

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 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 1018, HOUSE DRAFT 2
RELATING TO LAY NETS**

House Bill 1018, House Draft 2 proposes to authorize the Department of Land and Natural Resources (Department) to adopt rules to establish a lay net permit for the use or possession of lay nets, including reasonable permit fees and provisions for revocation, suspension, and withholding of permits for non-compliance with lay net rules. **The Department supports this Administration bill and offers 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.

On January 26, 2021, the Assistant Regional Administrator for the National Marine Fisheries Service (NMFS) Pacific Islands Regional Office (PIRO) Protected Resources Division wrote a letter to the Department expressing concern regarding the “significant threat to Hawai‘i’s protected species posed by unattended lay gill nets, especially federally threatened and endangered sea turtles and monk seals” (see attached). In the Main Hawaiian Islands (MHI), more than 100 turtles have died 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 1976, six Hawaiian monk seals have been found dead in lay gill nets, and entanglement in

SUZANNE D. CASE
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LAND
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lay gill net was the suspected cause of death in an additional nine monk seal cases during that same period. The actual number of MHI seal 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 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 on a yearly basis. 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.

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

January 26, 2021

Suzanne Case
Chairperson
Hawai'i Department of Land and Natural Resources
1151 Punchbowl Street, Room 130
Honolulu, HI 96813

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 protected species posed by unattended lay gill nets, especially federally threatened and endangered sea turtles and monk seals. 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 monk seal data indicates six seals have been found dead in lay gill nets since 1976, and entanglement in lay gill nets is the suspected cause of death in an additional nine monk seal cases during that same period. Of the 15 seal deaths associated with lay gill nets, eight have occurred in just the past four years. For sea turtles, our data indicate more than 100 turtles have died in lay gill nets since 1990. During that same period, lay gill nets were indicated as a probable or contributing cause of death for dozens more stranded turtles.

The actual number of MHI seal and turtle deaths caused by lay gill nets is almost certainly higher than indicated by our 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 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. Additional measures are necessary to reduce the risk that unattended lay gill nets have on sea turtles and monk seals.

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 protected marine species in Hawai'i. 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. Please feel free to contact me anytime at: (808) 725-5130, or via email at: ann.garrett@noaa.gov.

Sincerely,

Ann M. Garrett
Assistant Regional Administrator
Protected Resources Division

HB-1018-HD-2

Submitted on: 3/17/2021 2:57:02 PM

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

Submitted By	Organization	Testifier Position	Present at Hearing
Jenny Yagodich	Testifying for Malama Pupukeya-Waimea	Support	No

Comments:

Aloha,

We SUPPORT HB1018 HD2 which would authorize DLNR to adopt rules to establish a lay net permit for the use or possession of lay nets, including reasonable permit fees and provisions for revocation, suspension, and withholding of permits for noncompliance with lay net rules. This bill would help provide DOCARE with the tools they need to better manage our fisheries.

Mahalo

**Testimony of The Nature Conservancy
In Support of HB 1018, HD2, RELATING TO LAY NETS**

**Committee on Water and Land
Friday, March 19, 2021, 1:00PM
Conference Room 229 Via Teleconference**

Aloha Chair Inouye, Vice Chair Keith-Agaran, and Members of the Committee:

The Nature Conservancy supports HB 1018, HD2 authorizing the Department of Land and Natural Resources (DLNR) to adopt rules to establish a lay net permit for the use or possession of lay nets, including reasonable permit fees and provisions for revocation, suspension, and withholding of permits for non-compliance with lay net rules.

Despite detailed regulations regarding the use of lay nets, violators continue to have adverse impacts on local fishery resources and protected species, including monk seals and sea turtles. Currently, lay nets only need to be registered once, so DLNR has no way to stop a convicted violator from continuing to use a lay net to fish illegally. Under a permit system, DLNR could revoke the permit of those who currently violate the law with impunity.

Over the past year, we have seen more Hawai'i families turn to our reefs to feed their families. Yet, scientists estimate that Hawai'i's reef fisheries have declined by 75% over the past century, and some of our most important nearshore fisheries have declined as much as 90%. If we are to reverse this downward trend and expect our reefs to continue to provide fish to feed Hawai'i's families, we must provide our fisheries and enforcement agencies with the tools they need to manage our fisheries sustainably. HB 1018, HD2 provides DLNR with the ability to penalize repeat offenders while allowing the majority of pono fishers to continue fishing.

Mahalo for the opportunity to support HB 1018, HD2 and pono fishing in Hawai'i.

The Nature Conservancy of Hawai'i is a non-profit 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 nature preserves and work in over 50 coastal communities to help protect and restore the nearshore reefs and fisheries of the main Hawaiian Islands. We forge partnerships with government, private parties, and communities to protect forests and coral reefs for their ecological values and for the many benefits they provide to people.

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HB-1018-HD-2

Submitted on: 3/17/2021 12:26:05 PM

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

Submitted By	Organization	Testifier Position	Present at Hearing
Victoria Anderson	Individual	Support	No

Comments:

Please pass this important bill.

LATE



March 19, 2021

TO: Honorable Chair Inouye, Vice-Chair Keith-Agaran and Water & Land Committee members

SUBMITTED BY: Inga Gibson, Policy Consultant, For the Fishes
ponoadvocacy@gmail.com, 808.922.9910

RE: SUPPORT for HB1021 HD1; Interstate Wildlife Violators Compact

For the Fishes respectfully urges your **support of HB1021** which would allow DLNR, who supports this measure, to become a member of the national law enforcement network known as the Interstate Wildlife Violator Compact.

48 states are currently members of this Compact. The Compact is an agreement between states to gain further compliance with wildlife related laws, ordinances, and regulations of participating states, while providing for the fair and impartial treatment of wildlife violators.

Membership in the Compact is free to member states and, according to existing member states, has little to no fiscal impact (estimated 10 hours per month of existing staff time entering information into the national database).

Wildlife officials estimate that nationally tens of millions of animals are poached each year. Poaching is a serious problem and far more often than not, poaching activity remains undetected and poachers go unpunished for their crimes. In fact, it is estimated that despite the tireless efforts of wildlife protection officers, a mere one to five percent of poachers are ever apprehended by law enforcement.

Crimes that may be recorded and accessed via the IWVC database include but are not limited to the following: Illegal take or possession of big game, Illegal take or possession of threatened or endangered species, Felony wildlife violations, License violations, fraud, false statement, Waste of wildlife, Accumulated wildlife violations, Violations while on revocation, Sale/purchase of prohibited wildlife, Illegal take or possession of small game or migratory birds and Federal Wildlife Violations.

Modeled after the equally successful Driver's License Compact, the Interstate Wildlife Violator Compact was first developed back in the early 1990s. If enacted in Hawaii, it would prevent wildlife violators who have lost their wildlife related privileges in member states from coming to Hawaii to circumvent those license revocations. Enacting the compact would also ensure that those who have been punished with license revocations for illegal wildlife acts in Hawaii can't

avoid their punishment by engaging in those activities in another member state.

Thank you very much for your time and consideration.



March 19, 2021

TO: Honorable Chair Inouye, Vice-Chair Keith-Agaran and Water & Land Committee members

SUBMITTED BY: Inga Gibson, Policy Consultant, For the Fishes
ponoadvocacy@gmail.com, 808.922.9910

RE: SUPPORT FOR HB1018 Relating to Lay nets

For the Fishes respectfully urges your support for HB1018. Lay or gill nets cause tremendous death and injury to non-target marine wildlife if not monitored closely. Critically endangered monk seals, turtles, sharks and other protected marine animals are often the victims of these indiscriminate nets. The animals captured may suffer for hours or days before succumbing to death via starvation, drowning or other injury.

While we would support a complete prohibition on their use, since they are so indiscriminate, we understand that the Department feels they can regulate such gear via a limited permitting process, which would also lead to strict identification of nets and hold non-permittees accountable for any prohibited use.

Thank you for the opportunity to testify in support of this measure.