban in the front of the most expensive Real Estate in Hawaii. The ban is in the front of Kukio, Four Seasons and Kona Village. Special interest groups have created a somewhat private property by denying fishermen the right to fish.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 09, 2016 10:04 PM  
**To:** omhtestimony  
**Cc:** dylanarm@hawaii.edu  
**Subject:** \*Submitted testimony for HB2023 on Feb 10, 2016 09:00AM\*

**HB2023**

Submitted on: 2/9/2016

Testimony for OMH on Feb 10, 2016 09:00AM in Conference Room 325

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

Comments:

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**LATE**

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 09, 2016 9:57 PM  
**To:** omhtestimony  
**Cc:** matt.htfa@gmail.com  
**Subject:** Submitted testimony for HB2023 on Feb 10, 2016 09:00AM

**HB2023**

Submitted on: 2/9/2016  
Testimony for OMH on Feb 10, 2016 09:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Matthew Ross	Individual	Oppose	Yes

Comments: Please do not pass this bill. In theory, community based management is a good thing. However, this takes a lot of work. If it's done wrong it only serves to pit neighbors against each other and provokes strife in our community. Forcing DLNR to impose these areas in a short time span only makes this process more difficult. This isn't the way to go.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 09, 2016 5:24 PM  
**To:** omhtestimony  
**Cc:** reefour@aol.com  
**Subject:** \*Submitted testimony for HB2023 on Feb 10, 2016 09:00AM\*

**HB2023**

Submitted on: 2/9/2016  
Testimony for OMH on Feb 10, 2016 09:00AM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kathy Takahashi	Individual	Oppose	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 10, 2016 8:05 AM  
**To:** omhtestimony  
**Cc:** evernw@aol.com  
**Subject:** \*Submitted testimony for HB2023 on Feb 10, 2016 09:00AM\*

**LATE**

**HB2023**

Submitted on: 2/10/2016

Testimony for OMH on Feb 10, 2016 09:00AM in Conference Room 325

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

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 10, 2016 9:26 AM  
**To:** omhtestimony  
**Cc:** fernrosenstiel@yahoo.com  
**Subject:** \*Submitted testimony for HB2023 on Feb 10, 2016 09:00AM\*

**LATE**

**HB2023**

Submitted on: 2/10/2016

Testimony for OMH on Feb 10, 2016 09:00AM in Conference Room 325

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

Comments:

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**LATE**

Aloha

Justice delayed is justice denied, particularly when related to subsistence. Which is the case on Molokai.

While, We have no objection to HB 2023, those on Molokai strongly urge the adoption of pending HB 2760 and SB 2549, counterpart measures relating to the north east coast of Molokai Ihope, backside. Please hold a hearing and adopt HB 2760 this session.

HB 2760 is a renewed effort of Molokai residents that really initiates a 2009 SB 1199 that sought subsistence fishing protection on Molokai. It was then, 2009, not adopted by the legislature. So by DLNR rule, efforts were attempted and are still pending after over a half dozen years for the north west coast of Molokai centered around Moomomi beach led by Mac Poepoe. Now after half a dozen years that is still pending before DLNR. Delay has led to conflicts, arrests, and court proceedings.

This HB 2023 relating to community-based subsistence fishing areas is a generic process; its findings elaborate that CBSFA is a mandate of the Hawaii constitution and statutes of 1994 on the need of the community-based subsistence fishing areas. now over 12 years waiting.

Haena CBSFA on Kauai was recently adopted first by statute with details elaborated by DLNR Rule.

Molokai's HB 2760 today tracks the legislation of SB 2799 introduced in 2009. And Haena. With the adoption of HB 2760 this session, DLNR can then develop its administrative rules specific to The area from Kalaupapa to Halawa, which we have termed Konohiki 333. And that is how the process I believe should work.

The Hawaii state legislature by policy should designate the areas for subsistence fishing: the Molokai based subsistence fishing area on the north east coast from Kalaupapa to Halawa with coordinates of the FAD area 333 for 2 miles from shore. please provide Molokai residents Ekolu mea Nui, -faith, hope and love. Faith that our government and legislative processes work, hope that their subsistence fishing protections are adopted, and love that while it prohibits commercial fishing, it is still open to others without race distinctions.

Please provide faith, hope and love to the residents of Molokai whose lifestyle of Kokua, helping each other, relies on subsistence fishing.

Respectfully submitted, with Aloha,  
Leigh-Wai Doo

the foundation for islands of harmony, the Molokai Community Council executive director. And Kamaaina of Molokai