



HB861 HD2
RELATING TO COMMUNITY-BASED SUBSISTENCE FISHING AREAS
Senate Committee on Water and Land

March 17, 2017

2:50 p.m.

Room 224

The Office of Hawaiian Affairs (OHA) **SUPPORTS** HB861 HD2, which seeks to better empower kīpuka communities in the stewardship of nearshore resources that inform their cultural traditions, values, and way of life.

Community-based fisheries management can help restore and sustain Hawai'i's nearshore resources, and perpetuate the cultural lifestyles and values that rely upon their health. Community-based fisheries management has long been cited as critical to successfully restoring and sustaining our ocean resources, which are currently open to exploitation by the general public, and are typically managed under generic regulations. The effectiveness of a community-based management approach derives, in part, on subsistence, “kīpuka” communities’ intimate familiarity with and concern for the nearshore resources in their area. Such communities may be best situated to guide the establishment of sustainable, place-specific harvesting practices and associated rules, consistent with time-tested values and traditional knowledge.

In recognition of the potential for community-based management to address the continuing decline of our nearshore resources, the Legislature authorized the Department of Land and Natural Resources (Department) to work with traditional subsistence communities in establishing “community-based subsistence fishing areas” (CBSFAs) and rules over 20 years ago. **However, notwithstanding the authority given to the Department, as well as the diligent efforts of subsistence communities throughout the islands, an apparent lack of administrative support has left Hawai'i with rules for only one CBSFA, two decades after the CBSFA statute was enacted.**

This measure may provide the legislative encouragement needed for the more timely and meaningful adoption of community-based fisheries management in our islands. With the looming impacts of climate change, population growth, and with the ever-mounting pressure on our limited nearshore resources, the need to more proactively explore alternative management approaches such as CBSFAs is greater now than ever. **The rulemaking goals described in HB861 HD2 may therefore be critical to maintaining and perpetuating the health of our nearshore resources, as well as the subsistence communities, traditional lifestyles, and cultural values that depend on them.**

Accordingly, OHA urges the Committee to **PASS** HB861 HD2. Mahalo nui for the opportunity to testify on this measure.

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 Seante Committee on
WATER AND LAND**

**Friday, March 17, 2017
2:50 PM
State Capitol, Conference Room 224**

**In consideration of
HOUSE BILL 861, HOUSE DRAFT 2
RELATING TO COMMUNITY BASED SUBSISTENCE FISHING AREAS**

House Bill 861, House Draft 2, proposes to establish a goal for the Department of Land and Natural Resources (Department) to designate and adopt rules for the management of no fewer than five community-based subsistence fishing areas by December 31, 2025. The measure also establishes a designation process and rule requirements. **The Department appreciates the intent of this measure to support the concept of community-based co-management, but establishing five additional community based subsistence fishing areas (CBSFAs) in the next eight years is unpredictable. Indeed, setting any number would be a mistake as it is critically important that communities reach consensus on what they need and want before we begin the rule-making process. This is a community-lead process supported by the Department, not a process that should be forced.**

Working cooperatively with communities to manage and restore our fisheries in Hawai'i, including through the designation of CBSFAs and other types of designations, is a priority for the Department. Communities who steward their marine environments, who maintain generations of intimate knowledge about their natural and cultural marine resources, and who rely on them for sustenance, recreation and way of life, can be a great resource to the Department and to the public in our collective efforts to protect and restore our reefs.

For the Committee's consideration, the Department has made some progress since last year. The Ka'upulehu Marine Reserve on West Hawai'i was established in 2016 to protect the reef fish stocks through a 10-year, "no take" period. This effort was community driven. The Department has also received and is in the process of reviewing the community proposal at Mo'omomi, Moloka'i. The

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

Department's Makai Watch Project involves communities in the conservation of the marine resources in their area as the Department looks to further expand these efforts.

However, designation is a lengthy process that takes considerably more time than most people expect. This slow process is due to the level of community consultation that must occur in order to gather input from all interested parties on a CBSFA proposal. The Department has chosen not to begin the formal rule-making process until the Department is satisfied that community discussions have occurred to sufficiently address the multitude of concerns. The speed of the process, then, is determined by the community and not necessarily by the Department.

Once the rule-making process has begun, the timetable is about a year and the process is methodical. The time consuming portion of the process is the community discussions and the rule development phase prior to the actual rule-making process. The proposed timetable in the bill is unrealistic from the Department's experience. Requiring communities to accept an artificial timetable before they are ready for designation may cause more conflicts and opposition to the proposal.

Thank you for the opportunity to provide comments on this measure.



Testimony Before The
Senate Committee on Water and Land
IN SUPPORT OF HB 861 HD2
Friday March 17, 2017, 2:50pm, Room 224

Aloha Chair Rhoads, Vice Chair Gabbard and Committee Members:

My name is Kevin Chang, I am the Executive Director of Kua'āina Ulu 'Auamo (or KUA) and this is our testimony in support of HB 861 HD2 with comments.

KUA works to empower communities to improve their quality of life through caring for their environmental heritage together to better Hawai'i and achieve 'āina momona— an abundant, productive ecological system that supports community well-being. We employ a community-driven approach that currently supports three statewide networks: more than 31 mālama 'āina community groups collectively referred to as E Alu Pū (moving forward together), 38 fishpond projects and practitioners called the Hui Mālama Loko I'a, and a new and growing group of Limu practitioners called the Limu Hui.

This bill is heartening to read after the long process that the Hā'ena, Kaua'i community went through. **KUA supports the intent of HB 861 HD2. It as a very positive sign of progress in state policy to build better partnerships with communities who have stewarded or wanted to renew stewardship of their areas for generations.** The purpose of this bill -as indicated in its pre-ambular language- is to recognize and understand that rural and Native Hawaiian communities have relied on our state and policy leadership to live up to the laws they passed in 2004. Many communities around the state have worked extremely hard and in a voluntary capacity to develop CBSFA designations and rules with the DLNR for some time now- over 20 years and 5 administrations- since HRS 188-22.6 the first CBSFA law came into effect.

We believe this bill also helps our Governor's 30x30 marine management goals and supports them in so much as they support current progress in the exploration, development and implementation of community-based co-management of our near shore marine resources through CBSFA's and other means such as, for example, the innovative ways communities participate in management of their fisheries in West Hawai'i or through the Community Fishery Enforcement Unit on Maui or the Makai Watch Program.

Further, if the Legislature passes HB 861 HD2, we also urge that the DLNR receive sufficient permanent staff and resources to effectively support this work. Communities have learned it is also not enough to pass laws. We must enable our state and communities to do the actual work of making the law real and this requires adequate resources. This dual approval approach (required CBSFAs with resources) will contribute greatly to healthy governance and increased public trust.

Lastly, the bill requires DLNR designate and create community rules in a certain time, a confusing incentive when the community must first show incentive to have such rules. Language

that sets a minimum number of completed rule packages contingent on receipt of community letters of inquiry or other triggering mechanism may help avoid this. The DLNR currently has a CBSFA designation manual available online which sets forth a community letter of inquiry contingency for state action.

The impetus of this bill is not to create an environment of animosity but cooperation for the betterment of our natural and cultural heritage. We agree that DLNR shouldn't rush to make unwanted rules. We also believe that pro-active civic minded communities shouldn't have to fight and wait another twenty years to care for what they see threatened now.

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

Aloha 'Āina Momona.

Opposed to HB 861

3-17-17 2:50 PM Room 224

Please do not pass this bill.

Legal Precedence

What is the legal precedence to the use of Hawaii's near shore fisheries? United Nations Conference on Environment and Development laws state the Oceans and their resources are the common heritage of man.

State of Hawaii regulates near shore waters within 3 miles. Outside that falls under Federal regulations. Following International and Federal law, The State of Hawaii has the responsibility to care for and share with all our Oceans resources.

No one group in Hawaii can make claim or shut out another group. Ecology groups cannot claim and close all to others for their preservation views. Fishermen cannot claim areas for their use only. International law states no one group can lay claim to the ocean or its resources.

One community should not be able to shut out another group of individuals.

U.S. laws are based on these UN resolutions. State law should follow this precedence.

Sound science should be the basis of management. A community of nonscientific leaders should not be managing fisheries.



Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair

COMMITTEE ON WATER AND LAND

March 16, 2017

Oppose HB861, HD2 Relating To Community-Based Subsistence Fishing Areas.

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 **OPPOSES** HB861, HD2 Relating To Community-Based Subsistence Fishing Areas.

HFACT supports the Governor's "30 by 30" goals to effectively manage 30% of state marine waters by 2030. Within the "30 by 30" goals, community-based management will play a key role. Passage of HB861, HD2 is premature and forces the state to implement a specific management scheme which may or may not be either a high priority nor the correct management scheme for specific areas of the state. The state and stakeholders need to take a holistic view of all state marine waters and establish priorities, and design and develop appropriate management plans, monitoring plans, and enforcement plans that fit each situation. To force the Community-Based Subsistence Fishing Area (CBSFA) management model upon the state and stakeholders is wrong and therefore HFACT opposes this bill.

To date, established and proposed CBSFA's have cause divisiveness with stakeholders. Utilizing a management method that will perpetuate and increase divisiveness, again, is moving the state in the wrong direction. Governor Ige's "30 by 30" goals include a goal to bring stakeholders together, CBSFA's have caused the exact opposite result.

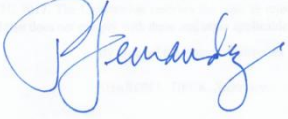
HFACT concurs with the Department of Land and Natural Resources that setting any number, as a goal, and forcing the process is wrong.

HFACT is prepared to work with communities, stakeholders, and the state to identify and establish effective management of all state waters. This is a long-term process that will require adaptation to changing conditions and environments and listening to the broad community.

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

HFACT thanks Chair Rhoads, Vice-chair Gabbard, and committee members for this opportunity to provide comment.

Sincerely and Aloha,



Phil Fernandez
President



Senate Committee on Water & Land

Board of Directors:

Hawai'i Alliance for Progressive Action strongly supports: HB 861

Gary L. Hooser
President

Dear Chair Rhoads, Vice Chair Gabbard and members of the Committee,

Andrea N. Brower
Joshua D. I. Mori
Co-Vice Presidents

My name is Anne Frederick and I am the Executive Director for the Hawai'i Alliance for Progressive Action (HAPA). HAPA is a statewide environmental, social and economic justice organization. HAPA engages over 10,000 local residents annually through our work.

Ikaika M. Hussey
Treasurer

Our organization supports HB 861. Community-based fisheries management can help restore and sustain Hawai'i's nearshore resources, and perpetuate the cultural lifestyles and values that rely upon their health. This measure may provide the legislative encouragement needed for the more timely and meaningful adoption of community-based fisheries management in our islands. With the looming impacts of climate change, population growth, and with the ever-mounting pressure on our limited nearshore resources, the need to more proactively explore alternative management approaches such as CBSFAs is greater now than ever.

Bianca K. Isaki
Secretary

Thank you kindly for considering HAPA's testimony in strong support of this measure.

Paul Achitoff

Malia K. Chun

Respectfully,

Bart E. Dame

Laura Harrelson

Anne Frederick, Executive Director
Hawai'i Alliance for Progressive Action

Kim Coco Iwamoto

Katie McMillan

Walter Ritte Jr.

Karen Shishido

Leslie Malu Shizue Miki

Kekaulike Prosper Tomich

Cade Watanabe

The Hawai'i Alliance for Progressive Action (HAPA) is a public non-profit organization under Section 501(c)(3) of the Internal Revenue Code. HAPA's mission is to catalyze community empowerment and systemic change towards valuing 'aina (environment) and people ahead of corporate profit.

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 14, 2017 4:57 PM
To: WTL Testimony
Cc: mjellings@hawaii.rr.com
Subject: Submitted testimony for HB861 on Mar 17, 2017 14:50PM

HB861

Submitted on: 3/14/2017

Testimony for WTL on Mar 17, 2017 14:50PM in Conference Room 224

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

Comments: Senate Water and Land Committee Aloha Senator Carl Rhoads Senator Mike Gabbard and Members My Name is Carl P Jellings Sr and I am in Opposition to HB861 which mandates 5 Subsistence Fishing areas.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Sent: Tuesday, March 14, 2017 3:26 PM
To: WTL Testimony
Cc: ndavlantes@aol.com
Subject: *Submitted testimony for HB861 on Mar 17, 2017 14:50PM*

HB861

Submitted on: 3/14/2017

Testimony for WTL on Mar 17, 2017 14:50PM in Conference Room 224

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

Comments:

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Subject: *Submitted testimony for HB861 on Mar 17, 2017 14:50PM*

HB861

Submitted on: 3/14/2017

Testimony for WTL on Mar 17, 2017 14:50PM in Conference Room 224

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

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 15, 2017 9:34 AM
To: WTL Testimony
Cc: tony@pop-hawaii.com
Subject: *Submitted testimony for HB861 on Mar 17, 2017 14:50PM*

HB861

Submitted on: 3/15/2017

Testimony for WTL on Mar 17, 2017 14:50PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Tony Costa	Individual	Oppose	No

Comments:

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Sent: Wednesday, March 15, 2017 9:35 AM
To: WTL Testimony
Cc: yamaguchd009@hawaii.rr.com
Subject: *Submitted testimony for HB861 on Mar 17, 2017 14:50PM*

HB861

Submitted on: 3/15/2017

Testimony for WTL on Mar 17, 2017 14:50PM in Conference Room 224

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

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 15, 2017 1:59 PM
To: WTL Testimony
Cc: keani_nwr@msn.com
Subject: *Submitted testimony for HB861 on Mar 17, 2017 14:50PM*

HB861

Submitted on: 3/15/2017

Testimony for WTL on Mar 17, 2017 14:50PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Keani Rawlins-Fernandez	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, March 16, 2017 8:32 AM
To: WTL Testimony
Cc: mdeycaza@yahoo.com
Subject: *Submitted testimony for HB861 on Mar 17, 2017 14:50PM*

HB861

Submitted on: 3/16/2017

Testimony for WTL on Mar 17, 2017 14:50PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
mike deYcaza	Individual	Support	No

Comments:

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Sent: Wednesday, March 15, 2017 11:25 PM
To: WTL Testimony
Cc: yappygrl1@aol.com
Subject: *Submitted testimony for HB861 on Mar 17, 2017 14:50PM*

HB861

Submitted on: 3/15/2017

Testimony for WTL on Mar 17, 2017 14:50PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Sandra Fujita	Individual	Support	No

Comments:

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Re. HB861 Relating to Community-Based Subsistence Fishing Areas
(CBSFA)

(This is sent directly to WTL in accordance with guidance relating to "...testimony submission web page is not currently working.")

Chair Rhoads, Vice Chair Gabbard, Committee Members:

I **OPPOSE** the proposed legislation.

The legislation belies the design and intent of "community-based." Compelling CBSFA establishment by statute is contradictory to "community-based"; i.e., establishment needs to be a community initiative not compelled by law. There is clear evidence that CBSFA initiatives have, to date, contributed to divisiveness between/among intra-island and inter-island "communities."

A clear definition of "community" has not been established, resulting in a sometimes personal "possessive" mindset, as contrasted with the "resources for all the citizens of the state" perspective.

There is currently one CBSFA in the state. Haena, Kauai. The merits and worth of this CBSFA have not been established. There is no base line data; there are no metrics; there is no on-going measurement(s) of success. No "lessons learned."

Thank you for the opportunity to provide testimony.

Sincerely, Ronald Tam

1082 Lunalilo Home Road

Honolulu, HI 96825

Email: fishingready@gmail.com

From: [Tiare Lawrence](#)
To: [WTL Testimony](#)
Subject: HB861
Date: Thursday, March 16, 2017 11:52:03 AM

Aloha, I am in STRONG SUPPORT of HB861. Community-based fisheries management can help restore and sustain Hawai'i's nearshore resources, and perpetuate the cultural lifestyles and values that rely upon their health. This measure may provide the legislative encouragement needed for the more timely and meaningful adoption of community-based fisheries management in our islands. With the looming impacts of climate change, population growth, and with the ever-mounting pressure on our limited nearshore resources, the need to more proactively explore alternative management approaches such as CBSFAs is greater now than ever.

Aloha 'Aina momona

--

Tiare Lawrence

The People's Congress Project Coordinator

tiare@hapahi.org / www.HAPAhI.org

