

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 Senate Committee on
WATER AND LAND**

**Wednesday, January 29, 2020
1:15 PM
State Capitol, Conference Room 229**

**In consideration of
SENATE BILL 2536
RELATING TO LAY NETS**

Senate Bill 2536 proposes to prohibit the abandonment of lay nets used for fishing; authorizes the Department of Land and Natural Resources (“Department”) to issue permits for the use and possession of lay nets; and requires the Department to establish a comprehensive, statewide lay net education and enforcement program. **The Department supports this bill, subject to the following comments.**

The Department regulates lay net fishing through detailed restrictions on net dimensions, mesh size, soak time, time of day, frequency between sets, location, water depth, and inspection requirements. All lay nets are required to be registered with the Department and marked with identification tags and surface buoys. Despite these detailed regulations, which are intended to ensure responsible use of lay nets, the irresponsible use of lay nets continues with adverse impacts to both fishery resources and protected species. In addition, lay net violations are the primary fishery-related infractions that the Department investigates, necessitating other tools and measures, such as a permit system to better regulate this gear type.

In April 2018, the Assistant Regional Administrator of the National Marine Fisheries Service (NMFS) wrote a letter to the Department expressing concern regarding the “significant threat to Hawai‘i’s sea turtles and monk seals posed by unattended lay gill nets” (see attached). In the Main Hawaiian Islands (MHI), more than 100 turtles have been found dead in lay gill nets since 1990. During that same period, lay gill nets were indicated as a probable or contributing cause of death in dozens more turtle stranding cases. Since 1994, five Hawaiian monk seals have been found dead in lay gill nets, and entanglement in lay gill net was the suspected cause of death in an additional seven monk seal cases during that same period. The actual number of MHI seal

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

and turtle deaths caused by lay gill nets is almost certainly higher than indicated by NMFS data because many deaths are unreported or cannot be attributed to a specific cause. Additionally, many more seals and turtles would have likely died entangled in unattended lay gill nets were it not for the rescue efforts of state and federal agencies and partners. The fact that lay net violations (and their associated impacts on aquatic resources) continue with such frequency suggests that stronger management tools are needed.

The Department supports the concept of a permit requirement for the use and possession of lay nets. The current lay net registration system is problematic for two reasons. First, nets are only required to be registered once, and there is no annual renewal requirement. As a result, the Department has no way to track how many registered nets are still in use. A legislatively authorized permit system would allow the Department to issue annual lay net permits to individuals, and to track which individuals use lay nets. Second, unlike a registration, a permit is revocable. The Department has no way of prohibiting a person from registering new lay nets if they have been convicted of lay net violations. Under a permit system, lay net users have a greater incentive to comply with the law because they could lose their permit if convicted of a violation. A lay net permit would help the Department to crack down on the illegal use of lay nets, including unattended and abandoned lay nets. The Department will make efforts to increase monitoring, education, and enforcement as resources allow.

The Department supports language that protects persons exercising native Hawaiian rights, customarily and traditionally exercised for subsistence, cultural, and religious purposes pursuant to article XII, section 7, of the Hawaii State Constitution. However, the Department notes that the use of monofilament lay gill nets was not a traditional and customary practice.

Thank you for the opportunity to comment on this measure.



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Pacific Islands Regional Office
1845 Wasp Blvd., Bldg. 176
Honolulu, Hawaii 96818
(808) 725-5000 • Fax: (808) 725-5215

Ms. Suzanne Case
Chairperson
Department of Land and Natural Resources
1151 Punchbowl Street
Honolulu, HI 96813

APR 24 2018

Dear Suzanne:

I am writing on behalf of the National Marine Fisheries Service to share our concerns regarding the significant threat to Hawai'i's sea turtles and monk seals posed by unattended lay gill nets. Our respective staff and partners respond to numerous stranded sea turtles and monk seals every year in the main Hawaiian Islands (MHI), and many of these strandings involve entanglement in the type of monofilament netting associated with lay gill nets.

A review of our MHI sea turtle stranding data indicates 96 turtles were found dead in lay gill nets from 1990 through 2016. During that same period, lay gill nets were indicated as a probable or contributing cause of death in dozens more turtle stranding cases. Our MHI monk seal data indicate five seals were found dead in lay gill nets from 1994 through 2017, and entanglement in lay gill net was the suspected cause of death in an additional five monk seal cases during that same period. Of the 10 total seal deaths associated with lay gill nets since 1994, four occurred in just the past two years.

The actual number of MHI seal and turtle deaths caused by unattended lay gill nets is likely higher than indicated by our data because most deaths are unreported or cannot be attributed to a specific cause. Additionally, many more seals and turtles would have likely died entangled in unattended lay gill nets were it not for the rescue efforts of our staff and partners.

We note that about a decade has passed since the Department of Land and Natural Resources (DLNR) revised its administrative rules regulating the use of lay gill nets, in part to address concerns regarding interactions with protected species. However, considering the ongoing impacts to sea turtles and monk seals, we believe additional conservation measures regarding unattended lay gill nets are still needed.

We want to be clear that the concerns referred to in this letter are focused on a specific type of net and method, i.e., monofilament lay gill nets that are set and left unattended. We recognize there are other net fishing methods used in the MHI that do not appear to currently cause significant impacts to seals and turtles when used legally and responsibly.

We highly value our collaboration to date with the DLNR regarding the conservation of several protected marine species in Hawai'i, including sea turtles and monk seals. We also want to acknowledge our growing partnerships with fishermen and fishing organizations across the state, and we want to express how important it is that we do our part to maintain and improve these partnerships. We look forward to working together with the DLNR, Hawai'i's fishermen, and other stakeholders to address the serious conservation issue caused by unattended lay gill nets.

While the focus of this letter is on unattended lay gill nets, I want to mention that we are also concerned about seal and turtle interactions with shore-based hook and line fishing methods, such as slide-bait fishing, that entail setting out baited hooks for extended periods of time. In addition, we are seeing



concerning evidence of nearshore fishery interactions with the listed Hawai'i insular stock of false killer whales. In the near-term, it may be most appropriate to address the specific concerns regarding unattended lay gill nets as a singular issue, but I believe we should have a longer-term goal of working together to develop a comprehensive.

APR 27 2018

Sincerely,



Ann M. Garrett
Assistant Regional Administrator
Protected Resources Division

RECEIVED

2018 APR 27 AM 10: 26

DEPT OF LAND
& NATURAL RESOURCES
STATE OF HAWAII

SB-2536

Submitted on: 1/24/2020 2:42:22 PM

Testimony for WTL on 1/29/2020 1:15:00 PM

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

Comments:

SB-2536

Submitted on: 1/27/2020 9:11:21 AM

Testimony for WTL on 1/29/2020 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Luke	Individual	Support	No

Comments:

SB-2536

Submitted on: 1/28/2020 6:22:45 AM

Testimony for WTL on 1/29/2020 1:15:00 PM

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

Comments:

Good
Senators,

A Good Fisherman risks life and limb recovering his gear/net, however at times unforeseen dangers occur in this case the fisher is required to report his circumstances to DLNR Enforcement. and remove the net ASAP. example/ Some Years ago Fire fighters from Waianae were unable to recover a body because the presence of 2 large tiger sharks the remains were never recovered. Today a lawful lay net must have id tags placed on both ends of the float and leadlines There is no reason a net should be abandoned or the proper agency notified of the net and the circumstances that caused it. We stand in support of SB2536 Mahalo Carl Jellings Jr

LATE

SB-2536

Submitted on: 1/29/2020 8:06:38 AM

Testimony for WTL on 1/29/2020 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Inga Gibson	Individual	Support	Yes

Comments: