

DAVID Y. IGE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
SUZANNE D. CASE
Chairperson**

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

**Wednesday, February 12, 2020
10:30 AM
State Capitol, Conference Room 325**

**In consideration of
HOUSE BILL 1075
RELATING TO BAG LIMITS**

House Bill 1075 proposes to repeal the statutory prohibition of taking or killing female spiny lobsters, Kona crabs, and Samoan crabs. **The Department of Land and Natural Resources (Department) supports this measure and offers the following comments and recommendations.**

The Department currently regulates the take of spiny lobster, Kona crab, and Samoan crab through administrative rules. Regulations include minimum size limits, seasonal restrictions, gear restrictions, and a prohibition on the take of egg-bearing females. These rules are found in various chapters of the Hawaii Administrative Rules. The Department is currently in the process of amending its spiny lobster, Kona crab, and Samoan crab rules to consolidate them into one rule chapter.¹ At the same time, the Department is adopting the provisions of Section 188-58.5, Hawaii Revised Statutes (HRS), into this administrative rule. This housekeeping amendment will place all regulations for these species under one rule chapter, making it easier for the public to locate.

Section 188-58.5, HRS, which prohibits the taking or killing of any female spiny lobster, Kona crab, or Samoan crab, limits the Department's ability to properly manage these species based on the best available scientific information. Since the 2006 enactment of Section 188-58.5, HRS, scientific information about Kona crabs has grown to the point where management measures for

¹ The Department held public rulemaking hearings on January 7-9, 2020. The Board of Land and Natural Resources will decide whether to adopt the final rules at its meeting on February 14, 2020.

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

this species should be updated. Studies suggest that the prohibition on the taking of females may be creating a sex ratio and size imbalance that may inhibit successful reproduction.

Repealing Section 188-58.5, HRS, would enable the Department to adopt more appropriate, science-based regulations for the management of Kona crab. As more information is known about spiny lobsters and Samoan crabs, changes to the management of these species may be needed as well.

As noted earlier, the Department is currently in the process of incorporating the provisions of Section 188-58.5, HRS, into its administrative rules, so passage of this measure is timely. While the Department anticipates that these rules will be approved and take effect within the next couple months, there is always the possibility that the rules will be delayed. To avoid a situation where Section 188-58.5, HRS, is repealed before the administrative rules are approved (which would allow the take of non-egg-bearing female spiny lobster, Kona crab, and Samoan crab, which could have adverse impacts on populations), the Department recommends that Section 4 be amended to read: "This Act, upon its approval, shall take effect on the effective date of administrative rules adopted by the department of land and natural resources that regulate the taking or killing of female spiny lobsters, Kona crabs, and Samoan crabs."

Thank you for the opportunity to comment on this measure.

HB-1075

Submitted on: 2/8/2020 7:22:45 AM

Testimony for WLH on 2/12/2020 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ron Dellinger	Individual	Support	No

Comments:

I strongly Support HB1075

HB-1075

Submitted on: 2/8/2020 9:19:12 AM

Testimony for WLH on 2/12/2020 10:30:00 AM

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

Comments:

I support this bill.

Thank you for allowing this testimony.

William Chang

HB-1075

Submitted on: 2/9/2020 5:14:56 PM

Testimony for WLH on 2/12/2020 10:30:00 AM

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

Comments:

Strongly support the repeal of the restrictions on taking of female spiny lobsters, kona crabs, and samoan crabs. The biology of these species is such that the large males are needed for mating with the large females. Size matters and numbers matter.

Testimony HB1075 Kona Crab

I strongly support this bill. It is long overdue. I was on the review panel for the last 2 Kona Crab stock assessments, and I chaired the WESTPAC SEEM (Social, economic, environmental, Management uncertainty) working group on Kona Crab that set the Annual Catch limit. The current laws were created by well-intended but biologically naïve action through the Legislature. Those rules have almost certainly done more harm to the Kona Crab stocks than good and they have also resulted in attrition among fishermen. Understanding the biology of this culturally important species is necessary. First the non-retention of females creates a high discard mortality as they are released to sink and then to try to hide in the sand. Ulua and other predators await their release by fishermen! Second The tangle nets may also cause damage to pincers and create more discard mortality of both females and undersized males. Third, focusing the fishery on males may reduce the number of males, and males must become large enough to dig the egg bearing females out of the sand to mate, and thus contribute to stock sustainability.

Fishermen on these working groups have pointed out that females may bear eggs into September, so extending the closed season is a good idea. That can be done more easily and effectively by giving the Authority to HDAR and letting them go through the Chapter 91 public process so they can create more biologically sound and effective Kona Crab fishing regulations. Mahalo.

HB-1075

Submitted on: 2/10/2020 7:10:42 AM

Testimony for WLH on 2/12/2020 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ronald Tam	Individual	Support	No

Comments:

HB-1075

Submitted on: 2/10/2020 6:50:07 PM

Testimony for WLH on 2/12/2020 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Steve Kaiser	Individual	Support	No

Comments:

I am in support of this bill. The past changes to the regulations on Kona Crab has all but killed the fishery. As a fisherman who fishes Kona Crab the restrictions of the past has made it all but impossible to fish successfully. DLNR should be allowed to make the decisions based on science and the successful and sustainable fisheries of others such as Australia. The fishery is very similar and has a long history of success. So lets do our best an rule for science

Aloha,

Steve Kaiser Hawi Hawaii,

HB-1075

Submitted on: 2/11/2020 12:57:49 PM

Testimony for WLH on 2/12/2020 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Randy Cates	Individual	Support	Yes

Comments:

Dear Committee Chairs,

I am in support of making changes to our current laws regarding the taking of Kona Crabs, Lobsters and Samoan crabs in the State of Hawaii. I fish for both Lobster and Kona Crabs and have done so for over 40 years, I have been involved in fisheries science as well and served several terms with NOAA (MAFAC) and have an understanding of fisheries science. There is much science and data regarding these crustaceans which shows that the taking of only males actually is harmful to the fishery, Australia has a very robust fishery and recently WESPAC had several key scientists here in Hawaii where they presented their findings in this area. In short, the balance between male/female ratios is key for mating, if a fishery takes only males, then reproduction will drop significantly. DLNR (Aquatic Resources) managers fully recognize this and they should be commended for attempting to make the changes.

Randy Cates



February 8, 2020

LATE

HOUSE OF REPRESENTATIVES
THE THIRTIETH LEGISLATURE
REGULAR SESSION OF 2020

COMMITTEE ON WATER, LAND, & HAWAIIAN AFFAIRS

Rep. Ryan I. Yamane, Chair
Rep. Chris Todd, Vice Chair

Rep. Sharon E. Har Rep. Tina Wildberger
Rep. Nicole E. Lowen Rep. Gene Ward
Rep. David A. Tarnas

NOTICE OF HEARING

DATE: Wednesday, February 12, 2020
TIME: 10:30 AM
PLACE: Conference Room 325
 State Capitol
 415 South Beretania Street

TESTIMONY IN STRONG SUPPORT of HB1075 RELATING TO BAG LIMITS

Aloha Honorable Chair Yamane, Vice Chair Todd and Members of the Committee on Water, Land and Hawaiian Affairs:

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 STRONGLY SUPPORTS HB1075 that seeks to repeal the statutory prohibition of taking or killing female spiny lobsters, Kona crabs and Samoan crabs. Extensive scientific studies and management measures implemented in Australia where Kona crabs (*Ranina ranina*) or spanner crabs also occur advises against the taking of only large male crabs as it severely impacts the reproductive capability of the species. Additionally, a recent assessment by NOAA Fisheries show that Kona crabs are abundant in the waters around Hawai'i, are not overfished, no overfishing is occurring, and recent catch levels are sustainable. Even better, the stock could withstand increased fishing activity.



This Act will remove any conflicts that may exist between Hawai`i Administrative Rules and the Hawai`i Revised Statutes regarding the taking or killing of certain crustaceans creating confusion.

Thank you, Chair Yamane , Vice-chair Todd, and committee members for this opportunity to provide testimony in strong support on this critically important matter that can affect the sustainability of our crustacean fisheries and aquatic resource conservation and management.

Sincerely,

Roy Morioka for
Phil Fernandez - President