

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

Thursday, February 4, 2021
9:00 AM

State Capitol, Via Videoconference, Conference Room 430

In consideration of
HOUSE BILL 1018
RELATING TO LAY NETS

House Bill 1018 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
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

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DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
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CONSERVATION AND COASTAL LANDS
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LAND
STATE PARKS

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

LATE

HB-1018

Submitted on: 2/3/2021 10:59:05 AM

Testimony for WAL on 2/4/2021 9:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Bianca Isaki | Individual | Support | No |

Comments:

Monofilament lay net use should be banned entirely but this bill provides at least some more control.

LATE

HB-1018

Submitted on: 2/3/2021 10:01:21 PM

Testimony for WAL on 2/4/2021 9:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Joshua DeMello | Individual | Support | No |

Comments:

Better to permit and manage than to prohibit