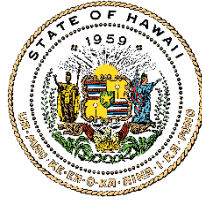


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



**STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA**

P.O. BOX 621
HONOLULU, HAWAII 96809

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

LAURA H.E. KAAKUA
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

**Testimony of
DAWN N. S. CHANG
Chairperson**

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

**Monday, February 13, 2023
12:30 PM**

State Capitol, Conference Room 229 & Videoconference

**In consideration of
SENATE BILL 1264
RELATING TO AQUATIC RESOURCES**

Senate Bill 1264 proposes to authorize the Department of Land and Natural Resources (Department) to establish limited entry commercial fisheries where appropriate or necessary to ensure certain commercial fisheries throughout the State remain healthy and sustainable while balancing the important economic role of commercial fisheries in the State. **The Department supports this bill.**

Pursuant to Section 187A-2, Hawaii Revised Statutes, the Department is mandated to manage and administer the aquatic life and aquatic resources of the State. Successful aquatic resource management includes ensuring abundance while also allowing sustainable levels of take. Hawai'i's commercial and noncommercial fisheries require different management strategies. The Department currently uses management tools such as size limits, bag limits, closed seasons, gear restrictions, place-based rules, and permitting to regulate the State's commercial fisheries. However, to date the Department does not possess the authority to cap, or otherwise limit the number of entrants into a given commercial fishery thereby creating what is referred to as a limited entry fishery. Limited entry fisheries are not uncommon throughout the world, though in Hawai'i the federally managed Hawaii longline fishery remains the only example with a fixed cap of 164 permits.

Limiting participants is not necessary in all commercial fisheries, but it can be critical to effective management in certain circumstances. When the total amount of sustainable take allocated to a given commercial fishery is low or decreasing, limiting entrants can ensure that

those possessing permits maintain an adequate and profitable share of the total harvest. Additionally, limiting entry can also prevent non-commercial fishers from purchasing a Commercial Marine License (currently \$100 for residents) for the sole purpose of gaining access to higher commercial bag limits. In short, the ability to place a maximum number of entrants into a commercial fishery can both provide the Department with more management capability and protect the interests of dedicated commercial fishers.

Senate Bill 1264 will support the Department's continued management of Hawai'i's fisheries by authorizing the Department to implement a limited entry commercial fishery where appropriate or necessary.

Mahalo for the opportunity to provide testimony in support of this measure.



ROAR



SB 1264

RESCUE OF ANIMAL RIGHTS

to.

Aloha Chair, Vice Chair & the WTL Committee,

the Senate
Committees

ROAR testifies to in strong support for SB 1264.

WTL

The Hawaii State
Legislature

According to National Geographic, “A third of commercial fish stocks are being harvested at biologically unsustainable levels and 90 percent are fully exploited, according to the UN Food and Agriculture Organization. The population of Pacific bluefin tuna, for instance, has plunged 97 percent from historic levels due to rampant overfishing of one of the ocean’s most ecologically and economically valuable top predators.”[2]

from

Zhizi Xiong
(Angela
Melody
Young)
Creator

Management tools have helped with balancing sustainability. The purpose of this act is to authorize DLNR to implement a management tool, the limited entry commercial fishery systems for depleted species. “Limited entry management attempts to regulate fisheries by integrating economic data with biological data to develop programs that avoid both depletion of stocks and economic waste. The dual aim of efficiently utilizing both natural resources and the resources of the fishing industry distinguishes limited entry management from traditional fishery management, which has had the single biological goal of maintaining the maximum sustainable yield.”[1]

It is critical to manage depleted species to prevent extinction of species. Thank you.

Blessings,

808-724-0047

alohadivinedesign@gmail.com



Angela Melody Young

/Founder of ROAR



Works cited

1. Legal Dimensions of Limited Entry Fishery Management, 17 Wm. & Mary L. Rev. 757 (1976),
<https://scholarship.law.wm.edu/wmlr/vol17/iss4/6>
2. Woody, Todd. "The Sea Is Running out of Fish, despite Nations' Pledges to Stop." National Geographic, 8 Oct. 2019,
www.nationalgeographic.com/science/article/sea-running-out-of-fish-despite-nations-pledges-to-stop.



SB-1264

Submitted on: 2/12/2023 9:17:46 AM

Testimony for WTL on 2/13/2023 12:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Kim Koch	Individual	Support	Remotely Via Zoom

Comments:

I do support the intent of this bill with regards to management ability. It is important to ensure fisherman are part of the dialogue process from the beginning stages.



February 13, 2023

Senator Lorraine R. Inouye, Chair
Senator Brandon J.C. Elefante, Vice Chair
COMMITTEE ON WATER AND LAND

DATE: Monday, February 13, 2023
TIME: 12:30 PM

Regarding: SB 1264 RELATING TO COMMERCIAL FISHING

Support with Reservations

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 wishes to provide comment on SB1264. While HFACT supports the intent of the bill as a means to allow commercial fishing in fisheries that require necessary management, the term “limited entry” has been interpreted by segments of Hawaii’s fishing community to mean different things. Importantly, some segments, specifically the aquarium collection fishery and the herbivore fishery may lead to closure of commercial fishing without passage of this bill in a more narrowly defined form.

HFACT supports the bill, but with strong reservations. HFACT wishes that the bill proceed forward so that more discussion can take place. HFACT may or may not support future versions of this bill.

Some members of Hawaii’s fisheries fear that limited entry is the equivalent of catch shares (or individual fishing quotas) or will lead to implementation of catch shares. HFACT opposes fishery management by catch shares and individual fishing quotas.

While HFACT understands that limited entry is a term of art referring to fishery management programs that use economic models to determine, on the basis of biological and economic inputs, how the fishery stocks can be maintained with the optimal level of capital and labor. And that the purpose is both to reduce exploitation of the fishery stocks and to avoid economic waste in a fishery. The use of the term “limited entry” in this SB1264 evokes a strong and vehement concern with many fishers.

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

Limited entry has been used as a management regime in numerous fisheries for over 60 years, but successful implementation by government jurisdictions and acceptance by fishers has been mixed. Successful implementation can take years to implement. As a consultant to the Oregon Department of Agriculture and the Coos Bay Trawlers Association from 1995 to 2004, I was involved in the implementation of limited entry fishery as part of the Oregon Rockfish Rationalization Program (a part of the Pacific Coast Groundfish Fishery Management Plan). It took over 9 years to complete the retention of fishers of record to balance the number of fishing vessels to the available biomass of 43 species of rockfish.

It should be noted that Hawaii's largest fishery, the longline fishery, although federally managed, is a limited entry fishery.

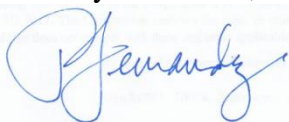
HFACT agrees with the above definition of limited entry, as a term of art, but due to confusion in Hawaii, HFACT recommends that this bill replace "limited entry" with the term "retained license program". The retained license program would be defined, more narrowly, as a fishery management tool where currently active commercial fishers of a fishery, such as aquarium fish collection or herbivore fishery, can continue to harvest fish (within the limits of daily or annual catch limits) but that issuance of new licenses would cease until the fishery is deemed to be sustainable. "Currently active commercial fishers" can easily be identified as fishers of record as registered in the commercial marine license system. The criteria of how many years a fisher must have been in the fishery to be a protected fisher of record can be determined at the discretion of the Division of Aquatic Resources.

The retained license program should be separately developed with each fishery that it affects. The Division of Aquatic Resources should convene scoping and planning sessions with the fishery participants to assure that the program is applied fairly to the fishery. At no time should the Division have authority to use a limited entry regime for the entire commercial marine license community.

Because of perceived connotation of the colloquial term "limited entry" and the complexity of implementing limited entry without specifically defining "limited entry", HFACT finds that a narrowly defined "retained license program" is better suited for acceptance of the larger fishing community.

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,



Phil Fernandez
President

SB-1264

Submitted on: 2/11/2023 11:55:59 AM

Testimony for WTL on 2/13/2023 12:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Jerry Isham	Individual	Support	In Person

Comments:

Aloha Senators,

My name is jerry Isham I am a fisherman and in full support of this bill it's a great example of what the state should be doing in managing our fisheries not banning them.

SB-1264

Submitted on: 2/11/2023 11:30:12 AM

Testimony for WTL on 2/13/2023 12:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Randy Fernley	Individual	Support	Written Testimony Only

Comments:

I strongly support this bill

Randy Fernley

SB-1264

Submitted on: 2/11/2023 5:38:10 PM

Testimony for WTL on 2/13/2023 12:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Luci Price	Individual	Support	Written Testimony Only

Comments:

I support SB1264.

SB-1264

Submitted on: 2/12/2023 11:07:53 AM

Testimony for WTL on 2/13/2023 12:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Eric Koch	Individual	Comments	Written Testimony Only

Comments:

Aloha Chair & Committee Members,

I write to you today as a commercial fisherman from West Hawaii. I participate in several fisheries with my primary fishery being Aquarium. I am not opposed to the concept of DEVELOPING a Limited Entry program for certain fisheries HOWEVER, only if it was done in conjunction/collaboration with whatever fishery/fishermen the program would be intended for. If the fishermen had a seat at the table and the specifics could be ironed out with DAR/DLNR and both parties could work out an agreement, I WOULD SUPPORT THAT. Anything short of this I would oppose as it's too risky to write a blank check to the State so they could skip rules making or any type of vetting/due process that's needed. For example, I do not support Lottery systems or the like as that disenfranchises the current fishermen/applicants etc. If this bill is to move forward AS IS, I OPPOSE IT. If it could be altered to reflect my suggestions, I SUPPORT IT. We as fishers are not opposed to management but it needs to be collaborative, intelligent and designed to accomplish specific goals while at the same time protecting the fishers who rely on these fisheries for their livelihood.

mahalo,

Eric Koch

SB-1264

Submitted on: 2/12/2023 6:26:33 PM

Testimony for WTL on 2/13/2023 12:30:00 PM

Submitted By	Organization	Testifier Position	Testify
James T Lovell	Individual	Support	Written Testimony Only

Comments:

I support this bill. DLNR does a great job at managing our resources. If a resource is proven to need additional restrictions by the best available science, then DLNR should have any tool necessary to effectively manage.

Again, only if is determined by the science not emotions.

Thank You for your time.

Jim Lovell

SB-1264

Submitted on: 2/12/2023 10:01:04 PM

Testimony for WTL on 2/13/2023 12:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Nick R	Individual	Support	Written Testimony Only

Comments:

I support SB1264 and HB759.

I believe that Hawaii's fisheries would be better regulated by the DLNR with a limited number of commercial fishing permits allowed.

Nick R.

Kailua-Kona, Hawaii

SB-1264

Submitted on: 2/13/2023 5:55:32 AM

Testimony for WTL on 2/13/2023 12:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Jay lovell	Individual	Support	Written Testimony Only

Comments:

I strongly support sb1264

thank you Jay lovell

LATE