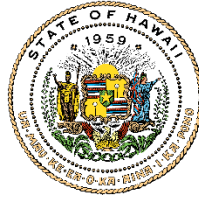


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



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

P.O. BOX 621
HONOLULU, HAWAII 96809

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

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

**Friday, March 15, 2024
1:00 PM**

Conference Room 229 & Videoconference, State Capitol

**In consideration of
HOUSE BILL 1554, HOUSE DRAFT 1
RELATING TO AQUATIC RESOURCES**

House Bill 1554, House Draft 1 proposes to expand the Department Land and Natural Resources' (Department) rulemaking authority to include any rule to impose restrictions or requirements deemed necessary to protect certain aquatic life and to expand the Board of Land and Natural Resources' (BLNR) authority to temporarily adopt, amend, or repeal certain natural resource rules by formal action at a publicly noticed meeting if the BLNR finds that such adoption, amendment, or repeal is necessary to implement effective and adaptive management measures in light of newly available technology or in light of newly available data. **The Department supports this bill.**

Pursuant to § 187A-2, Hawaii Revised Statutes (HRS), the Department is mandated to manage and administer the aquatic life and aquatic resources of the state. The Department currently uses management tools such as size limits, bag limits, closed seasons, gear restrictions, and permitting of specific gear to regulate the state's fisheries through the adoption of administrative rules. Despite the variety of management tools available, the Department finds that broadening the suite of management tools would allow more effective management of the state's aquatic resources. For example, in 2021 the Legislature amended § 187A-5, HRS, to authorize the Department to require permits for the use and possession of lay nets. During the rulemaking process to implement the lay net permit, it was suggested that the Department should also require permits for the use of surround nets, a similar but distinct fishing method. However, the Department lacks the express statutory authority to regulate surround nets. This bill would authorize the Department to regulate other fishing methods, such as surround nets, through permits.

DAWN N.S. CHANG

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

RYAN K.P. KANAKA'OLE
FIRST DEPUTY

DEAN D. UYENO
ACTING 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

In 2021, the Legislature authorized the BLNR to temporarily adopt, amend, or repeal certain natural resource rules by formal action at a publicly noticed meeting if it finds that such adoption, amendment, or repeal is necessary to implement effective and adaptive management measures in response to rapidly changing resource conditions.¹ Through discussions with fishers, the Department has identified other factors that should inform the BLNR's implementation of adaptive management measures. These include the availability of new data on the status of aquatic resources and the development of new technologies that fall outside the scope of existing regulations. By expanding the BLNR's adaptive management authority to encompass new information and new technology, the Department will be better equipped to effectively manage the aquatic resources of the state.

Mahalo for the opportunity to testify in support of this measure.

¹ See Act 49, Session Laws of Hawai'i 2021



Testimony Before The
Senate Committee on Water and Land (WTL)
IN SUPPORT OF HB1554 HD1
March 15, 2024, 1:00PM, Room 229 & Via Zoom

We are Olan Leimomi Fisher and Kevin Chang, Kua'āina Advocate and Executive Director, respectively, testifying on behalf of [Kua'āina Ulu 'Auamo \(or KUA\)](#). "Kua'āina Ulu 'Auamo" stands for "grassroots growing through shared responsibility," and our acronym "KUA" means "backbone." **Our mission is to connect and empower communities to improve their quality of life through the collective care for their biocultural (natural and cultural) heritage, serving as a "backbone organization" that supports creative and community-driven solutions to problems stemming from environmental degradation.** Hawai'i's biocultural resources continue to be negatively impacted by political, economic, and social changes, and the increasing dangers of climate change make fostering and empowering resilient communities acutely critical.

Currently KUA supports three major networks of: (1) almost 40 mālama 'āina (caring for our 'āina or "that which feeds") community groups collectively referred to as E Alu Pū (moving forward together); (2) over 60 loko i'a (fishpond aquaculture systems unique to Hawai'i) and wai 'ōpae (anchialine pool systems) sites in varying stages of restoration and development, with numerous caretakers, stakeholders, and volunteers known as the Hui Mālama Loko I'a ("caretakers of fishponds"); and (3) the Limu Hui made up of over 50 loea (traditional experts) and practitioners in all things "limu" or locally-grown "seaweed." **Our shared vision is to once again experience what our kūpuna (ancestors) referred to as 'ĀINA MOMONA – abundant and healthy ecological systems that sustain our community resilience and well-being.**

KUA supports, with comments, HB1554 HD1 as a potential step toward 'āina momona.

This bill will expand the Department of Land and Natural Resources' Division of Aquatic Resources (DLNR-DAR) rulemaking authority to include any other rule "as deemed necessary" for and concerning the protection, propagation, or conservation of aquatic life in Hawai'i. It will also expand the DLNR Board's "adaptive management" authority to temporarily adopt, amend, or repeal rules by formal action at a publicly noticed meeting in light of newly available technology or data – not only "in response to rapidly changing resource conditions," as the law is currently written.

Although we support the intent of this measure to give DAR expanded rulemaking authority that they have found is necessary to best serve our marine resources, our main concerns with this measure involve ensuring that with this expanded authority DLNR-DAR commit to heeding the voices of our communities that work directly in mālama efforts for our nearshore resources, such as in Community-Based Subsistence Fishing Areas, Marine Life Conservation Districts, and other Marine Managed Areas.

Many of our network members continue to voice concerns that DLNR-DAR too often, whether intentionally or not, tends to prioritize the vocal minority of fishers *with commercial interests* that do not value mālama ‘āina and community-based conservation efforts for our shared biocultural resources. We are concerned that the expansion of rulemaking authority through this measure could equally be used *against* protection and mālama ‘āina-focused community-based collaborations if the newly available “data” or “technology” comes from self-interested sources such as unsustainably-managed commercial fishers. As such, we urge your Committee to consider our concerns if this bill is passed.

The communities we work with commit their lives, most often as volunteers, to ensuring the long-term health of our shared biocultural resources. They have cared for, and depended on, these biocultural resources since time immemorial, and hope to continue their sustainable practices forever through future generations of koa aloha ‘āina. **We believe our ‘āina, the very foundation of our existence, is about long-term protection and steps necessary to once again achieve ‘āina momona.**

Mahalo nui loa for considering our testimony and please **PASS** HB1554 HD1, while taking into consideration our valid concerns.

Aloha ‘Āina Momona no nā kau ā kau.

HB-1554-HD-1

Submitted on: 3/14/2024 12:42:19 PM

Testimony for WTL on 3/15/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Philip Fernandez	Testifying for Hawaii Fishermen's Alliance for Conservation and Tradition	Oppose	Written Testimony Only

Comments:

HFACT stands in OPPOSITION of HB1554 HD1.

While HFACT supported the adaptive management bill in previous legislative sessions, we feel that this bill goes too far in giving powers to the Division of Aquatic Resources. Currently the division has the power to revise rules on the basis of "rapidly changing conditions", this bill changes the trigger of when adaptive management could be utilized to "newly available technology" and "newly available data". This broadens the trigger much too lenient and broad. The words "technology" and "data" are not defined to the satisfaction of HFACT.

Thus exclusion of the public from the discussion process should not be allowed. HFACT believes that HB1554 HD1 is flawed and therefore we recommend that the committee do not pass this bill.

HFACT thanks Chair Ichiyama and Vice-Chair Poepoe and the committee for the opportunity to testify against this bill.

HB-1554-HD-1

Submitted on: 3/14/2024 12:54:22 PM

Testimony for WTL on 3/15/2024 1:00:00 PM

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

Comments:

Oppose

HB-1554-HD-1

Submitted on: 3/12/2024 4:17:25 PM

Testimony for WTL on 3/15/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jacqueline S. Ambrose	Individual	Support	Written Testimony Only

Comments:

Aloha,

RELATING TO AQUATIC RESOURCES.

Expands the department of land and natural resources rulemaking authority to include any rule to impose restrictions or requirements deemed necessary to protect certain aquatic life.

Expands the board of land and natural resources' authority to temporarily adopt, amend, or repeal certain natural resource rules by formal action at a publicly noticed meeting if the board finds that such adoption, amendment, or repeal is necessary to implement effective and adaptive management measures in light of newly available technology, or in light of newly available data.