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GOVERNOR OF HAWAII



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

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**Testimony of**  
**SUZANNE D. CASE**  
**Chairperson**

**Before the Senate Committee on**  
**WATER AND LAND**

**Friday, March 19, 2021**  
**1:00 PM**

**State Capitol, Via Videoconference, Conference Room 229**

**In consideration of**  
**HOUSE BILL 1017, HOUSE DRAFT 1**  
**RELATING TO CRUSTACEANS**

House Bill 1017, House Draft 1 proposes to repeal Section 188-58.5, Hawaii Revised Statutes (HRS), which prohibits the taking or killing of female spiny lobsters, Kona crabs, and Samoan crabs. **The Department of Land and Natural Resources (Department) supports this Administration bill and offers the following comments.**

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. The Department has recently amended its spiny lobster, Kona crab, and Samoan crab rules to adopt the provisions of Section 188-58.5, HRS, into Chapter 13-95, Hawaii Administrative Rules. The amended rules took effect on January 30, 2021. Thus, Section 188-58.5, HRS, is no longer necessary and should be repealed.

Section 188-58.5, HRS, 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 this species should be updated. A 2018 National Oceanic and Atmospheric Administration benchmark stock assessment concluded that Kona crab populations in the Main Hawaiian Islands are very healthy. Other studies have suggested that the prohibition on the taking of females could potentially create 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. This would be done through the

**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

Chapter 91, HRS, administrative rulemaking process, which provides ample opportunity for public input in the development of rules. As more information is known about spiny lobsters and Samoan crabs, changes to the management of these species may be warranted as well.

Thank you for the opportunity to comment on this measure.



March 18, 2021

Senator Lorraine R. Inouye, Chair

Senator Gilbert S.C. Keith-Agaran, Vice Chair

COMMITTEE ON WATER AND LAND

DATE: Friday, March 19, 2021

TIME: 1:00 PM

TESTIMONY IN **STRONG SUPPORT** of **HB1017 HD1 RELATING TO CRUSTACEANS**

Aloha Honorable Chair Inouye, Vice Chair Keith-Agaran and Members of the Committee on Committee on Water and Land

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 HB1017 HD1** 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 exists as a large fishery, 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.



HFACT supports management of crustaceans in all Hawaiian waters. Repeal of HRS Sec 188-58.5 will allow the Division of Aquatic Resources to work with knowledgeable fishers and use scientific information to efficiently and effectively manage this fishery.

This bill has received much testimony in support of the proposed repeal at a earlier hearing. Managing crustaceans solely through the administrative rule making process will help management of this important fishery as crustacean population and structure evolves, thus HFACT asks for your support in this matter.

Thank you, Chair Inouye, Vice-chair Keith-Agaran, 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,

Phil Fernandez  
President

**HB-1017-HD-1**

Submitted on: 3/16/2021 2:20:43 PM

Testimony for WTL on 3/19/2021 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Klayton Kubo	Individual	Support	No

Comments:

Support