

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
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Testimony of
SUZANNE D. CASE
Chairperson

Before the House Committee on
JUDICIARY

Wednesday, February 27, 2019
2:05 PM
State Capitol, Conference Room 325

In consideration of
HOUSE BILL 1123, HOUSE DRAFT 1
RELATING TO FISHING

House Bill 1123, House Draft 1 proposes to require the Department of Land and Natural Resources (Department) to perform a stock assessment on the fish species in the affected area prior to adopting any new rules to regulate fishing. **The Department opposes this measure.**

The Department supports the concept of science-based management, but cannot support a bill that requires the Department to conduct a “stock assessment” as a prerequisite to adoption of fishing rules. A formal stock assessment is the process of collecting and analyzing biological and statistical data to determine the effects of fishing on particular fish populations, calculate the amount of fish that can be harvested without depleting the stock, and predict the stock’s future condition. Conducting a stock assessment is extremely costly and requires massive amounts of data. This requirement is effectively an effort to kill fishing regulation through a requirement of impossible science.

To conduct a proper stock assessment, the Department needs to have a good understanding of the biology, abundance, and catch of a particular species or stock. Biological information includes, but is not limited to, the age of maturity, length of maturity, sex ratio, number of eggs a female produces, spawning frequency, survivorship of juvenile fish, and natural mortality of adults. Abundance refers to the number of fish in a stock. Abundance can be estimated in a number of ways, such as fish counts on a reef transect. Because fish move, accurate fish count estimates can be accomplished with a high number of replicates. However, fish counts can vary depending on season, time of day, weather, water quality, and the observer. Catch refers to the total take and fishing effort which is often used to calculate catch per unit effort (CPUE). Like abundance data, CPUE data can be highly variable depending on season, time of day, weather, water quality, skill level of fishers, method used to catch fish, and size of the boat. All the variables in biological information, abundance, and catch data should be accounted for and included in a viable stock assessment.

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

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
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

Currently The only agency within the state of Hawaii that carries out stock assessments is the National Oceanic and Atmospheric Administration's (NOAA's) Pacific Islands Fisheries Science Center (PIFSC). The stock assessment program at PIFSC is staffed by 12 scientists. Their life history program that collects biological data which feeds in to the stock assessment model is staffed by seven scientists. Another 20 people at PIFSC's insular fisheries monitoring program work to collect catch data, that is also incorporated into their stock assessment. Although NOAA allocates a great amount of resources to perform stock assessments there are still uncertainties in their models such as non-commercial fishing effort and take, and the accuracy of self-reporting by commercial fishers.

The Division of Aquatic Resources (DAR) does value stock assessments and manages certain fisheries with stock assessments conducted by PIFSC. These include pelagic and deep-7 bottom fisheries that exist within state and federal waters and are co-managed by DAR, NOAA, and the Western Pacific Regional Fishery Management Council. However, DAR has neither the data nor the funds, capacity, and expertise to conduct defensible stock assessments of our nearshore fisheries.

Stock assessments typically focus on a single species or stock at a time. Hawaii fisheries ecologist Dr. Alan Friedlander estimates that a typical stock assessment takes a year or more to complete and costs \$50,000-\$100,000 per species. In reality, nearshore fish populations don't live in isolation, but interact with other species that share the same environment. Single-species assessments ignore the fact that fishers rarely catch one species at a time—even when the most selective fishing gears are used. This is particularly problematic in managing nearshore coral reef fisheries such as we have here in Hawaii, where most of the catch is multi-specific. Stock assessments that incorporate multiple species and their relationships, require massive data collection efforts and massive amounts of money, making them prohibitive for most fisheries.

For example, there are over 600 species of nearshore fishes in Hawaii, many of which are utilized by the people of Hawaii. Requiring a stock assessment for species which might be affected by a rule in a particular area, could encompass scores of species – a monumental and daunting task. If a rule was applicable statewide, which they often are, the number of species affected would increase to hundreds, making stock assessments an impossible task. If this bill is passed it will effectively put a stop to the implementation of any fishery management regulations in Hawaii. This comes at a time when multiple studies show that there are reef fish populations in decline or in a state of overfishing and in need of increased management regulations.^{1,2}

Should the Legislature decide to advance this measure, the Department requests an appropriation of \$5,000,000 per year to conduct stock assessments. In addition, the Department requests authority to implement a non-commercial marine license system, which would allow the Department to collect non-commercial fisheries information necessary for a meaningful stock assessment.

Thank you for the opportunity to comment on this measure.

1 Marc O. Nadon et al., "Length-Based Assessment of Coral Reef Fish Populations in the Main and Northwestern Hawaiian Islands," ed. Sebastian C. A. Ferse, *PLoS One* 10, no. 8 (August 12, 2015): e0133960, <https://doi.org/10.1371/journal.pone.0133960>.

2 Friedlander et al., "Human-Induced Gradients of Reef Fish Declines in the Hawaiian Archipelago Viewed through the Lens of Traditional Management Boundaries," 2018.



HB1123 HD1
RELATING TO FISHING
House Committee on Judiciary

February 27, 2019

2:05 p.m.

Room 325

The Office of Hawaiian Affairs (OHA) **OPPOSES** HB1123 HD1, which would severely inhibit if not completely prevent the state from taking much-needed action to protect our public trust aquatic resources from continued depletion, and frustrate the efforts of numerous Native Hawaiian subsistence fishing communities seeking community-based subsistence fishing area designation for their local nearshore waters.

OHA appreciates this measure's stated desire to "minimize any detrimental impact on individuals who rely on [fishing] resources for survival, and allow for better management of the State's natural resources." **However, requiring cost-prohibitive, years-long "fishing stock assessments" for "all species in the affected area" prior to the adoption of any fishing regulations may severely undermine if not directly contradict these very goals.** The need for much more proactive and timely regulatory action to manage the impacts of overfishing has been long evidenced by a variety of fishery-dependent and -independent studies, as well as by the consistent reports of long-time fishers and Native Hawaiian subsistence fishing communities. Many subsistence communities are now even taking the initiative to develop their own place-based fishing regulations, to more proactively address the inappropriate overharvesting of their subsistence resources currently allowed under existing state regulations. **Requiring peer-reviewed, years-long "fishing stock assessments" for "all species in the affected area" before the adoption of any fishing regulations, including community-based subsistence fishing area regulations, would be a cost-prohibitive and unnecessary step that would delay if not completely prevent the proactive measures clearly needed to better manage our natural, public trust aquatic resources, and protect those whose subsistence lifestyles rely on such resources for their survival.**

Given the extremely complex and highly dynamic nature of human-impacted marine ecosystems, "fishing stock assessments" would also be of limited probative value as to the need or effect of any proposed regulation, and significant changes in fishery stock – including increased levels of depletion – may even occur prior to such assessments' completion. Accordingly, by tying the hands of the state in taking proactive and timely action to protect our aquatic resources, and forcing resource managers to rely on a single assessment standard of little standalone value, this measure may only serve to frustrate its own stated management and subsistence goals.

OHA has long supported better management of our ecologically and culturally critical nearshore resources, upon which many of our beneficiaries' Native Hawaiian traditional and customary practices and subsistence lifestyles depend. Accordingly, OHA invests in and advocates for community-based fisheries management proposals, which are based upon subsistence fishing communities' intimate knowledge of and deep connection with their nearshore waters, and appreciates the potential for other "adaptive management" frameworks that utilize a variety of real-time data and "feedback" to actively respond to the changing management needs of our dynamic and complex marine ecosystems. **Unfortunately, the requirements of HB1123 would severely inhibit the efforts of subsistence communities, who already struggle to obtain formal state adoption of their community-based fisheries management rule proposals, and may completely foreclose the exploration and adoption of other "adaptive management" measures that can much more effectively restore and sustain our naturally and culturally significant nearshore resources for present and future generations.**

Accordingly, OHA urges the Committee to **HOLD** HB1123 HD1. Mahalo nui for the opportunity to comment on this measure.



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

LATE

Testimony Presented Before the
House Committee on Judiciary
Wednesday, February 27, 2019 at 2:05 p.m.

By
Judith Lemus, Director
Hawai'i Institute of Marine Biology
And
Michael Bruno
Vice Chancellor for Research
University of Hawai'i at Mānoa

HB 1123 HD1 – RELATING TO FISHING

Chair Lee, Vice Chair San Buenaventura, and members of the Judiciary Committee:

House Bill 1123, House Draft 1, as currently written, would require the Department of Land and Natural Resources (Department) to perform a stock assessment on the fish species in the affected area prior to adopting any new rules to regulate fishing. The Hawai'i Institute of Marine Biology (HIMB) respectfully opposes the bill in its present iteration.

For reasons that have been described by DLNR and others in written testimony, stock assessments are notoriously difficult to conduct and require an enormous amount of biological data on each individual species that is affected, and the interactions of those species. Therefore, we believe that requiring stock assessments as a prerequisite for adoption of fishing regulations would be an unsound and untenable management practice. HIMB supports science-based management, using reliable methods to make the most informed decisions. Unfortunately, stock assessments would neither be a reliable or a timely method, especially with current staffing capacity at DLNR. Rather than single-species approaches like stock assessments, ecosystem-based approaches that utilize integrated assessments are likely to be much more effective for managing Hawai'i's nearshore fisheries.

Thank you for the opportunity to submit testimony.

February 26, 2019

Representative Lee, Chair
Representative Buenaventura, Vice Chair and Members of the House Judiciary Committee

Re: HB 1123 HD 1 Relating to Fishing
Hearing: Judiciary Committee
Date: 2/27/2019
Time: 2:05 p.m.
Room: 325

Honorable Representative Lee and Representative Buenaventura, Chair and Vice Chair of the House Judiciary Committee, and Members of the House Judiciary Committee:

The Council for Native Hawaiian Advancement testifies in strong opposition to HB 1123 HD 1. We respectfully request that this bill be held.

In testimony presented on HB 1123 in the House of Representatives' Water, Land, and Hawaiian Affairs Committee on February 13, 2019, the Department of Land and Natural Resources raised serious concerns about this bill, noting that if this bill were passed, . . ."it will effectively put a stop to the implementation of any fishery management regulations in Hawaii." What was left unsaid was that the "peer reviewed fishing stock assessment" studies this bill would require would essentially set in a motion a process which would never reach its conclusion, thus guaranteeing that no community, especially Native Hawaiian communities, would ever be able to organize themselves to take action to limit overfishing and establish subsistence fishing regulations to create sustainable fisheries in their communities.

The methodology set forth in this bill is a perverse approach to fisheries management: argue for more studies . . . "to minimize any detrimental impact on individuals who rely on [these ocean] resources for survival and [to] allow for better management of the State's natural resources" and then delay action until all those studies are completed, which by even the most conservative estimates could be long after most of the fish are gone. A more forthright approach would be to simply overturn the authority of the DLNR to review and approve the Community-Based Subsistence Fishing Areas and to create Fishery Management Subsistence Plans and to instead allow unchecked and unregulated fishing to the point at which our near shore fisheries are nearly depleted, an outcome CNHA rejects, even if such an argument is being crafted and advanced merely for the sake of argument.

CNHA supports better management of our critical nearshore resources based upon the traditional and historic knowledge that Native Hawaiian subsistence fishermen have acquired, used, and passed on from one generation to another over a millennia of life in Hawaii. This knowledge is already being summoned and folded into present efforts at places like Kipahulu, where a Community Based Subsistence Fishing Area is being developed. These community efforts demonstrate a key factor in successful fisheries management- - - a partnership between government decisionmakers and knowledgeable community members- - - with an eye towards creating a healthy, sustainable marine environment that honors our State constitution guaranteeing that "traditional and customary" practices of Hawaiians be protected

while also acknowledging what is too often unstated: in order for Hawaiians to practice their culture and traditions there must first exist a healthy resource upon which that practice may occur.

We request that HB 1123 HD 1 be held and not advanced in the legislative process.

Respectfully,

A handwritten signature in blue ink, appearing to read 'J. Kuhio Lewis', with a stylized flourish at the end.

J. Kuhio Lewis
Chief Executive Officer

HB-1123-HD-1

Submitted on: 2/26/2019 2:49:29 PM

Testimony for JUD on 2/27/2019 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Paul Friese	Marine Rescue & Resoration Management	Oppose	Yes

Comments:

Strongly oppose for the following reasons:

1. This bill may have been effective in the 70s & 80s but makes no sense in today's Hawaii limited resource situation.
2. Bill is an attempt as a stall tactic but is actually an environmental block tactic.
3. DLNR would not be able to perform the requirements as requested by this law.

Thank You!

Testimony of The Nature Conservancy of Hawai'i
Opposing HB 1123 HD1 Relating to Fishing
House Committee on Judiciary
Wednesday, February 27, 2019, 2:05 AM, Room 325

The Nature Conservancy of Hawai'i is a non-profit conservation organization dedicated to the preservation of the lands and waters upon which all life depends. The Conservancy has helped protect more than 200,000 acres of natural lands in Hawai'i and Palmyra Atoll. We manage 40,000 acres in 13 preserves and work in over 30 coastal communities to help protect the near-shore reefs, waters and fisheries of the main Hawaiian Islands. We forge partnership with government, private parties and communities to protect forests and coral reefs for their ecological values and the many benefits they provide to people.

The Nature Conservancy strongly opposes HB 1123 HD1. On the surface, this measure appears simply to require thorough analysis before any management action is taken. However, on closer inspection, **it is clearly intended to stop any new regulation** of nearshore ocean and fishery resources, leaving them open to continued decline.

Fishing is integral to our cultural heritage and our island way of life. And as anyone who has spent time in Hawaiian waters knows, that way of life is seriously threatened – not by State regulation, but by a precipitous decline in Hawai'i's near shore fisheries. In fact, scientists estimate that our near shore fisheries are merely one-quarter of what they were a century ago – that is a decline of 75% over 100 years. Clearly our system of primarily size and gear restrictions, and rotational and seasonal closures is insufficient to sustain -- let alone restore -- our near shore reef fisheries.

Stock assessments as described in the bill would be nearly impossible to attain, taking many years and being unreasonably and unjustifiably expensive to complete for each species, making it impossible for DLNR to do its job and restore our nearshore fisheries. Management under this bill would seemingly need to:

- Account for all species affected, which is prohibitively difficult in multi-species fisheries like coral reefs;
- Be based on knowledge of life-history (recruitment and age at maturity) that is available for very few of the fishes people regularly harvest; and
- Include habitat assessments and measurements of movements among habitats of any and all species affected in each place where rules are proposed, requiring repetitive, extensive, and costly research for multiple species.

Every species affected by a rule would need multi-year assessments on number of individuals, information on their growth, their reproductive rates, their catchability by every method, movement, and survival for every area affected by the rule. The DLNR would need years of data for each species in every location where a proposed rule would have an effect. This is simply not achievable on any reasonable time frame.

While those studies are conducted – if there were even the requisite resources for those studies – fish populations will continue to decline.

In carrying out its public trust responsibility to manage the care and use of Hawai'i's natural resources, the DLNR draws from the knowledge, training and expertise of its own personnel, academia, and scientific data and analysis. The department also benefits from the experienced advice of resource users, cultural practitioners and community members. And, it is required to engage in an official public hearing and decision-making process involving all interested stakeholders for all new or amended rules.

Healthy reefs and fisheries have many economic, environmental and cultural benefits, and we all have a stake in their future. We should not be divided by legislation that prevents wise management, but united by our mutual interest in ensuring that Hawai'i's reefs can continue to provide us with fish – to catch, to eat, to watch, and to enjoy now and into the future. This can be achieved through reasonable scientific assessment, adequate enforcement, and stakeholder collaboration in marine management.



Testimony Before The
House Committee on the Judiciary
IN OPPOSITION TO HB 1123
Wednesday, February 27, 2019, 2:05PM, Room 325

Aloha members of the House Judiciary Committee. My name is Kevin Chang and I am the Executive Director of Kua'āina Ulu 'Auamo (or KUA). KUA works to empower grassroots rural and Native Hawaiian mālama 'āina groups to practice and engage in mālama 'āina and civic governance as a traditional and customary kuleana and to celebrate their places and pass on traditions to better Hawai'i and achieve 'āina momona— an abundant, productive ecological system that supports community well-being.

KUA employs a community-driven approach that currently supports a growing network of over 30 mālama 'āina community groups collectively referred to as E Alu Pū (moving forward together), 40 fishpond projects and practitioners called the Hui Mālama Loko I'a, and a new and growing hui of Limu practitioners all from across our state. Collectively they touch on almost 75 places. Many of these communities focus on improving natural resource management and restoration of native food and ecological systems, values and ethics more sensitive to the needs of their wahi (their places). These include their nearshore fisheries.

KUA opposes HB1123 which for all practical purposes stifles the state from fulfilling its public trust duty to mālama 'āina. This includes preventing the exploration and adoption of alternative, collaborative, adaptive and community-place based management approaches that may be the most effective means to recover overfished resources. Mandatory peer-reviewed, years-long “fishing stock assessments” for “all species in the affected area” before the adoption of any fishing regulations is both cost prohibitive and likely overshoots the runway. It certainly exceeds the capacity of DLNR in our current time. It could likely serve to be the reverse severity of a permanent closure, a *de facto* permanent opening of a fishery leaving no middle ground for action and collaboration in real time.

In order to apprise ourselves a little more on what it takes to do a stock assessment per species at the Federal level -where it is done hand in hand with species specific quotas for commercially licensed fishers- we looked into it. Here is a summary of what I have gathered anecdotally (and from DLNR's testimony):

- 1) Timeline per study & per species: 12-18 months (with peer review)
- 2) Cost per study: \$50-100,000 (salary, data cost etc.)

- 3) There are upwards of 600 reef species across the state.
- 4) DAR has no staff or expertise to do and/or analyze such studies (which require teams) and the legislature has denied requests for funding to do so for quite some time.

In other words, in order for a community to self-organize, draft, propose and help manage fisheries with the state -through CBSFA's or otherwise- it could take almost 2 years per study and possibly \$100k per species in an ahupua'a, or other district. How many species get in your ahupua'a?

The recent Committee on Water and Land amendment requiring outreach to the Native Hawaiian community post-study also does nothing to alleviate the problems. In fact this bill would deflate community aspirations to support and partner with the state in upholding its duty to mālama 'āina. In a round-about way it manages to diminish the importance of local community, and fisher and traditional ecological knowledge which are interests that should be considered at the forefront.

Beyond all of this "stock assessments" are studies that need catch reports. As you may know commercial fishers require licenses which also require the filing of catch reports. Catch reports are part of the stock assessment process. There is no such license or permit for nearshore especially non-commercial fishers. It seems to me the state would need a non-commercial license with catch report requirements to do stock assessments. KUA currently has no position on whether our state needs such a system. However, it has taken part in a joint fact-finding study on existing systems and their feasibility for Hawai'i. In that process we learned that a non-commercial fishing license, registration or fishing law and/or program will require deeper outreach and discussion among the people we serve as well as the greater fishing community. This arguably bill is an end route attempt to forego the community input our state has indicated it felt was needed for such an effort.

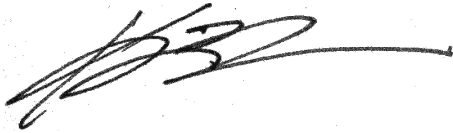
A broad and far reaching law like HB 1123 squanders the spirit and the potential partnerships and collaborations with the state's Native Hawaiian and local fishing communities. These are communities whom for quite some time have expressed desires to co-manage the natural resources of their places with government. These desires are grounded in the tradition of konohiki and date back as far as contemporary history is concerned with the amendment to our State constitution in 1978 which integrated traditional and customary practice and the public trust doctrine.

Since then many Hawai'i communities have maintained long term traditional and ecological fishery knowledge and have practiced and refined adaptive management approaches over time in their places. They are the partners that our state needs to meet its kuleana to mālama 'āina in real time on the ground. Indeed, building and re-enforcing sustainable values, habits and laws from the local level is the global trend. One which Hawai'i is increasingly earning a reputation for.

Co-management and collaborative management approaches like the development of Community-based Subsistence Fishing Areas (CBSFA) offer opportunities for local communities to practice and/or seek to strengthen the values of mālama 'āina as an aspect of local participation and governance. These practices neither exclude nor wholly shut down access to our fisheries. In fact, they create a middle ground for participants to develop, analyze and assess what activities are best to assure abundance in real time in an ever-shifting environment and age of climate and ecosystem change. This bill squanders that potential.

Pūpūkahi i holomua e ho'okanaka
(Let's unite to better the human condition)

Aloha 'Āina Momona.

A handwritten signature in black ink, appearing to read 'K. Chang', with a long horizontal stroke extending to the right.

Kevin K.J. Chang

HB-1123-HD-1

Submitted on: 2/26/2019 10:30:19 AM

Testimony for JUD on 2/27/2019 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Scott Crawford	Kipahulu Ohana, Inc.	Oppose	No

Comments:

Kipahulu Ohana strongly opposes HB1123 and encouraged you to kill this bill. It is completely impractical, and there's no way DLRN has the money or staff to fulfill the mandates of this bill. It appears designed as a means to undercut many communities' efforts to co-manage their areas in collaboration with DAR and other state agencies.

He`eia National Estuarine Research Reserve
Ko`olaupoko, O`ahu, Hawai`i

Testimony on behalf of He`eia National Estuarine Research Reserve

Strongly Opposing HB 1123 HD1

House Committee on the Judiciary

Wednesday, February 27, 2019

Room 325, 2:05pm

Aloha Chair Lee and members of the House Judiciary Committee,

Thank you for the opportunity to provide testimony for HB 1123 HD1 relating to fishing. My name is Kawika Winter, and I am the Reserve Manager of the He`eia National Estuarine Research Reserve (HeNERR). We are in **strong opposition** to this bill.

The HeNERR was officially designated in 2017 after years of effort by the He`eia community and the support of the State legislature, with the Department of Land and Natural Resources as one of our official site partners. It is founded in a belief that Hawai`i can be an example for the world, and the efforts to restore the *ahupua`a* of He`eia can be a model for Hawai`i. The primary purpose of the HeNERR is to conduct the research needed to guide restoration efforts, and to educate the public about the value of healthy and functioning *ahupua`a*.

Speaking as a scientist and a resource manager, I am supportive of science-based approaches to resource management. That said, I am in strong opposition to this bill because it effectively weaponizes science in the fight against fishery regulations. As written, this bill establishes an insurmountable hurdle of scientific studies in order for any kinds of fishery regulations. This is not in the best interest of our fishing communities, many of who are asking for more effective place-based regulations themselves. I strongly urge you to vote against this bill.

Mahalo for your time and consideration,



Kawika Winter, Ph.D.

Reserve Manager, He`eia National Estuarine Research Reserve

PO Box 723
Waimānalo, HI 96795
godscountrywaimanalo@gmail.com



Ho'oulu a me ho'ōla lāhui.
Propagate and perpetuate the race

House Committee on Water, Land, and Hawaiian Affairs

February 26, 2019

RE: Strong Opposition to HB1123 Relating to Fishing

To Whom it May Concern:

The Board of Directors of God's Country Waimānalo (GCW) is obligated to provide this letter in **STRONG OPPOSITION** to HB1123 Relating to Fishing.

Before the advent of western contact, Native Hawaiians thrived in the most isolated place on Earth. Their ability to adapt to the environment was due to their keen use of arts, sciences, and kapu. While creating shelter and clothing were adaptive arts, science aided the ability to raise crops and livestock. Kapu was the method to preserve places, animals, and fish.

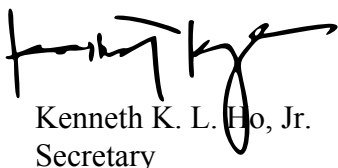
After western contact, too much was lost. Yet, those arts and sciences are making a return. What is yet to be accepted by the legislature is the kapu system that once made Hawai'i the sustainable masterpiece it once was.

Allowing the passage and enactment of HB1123 would mean bringing unwanted research to my ahupua'a (which GCW does not want), spending unknown amounts of money (that the state can't afford), and short changing an already-undermanned DLNR. Rather, by striking this bill down, the committee can focus on looking toward a kapu system such as that of a community-based subsistence fishing area framework.

GCW's mission statement is "Ho'oulu a me ho'ōla lāhui." The enactment of SB1123 brings unwanted consequences to self-determination and directly opposes our mission. Therefore, it is our position to **STRONGLY OPPOSE** the legislation and its enactment.

Please contact us via any of the contact information above with any questions and/or comments.

Na mākou nō.



Kenneth K. L. Ho, Jr.
Secretary

Board of Directors

H. Ilima Ho-Lastimosa, Bob Lastimosa, Kenneth Ho, Jr.



LATE

**PET INDUSTRY JOINT
ADVISORY COUNCIL**
1615 Duke Street, Suite 100
Alexandria, VA 22314
Tel: 202-452-1525

TESTIMONY OF THE PET INDUSTRY JOINT ADVISORY COUNCIL
FOR CONSIDERATION OF THE HAWAII STATE LEGISLATURE
IN OPPOSITION TO House Bill 1123
To be considered February 27, 2019

February 27, 2019

Position: OPPOSED

House Bill (HB) 1123 proposes to require the Department of Land and Natural Resources (Department) to perform a stock assessment on the fish species in the affected area prior to adopting any new rules to regulate fishing. As indicated in the Department's prior testimony, if this bill is passed it will effectively put a stop to the implementation of any fishery management regulations in Hawaii. The Pet Industry Joint Advisory Council (PIJAC) appreciates the opportunity to offer the following comments and concerns regarding HB 1123.

As the country's largest pet trade association, representing the interests of all segments of the pet industry throughout the United States, PIJAC counts among its members national associations, organizations, corporations and individuals involved in the commercial pet trade. More specifically, PIJAC represents the interests of fishers, pet stores, suppliers, distributors, pet supply manufacturers, breeders, retailers and pet owners throughout the state of Hawaii and across the country. These parties include fishers pursuing near shore aquarium fish species in Hawaii.

A stock assessment is the process of collecting and analyzing biological and statistical data to determine the effects of fishing on particular fish populations, calculate the amount of fish that can be harvested without depleting the stock, and predict the stock's future condition. Stock assessments typically focus on a single species or stock at a time. Stock assessments that incorporate multiple species and their relationships require massive data collection efforts and massive amounts of money, making them prohibitive for most fisheries. Requiring a stock assessment for all commercial species in Hawaii could encompass scores of fish species, making development of these assessments practically and financially impossible.

In the case of the aquarium fishing industry, data have been collected on this fishery for over 20 years. In the case of the aquarium fishery on the Island of Hawaii, substantial scientific data exists after years of survey that enables responsible management of this fishery. A requirement to conduct a stock assessment of aquarium fish species is therefore not necessary in particular for aquarium fish species given the available data that exists concerning this fishery.

Hawaii's aquarium industry is considered one of the best regulated near-shore fisheries in the world. The Department, pursuant to State law, submits a report every five years to the legislature entitled "Relating to the West Hawaii Regional Fishery Management Area." The 2015 Report found that the "The Hawaii marine aquarium fishery is currently the most economically valuable commercial inshore

fishery in the State with FY 2014 reported landings greater than \$2.3 million.” The regulatory mechanisms covering the Hawaiian aquarium fishery supports the tenets of the sustainable use of renewable natural resources supported in the IUCN’s Policy Statement on sustainable use.

PIJAC opposes HB 1123 and asks the Hawaii Legislature to focus this and other such bills on making use of the best available scientific information for management, and not requiring development of stock assessments for individual species. Doing so is impractical, and as noted by the Department in its testimony, is not necessary or feasible. We ask that you vote NO on HB 1123 in its current form.

Thank you for considering our comments and concerns.

Robert Likins
Vice President of Government Affairs
Pet Industry Joint Advisory Council (PIJAC)
bob@pijac.org



73-1062 Ahikawa Street
Kailua Kona, HI 96740
www.hawaiiifishingandboating.com

HB1123 HD1
Relating to Fishing
House Judiciary Committee
February 27, 2019, 2 PM, Conference Room 325

LATE

Our members strongly OPPOSE HB1123 because it would place an impossible burden on the DLNR Division of Aquatic Resources.

Stock assessments are complex, time-consuming processes that require a substantial number of dedicated staff, with years of training and experience, thousands of man hours in the field and vehicles and equipment the DAR cannot now afford.

Moreover, in many places in Hawaii, including here on Hawaii Island where stock assessments have been undertaken almost continuously for two decades, the results clearly suggest that carefully considered fishing regulations, and additional marine protected areas, would help to assure a healthier, more productive marine ecosystem.

This bill would likely destroy current statewide initiatives to create new community based fishery management areas which utilize the generational knowledge of our Hawaiian kupuna to institute adaptive management, in order to care for local-area fisheries and assure their long term productivity.

Further, this bill will essentially kill the State's 30 by 30 plan, which seeks to effectively manage 30% of the State's near shore waters by 2030. That 30% figure is the minimum recommended by marine scientists, locally, nationally around the world.

Please HOLD HB1123 HD1.

Mahalo for this opportunity to testify.



February 26, 2019

Rep. Chris Lee, Chair
Rep. Joy A. San Buenaventura, Vice Chair
COMMITTEE ON JUDICIARY

Hearing Date: Wednesday, February 27, 2019
Hearing Time: 2:05pm
Regarding: HB1123 HD1, Relating to Fishing

- **SUPPORT and offers AMENDMENTS** to HB1123 HD1, Relating to Fishing

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, coastal zone, and fisheries advisory committees and working groups; and, HFACT is thoroughly familiar with and participates in ocean and marine resource management in Hawaii and the western and central Pacific.

HFACT supports HB1123 HD1 and offer amendments.

Testimony by the Department of Land and Natural Resources on this bill, dated February 13, 2019 before the House Committee on Water, Land, and Hawaiian Affairs is accurate in that a "stock assessment" is a highly technical undertaking that would require staff and funds that DLNR does not currently have nor are likely to have anytime in the future.

As such, HFACT offers an amendment that the words "stock assessment" be removed and replaced with "best available government, academic, or commercial scientific information". The proposed new section in HRS 188 would be as follows:

"§188- Rule making; best available science. The department of land and natural resources shall use best available government, academic, or commercial scientific information as a basis to the adoption of any new rule regulating fishing. The best available government, academic, or commercial scientific information shall:

- (1) Account for fish species in the affected area;

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

(2) Be subjected to a thorough peer review process prior to publication, when possible;

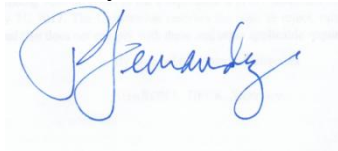
(3) Require consultation with fishermen prior to any rule adoption, and;

(4) Require consultation with native Hawaiian traditional and cultural gatherers and practitioners prior to any rule adoption.

(b) The department shall adopt rules pursuant to chapter 91 to utilize best available government, academic, or commercial scientific information according to this section."

HFACT thanks the chair, vice-chair, and committee members for this opportunity to provide comment and to assist in the conservation of Hawaii's natural resources.

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

HB-1123-HD-1

Submitted on: 2/26/2019 3:58:05 PM

Testimony for JUD on 2/27/2019 2:05:00 PM

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

Comments:

I strongly support this bill. Our natural resources are very important to all of us. It should not be managed blindly. The stock assessment will give us an idea and baseline of what we have. How else can we know if any conservation measure is working/not working without benchmarks? How do we adjust management measures or strategies to get our desired results of a sustainable fishery? How will we know when we achieve our goal? We need to have wise decision making based on real information.

February 26, 2019

Representative Chris Lee, Chair
Representative Joy A. San Buenaventura, Vice Chair
COMMITTEE ON JUDICIARY

Hearing Date: Wednesday, February 27, 2019
Hearing Time: 2:05PM
Place: Conference Room 325
Regarding: HB1123 RELATING TO FISHING

TESTIMONY IN STRONG SUPPORT WITH RECOMMENDED AMENDMENT

Aloha Honorable Chair Lee, Vice Chair San Buenaventura and Members of the House Committee on Judiciary:

I write in STRONG SUPPORT HB1123 as it provides the statute establishing the application of peer reviewed science-based stock assessments of our aquatic resources under the jurisdiction of the Department of Land and Natural Resources (DLNR) and the Hawai'i Division of Aquatic Resources (HDAR).

However, as a resource user, I am concerned that we as a community have failed our aquatic resources through a myopic approach to assessment and management. We all have a stake in conserving and ensuring the sustainability of our precious aquatic resources through a holistic approach of science and management. I use the term "WE" collectively as an individual, member of the community, lawmakers, administrators, scientists, managers, etc. as we have failed to provide the necessary resources and critical focus to effectively address our responsibility to assure the conservation and sustainability of our aquatic resources. We have failed to have a permanent Administrator for the Division of Aquatic Resources for years. We have not adequately staffed the division with biologists and resources to effectively monitor and assess the status of our aquatic resources. We've implemented and relied upon area closures (MPA, CBSFMA, BRFA, etc.) without baselines or monitoring and management protocols and benchmarks to determine efficacy. Failed to establish sunset dates to re-evaluate management rules that have not been monitored and assessed and inadequate staffing and training of resource enforcement officers

However, we have an opportunity in HB1123 to address and correct this long standing deficiency in our responsibility to ensure the conservation and sustainability of our aquatic resources. The reauthorization of the Magnuson Stevens Fishery Conservation and Management Act (MSA) in 2006, NOAA Fisheries has adopted an "ecosystem approach" to fisheries management. This ecosystem approach considers all impacts to our aquatic resources rather than assessing only the fish. Habitat changes caused by coastal development, diversion of streams, interruptions of aquifers and natural springs, runoff, injection wells, invasive species, fishing, etc. collectively contribute to affecting the health, conservation and sustainability of our aquatic resources.

For this reason I ask that you consider an amendment to incorporate an ecosystem-based approach instead of a stock assessment of aquatic resource monitoring and management to ensure that all contributing impacts to ensure the long term viability of the resource rather than only a fishery based assessment.

Counting fish is only one element of effectively managing our aquatic resources. This paradigm will require buy-in from all sectors of the community that I identified earlier if we as a community are committed to effectively conserving and ensuring the sustainability of our precious aquatic resources. Critical language needed in this bill: “...(b) The department adopt rules pursuant to chapter 91 to perform ecosystem-based assessments according to this section.”

Thank you Chair Lee, Vice Chair San Buenaventura and member of the House Committee on Judiciary for this opportunity to testify in STRONG SUPPORT with amendment establishing this critically important protocol to establish effective future rulemaking decisions ensuring the conservation and sustainability of our aquatic resources for generations to come.

Respectfully Submitted,

Roy N. Morioka

HB-1123-HD-1

Submitted on: 2/26/2019 6:39:37 AM

Testimony for JUD on 2/27/2019 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Warren Cortez	Individual	Support	No

Comments:

HB-1123-HD-1

Submitted on: 2/26/2019 7:12:29 AM

Testimony for JUD on 2/27/2019 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
James T Lovell	Individual	Support	No

Comments:

My name is Jim Lovell and I support this bill.

All rules should be based on science and facts. The science need to done first to determine if the rules are needed.

Thank You!

Jim Lovell

LATE

HB-1123-HD-1

Submitted on: 2/26/2019 8:13:47 PM

Testimony for JUD on 2/27/2019 2:05:00 PM

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

Comments:

LATE

HB-1123-HD-1

Submitted on: 2/27/2019 2:00:10 AM

Testimony for JUD on 2/27/2019 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Brian F. Funai	Individual	Support	No

Comments:

I am in full support of HB1123. I believe the Division of Aquatics needs to perform its job to the level of expectation and professional standard appropriate for the level of importance that the citizens of the State of Hawaii depend on our ocean resources. Without adequate science as the basis of new regulations, including among other things a stock assessment of what is proposed to be regulated, the Division and the Department fail to regulate the resource for everyone. I am hoping that this Committee and the legislature find this bill to have value and I ask your full support. Thank you.

HB-1123-HD-1

Submitted on: 2/25/2019 6:34:10 PM

Testimony for JUD on 2/27/2019 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mark Hixon	Individual	Oppose	No

Comments:

As an endowed professor of marine biology specializing on the ecology of nearshore fishes, I am **strongly opposed to HB 1123**, which would require the DLNR to perform a stock assessment on any marine fish species within its jurisdiction before implementing any new management action.

From a naively superficial perspective, this sounds like a reasonable bill that would ensure use of the best available science in marine resource management. ***Unfortunately, this bill is in fact a cleverly veiled attempt to prevent any new management action.*** Why? Because stock assessments are very expensive to perform (well beyond the funding of DAR), no one at DLNR is a qualified stock assessment scientist, and most importantly, stock assessments are worthless in our coastal waters.

In fact, stock assessments are a completely bogus approach to managing fisheries that include a huge number of interacting species. Considering coral-reef fishes alone, DAR is responsible for managing over 200 different fish species! These species interact in many ways – as predators and prey, as competitors and mutualists -- making individual stock assessments meaningless, especially in a rapidly changing ocean as the seas warm and acidify.

Even though advocated by conventional fisheries biologists, stock assessments are usually far too assumption laden to be of much practical use. As summarized in a recent scientific review:

“Interpretation of data used in fisheries assessment and management requires knowledge of population (e.g. growth, natural mortality, and recruitment), fisheries (e.g. selectivity), and sampling processes. Without this knowledge, assumptions need to be made, either implicitly or explicitly based on the methods used. Incorrect assumptions can have a substantial impact on stock assessment results and management advice. Unfortunately, there is a lack of understanding of these processes for most, if not all, stocks and even for processes that have traditionally been assumed to be well understood (e.g. growth and selectivity).” [Maunder & Piner. 2015. *ICES Journal of Marine Science* 72(1):7-18]

Required instead for coral-reef fisheries are broad-stroke, conservative, ecosystem-based approaches that DAR is fully capable of implementing if not hobbled by such insidious bills as HB 1123.

HB-1123-HD-1

Submitted on: 2/26/2019 7:37:37 AM

Testimony for JUD on 2/27/2019 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Solomon P. Kaho'ohalahala	Individual	Oppose	No

Comments:

Honorable Chair Lee and committee members.

I am opposed to this measure as it places timely and costly burdens on communities who are seeking to support our resources that provide subsistence and food security of which we are in severe decline. Please vote no on HB1123Hd1

mahalo

HB-1123-HD-1

Submitted on: 2/26/2019 10:21:10 AM

Testimony for JUD on 2/27/2019 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Wayne	Individual	Oppose	No

Comments:

Mahalo nui for the opportunity to testify in OPPOSITION to HB1123 HD1. As a lifelong fisher on O'ahu, I understand that this bill would severely inhibit much-needed and long-overdue marine resource management efforts by the state. The "fishery stock assessment" requirements of this bill would also be particularly harmful to the many rural subsistence communities currently working on culturally informed community-based rules to protect the resources they rely upon from overexploitation and irresponsible harvesting practices. Fishery stock assessments are but one of many potential tools to sustainably managing fisheries and, given the complexity of Hawai'i's nearshore marine ecosystems, are likely to be impractical and largely unhelpful in the development of regulations that can meaningfully protect our islands' public trust marine resources for present and future generations. Accordingly, I respectfully urge the Committee to HOLD this measure.

Thank you for your time and careful consideration of this matter.

Wayne Tanaka

HB-1123-HD-1

Submitted on: 2/26/2019 10:27:05 AM

Testimony for JUD on 2/27/2019 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Donna Stokes & Ciso Lagmay	Individual	Oppose	No

Comments:

I oppose HB1123

HB-1123-HD-1

Submitted on: 2/26/2019 10:32:21 AM

Testimony for JUD on 2/27/2019 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jenny Yagodich	Individual	Oppose	No

Comments:

No to HB1123. I oppose HB1123 because it stifles the state from fulfilling its public trust duty to manage fisheries sustainably. This includes preventing the exploration and adoption of alternative, collaborative, adaptive and community-place based management approaches that may be the most effective means to recover overfished resources. Mandatory peer-reviewed, years-long "fishing stock assessments" for "all species in the affected area" before the adoption of any fishing regulations is both cost prohibitive and likely enables those who fish for money to do so in communities outside of their own while preventing those communities from protecting their stocks relied upon for sustenance.

HB-1123-HD-1

Submitted on: 2/26/2019 10:41:46 AM

Testimony for JUD on 2/27/2019 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Megan Lamson Leatherman	Individual	Oppose	No

Comments:

Aloha kākou,

I am in full OPPOSITION to HB 1123.

While this proposed bill *sounds* reasonable, and even precautionary, in reality it is a feasibility nightmare, and would hinder the ability of DLNR to effectively manage our local fisheries.

Today, the state uses the **best science available** to determine management actions – a combination of monitoring data, stock assessments, catch records, studies published in the scientific literature and community input. This proposed bill would require a formal, statewide stock assessment at the individual species level before passing any new fishing regulation. There are over 680 fish species known to inhabit nearshore Hawaiian waters to depths up to 600 feet. The exorbitant costs and time required to perform such an exhaustive assessment for each individual species would negatively impact our fisheries and deter community-based management initiatives (CBSFAs) from moving forward.

Instead, I would suggest including language in the bill which allows the state to manage aquatic resources **adaptively** and to use the best science that is currently available, and *only* require a formal stock assessment for species where there is currently minimal or no existing data.

Please listen to the wisdom of DLNR Chair Case, The Nature Conservancy of Hawai'i, Office of Hawaiian Affairs, Kua 'Āina Ulu Auamo, Mālama Maunaloa, and Keiko Conservation before me and OPPOSE or adjust this bill.

Mahalo for your time and consideration,

Megan Lamson Leatherman, M.S.

Honalo, HI

HB-1123-HD-1

Submitted on: 2/26/2019 10:46:56 AM

Testimony for JUD on 2/27/2019 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lindsey Kramer	Individual	Oppose	No

Comments:

Declines in numerous nearshore fish stocks have been documented for years by several active monitoring programs (DAR, CRED, UH). If this bill is passed it will effectively put a stop to the implementation of any near-term fishery management regulations in Hawai'i, providing short-term benefits to some and ensuring continued declines of struggling stocks. Formal fish stocks could be used to assess lesser known species, but are impractical and expensive to require for fisheries stocks with years of existing data and known depletion.

HB-1123-HD-1

Submitted on: 2/26/2019 11:07:03 AM

Testimony for JUD on 2/27/2019 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Shane Palacat-Nelsen	Individual	Oppose	No

Comments:

Aloha Chair and Committee members,

I oppose HB 1123 HD1. Many communities are becoming involved with Community Based Subsistency Plans to address natural and cultural resources, and its within those frameworks/templates is where government agencies should collaborate with community to develop the best possible management plan or policies for that region.

As a generational resident of Kealakekua Bay where it is designated as an Marine Life Conservation District (MLCD), the reports are superficial and outdated once the data has been processed. Current regulations restrict gatherers who are trying to put food on their tables, and based on superficial counts, policies, regulations, and permits are developed to encourage mainly eco-tourism that scour at local gatherers. I encourage community based planning where everyone becomes a stakeholder and part of the decision making process.

Stock assessment is not the best way to develop policy and regulations. Each region has its own unique ecological, environmental, and human impacts, therefore should be planned appropriately by those who live and gather in that area, and each region impacts the neighboring regions. Therefore, I strongly encourage this committee to consider opposing bill HB1123 HD1.

Mahalo nui,

Shane Akoni Palacat-Nelsen

HB-1123-HD-1

Submitted on: 2/26/2019 12:43:40 PM

Testimony for JUD on 2/27/2019 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Wally Ito	Individual	Oppose	No

Comments:

Aloha,

I strongly oppose this bill.

I am questioning the people who use the terms “peer review” and “stock enhancement assessment for all fish species” understand what those terms mean and what kind of time and effort it takes to accomplish them? If this bill passes, you will essentially undermine all the time and effort the state and communities invested in a co-management effort to try to save fisheries for future generations.

I have been a spearfisherman for over fifty years. I also recently obtained a B.S. in Marine Biology so I understand the terms “peer review” and “stock enhancement for all fish species”. But, I don’t need a scientific study to tell me we are losing our fishery. I have seen the decline with my own eyes. If we don’t do something starting now, the decline will continue to the point of no return. I see this bill as a stalling tactic to community based fishery management efforts and a roundabout way to kill all of those efforts.

Please kill this bill before it kills our fisheries.

Mahalo for the opportunity to testify.

LATE

HB-1123-HD-1

Submitted on: 2/26/2019 8:34:22 PM

Testimony for JUD on 2/27/2019 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Crystal Dombrow	Individual	Oppose	No

Comments:

Dear Chair Representative Lee and Committee on Judiciary,

Thank you for your service and for taking the time to read my testimony. My name is Crystal Dombrow, I live in House District 25/Senate District 13 in Honolulu (96813). I'm a graduate student studying marine policy and fisheries management and I write in opposition of HB1123. While I strongly support science-based management through stock assessments for regulating quotas of commercially important fish stocks, I have concerns with this bill, specifically that:

1. If DLNR does not have the finances or personnel capacity to carry out such stock assessments, the requirement that they be completed before new fishing measures go into effect will prevent marine conservation legislation from being passed and implemented. While any required assessment can be based on the best available scientific information without potentially requiring new data collection, the resources to fund such an assessment will still be substantial;
2. The language of this bill as it currently is written seems to extend to all measures involving fish in Hawai'i State waters, and could potentially delay the passing or implementation of conservation-related bills such as the bill prohibiting the take of sharks and rays (HB808 and SB489). Therefore, I ask that the definition of "fishing" is clarified (section 1, lines 3 and 12; section 2, line 2) if it is only meant to encompass commercial and/or recreational fisheries.

Thank you for time and attention. I am happy to provide any further clarification of my opposition.

Sincerely,

Crystal Dombrow

MAS Candidate, Marine Biodiversity & Conservation

Scripps Institution of Oceanography

UC San Diego

cadombro@ucsd.edu

LATE

HB-1123-HD-1

Submitted on: 2/26/2019 9:46:39 PM

Testimony for JUD on 2/27/2019 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mahina Lopes	Individual	Oppose	No

Comments:

Aloha, I am opposed, please do not pass this bill. The intentionally unattainable requirements in this bill will leave our environments vulnerable to further degradation and exploitation. It is a deliberate effort by commercial interests to derail efforts relating to community based subsistence and traditional management of resources. If implemented this bill will make it unfeasible and near, if not, impossible for communities, ahupua'a tenants, and traditional cultural practitioners to pursue management measures for the protection and sustainability of their resources. It will work to undo the progress the state has made thus far in legitimizing community management of subsistence resources. Last but not least, this bill should it be passed, has the potential to hurt a lot of people, specifically the native hawaiian people.

Mahalo, Mahina Poepoe

Molokai Resident/ Registered Voter

Dr. Davianna Pōmaika‘i McGregor
1942 Naio St.
Honolulu, Hawai‘i 96817

TESTIMONY IN OPPOSTION TO H.B. 1123 HD1
Relating to Fishing Regulations
House Committee on Judiciary

Hearing February 27, 2019 2:05pm

Aloha Chair Lee and members of the House Committee on Judiciary. My name is Davianna Pōmaika‘i McGregor and I am a professor of Ethnic Studies at the University of Hawai‘i, Mānoa. I live in Kapālama, O‘ahu and Ho‘olehua, Moloka‘i. On Moloka‘i I am part of the team working to designate the northwest coast of Moloka‘i as a community-based subsistence fishing area. I am also a member of the Protect Kaho‘olawe ‘Ohana and participated of the regulations relating to fishing within the Kaho‘olawe Island Reserve.

The intent of the bill is a good one, to “minimize any detrimental impact on individuals who rely on [fishing] resources for survival, and allow for better management of the State’s natural resources.” However, the proposed requirement for the DLNR to “perform a fishing stock assessment prior to the adoption of any new rule regulating fishing” “for the duration to the adult life cycle of each species” will obstruct the ability of the DLNR to provide reasonable, effective and beneficial management of the State’s natural resources. In effect, this law will place a major impediment on the ability and capacity of the DLNR to promulgate any rules to regulate and manage the fishing resources of the State, which is a public trust resource.

What would be involved in an assessment of each species in an area deemed to be at risk for declining resources? There are at least 600 species in Hawai‘i’s marine waters. Each assessment study would approximately two years to complete, with peer review, and cost from \$50,000 to \$100,000. Does the DLNR have the staff and resources to fulfill the terms of this bill? No, they do not. Is it necessary? No it is not.

What would be the outcome of this bill? – the DLNR will be prevented from enacting ANY regulation to manage the State’s fishing resources because of the lack of resources to meet the obligation proposed in this bill to conduct assessments of each fish species before a regulation can be promulgated. This kind of legislation seems to cross the boundary between the responsibilities and powers of the legislative branch and the executive branch. Does the legislature really have the power to pass a bill that would prevent the DLNR to promulgate rules to manage the State’s fishing resources? It seems that the requirements proposed by this bill would set a very dangerous and unconstitutional precedent.

The passage of this bill would also obstruct the achievement of Governor Ige's "30 by 30" Oceans Target – for 30 % of the Hawai'i's nearshore waters effectively managed by 2030. Fishing regulations, community-based subsistence fishing areas and marine management areas are integral to the achievement of this goal. The requirement to conduct fish stock assessments for each of the hundreds of fish that would potentially be protected would obstruct the promulgation of rules to establish effective management of the nearshore waters.

Mr. chair and members of the Judiciary committee, please hold this measure and do not let it pass out of this committee. Mahalo nui loa.

LATE

HB-1123-HD-1

Submitted on: 2/26/2019 10:40:39 PM

Testimony for JUD on 2/27/2019 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Laa Poepoe	Individual	Oppose	No

Comments:

La'a poepoe, molokai resident, submitting testimony in opposition to hb 1123. this bill was written in a way that appears to require an excessive amount of data collection at an unfeasible amount of money prior to considering practical, necessary rule changes. based on previous testimony, this bill looks to benefit and provide an effective strategy for commercial fishing interests to defeat proposed community subsistence fishing initiatives and conservation efforts already in progress. i recommend you do not pass this bill as written. please consider community outreach.

LATE

HB-1123-HD-1

Submitted on: 2/27/2019 7:13:40 AM

Testimony for JUD on 2/27/2019 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Charles Young	Individual	Oppose	No

Comments:

This Bill is not practical and can not be realistically implemented due the costs and time limitations required to carry out such extensive work. It also intentionally aims to undermine the progress already achieved through community based resource management.

The bill also usurps the efforts of individual islands and county's who are supporting community based resource management for a one size fits all, in particular the neighbor islands where the resources are not yet overexploited or impacted by commercialism or population.

I strongly oppose HB 1123

LATE

Testimony Before the
House Committee on the Judiciary
IN OPPOSITION TO HB 1123
Wednesday, February 27, 2019, 2:05PM Room 235

Aloha members of the House Committee Judiciary. My name is Ted Kawahinehelelani Blake. I am the Executive Director of Mālama Kōloa on Kaua'i and a member of Kua'āina Ulu 'Auamo (KUA) a grass roots organization of thirty plus rural and native Hawaiian organizations to practice and engage in mālama 'āina and governance as a traditional and customary kuleana and to pass on traditions ti better Hawai'i.

We are a community-driven network of 30 plus mālama 'āina groups referred to as E Alu Pū, with 40 fishpond (Loko I'a) projects statewide and limu huis on each of the main islands. We strive to improve our natural resource management and restoration of native food and ecological systems values and ethics to our places. This includes near shore fisheries.

Mālama Kōloa opposes HB1123 it stifles the state from fulfilling its public trust duty to mālama 'āina. We have strive to implement community based management approaches that are effective to recover overfished species in affected areas before DLNR regulations are implemented without assessments for each fishery it imposes these regulations.

We have observed that various same species display different habits from other areas and work to gain knowledge on how fish in our area differ from the whole.

Many Hawaiian communities have maintained long term traditional and ecological fishery knowledge and practices refined adaptive management approaches. Mālama Kōloa has gained knowledge on these practices learning from E Alu Pū lawa'ia pono work at Hā'ena, Kaūpūlehu, Ho'okena, Miloli'i, Kipahulu and other locales.

Co-management and collaborative management approaches like the development of Community Based Subsistence Fishing Areas (CBSFA) helps us strengthen the values of mālama 'āina as an aspect of local participation and governance.

Please think of our immediate future as you discuss this HB1123. It is for our future sustenance.

Aloha pumehana,

Ted K Blake

Ted Kawahinehelelani Blake

sanbuenaventura2 - Kevin

From: Karen Poepoe <karenpoepoe@yahoo.com>
Sent: Tuesday, February 26, 2019 8:57 PM
To: JUDtestimony
Subject: HB1123



Aloha to the Judiciary Committee,

I am opposed to HB1123. This bill remove protections from our ocean resources.

Mahalo,
Karen Poepoe

sanbuenaventura2 - Kevin

From: Karen Poepoe <karenpoepoe@yahoo.com>
Sent: Tuesday, February 26, 2019 8:59 PM
To: JUDtestimony
Subject: HB1123

To the Judiciary Committee,

Being a fisherman all my life, I think this bill is crazy if you are talking about managing our resources properly. I want to know why O'ahu doesn't have fish. Those who can answer this question can maybe make wiser decisions.

I am strongly opposed to this bill.

Mahalo,
Kelson Poepoe