

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
JUDICIARY

Tuesday, February 28, 2017
2:00 PM
State Capitol, Conference Room 325

In consideration of
HOUSE BILL 998, HOUSE DRAFT 1
RELATING TO BOTTOMFISH

House Bill 998, House Draft 1, proposes to require the Department of Land and Natural Resources (Department) to allow bottomfish fishing in six of the Bottomfish Restricted Fishing Areas and to amend any administrative rules to provide that any restriction on fishing shall be based on scientific evidence of environmental necessity. **The Department appreciates the need to carefully evaluate the continued effectiveness of the existing Bottomfish Restricted Fishing Areas in Hawaii, but opposes this measure.**

The Department currently has the authority to promulgate rules to manage marine resources in Hawaii, including bottom fish. Respectfully, the Department believes decisions on rules to manage those resources, including the establishment or elimination of existing Bottomfish Restricted Fishing Areas (BRFAs), should be done through rulemaking based on the best available science, not through legislation. In this case insufficient scientific information exists to eliminate all or even some of the BFRAs. The Department offers the following comments, including a brief history of the establishment of the BFRAs.

The State shares management responsibility with the National Marine Fisheries Service and the Western Pacific Fisheries Management Council. Federal law requires the federal fisheries agencies to manage using an annual catch limit. The process for determining that limit is currently under review and subject to change.

The State does not believe that the federal regulatory scheme based on catch limits should be the sole means of determining how this fishery should be managed at this time. Indeed, the establishment of restricted areas was required in 1998 because of declining stocks of onaga and

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

KEKOA KALUHIWA
FIRST DEPUTY

JEFFREY T. PEARSON P.E.
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threats by federal agencies that the fishery would be closed unless such measures were taken. Originally, 18 BFRAs were established. Six of those were subsequently closed. The federal fisheries agencies establish annual catch limits as part of their management scheme. The Department believes it is important to continue to employ the restricted areas until such time that it is confident that basing management only on catch limits is sufficient. The Department believes a combination of state and federal measures is, in this situation, still prudent.

A 2014 study by Draxen in Marine Biology found: “The results repeatedly suggest that BRFAs have positive effects on deep 7 populations.... Most importantly, the analysis of bottomfish sizes over time in BRFAs B, E, F and H (based on 4 years of data) clearly show increases within BRFAs and no change or declines outside the BRFAs for the most commercially important species.” The full report can be found online and information on bottom fish found at: <http://dlnr.hawaii.gov/dar/fishing/bottom-fishing/>. A summary of that paper was published at: dlnr.hawaii.gov/dar/files/2014/04/bfnewsvol17.pdf. What is not yet clear is the extent to which the BRFAs actually contribute to the maintenance of bottom fish stock and catch outside the BRFAs through production and spillover, and whether opening them up would reverse stock gains.

As noted in the 2014 Drazen report, other studies may also be relevant to bottom fish management. First, a larval dispersal model was developed for “deep 7” species in the Main Hawaiian Islands and can be used to inform management by evaluating the connectivity of BRFAs to fished regions. Second, NOAA is leading an effort, with Department collaboration, to develop a fishery independent stock assessment survey. This project is evaluating different sampling methodologies (i.e. fishing, BotCam, acoustics) to intercalibrate each technique. Third, a separate way to evaluate BRFA efficacy and design is through tracking of deep 7 fish movements; studies are underway. A report from the most recent stock assessment surveys is expected to be available in the next few months.

The bottom line is that it is premature to open up the BRFAs. Further research is needed to evaluate the effectiveness of the BFRAs in providing sustainable bottom fish fishery in Hawaii. Again, we believe this should be done through well-planned and executed research and scientifically informed rule-making, not legislation. Additional funding will also be required to conduct such studies.

The Department has some specific comments about this measure:

The Department is unclear what “scientific information of environmental necessity” means. Again, the Department believes that any decision to open restricted areas should be based on biological fisheries data, such as reliable stock assessments over an extended period of time, rather than an unclear or impossible standard of “environmental necessity.”

Section 2 of this measure would require the Department to allow bottom fishing in six restricted areas where the restriction is not supported by environmental necessity. It assumes that there is no environmental necessity to keeping any of the restricted areas closed so six areas would be “opened.” This seems presumptive and six is a somewhat arbitrary number.

The Department agrees that opening any area that has been closed, in some cases since 1998, would present a unique opportunity to study the changes resulting from the opening of that area, provided studies are set up in advance. Indeed, that opportunity was lost when six of the BFRAs were previously opened. It would be desirable to gather at least a year of baseline data on the abundance of fish in the areas that would be closed and opened for comparison purposes. In addition, the Department would need some time to develop a scientifically rigorous study design, to plan which areas would be opened, and to secure potential collaborators and sufficient resources to complete the study. It will be important that fish stocks be closely monitored throughout the study period and that the State has the resources to conduct the necessary studies. As previously mentioned, the Department does not currently have funds to conduct such studies.

The Department looks forward to working with fishermen, NOAA, the UH and the Legislature to conduct the studies and collect the information necessary to make better, science-based decisions on how to best manage important bottom fish stocks in Hawaii.

Thank you for the opportunity to comment on this measure.



The Nature Conservancy
Hawai'i Program
923 Nu'uuanu Avenue
Honolulu, HI 96817

Tel(808) 537-4508
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nature.org/hawaii

Testimony of The Nature Conservancy of Hawai'i
Opposing H.B. 998 HD2 Relating to Bottomfish
House Committee on Judiciary
Tuesday, February 28, 2017, 2:00PM, Room 325

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.

The Nature Conservancy opposes H.B. 998 HD2. The bill is unnecessary and we recommend it be deferred. The specifics of adaptive and sustainable fisheries management should not be set by statute but rather in rulemaking as authorized by statute.

Should this bill move forward, **we strongly oppose the directive requiring the Department of Land and Natural Resources to manage a fishery based on scientific evidence of "environmental necessity."** While the phrase "environmental necessity" may sound somewhat compelling, this is an entirely undefined and arbitrary term and standard. It is not only undefined in this bill but, to our knowledge, it is not a term that is used in any federal or state fisheries statutes or regulations.

We agree that fisheries management should be based on the best available science as well as other factors including the precautionary principle when the scientific data is not entirely definitive. The standard of "environmental necessity" set in H.B. 998 HD1 could effectively shut down fishery management by the DLNR because the bar is so vague and inconsistent with any other fisheries management laws. It could establish indeterminable conditions for acquiring the scientific information it is requiring and, therefore, appears to be arbitrary and subjective.

Thank you for the opportunity to testify on this bill.

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COMMITTEE ON JUDICIARY

February 26, 2017

SUPPORT HB 998, HD1 (HSCR435) Relating To Bottomfish.

HFACT is a not-for-profit, IRS 501c(5) organization, that advocates for small boat commercial, non-commercial, and recreational fishermen throughout Hawaii. HFACT board members sit on a number of federal fisheries management and endangered species advisory committees; and, HFACT is thoroughly familiar with and participates in ocean and marine resource management in Hawaii and the central Pacific.

HFACT SUPPORTS HB 998, HD1 (HSCR435) Relating To Bottomfish, with HD1 amendments removed.

The HD1 version transforms the intent of the original bill from a pragmatic, science-based approach to manage Hawaii's bottomfish fisheries, to a management-by-opinion approach. Implementation of HD1 will be dependent on what is meant by lifting "restrictions [that are] not supported by scientific evidence of *environmental necessity*." "Environmental necessity" is an ill-defined term. What is deemed "necessary" by one person may be totally different than what is deemed "necessary" by another. "Environmental necessity" is not terminology used in science and certainly not within the fisheries management community.

The primary regulatory regime, currently successfully being used to manage Hawaii's bottomfish fisheries, is a science-based Annual Catch Limit (ACL). The ACL is subject to review each year. This annual review is performed by scientists and subject matter experts, who often have decades of individual experience in fisheries science. In contrast, the HD1 version of the bill weakens the intent of HB998.

HFACT is aware that science is rarely fully definitive. Scientists, therefore, provide statistical parameters around any findings. It is the job of fisheries managers and subject matter experts to lower any estimates of catch by a buffer amount so that the annual catch limit is well within the sustainable fishing limit. Fisheries managers, scientists, and subject matter experts take into account potential variabilities of fisheries science and set a very conservative catch limit.

Hawai'i Fishermen's Alliance for Conservation and Tradition, Inc.
1082 Lunalilo Home Road, Honolulu, HI. 96825

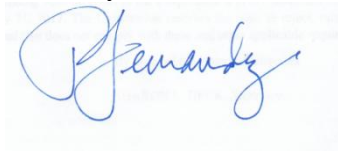
The opponents of HB998 want to simply keep bottomfish restricted fishing areas “because it is already there” – in effect, they argue “Let’s keep the fences in place. We don’t know what the scientific basis was for putting the fences where they are and we don’t know why it should remain, but it seems like a good idea.”

The bottomfish restricted area regulation is bad regulation whose time has passed.

HFACT **strongly supports** the original HB998 and the **removal of HD1 amendments**.

HFACT thanks Chair Nishimoto, Vice-chair San Buenaventura, and committee members for this opportunity to provide comment.

Sincerely and Aloha,

A handwritten signature in blue ink, appearing to read "Phil Fernandez", is written over a light blue rectangular background.

Phil Fernandez
President

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 24, 2017 9:11 PM
To: JUDtestimony
Cc: wekeis333@gmail.com
Subject: Submitted testimony for HB998 on Feb 28, 2017 14:00PM

HB998

Submitted on: 2/24/2017

Testimony for JUD on Feb 28, 2017 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Tony Sylvester	Hawaii Sportsmen's Alliance	Support	No

Comments: Aloha Chair, Vice Chair and committee members, The scientific method is the best way yet discovered for winnowing the truth from lies and delusion. The simple version looks something like this: 1. Observe some aspect of the universe. 2. Invent a tentative description, called a hypothesis, that is consistent with what you have observed. 3. Use the hypothesis to make predictions. 4. Test those predictions by experiments or further observations and modify the hypothesis in the light of your results. 5. Repeat steps 3 and 4 until there are no discrepancies between theory and experiment and/or observation. When consistency is obtained the hypothesis becomes a theory and provides a coherent set of propositions which explain a class of phenomena. A theory is then a framework within which observations are explained and predictions are made. For this reason, Hawaii Sportsmen's Alliance strongly support HB998 HD1. Mahalo, Tony Sylvester

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 26, 2017 7:16 AM
To: JUDtestimony
Cc: makani.christensen@gmail.com
Subject: Submitted testimony for HB998 on Feb 28, 2017 14:00PM

HB998

Submitted on: 2/26/2017

Testimony for JUD on Feb 28, 2017 14:00PM in Conference Room 325

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

Comments: The Hunting, Farming and Fishing Association strongly supports the intent of the bill as proposed in the original version of the bill, but not as amended in HD1. The bottom fishermen have tackled with these closers for over a decade and have exhausted all efforts with DLNR to open areas that should not have been closed. The original version of this bill was altered and needs to be reverted back to its original version. The excerpt below is taken from Uncle Roy (Bottom Fisherman). We, the hunting, farming and fishing association, stand alongside the bottom fishing community. "I humbly request that the committee review HB998HD1 as amended by the House Committee on OMH as it affirms the failure of the DLNR to continue the restriction the fishing for deep 7 bottomfish with the BRFA, but contradicts its findings by allowing all but six BRFA to remain closed absent a "validated scientific basis." HB998HD1 as amended by the House Committee on OMH acknowledges that the DLNR has failed to establish a "validated scientific basis" to support the BRFA. HB998HD1 Section 1, paragraph 2 states: "The legislature further finds that the bottomfish that are subject to fishing regulations in the Hawaii Administrative Rules are no longer being overfished, and that the department of land and natural resources has not established a validated scientific basis upon which to continue restricting the fishing of bottomfish." HB998HD1 Section 1, paragraph 3 states: "The purpose of this Act is to direct the Division of Aquatic Resources to allow fishing in six of the bottomfish restricted fishing areas, where bottomfish is currently prohibited, and to ensure that regulations on the fishing of bottomfish are supported by scientific evidence." This bill is predicated on using the science as biological basis for justifying management measures. For this to hold true, Paragraph 3 cannot call for the removal of only 6 BRFA because the "DLNR has not established a validated scientific basis upon which to continue restricting the fishing of bottomfish." Therefore, all BRFA should be removed. HB998HD1 Section 2 states: "The Department of natural Resources shall allow bottomfish fishing in six of the existing bottomfish restricted fishing areas where the restriction is not supported by scientific evidence of environmental necessity. The Department shall also amend its rules on "Bottomfish Management" to include scientific information of environmental necessity as one of the criteria used to restrict a fishing area." Please note that in the

first sentence the term “scientific evidence” is used and the second sentence only requires “scientific information.” The standards for scientific evidence are generally based on the results of statistical analysis, the strength of scientific controls and peer review. To simply require “scientific information” fails to rise to the level of justification and review required by scientific evidence. The broad term “environmental necessity” with the exception of those essential for the deep 7 was not a criterion for the creation of the BRFA that specifically addressed a federal statute of spawning potential ratio (SPR). The SPR was superseded by annual catch limit (ACL) and a component in the stock assessment and peer reviewed process used in the establishment of the annual catch limit. To include such language in the bottomfish management rule ill-considered as it could change the rationale in creating the BRFA. Example: A previous administration official asserted that the Makapuu BRFA was environmentally necessary in order to protect the coral beds. The reality is that deep 7 bottomfish fishing does not occur in the small area defined for the protection of those coral beds as it is too deep, and yet was used as the reason behind maintaining the largest BRFA to “protect the precious coral beds.” Such rationale and resultant action absent scientific evidence is unconscionable as it has resulted in closing the majority of east Oahu waters preventing the inclusion of the biomass in the bottomfish stock assessment ultimately denying Oahu fishermen from fishing that area and forcing them to make the risky crossing of the Aleinuihaha Channel to fish Penguin Banks. BRFA also present the potential for conditions resulting in the tragedy of commons and contrary to sound management practices for deep 7 species. The bottomfish fishermen of Hawaii have been forced to approach the legislature to seek relief after 18 years of being ignored by the DLNR/DAR through the Administrative Rule process, with the last being denied an opportunity for a contested case hearing before the Land Board. In addition to our concerns with HB998HD1, are our rebuttals to the statements in DLNR Chair Case's testimony regarding HB998: 1) The state's statement that the "process for determining the limit is currently in review and subject to change." is a misrepresentation as what is being reviewed are elements of the recent stock assessment of bottomfish that failed peer review, and the NOAA Fisheries Science Center scientists have engaged DAR staff and Hawaii's bottomfish fishermen over the past two years to address and correct the issues that failed the peer review; 2) The DLNR asserts that "a combination of state and federal measures will likely be needed..." This is accurate as this fishery occurs in both state and federal waters; however the BRFA are state only measures that occur in both state and federal waters. They are superfluous as the joint state and federal management regulations/rules directly control fishing mortality by stopping all fishing sale and retention of bottomfish is prohibited when the annual catch limit (ACL) is reached. The ACL is a very conservative and safe catch limit used by the federal/state fishery management process. 3) To address the state's statement "that science is rarely ever definitive," the ACL based bottomfish management baseline begins with a peer reviewed stock assessment that determines how much fish can be sustainably harvested over time. This is referred to as maximum sustainable yield (MSY). Of that, only 50-percent of the MSY can be potentially harvested. From the 50-percent, the quota is further reduced due to uncertainty in science, environmental impacts, economic considerations, and management resulting in a limit below acceptable catch limits. When established for regulation/rulemaking, these criteria are then peer reviewed to

ensure all safeguards to prevent overfishing or overfished populations of the stock have been verified and validated for management purposes. The 2016/2017 ACL is 318,000 pounds, which represents only a 42% chance of exceeding maximum sustainable yield and the ACL has not been exceeded since its inception in 2011. 4) The state also a 4) The state also asserts, "The Department is unclear who determines whether a rule complies with is section....." The fishermen maintain that the federal/state rulemaking process that implemented the ACL in 2011 the state Bottomfishing Rules is inclusive of state and federal considerations and the peer reviewed stock assessment that serves as the basis of the ACL management regime addresses the intent of the original bill (HB998) and eliminates the need to maintain the BRFA. 5) The elimination of the BRFA simplifies state' management and at sea enforcement requirements of bottomfish rules as state rules will be congruent with federal regulations and consistently applied in both state and federal waters. The state's costly burden of at sea enforcement of the BRFA in both state and federal waters becomes unnecessary (federal enforcement does not enforce BRFA and only the ACL). NOTE: The state's BRFA were established without a baseline metric and only considered topographic analysis of bottom habitat and not available biomass, therefore it is impossible to assess the efficacy of the BRFA or determine available biomass. As a result, the state's BRFA has prevented the scientists from including the biomass within the BRFA from being added to the total abundance of bottomfish resulting in a deficiency identified in the stock assessment peer review that resulted in a further reduced abundance assessment. Finally, the federal agencies bear the majority of the cost of science necessary in the development and determination of the ACL. Thank you for this opportunity to testify on this matter that has denied the bottomfish fishermen of Hawaii the science used to create the BRFA and the protocols in place to monitor the efficacy of this management measure."

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OUR MISSION

HCIA is a Hawaii-based non-profit organization that promotes modern agriculture to help farmers and communities succeed. Through education, collaboration and advocacy, we work to ensure a safe and sustainable food supply, support responsible farming practices and build a healthy economy.

TESTIMONY FROM BENNETTE MISALUCHA, EXECUTIVE DIRECTOR

In Support of HB 998, HD1 Relating to Bottomfish

HOUSE COMMITTEE ON JUDICIARY

February 28, 2017, 2:00 p.m.

Conference Room 325

Chair Nishimoto and members of the committee:

The Hawaii Crop Improvement Association (HCIA) is a Hawaii-based non-profit organization that promotes modern agriculture to help farmers and communities succeed. Through education, collaboration, and advocacy, we work to ensure a safe and sustainable food supply, support responsible farming practices, and build a healthy economy.

While HCIA is in **support of the intent of the bill**, we prefer the original version of HB998, not as amended in HD1.

This bill would require any rule adopted by the Department of Land & Natural Resources (DLNR) provide that any restriction on fishing be based on scientific evidence of environmental necessity. Scientific knowledge is an important tool in the successful management of our natural resources. Island fisheries support Hawaii's goal of becoming less dependent upon imported food. Ensuring the sustainability of those resources is just as important as our ability to make the most of them.

HCIA respectfully requests that this committee revert to the original version of HB998 to support our fisheries and Hawaii's need for food security and sustainability.

Sincerely,

Bennette Misalucha

Executive Director, Hawaii Crop Improvement Association



**Conservation Council
for Hawai'i**

Hawai'i's voice for wildlife

Kō Hawai'i leo no nā holoholona lōhiu



Testimony Submitted to the House Committee on Judiciary
By the Conservation Council for Hawai'i
Hearing: Tuesday, February 28, 2017 2 pm
Room 325

Opposition to HB 998 HD 1 Relating to Bottomfish

Chair Nishimoto, Vice Chair San Buenaventura, and Members of the Committee,

Aloha. The Conservation Council for Hawai'i opposes HB 998 HD 1, which requires the DLNR to allow bottomfish fishing in six of the Bottomfish Restricted Fishing Areas and to amend any administrative rules to provide that any restriction on fishing shall be based on scientific evidence of environmental necessity.

Regulation and management of our bottomfish fishery should be done by administrative rule, not by statute. Furthermore, we object to the term, "environmental necessity," which is undefined, vague, and open to interpretation that could further harm the bottomfish fishery.

Please keep the politics out of our fisheries management. Oppose HB 998 HD 1.

Mahalo nui loa for the opportunity to testify.

Marjorie Ziegler

Marjorie Ziegler



From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 25, 2017 12:50 PM
To: JUDtestimony
Cc: bcsc@hawaii.rr.com
Subject: Submitted testimony for HB998 on Feb 28, 2017 14:00PM

HB998

Submitted on: 2/25/2017

Testimony for JUD on Feb 28, 2017 14:00PM in Conference Room 325

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

Comments: I strongly support the intent of the bill as proposed in the original version of HB998, but not the amendment. All 12 BRFA's should be disestablished because there is no basis to keep six. Thank you for allowing me to submit testimony.

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Sent: Saturday, February 25, 2017 12:37 PM
To: JUDtestimony
Cc: hfacte@gmail.com
Subject: Submitted testimony for HB998 on Feb 28, 2017 14:00PM

HB998

Submitted on: 2/25/2017

Testimony for JUD on Feb 28, 2017 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Edwin Watamura	Individual	Comments Only	No

Comments: Testimony Re: HB998 Greetings Chair Nishimoto, Vice Chair San Buenaventura and Members of the House Committee on JUD I am writing in strong support of the original intent of HB998, however I oppose the language of the amended HB998HD1. The amended Bill states that the “Deep 7 Bottomfish are no longer being overfished and that the DLNR has not established a validated scientific basis upon which to continue restricting the fishing of bottomfish.” The next paragraph goes on to say that the DLNR is directed to allow fishing in only 6 of the 12 BRFA and to ensure that regulations on fishing of bottomfish are supported by scientific evidence. The amendment states that those 6 are not supported by “scientific evidence of environmental necessity.” This means that the other 6 are? If so, what is the “scientific evidence of environmental necessity” that is in these 6 areas that is not in the other 6. The term “scientific evidence of environmental necessity” sounds like a nebulous catch all phrase that could refer to anything and everything under the sun, from coral to snails. This is scary language and prevents the powers that be to not be specific and accurate in defining reasons for additional regulations. Without stating why just 6 out of 12 meet the conditions of “environmental necessity”, this amendment should never pass the scrutiny of the JUD, let alone any layman that can read. The original intent, stating that there is no validated scientific basis upon which to continue the BRFA is reason to open all 12 and disestablish the BRFA management system altogether.

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To: JUDtestimony
Cc: soshiro17@hawaii.rr.com
Subject: Submitted testimony for HB998 on Feb 28, 2017 14:00PM

HB998

Submitted on: 2/25/2017

Testimony for JUD on Feb 28, 2017 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Basil Oshiro	Individual	Support	No

Comments: I AM FROM MAUI AND STRONGLY SUPPORT THIS DISESTABLISHMENT OF ALL THE BRFA. THERE IS NO NEED TO RETAIN ANY BRFA. IF I COULD AFFORD TO TESTIFY IN PERSON I WOULD SO. THANK YOU FOR THIS OPPORTUNITY TO TESTIFY.

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Sent: Friday, February 24, 2017 10:22 PM
To: JUDtestimony
Cc: geoffkona@gmail.com
Subject: Submitted testimony for HB998 on Feb 28, 2017 14:00PM

HB998

Submitted on: 2/24/2017

Testimony for JUD on Feb 28, 2017 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Geof Walker	Individual	Support	No

Comments: Thank you Speaker Souki and Representative Tokioka for introducing this bill. I strongly support the intent of the bill, as proposed in the original version, but not as amended in HD1. The BRFA are superfluous as the joint state and federal management regulations/rules directly controls fishing mortality by stopping all fishing, sale and retention of bottomfish when the Annual Catch Limit (ACL) is reached. The ACL is a very conservative and safe catch limit used by the federal/state fishery management process. To address the state's statement "that science is rarely ever definitive," the bottomfish management baseline begins with a peer reviewed stock assessment that determines how much fish can be sustainably harvested over time. This is referred to as maximum sustainable yield (MSY). Of that, only 50-percent of the MSY can be potentially harvested. From the 50-percent, the quota is further reduced due to uncertainty in science, environmental impacts, economic considerations, and management resulting in a limit below acceptable catch limits. When established for regulation/rulemaking, these criteria are then peer reviewed to ensure all safeguards to prevent overfishing or overfished populations of the stock have been verified and validated for management purposes. NOTE: The state's BRFA were established without a baseline metric and only considered topographic analysis of bottom habitat and not available biomass, therefore it is impossible to assess the efficacy of the BRFA or determine available biomass. As a result, the state's BRFA has prevented the scientists from including the biomass within from being added to the total abundance of bottomfish resulting in a deficiency identified in the stock assessment peer review that resulted in a further reduced abundance This bill came out to get rid of the BRFA, because there is no scientific basis for them. They aren't enforced very well and for me on the Big Island, two of my most productive areas I have fished since 1982 have been closed. Please get rid of the BRFA, they are something the DLNR drew up by guess and by gosh and are hanging on to them to protect their fragile egos, they Make no sense. Geoffrey Walker License #1530 Kailua Kona, HI

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TESTIMONY RE: HB998

Aloha Chair Nishimoto, Vice Chair San Buenaventura and Members of the House Committee on JUD.

I strongly support the intent of HB998 but strongly oppose HB998HD1 as it alters the intent of the original bill.

I humbly request that the committee review HB998HD1 as amended by the House Committee on OMH as it affirms the failure of the DLNR to continue the restriction the fishing for deep 7 bottomfish with the BRFA, but contradicts its findings by allowing all but six BRFA to remain closed absent a “validated scientific basis.”

HB998HD1 as amended by the House Committee on OMH acknowledges that the DLNR has failed to establish a “validated scientific basis” to support the BRFA.

HB998HD1 Section 1, paragraph 2 states:

“The legislature further finds that the bottomfish that are subject to fishing regulations in the Hawaii Administrative Rules are no longer being overfished, and that the department of land and natural resources has not established a validated scientific basis upon which to continue restricting the fishing of bottomfish.”

HB998HD1 Section 1, paragraph 3 states:

“The purpose of this Act is to direct the Division of Aquatic Resources to allow fishing in six of the bottomfish restricted fishing areas, where bottomfish is currently prohibited, and to ensure that regulations on the fishing of bottomfish are supported by scientific evidence.”

This bill is predicated on using the science as biological basis for justifying management measures. For this to hold true, Paragraph 3 cannot call for the removal of only 6 BRFA because the “DLNR has not established a validated scientific basis upon which to continue restricting the fishing of bottomfish.” Therefore, all BRFA should be removed.

HB998HD1 Section 2 states:

“The Department of natural Resources shall allow bottomfish fishing in six of the existing bottomfish restricted fishing areas where the restriction is not supported by scientific evidence of environmental necessity. The Department shall also amend its rules on “Bottomfish Management” to include scientific information of environmental necessity as one of the criteria used to restrict a fishing area.”

Please note that in the first sentence the term “scientific evidence” is used and the second sentence only requires “scientific information.” The standards for scientific evidence are generally based on the results of statistical analysis, the strength of scientific controls and peer review. To simply require “scientific information” fails to rise to the level of justification and review required by scientific evidence.

The broad term “environmental necessity” with the exception of those essential for the deep 7 was not a criterion for the creation of the BRFA that specifically addressed a federal statute of spawning potential ratio (SPR).¹ The SPR was superseded by annual catch limit² (ACL) and a component in the stock

¹ SPR is a measure of the impact that fishing has on the ability of each recruit (i.e. the average recruit) to contribute to **spawning**. One definition for **spawning potential ratio** (SPR) is: the number of eggs that could be produced by an average recruit over its lifetime when the stock is fished...

² The Magnuson-Stevens Act requires the use of annual catch limits and accountability measures in federal fisheries to end and prevent overfishing. If catch of a stock is approaching or exceeding its annual catch limit, fishery managers use accountability measures to ensure the limit is not exceeded or to correct for any overage.

assessment and peer reviewed process used in the establishment of the annual catch limit. To include such language in the bottomfish management rule ill-considered as it could change the rationale in creating the BRFA. Example: A previous administration official asserted that the Makapuu BRFA was environmentally necessary in order to protect the coral beds. The reality is that deep 7 bottomfish fishing does not occur in the small area defined for the protection of those coral beds as it is too deep, and yet was used as the reason behind maintaining the largest BRFA to “protect the precious coral beds.” Such rationale and resultant action absent scientific evidence is unconscionable as it has resulted in closing the majority of east Oahu waters preventing the inclusion of the biomass in the bottomfish stock assessment ultimately denying Oahu fishermen from fishing that area and forcing them to make the risky crossing of the Aleinuihaha Channel to fish Penguin Banks.

BRFA also present the potential for conditions resulting in the tragedy of commons³ and contrary to sound management practices for deep 7 species.

The bottomfish fishermen of Hawaii have been forced to approach the legislature to seek relief after 18 years of being ignored by the DLNR/DAR through the Administrative Rule process, with the last being denied an opportunity for a contested case hearing before the Land Board.

In addition to our concerns with HB998HD1, are our rebuttals to the statements in DLNR Chair Case's testimony regarding HB998:

- 1) The state's statement that the "process for determining the limit is currently in review and subject to change." is a misrepresentation as what is being reviewed are elements of the recent stock assessment of bottomfish that failed peer review, and the NOAA Fisheries Science Center scientists have engaged DAR staff and Hawaii's bottomfish fishermen over the past two years to address and correct the issues that failed the peer review;
- 2) The DLNR asserts that "a combination of state and federal measures will likely be needed..." This is accurate as this fishery occurs in both state and federal waters; however the BRFA are state only measures that occur in both state and federal waters. They are superfluous as the joint state and federal management regulations/rules directly control fishing mortality by stopping all fishing sale and retention of bottomfish is prohibited when the annual catch limit (ACL) is reached. The ACL is a very conservative and safe catch limit used by the federal/state fishery management process.
- 3) To address the state's statement "that science is rarely ever definitive," the ACL based bottomfish management baseline begins with a peer reviewed stock assessment that determines how much fish can be sustainably harvested over time. This is referred to as maximum sustainable yield (MSY). Of that, only 50-percent of the MSY can be potentially harvested. From the 50-percent, the quota is further reduced due to uncertainty in science, environmental impacts, economic considerations, and management resulting in a limit below acceptable catch limits. When established for regulation/rulemaking, these criteria are then peer reviewed to ensure all safeguards to prevent overfishing or overfished populations of the stock have been verified and validated for management purposes.

Accountability measures are usually some combination of size limits, trip limits, gear restrictions, and seasonal closures. All federal fisheries are currently operating under annual catch limits, as required by the Magnuson-Stevens Act. International fisheries and stocks with a short (one year) life history are not required to have these limits. Annual catch limits ensure the amount of fish being caught each year does not harm a fish stock. NOAA Fisheries and the regional fishery management councils (councils) use stock assessments that are conducted every few years to estimate fishing rates over time and to determine if overfishing has been occurring. Keeping catch levels in check annually helps ensure fishing rates over time prevent overfishing. [Learn more about how NOAA Fisheries sets annual catch limits.](#)

³ The **tragedy of the commons** is an economic theory of a situation within a shared-resource system where individual users acting independently according to their own self-interest behave contrary to the common good of all users by depleting that resource through their collective action.

The 2016/2017 ACL is 318,000 pounds, which represents only a 42% chance of exceeding maximum sustainable yield and the ACL has not been exceeded since its inception in 2011.

- 4) The state also asserts, "The Department is unclear who determines whether a rule complies with is section....." The fishermen maintain that the federal/state rulemaking process that implemented the ACL in 2011 the state Bottomfishing Rules is inclusive of state and federal considerations and the peer reviewed stock assessment that serves as the basis of the ACL management regime addresses the intent of the original bill (HB998) and eliminates the need to maintain the BRFA.
- 5) The elimination of the BRFA simplifies state' management and at sea enforcement requirements of bottomfish rules as state rules will be congruent with federal regulations and consistently applied in both state and federal waters. The state's costly burden of at sea enforcement of the BRFA in both state and federal waters becomes unnecessary (federal enforcement does not enforce BRFA and only the ACL).

NOTE: The state's BRFA were established without a baseline metric and only considered topographic analysis of bottom habitat and not available biomass, therefore it is impossible to assess the efficacy of the BRFA or determine available biomass. As a result, the state's BRFA has prevented the scientists from including the biomass within the BRFA from being added to the total abundance of bottomfish resulting in a deficiency identified in the stock assessment peer review that resulted in a further reduced abundance assessment.

Finally, the federal agencies bear the majority of the cost of science necessary in the development and determination of the ACL.

Thank you for this opportunity to testify on this matter that has denied the bottomfish fishermen of Hawaii the science used to create the BRFA and the protocols in place to monitor the efficacy of this management measure.

Respectfully Yours,
Roy N. Morioka
Commercial Bottomfish Fisherman
February 24, 2014

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 24, 2017 9:46 PM
To: JUDtestimony
Cc: kawamotok008@hawaii.rr.com
Subject: *Submitted testimony for HB998 on Feb 28, 2017 14:00PM*

HB998

Submitted on: 2/24/2017

Testimony for JUD on Feb 28, 2017 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Kurt Kawamoto	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 24, 2017 7:13 PM
To: JUDtestimony
Cc: isaacwmoon@gmail.com
Subject: *Submitted testimony for HB998 on Feb 28, 2017 14:00PM*

HB998

Submitted on: 2/24/2017

Testimony for JUD on Feb 28, 2017 14:00PM in Conference Room 325

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

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 24, 2017 7:11 PM
To: JUDtestimony
Cc: shyla.moon@ymail.com
Subject: Submitted testimony for HB998 on Feb 28, 2017 14:00PM

HB998

Submitted on: 2/24/2017

Testimony for JUD on Feb 28, 2017 14:00PM in Conference Room 325

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

Comments: Yes. Strongly support science based evidence. Mahalo!

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Sent: Friday, February 24, 2017 5:47 PM
To: JUDtestimony
Cc: ndavlantes@aol.com
Subject: *Submitted testimony for HB998 on Feb 28, 2017 14:00PM*

HB998

Submitted on: 2/24/2017

Testimony for JUD on Feb 28, 2017 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Nancy Davlantes	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 27, 2017 5:36 AM
To: JUDtestimony
Cc: oesim@hawaiiantel.net
Subject: *Submitted testimony for HB998 on Feb 28, 2017 14:00PM*

HB998

Submitted on: 2/27/2017

Testimony for JUD on Feb 28, 2017 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
glenn fukuda	Individual	Support	No

Comments:

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Sent: Sunday, February 26, 2017 9:17 PM
To: JUDtestimony
Cc: brealandt@gmail.com
Subject: Submitted testimony for HB998 on Feb 28, 2017 14:00PM

HB998

Submitted on: 2/26/2017

Testimony for JUD on Feb 28, 2017 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Brealand Tam	Individual	Support	No

Comments: I am in support of opening up the BFRAs, there is no scientific data supporting that they work. Plus the state already has implemented a T.A.C (total allowable catch limit) for Hawaii.

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Sent: Sunday, February 26, 2017 8:36 PM
To: JUDtestimony
Cc: tommy555@hawaii.rr.com
Subject: Submitted testimony for HB998 on Feb 28, 2017 14:00PM

HB998

Submitted on: 2/26/2017

Testimony for JUD on Feb 28, 2017 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Wayne Kalani Thompson	Individual	Support	Yes

Comments: I support the opening of BRFA's in Hawaiian Waters. I have fished all my life in Hawaiian Waters since childhood and have taught all my children and grandchildren. I've fished the east side of Kalau'papa outside Waikolu valley in the 1980's for opakapaka and onaga. 1998 dlNr closed the fishing grounds, I checked with dlNr and they said it will reopen in 3 years, Bullshit!!! it's still closed. I've taught all my sons and some grandchildren on how to troll, dive, lay net, throw net, night time opelu and akule, but never show them how to deep bottom fish, because I stopped in 1998. My sons are now asking me to show them how to bottom fish and show them the FISHING GROUNDS I use to fish. I am now 66 years old and hope to show my children the next generation how to fish these areas before I DIE. Mahalo for your support
Wayne Kalani Thompson

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 26, 2017 7:01 PM
To: JUDtestimony
Cc: hifish06@yahoo.com
Subject: Submitted testimony for HB998 on Feb 28, 2017 14:00PM

HB998

Submitted on: 2/26/2017

Testimony for JUD on Feb 28, 2017 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Clay Tam	Individual	Support	No

Comments: Dear Legislative committee, I am submitting testimony to "support" HB998 with intent to open at least if not all of the State BFRA's. Since their has been valid stock assessment on these areas particular areas. Because the State (DAR) does not have any personal with such expertise on staff to perform such an assessment. In addition NOAA Pacific Islands Fisheries Science Center has such expertise and has already done a stock assessment which is now managed by an ACL or allocation quota. They have also used fisheries independent search to support their findings. That has been peer reviewed at the highest scientific level. Therefore I support the is HB998 to open all State BFRA's since the fishery is already being managed by another agency. Thank you, Clay Tam Fishermen, taxpayer & voter

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 26, 2017 6:52 PM
To: JUDtestimony
Cc: yamaguchd009@hawaii.rr.com
Subject: *Submitted testimony for HB998 on Feb 28, 2017 14:00PM*

HB998

Submitted on: 2/26/2017

Testimony for JUD on Feb 28, 2017 14:00PM in Conference Room 325

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

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 26, 2017 2:04 PM
To: JUDtestimony
Cc: dkkamikawa@gmail.com
Subject: Submitted testimony for HB998 on Feb 28, 2017 14:00PM

HB998

Submitted on: 2/26/2017

Testimony for JUD on Feb 28, 2017 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
dennis kamikawa	Individual	Support	No

Comments: i support the original hb998. i do not support keeping 6 brfa unless science supports keeping them.

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 26, 2017 1:43 PM
To: JUDtestimony
Cc: nathanabe@yahoo.com
Subject: Submitted testimony for HB998 on Feb 28, 2017 14:00PM

HB998

Submitted on: 2/26/2017

Testimony for JUD on Feb 28, 2017 14:00PM in Conference Room 325

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

Comments: I'm a commercial fisherman from Kailua Kona, Hawaii and am not able to fly to Honolulu to testify in person. Please note that I support only the old version of bill HB998, which allows all twelve BRFA's to be open. I am opposed to the new proposal of (HD1) which only allows six BRFA's to be open. Stop wasting tax payers money and open up all 12 BRFA's. For 10 years the State and Federal government has used (ACL) Annual Catch Limits to manage this fishery. We do not need BRFA's anymore.

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 26, 2017 11:37 AM
To: JUDtestimony
Cc: hawaii hunting association@hawaiiantel.net
Subject: Submitted testimony for HB998 on Feb 28, 2017 14:00PM

HB998

Submitted on: 2/26/2017

Testimony for JUD on Feb 28, 2017 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Tom Lodge	Individual	Comments Only	No

Comments: "I strongly support the intent of the bill, as proposed in the original version of the bill, but not as amended in HD1." To remove the requirement for peer review and or an environmental assessment conducted with public hearings involving those that actually fish these waters and who have a vested interest in these developments, would be just another exercise of DLNR/DAR disregard for science and the experience of consumptive users and fishermen. Much Aloha, Tom Lodge

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Sent: Sunday, February 26, 2017 9:39 AM
To: JUDtestimony
Cc: surf77@mac.com
Subject: Submitted testimony for HB998 on Feb 28, 2017 14:00PM

HB998

Submitted on: 2/26/2017

Testimony for JUD on Feb 28, 2017 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
ROBERT DUERR	Individual	Oppose	No

Comments: "I strongly support the intent of the bill, as proposed in the original version of the bill, but not as amended in HD1."

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From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 25, 2017 9:30 PM
To: JUDtestimony
Cc: craig.sato@gmail.com
Subject: Submitted testimony for HB998 on Feb 28, 2017 14:00PM

HB998

Submitted on: 2/25/2017

Testimony for JUD on Feb 28, 2017 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Craig Sato	Individual	Oppose	No

Comments: There is no basis for 6 restricted areas. There is also a catch limit highly regulated so there should be no restricted areas.

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From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 25, 2017 8:59 PM
To: JUDtestimony
Cc: braddah.roy@gmail.com
Subject: Submitted testimony for HB998 on Feb 28, 2017 14:00PM

HB998

Submitted on: 2/25/2017

Testimony for JUD on Feb 28, 2017 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
roy matsuoka	Individual	Support	No

Comments: I strongly support the intent of the bill . All 12 BFRAS should be disestablished, because there is no basis to keep 6. Thankyou for allowing me to submit testimony.

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From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 25, 2017 6:59 PM
To: JUDtestimony
Cc: yamaguchd009@hawaii.rr.com
Subject: *Submitted testimony for HB998 on Feb 28, 2017 14:00PM*

HB998

Submitted on: 2/25/2017

Testimony for JUD on Feb 28, 2017 14:00PM in Conference Room 325

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

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 25, 2017 6:53 PM
To: JUDtestimony
Cc: cycads@hawaii.rr.com
Subject: Submitted testimony for HB998 on Feb 28, 2017 14:00PM

HB998

Submitted on: 2/25/2017

Testimony for JUD on Feb 28, 2017 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Greg Holzman	Individual	Support	No

Comments: I support the measure as an active commercial bottom fisherman, but do not understand why we need to open 6 BRFA's and keep 6 closed, instead of all the BRFA's. if we need the data to assess the Biomass to get an idea if these BRFA's are worth having in the first place why are we opening half? At least give a reason. It is not as though these fish are endangered or something. We have a ACL quota system that allows for a State wide buffer from over fishing. DLNR can always re=establish the BRFA's if the data collected in the next three years or more find a need. But DLNR has no plan no data and no enforcement to make these effective. As I have said in earlier testimony at OC hearing, without any baseline data or enforcement your just guessing and negatively to our fishery. Where is DAR's plan and which BRFA is to be opened and why? Is it enforceable or the furthest from ports or what is the perimeter for opening certain ones over others. The only sensible idea is to open these up and collect the fish catch data and see how it effects the assessed biomass over the next three years. Then let DAR write a reason to keep it open or to close them again. Science was always part of the plan and these are not based in science. They just mess up the State's Bio assessments for the ACL quota system. The effect is a negative one to our fishery. Anything else is not based in science it is just guessing. I would be there in person as I did at last hearing but I can not afford to keep coming over to testify since I live on Kauai.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 27, 2017 7:56 AM
To: JUDtestimony
Cc: fishingready@gmail.com
Subject: Submitted testimony for HB998 on Feb 28, 2017 14:00PM

HB998

Submitted on: 2/27/2017

Testimony for JUD on Feb 28, 2017 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Ronald Tam	Individual	Support	Yes

Comments: Chair Nishimoto, Vice Chair Buenaventura, committee members: I fully support HB998 in its original form. HD1 to HB998 is ambiguous and betrays the spirit and intent of HB998; i.e., retention or establishment of Bottomfishing Restricted Fishing Areas (BRFA) as justified by peer-reviewed science. The language change proposed by HD1 is without merit. Approximately nine years subsequent to the 1998 establishment of BRFA, a joint federal and state management regime of an annual fishing season with an associated annual catch limit was implemented. This regime ensures a healthy fishery and, thereby, the availability of fish for generations to come. The season-catch limit regime renders the BRFA superfluous. Additionally, retention or establishment of any BRFA which is not supported by peer-reviewed science will continue to negatively impact assessments of the stock of the fishery because fish within the BRFA are not included in the assessments. The no fish zones result in absence of data from those zones. Separate, but related, enforcement of BRFA is problematic. Clearly, there is no need for BRFA at this time. Thank you for your kind consideration of the foregoing and the opportunity to testify.

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Sent: Monday, February 27, 2017 10:04 AM
To: JUDtestimony
Cc: daveitano@gmail.com
Subject: Submitted testimony for HB998 on Feb 28, 2017 14:00PM

HB998

Submitted on: 2/27/2017

Testimony for JUD on Feb 28, 2017 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
David Itano	Individual	Support	No

Comments: I support the position expressed to open the bottomfish restricted areas as they are unenforceable under current situation (as admitted by HLNK and USCG) and are an unnecessary layer of regulation in light of an annual quota that this fishery is managed by as set by scientists and fishery experts in a conservative level. I also support that all fishery management, not just bottomfish management be based on science and science-based management principles.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 27, 2017 11:46 AM
To: JUDtestimony
Cc: reno_young@yahoo.com
Subject: Submitted testimony for HB998 on Feb 28, 2017 14:00PM

HB998

Submitted on: 2/27/2017

Testimony for JUD on Feb 28, 2017 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Reno Young	Individual	Support	No

Comments: I strongly support the intent of the bill, as proposed in the original version of the bill, but not as amended in HD1

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JUDtestimony

From: Eric Isoda <eric.isoda@mdyerandsons.net>
Sent: Monday, February 27, 2017 3:26 PM
To: JUDtestimony; omhtestimony
Subject: HB998 Relating to Bottomfishing: Testimony

Attention: OMH and JUD Committees

It has been a quite a number of years since the BRFAs (Bottom-fishing Restricted Fishing Areas) was first established. Through the years, I have seen a number of presentations on these BRFAs and have also heard from a number of opposing points of view. Various testimony came from the fishermen, scientists, Western Pacific Fishery Management Council, etc. and after all this, we seem to still be faced with the problem of whether we should keep it closed or open it up.

Any bill to disestablish the BRFAs is a step in the right direction. This current bill which modifies the original bill by "opening up six and leaving six closed" is a welcome change that I can accept but my ultimate goal is to disestablish all twelve.

What is frustrating for me is that we have a current management program in place that is called the ACL (Annual Catch Limit). Even this has had its own variations. One thing is certain is that with this in place, we now have a way to control the "overfishing" that everyone is so afraid of. This also includes us "fishermen". We want to also make sure that we are able to have a sustainable source of seafood for our future generations. With the ACL, we do not need the presence of another restriction which basically complicates the problem. The fish in the BRFAs are not included in the assessment process, there are "no or very little" enforcement in these BRFAs, and there are no clear evidence or scientific proof that the BRFAs are really working. Even the Western Pacific Fishery Management Council with their Science and Statistical committees have formally recommended the disestablishment of the BRFAs.

We have a "catch limit", when that is reached, fishing is shut down. How much "clearer or simpler" must it become?

Again, I am for any bill to "disestablish these BRFAs in Hawaii. With the Annual Catch Limit (ACL), we have a management program in effect that is working so we don't need more restrictions on us.

If anyone has any questions, I will be happy to discuss the above with you.

Respectively submitted,

Eric Isoda
Pearl City, HI.

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 27, 2017 10:06 PM
To: JUDtestimony
Cc: terryyona@gmail.com
Subject: *Submitted testimony for HB998 on Feb 28, 2017 14:00PM*

HB998

Submitted on: 2/27/2017

Testimony for JUD on Feb 28, 2017 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Terry Yonashiro	Individual	Support	No

Comments:

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To: JUDtestimony
Cc: mjellings@hawaii.rr.com
Subject: Submitted testimony for HB998 on Feb 28, 2017 14:00PM

HB998

Submitted on: 2/27/2017
Testimony for JUD on Feb 28, 2017 14:00PM in Conference Room 325

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

Comments: We Thank The House Judiciary for Hearing HB998 and We Strongly Support HB998 as originally intended. Mahalo Carl P Jellings Sr

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 28, 2017 9:13 AM
To: JUDtestimony
Cc: brendtchang@gmail.com
Subject: Submitted testimony for HB998 on Feb 28, 2017 14:00PM

HB998

Submitted on: 2/28/2017
Testimony for JUD on Feb 28, 2017 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Brendt Chang	Individual	Support	No

Comments: I support the the disestablishment of the 12 statewide Bottom Fishing Restricted Area (BRFA). I oppose HD1. The reasons I support the reopening of these areas is because there is no sound science to back up the efficiency of the BRFA. The Total Allowable Catch (TAC) already satisfies the 20% reduction in mortality as a blanket conservation check point. The BRFA is redundant and puts undue pressure on open areas- leaving those areas overfished. The fish have been scientifically proven to migrate, even inter-island, which proves the BRFA isn't an effective way to manage the fishery.

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From: mailinglist@capitol.hawaii.gov
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To: JUDtestimony
Cc: malhieda@aol.com
Subject: Submitted testimony for HB998 on Feb 28, 2017 14:00PM

HB998

Submitted on: 2/28/2017

Testimony for JUD on Feb 28, 2017 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Roy Hieda	Individual	Support	Yes

Comments: I support the original bill and not with the language of HB 1. Open all 12 BRFA.

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