



**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 Committee on
Water and Land

Thursday, March 17, 2022
8:30 A.M.

State Capitol, Conference Room 430 & Videoconference

In **SUPPORT** of
Senate Bill 2065 SD 2
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. Thank you for the opportunity to testify on this measure.

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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 House Committee on
WATER & LAND**

**Thursday, March 17, 2022
8:30 AM**

State Capitol, Conference Room 430, Via Videoconference

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

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

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.

The bill proposes to establish a criminal misdemeanor penalty for a violation of this section, with a maximum fine of \$10,000 and a maximum prison sentence of up to one year. The Department does not believe the use of an unmanned aerial vehicle for fishing warrants a misdemeanor

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

penalty. A full misdemeanor designation would entitle defendants to a jury trial. This would require additional court appearances for waive/demand jury trial hearings, which places an additional administrative burden on the courts. Additionally, a misdemeanor penalty could potentially lead to cases being pled down, and without a lesser charge with a direct nexus, they will likely become simple trespass infractions with minimal fines. The Department recommends amending the bill to delete subsection 188-__ (b). By doing this, the general criminal penalty provision of section 188-70 would automatically apply, making it a petty misdemeanor, which would carry a maximum fine of \$1,000 and a maximum prison sentence of 30 days.

The Department believes it is unnecessary to explicitly exclude remote-controlled airplanes from the definition of "unmanned aerial vehicle." Including this exemption could lead to modifications of such devices for fishing purposes to exploit this loophole. The Department therefore recommends amending subsection 188-__ (c) to read:

(c) For the purposes of this subsection:

"Unmanned aerial vehicle" means any aerial vehicle that is operated without the possibility of direct human intervention within or on the aerial vehicle. [The term "unmanned aerial vehicle" does not include a remote-controlled airplane.

—"Remote controlled airplane" means a small aircraft, usually made of cardboard, foam, or other flimsy and insubstantial material, that has fixed wings and one or two remote-controlled, electric rotors.]

Thank you for the opportunity to comment on this measure.

SB-2065-SD-2

Submitted on: 3/15/2022 7:09:39 PM

Testimony for WAL on 3/17/2022 8:30:00 AM

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.



March 16, 2022

Rep. David A. Tarnas, Chair
Rep. Patrick Pihana Branco, Vice Chair
COMMITTEE ON WATER & LAND

DATE: March 17, 2022
TIME: 8:30am

Regarding: SB 2065 SD2 Relating to Fishing.

Support SB2065 SD2

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 federal fisheries management and endangered species advisory committees as well as state marine and coastal zone advisory committees; and, HFACT is thoroughly familiar with and participates in ocean and marine resource management in Hawaii and the central Pacific.

HFACT supports SB 2065 SD2. The amendments in SD2 vastly improve the bill compared to the original bill.

The recognized problem with unmanned aerial vehicles (drones) is the use of drones to place fishing line with its terminal tackle out into the sea a far distance from land. The problem associated with drones is its ability to take fishing line well beyond the normal ability to cast a line with conventional rod and reel, thus terminal tackle can be placed hundreds of feet from shore. The consequence is that fishing line can cause user conflict with swimmers or boaters, and that large quantities of fishing line may end up in the ocean if the line breaks or is cut.

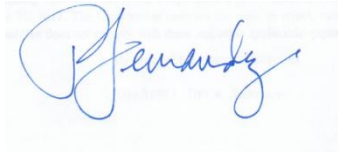
Fishers may possess drones while fishing, but for other purposes, including taking photos or videos of their fishing activity, viewing wave or current activity, surveying the shoreline to see where deep holes or schools of fish might be congregating, or flying drones for the simple fun of flying a drone.

The SD2 amendment recognizes and exempts the use of drones for simple reconnaissance, which HFACT fully agrees.

Hawai'i Fishermen's Alliance for Conservation and Tradition, Inc.
75-796 Hiona Street, Holualoa HI 96725

HFACT thanks the chair, vice-chair, and committee members for this opportunity to provide comment and to assist in providing food to the people of Hawaii and to assist in the conservation of Hawaii's natural resources.

Sincerely and Aloha,

A handwritten signature in blue ink, appearing to read "Phil Fernandez", is centered below the closing. The signature is fluid and cursive.

Phil Fernandez
President

SB-2065-SD-2

Submitted on: 3/14/2022 11:45:32 AM

Testimony for WAL on 3/17/2022 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jennifer Azuma Chrupaluk	Individual	Support	Written Testimony Only

Comments:

Thank you for this bill. We need to protect our natural resources diligently and publicize kapu season for the purpose of public knowledge. Yes the information is out there, but to those who are not internet savvy, where? Newspapers and newscasts that use everyday language should be helpful to get disseminate the information.

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. These 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. The high, and rapidly increasing cost of food causes me to supplement what is bought with things that are raised, caught, received/traded, etc. I need to always increase my catch rate since the cost of each outing continues to increase. With increasing inflation this will get worse. At 70, I am not longer as strong and capable of fishing as I once did. I can no longer cast as before due to a shoulder injury, and I also no longer have the stamina of youth. I do my utmost to stay off of public assistance but it gets harder and harder. My loss of strength and brain power increases at an alarming rate with age; and

5) It has been suggested that the subject bill will help fishermen. Again, there was no testimony submitted in the Senate 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.

Thank you for your consideration.

SB-2065-SD-2

Submitted on: 3/16/2022 8:09:45 AM

Testimony for WAL on 3/17/2022 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Klayton Kubo	Individual	Support	Remotely Via Zoom

Comments:

Support

TESTIMONY OF THOMAS L. MCNORTON,

Before the House Committees on

Water and Land

Thursday, March 17, 2022

8:30 A.M.

State Capitol, Conference Room 430 & Videoconference

In **SUPPORT** of

Senate Bill 2065 SD2

Relating to Fishing

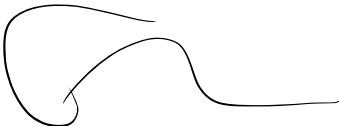
Senate Bill 2065 SD2 prohibits the possession or use of unmanned aerial vehicles in state waters for purposes of fishing.

Throughout modern times, many individuals are depending on unmanned aerial drones to provide results. Drone fishermen leave out hundreds of yards of braided line within the ocean due to their line getting caught and cut on the reef. Many individuals do not gather their cut line and are left in the ocean. This poses a threat to marine life, especially protected sea animals such as turtles and monk seals.

The ocean is a resource that offers us the essence of life. Without the ocean, we would not exist. As we take care of our ocean, the ocean will continue to do so for us. We must show the ocean the compassion it deserves by minimizing the 'ōpala left behind. Through practicing mindfulness, we can offer space the ocean needs to heal.

SB2065 SD2 offers a viable solution to reducing the pollution within our ocean system, which reduces the threat of harming sea life. I believe that it is the fishing communities responsibility to uphold their integrity and take accountability for their actions. Through these small changes, significant improvements have the opportunity to become a reality.

Mahalo Nui Loa,

A handwritten signature in black ink, appearing to read 'Thomas L. McNorton', with a large, stylized loop at the beginning.

Thomas L. McNorton

