

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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Testimony of
SUZANNE D. CASE
Chairperson

Before the House Committee on
WATER, LAND, & HAWAIIAN AFFAIRS

Wednesday, February 13, 2019
11:15 AM
State Capitol, Conference Room 325

In consideration of
HOUSE BILL 1123
RELATING TO FISHING

House Bill 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. **The Department appreciates the intent of this measure and offers the following comments and concerns.**

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. Conducting a stock assessment is much more difficult and costly than it may seem.

In general, the inputs of a stock assessment are biological information, abundance, and catch data. 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 data includes 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.

Thank you for the opportunity to comment on this measure.



HB1123
RELATING TO FISHING

House Committee Water, Land, & Hawaiian Affairs

February 13, 2019

11:15 a.m.

Room 325

The Office of Hawaiian Affairs (OHA) **OPPOSES** HB1123, 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 marine 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. Mahalo nui for the opportunity to comment on this measure.

HB-1123

Submitted on: 2/11/2019 10:25:01 PM

Testimony for WLH on 2/13/2019 11:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jim Hori, DDS	Lokahi Fishing	Support	No

Comments:

I am in STRONG SUPPORT OF HB1123! It makes so much sense to manage our fisheries with a stock assessment that the scientists can work with allowing them to make educated recommendations on the Annual Catch Limit. For a long time now DLNR AND DAR have not been doing their mandated duty to properly monitor and asses the health of our marine resources instead using MPA, BRFA, CBSFMA, MLCD, FMA, etc that close areas to fishing not based on science but based on more emotion and guess work!

Mahalo for allowing me to submit my testimony!

Sincerely,

Jim Hori, DDS

HB-1123

Submitted on: 2/12/2019 8:58:36 AM

Testimony for WLH on 2/13/2019 11:15:00 AM

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

Comments:

On behalf of the local fishermen of Kipahulu who have worked hard over the last few years to developed place-based rules as part of our Community Based Subsistence Fishing Area application, we oppose this bill. The legislature created the CBSFA designation as a way to respect traditional knowledge and empower communities to be partners in management of our fisheries. The idea of mandatory peer-reviewed, years-long "fishing stock assessments" for "all species in the affected area" before the adoption of any fishing regulations is completely impractical and would effectively end any efforts towards community partnerships for co-management, and the state's ability to regulate fisheries in general. This would completely undermine the governor's stated "30 by 30" goal of having 30 percent of Hawaii's nearshore waters effectively managed by 2030, and would disempower communities and wreck years of progress in building trust and relationship between communities and agencies who all have a stake in the future health of our marine ecosystems and abundance of our fisherings.

Testimony of The Nature Conservancy of Hawai'i
Opposing HB 1123 Relating to Fishing
House Committee on Water, Land, and Hawaiian Affairs
Wednesday, February 13, 2019, 11:15 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. 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 the 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 until they reach the point where they are no longer viable in the wild.

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 Water & Land
IN OPPOSITION

Wednesday, February 13, 2015, 11:15AM, Room 325

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).

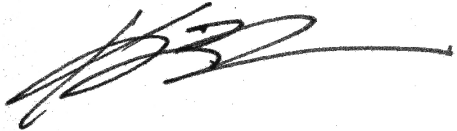
KUA opposes HB1123 which for practical purposes stifles the state from fulfilling its public trust duty to mālama 'āina. This includes the preventing the exploration and adoption of alternative, collaborative, adaptive and community-place based management approaches that may be the most effective means 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.

A broad and far reaching law like HB 1123 squanders potential of partnership and collaboration with the state's Native Hawaiian and local fishing communities. Communities which 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 dates 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.

Aloha 'Āina Momona.

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

Kevin K.J. Chang

HB-1123

Submitted on: 2/12/2019 1:07:31 PM

Testimony for WLH on 2/13/2019 11:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Randy Fernley	Coral Fish Hawaii	Support	No

Comments:

HB-1123

Submitted on: 2/12/2019 12:59:46 AM

Testimony for WLH on 2/13/2019 11:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dean Sensui	Hawaii Goes Fishing	Support	No

Comments:

I fully support this bill as the scientific studies and peer reviews it requires will provide meaningful insight into the condition of each fishery's stock, and thereby allow effective management.

It will ensure the availability of fish as one of the important resources to Hawaii's ability to be self-sufficient, while also ensuring the stock of each fishery to be available indefinitely.

Without good science, any fishery management decision is a wild guess at best. And we cannot relegate the integrity of our state's food security to mere assumptions.

Thank you for taking the time to thoughtfully consider this testimony.

Aloha,
Dean Sensui, executive producer. Hawaii Goes Fishing.

HB-1123

Submitted on: 2/11/2019 9:33:47 AM

Testimony for WLH on 2/13/2019 11:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Craig Severance	Individual	Support	No

Comments:

Aloha, I am a fisherman, and a fisheries social scientist who serves management in a variety of capacities, mostly voluntary. Marine Protected areas are a focus of my research. Marine Protected Areas are but one tool in the manager's toolbox. They can work, but often don't. Unless they have the fishing communities' support, are based in solid baseline science, are built from the bottom up, and are well enforced, monitored, and, if necessary, modified, they are unlikely to be effective. (National Academy of Sciences, 2004). I often say that there is a difference between being a firm believer in MPA and being a true believer in MPA. I'm a firm believer. A firm believer knows that the science and baselines need to be done first and done well, and that monitoring and an ability to change are important to success. A true believer, believes that they know best, that MPA always work, and that the way to go is to impose them from the top, often trying to achieve 20% or more closed areas. Then your job is done, and this has happened all over the Pacific. To me a true believer is accepting dogma, not science!. So I support this Bill because it requires DAR to do good science first, through adequate peer reviewed stock assessments. Mahalo, Craig Severance Ph.D.

HB-1123

Submitted on: 2/11/2019 10:29:41 AM

Testimony for WLH on 2/13/2019 11:15:00 AM

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

Comments:

I Strongly support HB1123 in that it Requires the DLNR to perform a stock assessment on the fish species in affected areas prior to setting new rules to regulate fish. It also requires that these stock assessments be peer review prior to publication. Any rules made by any state agency should be based on scientific data and be peer reviewed.

February 11, 2019

Representative Ryan Yamane, Chair
Representative Chris Todd, Vice Chair
HOUSE COMMITTEE ON WATER, LAND & HAWAIIAN AFFAIRS

Hearing Date: Wednesday, February 13, 2019
Hearing Time: 11:00 am
Place: Conference Room 325
Regarding: HB1123 RELATING TO FISHING

TESTIMONY IN STRONG SUPPORT

Aloha Honorable Chair Yamane, Vice Chair Todd and Members of the House Committee on Water, Land and Natural Resources:

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

For all too long the DLNR has relied upon area closures in the form of marine life conservation districts (MLCD), marine protected areas (MPA), bottomfish restricted fishing areas (BRFA), fishery management areas (FMA), community based subsistence fishing areas (CBSFA), etc. without the necessary stock assessments to establish baselines from which to determine the effectiveness of their management rules implemented on the affected aquatic resources.

It should also be noted that federally managed species are statutorily required to have peer reviewed stock assessments prior to the establishment of regulations for species requiring management controls. Currently the State and federal coordinated management of Deep 7 bottomfish are subject to peer-reviewed stock assessments, and the reason why the bottomfish fishing community has been seeking the abolition of the State bottomfish restricted fishing areas (BRFA) as unnecessary especially since the State failed to produce an assessment of bottomfish stocks in the original 19 BRFA to the bottomfish fishermen in 2003 and the subsequent establishment of 12 BRFA in 2007 without a stock assessment from which to determine whether or not the BRFA were producing the results validating the management rule.

Thank you Chair Yamane, Vice Chair Todd and member of the House Committee on Water and Land for this opportunity to testify in STRONG SUPPORT establishing this critically important protocol to base effective future management decisions toward the sustainability of our aquatic resources for generations to come.

Respectfully,

Roy N. Morioka

HB-1123

Submitted on: 2/11/2019 9:40:09 AM

Testimony for WLH on 2/13/2019 11:15:00 AM

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

Comments:

HB-1123

Submitted on: 2/11/2019 11:50:08 AM

Testimony for WLH on 2/13/2019 11:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Robin Kaye	Individual	Oppose	No

Comments:

HB-1123

Submitted on: 2/11/2019 2:32:43 PM

Testimony for WLH on 2/13/2019 11:15:00 AM

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

Comments:

HB-1123

Submitted on: 2/11/2019 2:33:37 PM

Testimony for WLH on 2/13/2019 11:15:00 AM

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

Comments:

HB-1123

Submitted on: 2/11/2019 6:46:11 PM

Testimony for WLH on 2/13/2019 11:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
C. Pang	Individual	Support	No

Comments:

I write in strong support of HB1123. I applaud those wise enough to introduce this bill and urge its passage.

We all know that it is always better to look before you leap, to measure twice so that only one cut, the correct one, is made. This bill brings that same common sense to DLNR rule making.

The requirement for peer review is, in my humble opinion, very necessary because, while the folks at DLNR are trying to make the right decisions, it can be crucial that a street level viewpoint is considered before a costly decision turns out wrong. A case in point is the Maunalua Bay washdown area which was built to a poor design that any user could have pointed out, then required further costly modifications to make it usable, just tolerably.

I urge passage of HB1123 to help avoid those kinds of *pilikia*.

Mahalo.

HB-1123

Submitted on: 2/11/2019 11:05:17 PM

Testimony for WLH on 2/13/2019 11:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Teresa L Nakama	Individual	Support	No

Comments:

I Teresa L. Nakama a registered voter, hereby give my strong support for HB1123 and I beg this committee of House Representative for your support. It is imperative to require the DLNR-DAR division this directive to conduct a stock assessment on the marine fish species in the affected area prior to setting any new rules to regulate fishing.

The stock assessment must be subject to a very thorough peer review prior to publication. The DLNR/DAR have not met the requirement of the mandated of their duty to properly monitor nor have they assess a healthy marine resource environment of MPA/FRA/CBSFMA and MLCD zone areas that are protected zoned areas, etc. By closing these areas from access to fishing without proper peer-reviewed scientific assessments of our marine resources to be affected by new rules just begs for a more thorough scientific research and must not rely on hearsay.

These Islands are in the proximity in the middle of the Pacific Ocean and we are a volcanic made Islands which Ke Akua has designed natural protection of marine habitats that protects all marine species. Coral Reefs, Hamakua Pali, Valleys and various parts of each Island that is inaccessible to the general public. We the fishing community take the time to study and understand the weather patterns, currents in our ocean and air. We study the phases of the moon and study the tide charts and use our Hawaiian Moon Calendar. There are so much important factors to take into consideration when science only looks in one area and not take in the entire picture of the subterranean topography of all the Island shorelines going out past the 20 fathoms.

Respectfully Submitted,

Teresa L. Naama

808-325-7157

HB-1123

Submitted on: 2/12/2019 7:14:47 AM

Testimony for WLH on 2/13/2019 11:15:00 AM

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

Comments:

Dear Representatives,

Those who use the resources deserve good, evidence based rule making. This bill is a fair manner to manage the resources for everyone. As representatives of all, rules should be fair and not based upon emotions.

Sincerely,

Joni Kamiya

HB-1123

Submitted on: 2/12/2019 7:43:25 AM

Testimony for WLH on 2/13/2019 11:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
scott masunaga	Individual	Support	No

Comments:

I speak stongly in favor of HB 1123.

I have been an avid user and steward of our wonderful ocean resource for almost 60 years by surfing, sailing, diving, boating, and fishing. I am also by training a biological scientist.

Our State's initial attempts at fisheries management by area and seasonal closures were noble, but simplistic and ignorant. Modern fisheries science now allows assessment of the many factors affecting the biomass to help shape effective management policies.

HB1123 requiring stock assessment of affected fisheries prior to the setting of policies only makes sense. In addition, the requirement of a peer-review process prior to the publication of the data legitimizes the process to help set a solid basis for future management decisions.

I thank you for your time to speak on this matter.

respectfully submitted,

Scott S. Masunaga

HB-1123

Submitted on: 2/12/2019 8:36:16 AM

Testimony for WLH on 2/13/2019 11:15:00 AM

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 hold for and 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

Submitted on: 2/12/2019 9:00:32 AM

Testimony for WLH on 2/13/2019 11:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Scott Crawford	Individual	Oppose	No

Comments:

I personally oppose this bill. It is completely impractical.

HB-1123

Submitted on: 2/12/2019 9:25:16 AM

Testimony for WLH on 2/13/2019 11:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
BOB LI	Individual	Support	No

Comments:

As a fisherman, I believe that the DLNR needs to perform a stock assessment on the fish species in the affected area prior to setting any new rules to regulate fishing. In addition, I believe the stock assessment be subject to thorough peer review prior to publication. Imposing new rules without going through these procedures would simply be arbitrary and not make any sense. Thank you.

February 12, 2019

Representative Ryan Yamane, Chair
Representative Chris Todd, Vice Chair
HOUSE COMMITTEE ON WATER, LAND & HAWAIIAN AFFAIRS

Representative Henry Aquino, Chair
Representative Troy Hashimoto, Vice Chair
HOUSE COMMITTEE ON TRANSPORTATION

Hearing Date: Wednesday, February 13, 2019
Hearing Time: 11:15 am
Place: Conference Room 325
Regarding: HB1123 Related to Fishing; Stock Assessments; DAR

TESTIMONY IN SUPPORT of HB1123 RELATING TO FISHING; STOCK ASSESSMENT

This bill will provide public accountability and transparency of the Division of Aquatic Resources when implementing any proposed management rule or plan. Thank you House Committee members on Water, Land & Hawaiian Affairs for hearing this testimony.

Sincerely,

Clay Tam
Fishermen, Researcher & Voter

HB-1123

Submitted on: 2/12/2019 11:05:34 AM

Testimony for WLH on 2/13/2019 11:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Malia Kipapa	Individual	Oppose	No

Comments:

HB-1123

Submitted on: 2/12/2019 12:08:20 PM

Testimony for WLH on 2/13/2019 11:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
John Kaneko	Individual	Support	No

Comments:

I **support** HB 1123. For sustainable fishery management to be successful over the long term, high quality scientific assessments are required. One of those assessments is the fish population or stock assessment. This bill creates the right step in the direction of science-based fishery management of Hawaii fishery resources.

HB-1123

Submitted on: 2/12/2019 1:41:18 PM

Testimony for WLH on 2/13/2019 11:15:00 AM

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

Comments:

Aloha, HB1123 is a bad bill. It curiously seems to favor commercial fishing and takes away the right for communities who rely on fish populations to make rules that protect the stocks in their areas. The majority of folks who fish for money do so outside of their own communities and this bill will enable them to continue to do so while blocking the adoption of any new rules that would protect communities who fish for food, not profit. There are communities who (based on generations of caretaking, observation, and kuleana) have the knowledge necessary to determine what rules are best for their particular area. This bill is an ill attempt to support commercial fishing and it should not be passed. In traditional times, there were indeed rules and those rules are the reason we have fish today. This bill goes against the State's mandatory duty to mālama 'āina. I, along with my 'ohana who fish, STRONGLY OPPOSE HB1123. Mahalo.

HB-1123

Submitted on: 2/12/2019 2:39:35 PM

Testimony for WLH on 2/13/2019 11:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Brian Kimata	Individual	Support	No

Comments:

Committee Chair and Distinguished Legislators,

I strongly urge you to support HB1123 as this measure is crucial to proper marine management. I believe that we are all in agreement that management and regulation of our ocean resources are necessary. As such, these regulations must be grounded in science with good, appropriate data supporting any decision making. We can no longer afford to manage the resource on quesswork, inneuendos, and pseudo scientific data. Let's pass HB1123 and help our precious resource move forward for future generations. Mahalo for you time,

Brian Kimata



LATE

*For the bay
For the future
For life*

February 12, 2019

Testimony before the House Committee on Water and Land

To Whom it May Concern:

I am writing to express **my opposition to HB1123**. Mālama Maunalua's mission is to protect and restore the health of Maunalua Bay. As part of that mission, we support and facilitate sound science in the State of Hawai'i, and specifically Maunalua Bay. While having improved science is important to making sound management decisions, the bill misses the mark in such a way as to significantly impact the State's ability to effectively manage its resources.

Stock assessments are expensive and time-consuming, and requiring one for every fish species affected by a decision will essentially halt effective management in the State. Take Maunalua Bay as an example. There are numerous scientific assessments, as well as kupuna and fishermen observations pointing to a degraded resource. We as a community know the bay needs improved management, but many of the species lack a stock assessment as required in HB1123. As a result, we could not act if HB1123 passes. Waiting for stock assessments would take years and lead to a far more degraded resource. Stock assessments are merely a single tool in a manager's toolbox and should not supersede existing science and resident expertise.

We are fully supportive of increased information and applaud that objective of HB1123. Having stock assessments is important and should be undertaken, but preventing informed management is simply not a reasonable outcome in pursuit of that objective. The prudent way forward is to allow management to be improved based on the information we have, and then be adaptive as new information – including stock assessments – is completed. At a time when our resources are imperiled like never before, we need to be quick, adaptive, and decisive, or we risk losing some fish species forever. This bill falls short of that need.

Mahalo for your time, and I welcome any further dialogue. We all want to see a healthy, verdant, and vibrant Hawai'i, and I know by working together we can ensure that. But sadly, I don't feel this bill is a step in a positive direction and would ultimately be detrimental to our resources. I therefore request that you vote down HB1123.

Aloha,

Doug Harper
Executive Director

LATE

HB-1123

Submitted on: 2/12/2019 6:23:34 PM

Testimony for WLH on 2/13/2019 11:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kelson Poepoe	Hui Malama o Mo'omomi	Oppose	No

Comments:

This is a bad idea. This bill will take away both the state's and community's ability to implement any kind of management of ocean resources in Hawaii.



LATE

P.O. Box 240353, Honolulu, HI 96824 Phone: 808-780-1253

13 February 2019

SUPPORT HB1123 – RELATING TO FISHING

We are in support of HB1123 that creates a standard for the Department of Land and Natural Resources (DLNR) to follow while creating new rules and regulations. The current regulations allow the department to impose administrative rules without merit or proper scientific verification. The department and other non-government entities have been able to take advantage of the current process to easily pass trending topics. For example, the 10-year closure of Haena and Kaupulehu, the ban on Scuba Spear Fishing on the Kona Coast, and the adjusted aquarium fishery regulations without proper scientific backing. Science is defined as the knowledge or system of knowledge covering general truths as obtained and tested through scientific method. The scientific method is the collection of knowledge and data through observation and experimentation to prove or disprove a hypothesis. We have seen fishermen chastised on baseless claims. Baseless or unproven claims that have been accepted by the DLNR and non-government entities as truth. The result of the department's ability to create laws without justification has resulted in a lack of confidence in the Department, which ultimately reduces the efficiency of the Department and inflicts unintended consequence on stake holders. This is also known as "making any kine."

The proposed bill to create standards or guidelines for DLNR to follow is beneficial to DLNR and the public. The process will require DLNR to prove through science any rules and regulations proposed to the department. This will eliminate the adverse reactions from stake-holders, minimize the detrimental impact to individuals who rely on these resources for survival, and provide a needed standardized process in managing our resources.

Your consideration to support this bill is greatly appreciated.

Mahalo,

Makani Christensen



KEIKO
CONSERVATION
INTERNATIONAL

LATE

Testimony submitted by Keiko Conservation in **Opposition** of HB 1123 as it relates to fishing in Hawai'i.

As it is written HB1123 is limiting to the adaptive and necessary management of Hawaii's near-shore fisheries by the Department of Land and Natural Resources. Hawaii's DLNR continues to be limited by inadequate funding and staffing, and we believe that this measure will further slow down the regulatory process that surrounds Hawaii's fisheries. While stock assessments are important, regulatory measures that limit and ultimately preserve resource use should not be stopped in the absence of time consuming and costly stock assessments that may never come to fruition from the DLNR, due to limitation of funding and resources.

Furthermore, requiring a stock assessment to "decrease adverse affects on the community to new regulations" prevents any form of adaptive management to take place to protect, first and foremost, the environment and our aquatic resources. If the department is concerned with how regulations make affect communities or user groups in Hawai'i, we suggest implementing social user value studies to gauge potential affects of new regulations on communities.

Mahalo for your time and consideration.

- KEIKO Conservation Team

LATE

HB-1123

Submitted on: 2/13/2019 7:59:16 AM

Testimony for WLH on 2/13/2019 11:15:00 AM

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

Comments:

LATE

HB-1123

Submitted on: 2/12/2019 6:29:10 PM

Testimony for WLH on 2/13/2019 11:15:00 AM

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

Comments:

This bill will keep our state DLNR from fulfilling its obligation to protect the ocean resources.

LATE

HB-1123

Submitted on: 2/12/2019 4:22:05 PM

Testimony for WLH on 2/13/2019 11:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Tanielle Tokoro	Individual	Oppose	No

Comments:

My name is Tanielle Tokoro and I oppose HB1123. This bill does not support our native Hawaiians and our local communities in our fishing practices and in our gathering practices.

mahalo,

Tanielle Tokoro

LATE

HB-1123

Submitted on: 2/12/2019 4:21:00 PM

Testimony for WLH on 2/13/2019 11:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Davianna McGregor	Individual	Oppose	No

Comments: Aloha Chair and members of the committee. This bill, in effect, would prevent any regulation of fishing by DLNR because the requirement for DLNR to account for fish species in the affected area proportionate in duration to then adult life cycles of each species to be assessed is not feasible. Communities throughout our islands have organized to monitor and assess the marine resources that they rely upon for subsistence which is meaningful, practical and useful. This bill would obstruct communities from managing their own resources to the detriment of our marine resources. The legislature should encourage and support communities in our effort to protect the abundance of our marine resources. mahalo and aloha