

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**

**Friday, February 9, 2018
10:00 AM
State Capitol, Conference Room 312**

**In consideration of
HOUSE BILL 2382
RELATING TO CRUSTACEANS**

House Bill 2382 proposes to transfer the statutory provisions of Section 188-58.5, Hawaii Revised Statutes (HRS), that prohibit the taking or killing of female spiny lobsters, kona crabs, and samoan crabs, to administrative rules of the Department of Land and Natural Resources (Department). **The Department strongly supports this Administration measure.**

Since the 2006 enactment of Section 188-58.5, scientific information about kona crabs has grown to the point where management measures for this species should be updated. Studies suggest that the prohibition on the taking of females may be creating a sex ratio and size imbalance that may inhibit successful reproduction.

Transferring these statutory provisions into administrative rules would enable the Department to adopt more comprehensive changes for the management of this species. As more information is known about lobsters and samoan crabs, changes to the management of these species may be needed, as well.

The administrative rulemaking process provides the mechanism for the Department to discuss proposed rule changes through a public process that is transparent, provides the public ample opportunities for comment, and helps to ensure that due process is followed.

The Department is in the process of amending its administrative rules to incorporate the provisions of Section 188-58.5, HRS, so passage of this measure is very timely.

Thank you for the opportunity to comment on this measure.

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

ROBERT K. MASUDA
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



February 5, 2018

Representative Kaniela Ing, Chair
Representative Lynn DeCoite, Vice Chair
HOUSE COMMITTEE ON WATER & LAND

Hearing Date: FRIDAY, February 9, 2018
Hearing Time: 10:00 am
Place: Conference Room 312
Regarding: HB 2382 RELATING TO CRUSTACEANS

STRONG SUPPORT of HB 2382 Relating to Crustaceans

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 international, regional, and federal fisheries management and endangered species advisory committees as well as state marine and coastal zone advisory committees; and, HFACT is thoroughly familiar with and participates in ocean and marine resource management in Hawaii and the Western and Central Pacific.

HFACT **STRONGLY SUPPORTS HB 2382** as it properly returns the authority given by the legislature to the Department of Land and Natural Resources and the Division of Aquatic Resources to promulgate natural resource management rules under the Hawaii Revised Statutes, Title 8, Chapter 91 Administrative Procedures. The Administrative Rulemaking process provides the necessary scientific review and transparency through public informational meetings and the public hearing process.

The fishing community attempted to inform the legislature against creating statutory regulations governing crustaceans as it failed to consider the science of reproduction, life cycles, and seasonal cycles of each species listed. As an example, in the case of the Kona crab, the prevailing science determined that the extraction of only large males would lead to the loss of production by large females as large males are needed to “dig out” large females to mate and reproduce. As such, each species needed to be provided the management rule(s) and protocol(s) best suited for each.

The legislature through this bill is positioned to return the managing authority with the latitude and flexibility necessary for the development and modification of appropriate management rules through updated science, stock assessments, enforceability, etc. with the transparency provided by Chapter 91 rather than having to wait for another legislative session to implement needed changes.

Hawai'i Fishermen's Alliance for Conservation and Tradition, Inc.
75-796 Hiona Street, Holualoa HI 96725

HFACT thanks the chair, vice-chair, and committee members for this opportunity to provide testimony.

Sincerely and Aloha,

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

Phil Fernandez
President

HB-2382

Submitted on: 2/2/2018 2:25:17 PM

Testimony for OMH on 2/9/2018 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Frank Farm Jr		Support	No

Comments:

HB-2382

Submitted on: 2/2/2018 4:54:08 PM

Testimony for OMH on 2/9/2018 10:00:00 AM

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

Comments:

HB-2382

Submitted on: 2/2/2018 4:56:38 PM

Testimony for OMH on 2/9/2018 10:00:00 AM

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

Comments:

In Support

HB-2382

Submitted on: 2/2/2018 6:14:10 PM

Testimony for OMH on 2/9/2018 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Randy Cheung		Support	No

Comments:

HB-2382

Submitted on: 2/2/2018 9:08:07 PM

Testimony for OMH on 2/9/2018 10:00:00 AM

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

Comments:

I support this bill. It is noted that female crustaceans will only mate with males larger than themselves, so taking of large males will eventually or possibly cause the demise of the individual species.

Thank you for allowing me to submit testimony.