



**Department of Land and Natural Resources
Hawaii State Aha Moku
State of Hawaii
Post Office Box 621
Honolulu, Hawaii 96809**

Testimony of
Hawaii State Aha Moku

Before the House Committees on
Judiciary and Hawaiian Affairs

Tuesday, March 29, 2022
2:00 P.M.

State Capitol, Conference Room 325 & Videoconference

In **SUPPORT** of
Senate Bill 2065 SD 2 HD 1
Relating to Fishing

Senate Bill 2065 prohibits the possession or use of unmanned aerial vehicles in state waters for purposes of fishing.

The Hawaii State Aha Moku System encompasses the eight main Hawaiian Islands and supports the traditional and generational knowledge of the people who are connected to each of the 46 moku and 606 ahupua'a. The system was brought forward from the 9th century, a time where sustainability and protection of resources ensured existence. It was a time where the focus of the people of the land was on survival. The Hawaii State Legislature saw the wisdom and the need to incorporate Native Hawaiian traditional and customary rights and practices into the fabric of state policy in 2012 through the passage of Act 288, SLH 2012 – the Hawaii State Aha Moku Act.

Today, the State of Hawaii is facing the same issues in ensuring the continued existence of its traditional subsistence fishing practices. While it is understood that Hawaii State waters and its resources must be shared with all, it is important to not forget that native Hawaiian fishing and gathering practices and rights are protected by Hawaii State law. Unmanned aerial vehicles used for purposes of fishing would either purposely or inadvertently pinpoint fishing ko 'a, gathering places of endangered limu, opihi and other marine coastal and deep-water species that have been preserved and maintained for generations by traditional Hawaiian *lawai'a*, fishers and gatherers in areas not easily accessible on every island.

Unfortunately, our marine and coastal species are slowly becoming devastated by an overpopulated ocean of commercial and recreational fishing, tourism and ocean traffic. This cannot be helped because Hawaii is a jewel of the Pacific and its appeal cannot be denied. However, we can help to balance the ocean environment and its uses in Hawaii by prohibiting the possession or use of unmanned aerial vehicles in state waters for purposes of fishing.

We **SUPPORT** the passage of SB 2065 SD2 HD1. Thank you for the opportunity to testify on this measure.

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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
JUDICIARY & HAWAIIAN AFFAIRS**

**Tuesday, March 29, 2022
2:00 PM**

State Capitol, Conference Room 325, Via Videoconference

**In consideration of
SENATE BILL 2065, SENATE DRAFT 2, HOUSE DRAFT 1
RELATING TO FISHING**

Senate Bill 2065, Senate Draft 2, House Draft 1 proposes to prohibit the possession or use of unmanned aerial vehicles in state marine waters for purposes of fishing. **The Department of Land and Natural Resources (Department) supports this measure and offers the following comments.**

The Department is responsible for managing and administering the aquatic and terrestrial wildlife resources of the State. The Department recognizes that as technology evolves, so too must the laws and rules that govern the use of technology. In recent years, the innovation of unmanned aerial vehicles has become a new tool within the fishing community. Drones allow shore fishers to deploy baited hooks farther offshore and more efficiently than traditional shore fishing methods. This has resulted in increased interactions with protected species, such as monk seals and turtles, as well as increased user conflicts with boaters, swimmers, divers, surfers, kayakers, and other offshore ocean users. This also impacts human health and safety—people have reported becoming caught by lines in places shore casting cannot reach, boaters have reported concerns with braided line becoming entangled in propellers. Similarly, the use of drones has vastly expanded the footprint of fishing-related tackle becoming debris in the ocean. Drone use is on the rise, and we expect these impacts to also increase. The Department supports the Legislature's recognition that unmanned aerial vehicles should be regulated to ensure they are used in a safe and responsible way.

Thank you for the opportunity to comment on this measure.

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

SB-2065-HD-1

Submitted on: 3/28/2022 9:23:31 AM

Testimony for JHA on 3/29/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
David Sakoda	DLNR	Support	Remotely Via Zoom

Comments:

I am available for questions to DLNR. Please allow me Zoom access.

SB-2065-HD-1

Submitted on: 3/28/2022 1:55:53 PM

Testimony for JHA on 3/29/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jenny Yagodich	Malama Pupukea-Waimea	Support	Written Testimony Only

Comments:

Aloha Chair Nakashima, Vice Chair Matayoshi, and the Committee on Judiciary & Hawaiian Affairs,

We are in **support of SB2065 SD2 HD1** prohibiting the use of unmanned aerial vehicles in state marine waters for purposes of transporting/deploying fishing gear.

Although some fishers utilize unmanned aerial vehicles in a responsible manner, there are many more who do not and unfortunately, numerous plastic jugs and thousands of feet of fishing line (much more than traditional casting) are left behind causing problems for marine life and the marine environment.

In addition, using unmanned aerial vehicles to take out line and jugs pushes farther into the waters than is possible without them and increases the odds of lines getting snagged, cut and left in the water. These longer lines also impact marine animals such as endangered monk seals, sea turtles, dolphins, and sharks, as well as passing oceangoers and vessels whether the lines/jugs have been discarded or not.

We have seen an increase of unmanned aerial vehicles being used in the Waimea Bay area of the Pūpūkea Marine Life Conservation District, especially at night, for ulua fishing along with an increase of discarded fishing line/jugs both in the water and on the sand. This is different than what we see from traditional shorecasters.

We support prohibiting use of unmanned aerial vehicles in state marine waters for purposes of transporting/deploying fishing gear until there is a way to ensure pono practices and standards are put in place along with a permitting system. Additionally, the use of unmanned aerial vehicles should be banned permanently in Marine Life Conservation Districts.

Mahalo

SB-2065-HD-1

Submitted on: 3/24/2022 4:41:58 PM

Testimony for JHA on 3/29/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Albert Nakaji	Individual	Oppose	Written Testimony Only

Comments:

I am vehemently opposed to the subject bill for the following reasons:

- 1) There are many allegations relating to the use of drones for fishing and, I submit, no objective evidence supporting any of these have been provided, or are misleading. For example, DLNR states, " Drones allow shore fishers to deploy baited hooks farther offshore and more efficiently than traditional shore fishing methods. This has resulted in increased interactions with protected species, such as monk seals and turtles, as well as increased user conflicts with boaters, swimmers, divers, surfers, kayakers, and other offshore ocean users. This also impacts human health and safety—people have reported becoming caught by lines in places shore casting cannot reach, boaters have reported concerns with braided line becoming entangled in propellers. Similarly, the use of drones has vastly expanded the footprint of fishing-related tackle becoming debris in the ocean. Drone use is on the rise, and we expect these impacts to also increase". How many interactions have there been between fishing lines associated with drones and the cited protected species and users? Compare this with other extant means of fishing (E.G., shore casting, trolling, bottom fishing, nets, etc), and injury to the species and users from boats (anchors, trolling lures, run overs, etc), jet skis, etc. Aren't the interactions between those other users even greater than those associated with the use of drones? Who knows? That's the point. For DLNR to oppose the use without hard evidence, and just make allegations, is irresponsible;
- 2) There is assertion that the use of drones and their impacts will increase (implying a substantial increase). This is unreasonable and unfounded. Drones are costly and the average angler will not spend the hundreds and thousands for a drone. Too, every angler who uses, or has used (that I know of), a drone has lost at least one for various reasons and it is reasonable to believe that there will be an unwillingness to buy another and risk losing it again;
- 3) Floating jugs and connected fishing lines being lost and getting tangled in boat props are cited as a major problem. The assumption is that these

are associated with drones but that is not necessarily the case. On the Big Island, there are places where kites and/or inflated trash bags are used to get the lines out (South Point is a good example) using wind power. When the practice was first started, boaters were unaware of what the bags or jugs in the water meant and they would pass shore-side of them and run afoul of the lines. Within a fairly short time, they learned that this meant there was a line connected and the boaters now give very wide berth outside of them. Even at night, when they cannot see the jugs, they still proceed with caution or avoid the area. Most of the time, lights are attached to the jugs for visibility, however. As boaters elsewhere learn to watch for floating jugs (visible from substantial distances), they will also take the necessary precautions to avoid the lines. People will learn to live together;

4) Anytime a new technology is introduced, opposition will be raised against it. Even now, there is opposition to the use of diving and spearfishing, netting of any kind, electric reels, long lines, etc., even when these have been used for decades and centuries. Often the objection is that these technologies are "unethical, unsportsmanlike, not pono". Change always brings conflict.

Objectors need to realize that not everyone who uses a drone is a sportsman or doing it for fun. I fish with a drone because I fish to eat. I am a subsistence fisherman. While it may be true that many use drones for sport fishing on Oahu, it is for the purpose of putting food on the table that fishermen use a drone on the Big Island. Especially on the Hamakua, Puna, and Kau coast, treacherous cliffs and rough oceans do not lend themselves to getting lines out to fishable distances. Even with drones conditions must be favorable to enable their use.

5) It has been suggested that the subject bill will help fishermen. Again, there has been no testimony submitted in the Senate or House that the ban on drone fishing would be of any help to fishermen. To the contrary, I and others, have stated that this ban would be harmful to our ability to put food on our table.

To summarize, allegations have been raised but no evidence has been presented by anyone to substantiate the allegations. Consideration for alternative solutions seem absent. Everyone needs to learn to live together. Not everyone uses drones for fun and some use it for survival.

I urge you to file the subject bill.

Thank you for your consideration.

Albert Nakaji

SB-2065-HD-1

Submitted on: 3/24/2022 10:28:50 PM

Testimony for JHA on 3/29/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Brian F. Funai	Individual	Oppose	Written Testimony Only

Comments:

Honorable Representatives and the [COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS](#),

I humbly ask for your opposition to this bill for the following reason:

The Legislature of the State of Hawaii required the Dept of Land and Natural Resources to go through a rule making process for rules regarding our natural resource use by enacting HAWAII REVISED STATUTES, TITLE 8. PUBLIC PROCEEDINGS AND RECORDS, CHAPTER 91, ADMINISTRATIVE PROCEDURE. Decision making concerning rules regarding fishing activity or any use of the ocean should go through this process, in this case via the Division of Aquatic Resources. As others in opposition to this bill have stated, the statements made by proponents, and even the Division, lack proper scientific evidence or even effort to gather such evidence about the actual impact of the activity.

This is not to say that there are no impacts by drone fishing activity but, like many of our fishing regulations created in this manner, it is a knee jerk reaction to respond to the loudest voice. We depend on the the DLNR and the Division, especially, to do their job and assure that the citizens of this State are not deprived of a safe and legitimate use of our natural resources. The State Legislature does not have the time nor expertise necessary to make rules concerning this activity. By allowing this bill to pass, you as a governing body, will be allowing the circumvention of the very rule-making process that you mandated that Departments and Divisions abide by. The bottom line is that banning drones, or any other fishing technique, based on statements lacking any scientific evidence will eliminate activities that do not cause any of the issues brought up by proponents of this bill.

Please vote to oppose this bill and, more importantly, create or vote for a bill that adequately funds the DLNR and Division of Aquatic Resources and enables them to create rules that do not deprive but benefit the citizens of Hawaii.

Thank you for your time.

Brian Funai

Hilo, Hawaii

SB-2065-HD-1

Submitted on: 3/27/2022 8:45:42 AM

Testimony for JHA on 3/29/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Justin Yamashiro	Individual	Oppose	Written Testimony Only

Comments:

I Justin Yamashiro oppose

SB2065 SD2 HD1

SB-2065-HD-1

Submitted on: 3/27/2022 6:48:29 PM

Testimony for JHA on 3/29/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dana Keawe	Individual	Support	Written Testimony Only

Comments:

Support