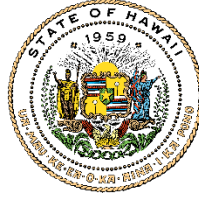


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

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

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

**Before the House Committee on
WATER & LAND**

**Tuesday, February 6, 2024
10:15 AM**

State Capitol, VIA VIDEOCONFERENCE, Conference Room 430

**In consideration of
HOUSE BILL 1554
RELATING TO AQUATIC RESOURCES**

House Bill 1554 proposes to expand the Department Land and Natural Resources' (Department) rulemaking authority to include any rule 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

HB-1554

Submitted on: 2/4/2024 7:50:25 PM

Testimony for WAL on 2/6/2024 10:15:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|----------------------|
| Greg Howeth | Lahaina Divers Inc. | Oppose | Remotely Via Zoom |

Comments:

Aloha,

My name is Greg Howeth and I own Lahaina Divers Inc, an ocean recreation company that specializes in SCUBA diving and operating vessels from Lahaina Harbor. We hope to resume operations as soon as the Harbor repairs are completed.

I oppose HB1554. I understand the need to protect our ocean resources, but giving any department the unilateral authority to make rules independent of the legislative process is not the way to do it.

HB-1554

Submitted on: 2/5/2024 10:55:59 AM

Testimony for WAL on 2/6/2024 10:15:00 AM

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

Comments:

Aloha,

We are in SUPPORT of HB1554.

Mahalo

COMMITTEE ON WATER AND LAND

NOTICE OF HEARING DATE: Thursday, February 6, 2024 TIME: 10:15 AM

PLACE: VIA VIDEOCONFERENCE Conference Room 430 State Capitol

TESTIMONY OF JAMES COON Speaking with Serious Concerns on HB1554

Aloha Chair Ichiyama, Vice Chair Poepoe and members of the WAL Committee:

My name is James Coon speaking as a concerned citizen.

I have serious concerns with HB1554. I am in full support of the importance to protect and preserving our natural resources. However, **it is also very important to have BLNR oversight on emerging issues and rules, and the opportunity this provides for public comment and stakeholder participation.**

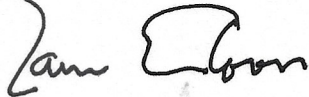
HB1554 opines that the current requirement of seeking formal BLNR Board approval before implementing new rules is extremely limiting. **Since the BLNR meets twice a month** it is hard to conceive that there is going to be an issue that must be resolved in less than two weeks.

Our fundamental rights to due process and Chapter 91 oversight are getting chipped away at every legislative session.

HB1554 is another overreach by DLNR to do rule making without proper vetting.

Please do not pass HB1554.

Sincerely,

A handwritten signature in black ink that reads "James Coon". The signature is written in a cursive style and is positioned to the right of the word "Sincerely,".

James Coon

PO Box 847

Kula, HI 96790

HB-1554

Submitted on: 2/4/2024 5:06:48 PM

Testimony for WAL on 2/6/2024 10:15:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Tamara Paltin | Individual | Support | Written Testimony Only |

Comments:

I support HB1554 because sometimes information comes to light and actions need to be taken quickly to preserve our marine environment, I think it is prudent to take data and new information into consideration and then act.

Mahalo,

Tamara Paltin

HB-1554

Submitted on: 2/4/2024 10:31:48 PM

Testimony for WAL on 2/6/2024 10:15:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Klayton Kubo | Individual | Oppose | Written Testimony Only |

Comments:

Oppose. How much data and who's data

HB-1554

Submitted on: 2/5/2024 7:42:33 AM

Testimony for WAL on 2/6/2024 10:15:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Laa Poepoe | Individual | Support | Written Testimony Only |

Comments:

la'a poepoe in support of the department's ability to make decisions based on new information when deemed necessary.

HB-1554

Submitted on: 2/5/2024 8:39:44 AM

Testimony for WAL on 2/6/2024 10:15:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|----------------------|
| Kai Nishiki | Individual | Support | Remotely Via Zoom |

Comments:

SUPPORT - DLNR must be empowered to further regulate over tourism and too many commercial operators negatively impacting the quality of life for residents and our public trust resources.

HB-1554

Submitted on: 2/5/2024 9:17:40 AM

Testimony for WAL on 2/6/2024 10:15:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Uilani Naipo | Individual | Support | Written Testimony Only |

Comments:

I support this measure with recommendations.

Data and its methodology for qualitative and quantitative measures on conditions/resources shall be made publicly available (in raw data format) from the department for fish species rules supported by their stock assessments.

Too many challenges are made regarding data and methodology used by the department, and becomes contentious among fishers during public comment period and hearings.

- U'ilani Naipo