

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 998
RELATING TO BOTTOMFISH

House Bill 998 proposes to require any rule adopted by the Department of Land and Natural Resources (Department) that restricts the fishing of bottomfish to include peer-reviewed scientific evidence that establishes the environmental necessity of the rule. **While the Department appreciates the intent of this measure to support science-based management, the Department nonetheless opposes this measure for the following reasons.**

While science may often provide the empirical evidence of a problem, science cannot answer every question. Nor does every problem have an environmental solution. For example, in the case of the bottomfish, 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 in review and subject to change.

The State does not believe that the federal regulatory scheme, at this time, should be the sole determiner of how this fishery should be managed. The Department continues to employ the restricted areas as part of the state regulatory package, until such time that we are confident that alternative regulatory measures are sufficient. Being a shared jurisdiction, a combination of state and federal measures will likely be needed, instead of just one or the other alone.

Given that science is rarely ever definitive, we are still responsible for making sound management decisions, to the best of our ability, even if there is little to no scientific evidence to guide us. The Department has some specific questions about this measure.

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

The Department is unclear who determines whether a rule complies with this section, as provided in subsection (b) or what criteria would be used to make such a determination. In subsection (c), the bill provides that in the absence of a rule, assuming that a rule has been voided in accordance with subsection (b), that the federal annual catch limits shall be enforced. The Department would point out that the state bottomfish regulations include more than just the restricted areas. There are vessel, gear, and bag limit requirements that would also be voided, as the measure provides for an “all or nothing” approach to voiding a rule. It is also unclear how the State would enforce an annual catch limit when no such regulation would exist in state law.



HB998
RELATING TO BOTTOMFISH

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 **OPPOSE** HB998, which imposes a vague, inappropriate, and potentially unattainable standard for the management of our bottomfish resources, and may inadvertently invalidate fisheries regulations that indirectly “restrict” bottomfish fishing.

“Environmental necessity” is a vague and inappropriate standard for natural resource management, and cannot be “established” by scientific evidence. This measure would require any rule restricting the take of bottomfish to be based on a finding of “environmental necessity,” by peer-reviewed “scientific evidence.” The standard of “environmental necessity,” however, is inherently vague, and inconsistent with sound management principles as well as the nature of scientific inquiry itself. For example, it is unclear what outcome would give rise to an “environmental necessity” for regulatory action; management actions “necessary” to prevent imminent extinction or extirpation may be vastly different in scope and nature than management actions that are “necessary” to ensure long-term fisheries abundance. In addition, regardless of whether a finding of “environmental necessity” is based on the risk of extinction, decimation, or ecological imbalance, management actions that take place only after a showing of “environmental necessity” would likely be highly reactive, and potentially far too late to avoid long-term and potentially irreparable fisheries collapse. Finally, the nature of scientific inquiry itself is not to establish certainty or the “necessity” of action, but to test hypotheses which are continuously questioned, refined, or rejected; scientific “evidence” therefore does not “establish” the “necessity” of any action, but merely provides an indication as to whether a particular supposition may or may not be potentially true. **Accordingly, this measure’s proposed standard of scientifically-established “environmental necessity” would significantly tie the hands of the State, in fulfilling its constitutional public trust duties to conserve and protect our natural bottomfish resources.**

In addition, this measure may impact the State’s ability to manage fisheries generally, by invalidating any rule that even indirectly “restricts the fishing of bottomfish,” without the requisite showing of “environmental necessity.” **Commercial marine license rules, gear regulations, and a number of other existing restrictions applicable to fishing generally, all indirectly “restrict” bottomfish fishing, and would be invalidated under Section 2 of this measure.** Accordingly, this bill may have the further unintended consequence of repealing regulations that provide critical protections for ocean resources throughout Hawai‘i.

Accordingly, OHA urges the Committee to **HOLD** HB998. Mahalo nui for the opportunity to testify on this measure.

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 5, 2017 10:12 AM
To: omhtestimony
Cc: shyla.moon@ymail.com
Subject: Submitted testimony for HB998 on Feb 7, 2017 09:00AM

HB998

Submitted on: 2/5/2017

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

Submitted By	Organization	Testifier Position	Present at Hearing
Shyla Moon	Hunting Farming and Fishing Association	Support	No

Comments: Support evidence based science for our food future.

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Rep. Kaniela Ing, Chair
Rep. Cedric Asuega Gates, Vice Chair

COMMITTEE ON OCEAN, MARINE RESOURCES, & HAWAIIAN AFFAIRS

February 5, 2017

STRONG SUPPORT HB 998 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 **STRONGLY SUPPORTS** HB 998, relating to bottomfish.

HFACT strongly supports Hawaii's need for food security and sustainability. Fish is a major food commodity that feeds residents and visitors to Hawaii. HFACT feels that the removal of the restricted fishing areas will not jeopardize bottomfish sustainability nor long-term bottomfish seafood supply. HFACT supports good management of Hawaii's bottomfish resources. Bottomfish, such as onaga and opakapaka, are part and parcel to Hawaii's island culture, and thus HFACT is critically involved in the management of this fishery.

HFACT would only support the removal of Bottomfish Restricted Fishing Areas (BRFA) if our organization was fully convinced that Annual Catch Limits works to manage the Deep 7 bottomfish fishery. After thorough discussions with federal and regional fisheries managers over more than ten years (approaching 20 years, now), HFACT is convinced that Bottomfish Restricted Fishing Areas add no improvement to protecting this fishery, and the cost to continue this system far exceeds the benefit it produces.

The Annual Catch Limit, as established by the National Marine Fisheries Service (NFMS) and the Western Pacific Regional Fisheries Management Council (WPRFMC), has been the primary protective measure for this fishery, and it has been working well. The Annual Catch Limit system is considered a Best Management Practice by fisheries managers worldwide. The Annual Catch Limit (ACL) system has the components of good management, that is: (1) a management plan, (2) a monitoring plan, and (3) an enforcement plan. Each year fisheries managers and scientists from NFMS and WPRFMC meet to review scientific data, decide on the appropriate catch limit, and update a management plan. The scientists monitor the bottomfish biomass and make a conservative judgment of the level of catch that is sustainable. Finally, the fishery is closed to fishing if and when the catch limit is achieved. Fishing for bottomfish after the date of closure is very easily enforced.

The Bottomfish Restricted Fishing Area system is duplicative, have no management plan, have little scientific monitoring plan, and is very poorly enforceable. The Department of Land and Natural Resources (DLNR), as well as the Division of Aquatic Resources, have very limited budget to manage, monitor, or enforce this system of area closure. Spatial closures, especially those that are far offshore, are much more difficult to enforce than a temporal closure established by announcing a specific date of closure.

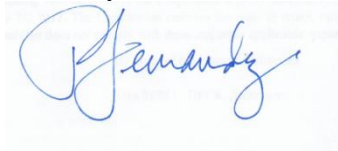
Hawai'i Fishermen's Alliance for Conservation and Tradition, Inc.
1082 Lunalilo Home Road, Honolulu, HI. 96825

During HFACT's repeated discussions with DLNR, DLNR has not provided fishermen with a metric or criteria to determine the success or failure of the BRFA system. In fact, fishermen have not been given any justification by DLNR on why the BRFA system should continue. Continuing a management tool, simply because "it is already in place" is poor management.

Without positive action by the legislature on HB 998, the BRFA system will continue *ad infinitum*. HFACT asks the chair, vice-chair, and committee members to support this bill.

HFACT thanks Chair Ing, Vice-chair Gates, and committee members for this opportunity to provide comment and to assist in the management of Hawaii's ocean resources.

Sincerely and Aloha,



Phil Fernandez
President

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 5, 2017 7:36 PM
To: omhtestimony
Cc: wekeis333@gmail.com
Subject: Submitted testimony for HB998 on Feb 7, 2017 09:00AM

HB998

Submitted on: 2/5/2017

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

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

Comments: Yes, by all means please consider science based management of our resources. Hawaii Sportsmen's Alliance strongly support this measure. Mahalo, Tony Sylvester Hilo

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 6, 2017 9:26 AM
To: omhtestimony
Cc: dean@HawaiiGoesFishing.com
Subject: Submitted testimony for HB998 on Feb 7, 2017 09:00AM

HB998

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
Dean Sensui	Hawaii Goes Fishing	Support	No

Comments: Peer-reviewed scientific knowledge is an essential tool in the successful management of our natural resources. Our fisheries contribute a great deal toward 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, seeing how the people of our state are highly dependent upon them. Aloha. Dean Sensui, executive producer, Hawaii Goes Fishing.

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Testimony to the House Committee on Ocean, Marine Resources, & Hawaiian Affairs
Tuesday, February 7, 2017

In Support of HB 998, Relating to Bottomfish

To: The Honorable Kaniela Ing, Chair
The Honorable Cedric Gates Vice-Chair
Members of the Committee

My name is Stefanie Sakamoto, and I am testifying on behalf of Fishing Tales with Mike Sakamoto, a company that was founded by my father in 1985.

We are in strong support of HB 998, Relating to Bottomfish. This bill would require any rule adopted by the Department of Land & Natural Resources (DLNR) that restricts the fishing of bottomfish to include peer-reviewed scientific evidence that establishes the environmental necessity of the rule. Science-based rule development is the only way to responsibly manage Hawaii's marine resources. There is urgent need for the permanent establishment of a management plan in DLNR which includes determining baseline references, regular monitoring, scheduled periodic reviews and assessments to ensure the effective stewardship of the State's wildlife and marine resources, balancing conservation efforts with public non-exclusive uses and consumptive uses.

Thank you for the opportunity to testify.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 6, 2017 8:33 AM
To: omhtestimony
Cc: troyo@geotecholutions.com
Subject: Submitted testimony for HB998 on Feb 7, 2017 09:00AM

HB998

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
Troy A. Ogasawara	Individual	Support	No

Comments: As a commercial fisherman I strongly support HB998. The BRFA's have not served its function and must be removed. There is no scientific evidence proving the effectiveness of the BRFA's. Moreover, the Total Allowable Catch (TAC) limits imposed in 2007 serves to help regulate Bottom Fish stock. Additionally, the Federal/State Annual Catch Limits (ACL) has not been exceeded since its inception in 2007. The fishery is healthy and BRFA's are not needed, nor scientifically validated to be effective. Please remove the BRFA's. Thank you for your consideration in this matter.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 6, 2017 8:16 AM
To: omhtestimony
Cc: makani.christensen@gmail.com
Subject: Submitted testimony for HB998 on Feb 7, 2017 09:00AM

HB998

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
makani	Individual	Support	No

Comments: The Hunting, Farming and Fishing association strongly support the HB998 relating to the Bottomfishing Restricted Fishing Areas (BRFA). The closure put a strain on the production of food throughout the state. These closures and the closures of the Northwest Hawaiian Islands eliminated a valuable food source for Hawaii and its visitors without just cause. These closures were arbitrary and irrational, and we are hoping that this legislation will remedy a mistake that was established in 1998. Here is some background in regards to the BRFA: 1998: State established 19 BRFA in response to federal concern of potential overfishing of onaga and ehu based upon mandated Spawning Potential Ratio (SPR) criteria Study commissioned to quantify biomass of Deep 7 to establish baseline from which to quantify overfishing Report to fishermen to be provided within 5 years; not provided to date and subsequently removed this requirement from the Administrative Rule governing bottom fish fishing by the Land Board despite protests from the bottomfishing community. 2005: Federal determination additional reduction required 19 BRFA reduced to 12; but, increased spatial area 2007: Federal determination that further mortality rate reduction required Deep 7 fishing "season" initiated. Total Allowable Catch (TAC) limit by weight established. All fishing stops (commercial and non-commercial) when TAC limit achieved. Subsequently, State and Federal agencies introduce joint management measure of Annual Catch Limit (ACL) as mandated by federal statute (Magnuson Stevens Fishery Conservation and Management Act 2006 Reauthorization (MSA). 2012: Public meetings held throughout the State by DLNR/DAR and all islands unanimously recommended elimination of the BRFA entirely. DLNR/DAR under then Chair Aila considered reducing number of BRFA from 12 to 6. Formal Administrative Rule process of the change ceased with change the in administrations. 2013: U of H Study published. Insufficient metrics as finding(s) are inconclusive from which to scientifically monitor and manage Deep 7; the key deficiency is the absence of a reference baseline critically essential from which to gauge the efficacy of BRFA; 2015: DLNR formally petitioned to disestablish BRFA by Hawaii Fishermen's Alliance for Conservation and Tradition (HFACT). 2016: DLNR response to petition: "...intend to continue... discussion on the future of the State's bottomfish management scheme ... this year." A subsequent informal discussion with DLNR staff indicated the current position on BFRA to be that there will be change if scientific basis

warrants NOTE: Federal Pacific Islands Fisheries Science Center (PIFSC) is charged with providing peer reviewed deep 7 stock assessments every five years and performs the associated scientific studies, analyses and procedures to monitor the health of the fishery in both federal and state waters (except in BRFA) based upon the ACL and its associated management and control criteria to ensure conservation of the Deep 7 resource as prescribed by the MSA. DISCUSSION POINTS 1. Current joint State and Federal ACL management regime ensures Deep 7 fishery does not experience overfishing or become overfished ensuring a sustainable Deep 7 fishery for generations to come. The Deep 7 ACL limit has not been exceeded since its inception in 2007. 2. BRFA is superfluous to ACL and, after 18 years, absent of baseline reference and peer reviewed scientific evidence that supports retention of BRFA. 3. BRFA negatively distorts stock assessment of Deep 7 fishery. The absence of scientific study data of Deep 7 stock in BRFA precludes inclusion for comprehensive Deep 7 stock assessment. 4. Western Pacific Fishery Management Council's (WESPAC) Science and Statistical Committee (SSC) and Council who are charged to manage Deep 7 in federal waters support disestablishment of BRFA. The State is a voting member on the Council. 5. BRFA Rule absent: a. A formal science-based management plan; Bottom fish fishing community still awaiting science report that was due in 2003; a published requirement in the bottom fish initial rules was subsequently eliminated by the Land Board, after failing DLNR/DAR request to have the Legislature remove the requirement because the report date had passed. b. Science Metrics – A baseline reference from which to establish the scientific protocol for observations and analyses to develop and implement effective management decisions. BRFA at sea enforcement is difficult, while the joint state/federal Annual Catch Limit regulation/rule stops ALL taking of the Deep 7 species when the annual limit is reached. No possession, sale of Deep 7 is permitted and easily monitored

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 5, 2017 11:31 PM
To: omhtestimony
Cc: jonikamiya@gmail.com
Subject: Submitted testimony for HB998 on Feb 7, 2017 09:00AM

HB998

Submitted on: 2/5/2017

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

Submitted By	Organization	Testifier Position	Present at Hearing
Joni Kamiya	Individual	Support	No

Comments: Any regulation around the use of resources should be evidence based to be fair to all users. Any arbitrary rules will set the community up for division. We don't need more of that.

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 5, 2017 10:04 PM
To: omhtestimony
Cc: swhal@hawaii.rr.com
Subject: Submitted testimony for HB998 on Feb 7, 2017 09:00AM

HB998

Submitted on: 2/5/2017

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

Submitted By	Organization	Testifier Position	Present at Hearing
Stephen Lee	Individual	Support	No

Comments: Chair and members, I support HB998 to require scientific based rules related to bottom fishing. Fishers have been promised by DLNR since the late 1990s to complete a scientific study, however, the study paid for by DLNR was worthless and not within the scope of the intent of the study. Wasted \$500,000!! Arbitrary and misguided rules only damage our fishery and fishermen.

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 5, 2017 7:53 PM
To: omhtestimony
Cc: ahidave3@yahoo.com
Subject: Submitted testimony for HB998 on Feb 7, 2017 09:00AM

HB998

Submitted on: 2/5/2017

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

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

Comments: I strongly recommend this bill

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 5, 2017 12:53 PM
To: omhtestimony
Cc: cmwhilo@yahoo.com
Subject: Submitted testimony for HB998 on Feb 7, 2017 09:00AM

HB998

Submitted on: 2/5/2017

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

Submitted By	Organization	Testifier Position	Present at Hearing
christopher waite	Individual	Support	No

Comments: Without enforcement the BRFA get's fished by the greedy and the honest get taken advantage of again. The bottom fish are managed by the annual catch quota. If more management is needed for breeding populations do the science and figure out when they breed and close those months,because against who will monitor/enforce where the bottom fish are being caught.

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Updated: January 2017

SUBJECT

BRFA: Bottomfishing Restricted Fishing Areas

BACKGROUND

BF or Deep 7: Includes onaga, opakapaka, lehi, gindai, kalekale, hapu'upu'u and ehu

1998: State established 19 BRFA in response to federal concern of potential overfishing of onaga and ehu based upon mandated Spawning Potential Ratio (SPR) criteria

Study commissioned to quantify biomass of Deep 7 to establish baseline from which to quantify overfishing

Report to fishermen to be provided within 5 years; not provided to date and subsequently removed this requirement from the Administrative Rule governing bottom fish fishing by the Land Board despite protests from the bottomfishing community.

2005: Federal determination additional reduction required

19 BRFA reduced to 12; but, increased spatial area

2007: Federal determination that further mortality rate reduction required

Deep 7 fishing "season" initiated. Total Allowable Catch (TAC) limit by weight established. All fishing stops (commercial and non-commercial) when TAC limit achieved.

Subsequently, State and Federal agencies introduce joint management measure of Annual Catch Limit (ACL) as mandated by federal statute (Magnuson Stevens Fishery Conservation and Management Act 2006 Reauthorization (MSA)).

2012: Public meetings held throughout the State by DLNR/DAR and all islands unanimously recommended elimination of the BRFA entirely.

DLNR/DAR under then Chair Aila considered reducing number of BRFA from 12 to 6. Formal Administrative Rule process of the change ceased with change the in administrations.

2013: U of H Study published. Insufficient metrics as finding(s) are inconclusive from which to scientifically monitor and manage Deep 7; the key deficiency is the absence of a reference baseline critically essential from which to gauge the efficacy of BRFA;

- 2015: DLNR formally petitioned to disestablish BRFA by Hawaii Fishermen's Alliance for Conservation and Tradition (HFACT).
- 2016: DLNR response to petition: "...intend to continue... discussion on the future of the State's bottomfish management scheme ... this year."

A subsequent informal discussion with DLNR staff indicated the current position on BRFA to be that there will be change if scientific basis warrants

NOTE: Federal Pacific Islands Fisheries Science Center (PIFSC) is charged with providing peer reviewed deep 7 stock assessments every five years and performs the associated scientific studies, analyses and procedures to monitor the health of the fishery in both federal and state waters (except in BRFA) based upon the ACL and its associated management and control criteria to ensure conservation of the Deep 7 resource as prescribed by the MSA.

DISCUSSION POINTS

1. Current joint State and Federal ACL management regime ensures Deep 7 fishery does not experience overfishing or become overfished ensuring a sustainable Deep 7 fishery for generations to come. The Deep 7 ACL limit has not been exceeded since its inception in 2007.
2. BRFA is superfluous to ACL and, after 18 years, absent of baseline reference and peer reviewed scientific evidence that supports retention of BRFA.
3. BRFA negatively distorts stock assessment of Deep 7 fishery. The absence of scientific study data of Deep 7 stock in BRFA precludes inclusion for comprehensive Deep 7 stock assessment.
4. Western Pacific Fishery Management Council's (WESPAC) Science and Statistical Committee (SSC) and Council who are charged to manage Deep 7 in federal waters support disestablishment of BRFA. The State is a voting member on the Council.
5. BRFA Rule absent:
 - a. A formal science-based management plan; Bottom fish fishing community still awaiting science report that was due in 2003; a published requirement in the bottom fish initial rules was subsequently eliminated by the Land Board, after failing DLNR/DAR request to have the

Legislature remove the requirement because the report date had passed.

- b. Science Metrics - A baseline reference from which to establish the scientific protocol for observations and analyses to develop and implement effective management decisions.
- c. BRFA at sea enforcement is difficult, while the joint state/federal Annual Catch Limit regulation/rule stops ALL taking of the Deep 7 species when the annual limit is reached. No possession, sale of Deep 7 is permitted and easily monitored.

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 4, 2017 8:35 AM
To: omhtestimony
Cc: nathanabe@yahoo.com
Subject: *Submitted testimony for HB998 on Feb 7, 2017 09:00AM*

HB998

Submitted on: 2/4/2017

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

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

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 3, 2017 10:50 PM
To: omhtestimony
Cc: geoffkona@gmail.com
Subject: Submitted testimony for HB998 on Feb 7, 2017 09:00AM

HB998

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
Geof Walker	Individual	Support	No

Comments: I have been a licensed commercial fisherman in Hawaii since 1981. I have fished in all the fisheries, bottom fish, handline ahi, inshore handline for opelu and akule etcetc. Please support this bill to close the BRFA. The arrogance, secrecy attitude of DLNR is unbelievable to me. If there is a quota on the bottomfish, why do we need the BRFA? the DLNR has ignored us for nearly 18 years and has never provided the report to fishermen of the science supporting the establishment and maintenance of the BRFA that was initially required by Administrative Rules to be presented in 2003.

Subsequently, spatial management measures (protected areas) that supported the initial Federally mandated Spawning Potential Ratio or SPR, was replaced by a temporal management mandate, Annual Catch Limit (ACL) that effectively manages fisheries through peer-reviewed stock assessments and management Accountability Measures (AM). Additionally, the BRFA prevents the comprehensive stock bottomfish stock assessments because of the absence of science-based assessments over the past 18 years. You will also recall the unanimous call to remove the BRFA when the Division of Aquatic Resources held public hearings statewide to assess the continuation of the BRFA.

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 3, 2017 9:28 PM
To: omhtestimony
Cc: jmuir@hawaii.edu
Subject: Submitted testimony for HB998 on Feb 7, 2017 09:00AM

HB998

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
jeff muir	Individual	Support	No

Comments: Please consider supporting this bill. The State's BFRA system does not effectively protect large, spawning adult bottomfish as they were intended due to rampant poaching of these areas by some fishermen. Enforcement agencies that are tasked with enforcing these closed areas choose not to do so for the most part. Therefore, any study which compares these closed areas to open fishing areas is flawed because of this well known problem. Additionally, to my knowledge, no peer reviewed publication exists that shows that the State's BFRA system has been effective in protecting large adult spawning stock, or providing "spillover" of fish from closed to open areas. It seems this validation is clearly stated as a term of forming the closed areas in the first place. Furthermore, Federal management schemes (TAC and ACL) for the Deep 7 bottomfish complex are in place and functioning. Since these goals are temporal in nature, once the management goals are reached, the fishery is shut down and sale of bottomfish is not possible, making it not worthwhile for fishermen to fish out of season. These management goals are assessed annually by fisheries scientists and adjusted each year, making it a dynamic process. Having 2 layers of management on the State's bottomfish fishery is unnecessary, especially if there is no proof that closed areas are performing as they were intended. Thank you for considering my testimony for HB998. Respectfully, Jeff Muir Fishermen and resident of Honolulu

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 3, 2017 8:11 PM
To: omhtestimony
Cc: bcsc@hawaii.rr.com
Subject: Submitted testimony for HB998 on Feb 7, 2017 09:00AM

HB998

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
William K. Chang	Individual	Support	No

Comments: I support this bill.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 6, 2017 9:56 AM
To: omhtestimony
Cc: mjellings@hawaii.rr.com
Subject: *Submitted testimony for HB998 on Feb 7, 2017 09:00AM*

HB998

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	Support	No

Comments:

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Subject: Submitted testimony for HB998 on Feb 7, 2017 09:00AM

HB998

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
Greg Holzman	Individual	Support	No

Comments: I fully support this Bill HB 998 I have Bottom fished for over 30 years in Kauai/Niihau county and Kaula island and have had a very hard time understanding how this BRFA system helped our Bottom fish resources when the enforcement was never a priority or even a possibility since many of these BRFA's are so far from a port and no monitoring is possible this far from shore. We fishermen have all seen lawless abuse of these areas and if the idea was to preserve intact the resources of Deep Seven bottom fish it only takes a few lawless people to ruin that for the rest of us that follow the law. The one time I reported a violation I was the only one in trouble from retaliation and never wanted to get involved again. In my mind this was our savings account and I was supposed to gain interest off these and yet people were stealing from our account Never have I heard of anyone being caught and I doubt a prosecutor could be effective in a suit. Now that we have a ACL quota system we can better monitor how much is taken out of the areas in the MHI. In fact the BRFA's from my understanding impeded the ACL system because we really have little knowledge of the Biomass and the trends these areas have gone through in 20 years and have cut out 20% of our best ground for what.....The lawless few? I went along with this BRFA system for a long time and have been very disappointed with the DAR monitoring. Now that the Federal ACL system is in place we have a much better system and these BRFA's some of which are over 50 miles from port (kaula island BRFA 55 miles from Kikioala harbor) is ridiculous to think of any type of realistic monitoring/enforcement system. Please end this BRFA system and don't let people convince you think there is ever going to be enough money for realistic enforcement of these BRFA's 27/7 and 365 days a year....

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Cc: braddah.roy@gmail.com
Subject: Submitted testimony for HB998 on Feb 7, 2017 09:00AM

HB998

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
roy matsuoka	Individual	Oppose	No

Comments: There has been no proof of any success of the BRFAs. Therefore i strongly oppose HB998.

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Subject: Submitted testimony for HB998 on Feb 7, 2017 09:00AM

HB998

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
roy matsuoka	Individual	Oppose	No

Comments: There has been no proof of any success of the BRFA's. Therefore i stronly oppose HB998.

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