

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

Tuesday, February 7, 2017
9:00 AM
State Capitol, Conference Room 312

In consideration of
HOUSE BILL 861
RELATING TO COMMUNITY BASED SUBSISTENCE FISHING AREAS

House Bill 861 proposes to: (1) establish a goal for the Department of Land and Natural Resources (Department) to designate and adopt rules for the management of no fewer than four community-based subsistence fishing areas by December 31, 2020; and (2) establish a designation process and rule requirements. **The Department appreciates the intent of this measure to support the concept of community-based co-management, but establishing four additional community-based subsistence fishing areas (CBSFAs) in the next three years is unrealistic. Indeed, setting any number would be a mistake as it is critically important that communities reach consensus on what they need and want before we begin the rule-making process. This is a community-lead process supported by the Department, not a process that should be forced.**

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. 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.

For the Committee's consideration, the Department has made some progress since last year. The Ka'upulehu Marine Reserve on West Hawaii was established in 2016 to protect the reef fish stocks through a 10-year, "no take" period. This effort was community driven. The Department has also received and is in the process of reviewing the community proposal at Moomomi, Molokai. The Department's Makai Watch Project involves communities in the conservation of the marine resources in their area as the Department looks to further expand these efforts.

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

LATE

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 development phase prior to the actual rule-making process. The proposed timetable in the bill is unrealistic from the Department's experience. Requiring communities to accept an artificial timetable before they are ready for designation may cause more conflicts and opposition to the proposal.



HB861
RELATING TO COMMUNITY-BASED SUBSISTENCE FISHING AREAS
Committee on Ocean, Marine Resources, & Hawaiian Affairs

February 7, 2017

9:00 a.m.

Room 312

The Office of Hawaiian Affairs (OHA) Beneficiary Advocacy and Empowerment Committee will recommend that the Board of Trustees **SUPPORT** HB861, 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 restore and sustain Hawai'i's nearshore resources, and perpetuate the cultural lifestyles and values that rely upon their health. Community-based fisheries management has long been cited as critical to successfully restoring and sustaining our ocean resources, which are currently open to exploitation by the general public, and are typically managed under generic regulations. The effectiveness of a community-based 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, the Legislature authorized the Department of Land and Natural Resources (Department) 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 throughout the islands, 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 with 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. **The rulemaking goals described in HB861 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** HB861. Mahalo nui for the opportunity to testify on this measure.



Testimony Before The
House Committee on Ocean, Marine Resources and Hawaiian Affairs
IN SUPPORT OF HB 861
Tuesday February 7, 2017, 9:00am, Room 312

Aloha Chair Ing, Vice Chair Gates 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 861 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 first community in Hā'ena, Kaua'i went through. KUA supports the intent of HB 861 and views it as a very positive sign of progress in state policy to build better partnerships with communities who have been stewarding their areas for generations. 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 HB 861, we also urge that the DLNR receive sufficient permanent staff and resources to effectively support this work. 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.

Mahalo for your service to our community and this opportunity to testify.

Aloha 'Āina Momona.

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 3, 2017 9:45 PM
To: omhtestimony
Cc: blawaiianlvr@icloud.com
Subject: Submitted testimony for HB861 on Feb 7, 2017 09:00AM

HB861

Submitted on: 2/3/2017

Testimony for OMH on Feb 7, 2017 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
De MONT R. D. CONNER	Ho'omana Pono, LLC.	Support	Yes

Comments: We FULLY SUPPORT this excellent bill. As both Advocates for our native Hawaiian Lahui, as well as residents of the Ahupua`a O NANAKULI Homestead & members of the Ahupua`a O NANAKULI Homestead group, we have been advocating for the "subsistence" designation for the Ahupua`a O NANAKULI Homestead, which is roughly between Black Rock & Yuen's Store in NANAKULI. This bill will greatly enhance our ability to accomplish that task. Mahalo.

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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 3, 2017 9:45 PM
To: omhtestimony
Cc: rkailianu57@gmail.com
Subject: Submitted testimony for HB861 on Feb 7, 2017 09:00AM

HB861

Submitted on: 2/3/2017

Testimony for OMH on Feb 7, 2017 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Rachel L. Kailianu	Individual	Support	Yes

Comments: As a lease holder in the AHUPUA'A o NANAKULI, our ocean is our ice box. I am in strong, strong, strong support of this bill.

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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 3, 2017 3:30 PM
To: omhtestimony
Cc: mendezj@hawaii.edu
Subject: *Submitted testimony for HB861 on Feb 7, 2017 09:00AM*

HB861

Submitted on: 2/3/2017

Testimony for OMH on Feb 7, 2017 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 6, 2017 10:07 AM
To: omhtestimony
Cc: mjellings@hawaii.rr.com
Subject: Submitted testimony for HB861 on Feb 7, 2017 09:00AM

HB861

Submitted on: 2/6/2017

Testimony for OMH on Feb 7, 2017 09:00AM in Conference Room 312

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

Comments: Aloha Chair Ing Vice Chair Cates We Oppose HB861 Mahalo Carl Pao Jellings Sr

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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 6, 2017 8:53 PM
To: omhtestimony
Cc: shyla.moon@ymail.com
Subject: *Submitted testimony for HB861 on Feb 7, 2017 09:00AM*

HB861

Submitted on: 2/6/2017

Testimony for OMH on Feb 7, 2017 09:00AM in Conference Room 312

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

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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov