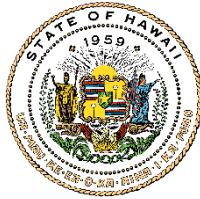


JOSH GREEN, M.D.  
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE  
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAI'I | 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, January 30, 2024  
9:00 AM

State Capitol, VIA VIDEOCONFERENCE, Conference Room 430

In consideration of  
HOUSE BILL 1948  
RELATING TO AQUATIC RESOURCES

House Bill 1948 proposes to prohibit any law, ordinance, or rule from establishing restrictions on the type of gear used for subsistence fishing. **The Department of Land and Natural Resources (Department) acknowledges the intent of this bill and offers the following comments.**

The Department works diligently to consider the interests of Hawai'i fishers in fulfilling its obligation to manage, conserve, and restore the state's unique aquatic resources and ecosystems for present and future generations. While the Department understands the importance of preserving subsistence fishing rights and practices, this bill, as written, would undermine the Department's ability to effectively manage fisheries resources. The language of this bill is also vague and unclear, as explained below.

The proposed new section, entitled "§187A-\_\_ Subsistence fishing; gear restrictions", states that "no law, ordinance, or rule shall prohibit the type of fishing gear used for subsistence fishing by residents of the State." This appears to mean that Hawai'i residents engaging in subsistence fishing may use any type of fishing gear they choose. A person would even be allowed to use destructive or harmful gear, such as dynamite or chlorine, to catch marine life, as long as it was for personal family consumption or sharing. The second clause states that "any prohibitions on the time, place, and manner of the use of fishing gear shall continue to apply." Taken together, this appears to mean that existing gear regulations (restrictions on the time, place, and manner of use of certain gear) will continue to apply if the gear is not completely prohibited.

This bill does not clarify whether the Department would be authorized to adopt new regulations on the time, place, and manner of use of certain gear types. It is also unclear what would be

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  
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FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

considered a prohibition of a type of fishing gear (which would not be authorized) versus a prohibition on the manner of use of a certain type of fishing gear (which appears to be authorized). For example, a spear is a type of fishing gear. This bill would clearly prohibit the Department from adopting a rule that completely prohibits spearfishing. This bill would not have an impact on existing laws prohibiting or regulating spearfishing in certain areas, prohibiting the spearing of crustaceans, and prohibiting the spearing of fish under a certain size. However, it is unclear whether this bill would allow the Department to adopt new rules prohibiting spearfishing with SCUBA gear or spearfishing at night, either in certain areas or statewide. The Department is not advocating for these measures; these examples are simply meant to show that this bill is unclear.

The Department has devoted significant time and effort toward improving and refining fisheries rules through outreach campaigns, informational briefings, stakeholder scoping meetings, and the formal administrative rulemaking process. Staff spend considerable time and effort gathering community input and incorporating comments and concerns in drafting fishing rules. A blanket removal of gear restrictions for subsistence fishers would frustrate the Department's management efforts, especially given this bill's very broad definition of subsistence fishing.

The Department is an advocate for subsistence fishers and believes it is our responsibility to promote conditions favorable to subsistence fishing, provided that proper management and conservation measures are considered and implemented for long-term well-being of the state's fisheries. This is demonstrated in one way by our commitment to Community-Based Subsistence Fishing Areas (CBSFAs), a unique community-led management method that we hope will spread to more communities in Hawai'i.

Mahalo for the opportunity to comment on this measure.

**HB-1948**

Submitted on: 1/27/2024 3:54:59 PM

Testimony for WAL on 1/30/2024 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Godfrey Akaka	The Native Hawaiian Gathering Rights Association	Support	Remotely Via Zoom

Comments:

**Aloha, my name is Godfrey Akaka Jr. I am Kanaka Maoli, a cultural practitioner, hunter, fisher, gatherer. I am also the President for The Native Hawaiian Gathering Rights Association and I am speaking and representing not all, but many families across the State.**

**We support this bill in the spirit of Article 12 Section 7 of the Hawaii State Constitution. Hawaiian culture customary practices for many generations is eating fish that we gather from our ocean. These customary practices are being infringed upon and attacked by globalists who believe that to save the environment, they need to stop people from catching fish. The way our customary practices and gathering rights are being infringed on and taken away are through heavy handed gear restrictions.**

**Throughout history our cultural practices have included many diverse forms of gathering all the way into the 20th century which includes innovative types of gear. Some of the types of gear used for gathering fish include: Laynet, throw net, bagnet, dive gear, 3 prong sling, spear gun, pole fishing,etc. We also include night diving and night fishing as forms of gathering. Even power driven boats with GPS and Sonar technology are used to efficiently and effectively catch fish to support and sustain our diets.**

**The argument our opposition has should not be how we as a people gather to eat, as long as it is environmentally safe, but the argument should be if our resources we are gathering are sustainable. And if studies show that our resources are sustainable, then there should be no argument. Further, the studies done should be consistent, non-biased, and tested for integrity.**

**We do not support forms of gathering that damage our environment such as use of chemicals and explosives. We support amendments to this bill to clarify if that is an issue.**

**We also do not support abuse of current gear used in a way that damages the environment. Those issues should have rules in place to allow the gear, but, consequences should the gear be neglected in a way that damages the environment or poses safety hazards.**

**We respectfully urge you to move this Bill forward as this is a vital part of not only our cultural and customary practices, but our way of life as human beings.**

**Mahalo for your time and attention to this matter,**

**Respectfully,**

**Godfrey Akaka Jr. (NHGRA President)**



# SIERRA CLUB OF HAWAI'I

## HOUSE COMMITTEE ON WATER & LAND

January 30, 2024      9:00 AM      Conference Room 430

**In OPPOSITION to HB1948:** Relating to Aquatic Resources

---

Aloha Chair Ichiyama, Vice Chair Poepoe, and Members of the Water & Land Committee,

On behalf of our 20,000 members and supporters, the Sierra Club of Hawai'i **OPPOSES** HB1948, which would jeopardize the sustainability of our Hawai'i's invaluable aquatic and marine public trust resources.

By effectively repealing all gear restrictions for anyone claiming to be engaged in subsistence fishing, this measure would eliminate critical legal mechanisms that prevent highly efficient and/or highly harmful fishing methods from rapidly depleting our stream and nearshore fisheries. The use of poisons, electrofishing devices, small eye gill nets, drones, longlines with hundreds of hooks, and more could all be legalized under this measure, and used by any number of individuals who fish or who would claim to be fishing for "subsistence."<sup>1</sup> This in turn would compromise present and future generations' cultural, ecological, recreational, scientific, and economic interests in our ocean environment.

Notably, even a small group of individuals claiming "subsistence" and deploying cheap, thousand-plus foot monofilament laynet(s), as would be legalized under this measure, could wreak significant and long-term damage to our public trust ocean resources. Moreover, the inability of enforcement officers to determine in the field whether a person or group is actually fishing for their personal freezers, or for the commercial market, could also allow profit-motivated commercial fishers to use any and all gear with impunity, simply by claiming that they are fishing for "subsistence."

In light of the profound negative ecological, cultural, recreational, food security, and economic impacts on our public trust resources that would result under the proposed bill, the Sierra Club respectfully urges the Committee to **HOLD** this measure.

Mahalo nui for the opportunity to testify.

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<sup>1</sup> In 2011, the Hawai'i Department of Land and Natural Resources Hawai'i Recreational Fishing Survey estimated that there was approximately 157,000 recreational and subsistence fishers over the age of 16 in the islands. See Hawai'i Marine Recreational Fishing Survey, <https://dlnr.hawaii.gov/dar/fishing/hmrfs/> (last accessed Jan. 28, 2024).



Testimony Before The  
House Committee on Water and Land  
**IN OPPOSITION TO HB1948**  
January 30, 2024, 9:00 AM, Room 430  
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 works to empower grassroots rural and Native Hawaiian mālama 'āina groups to celebrate their places and pass on their traditions to better Hawai'i and achieve 'āina momona — an abundant, productive ecological system that supports community well-being.

KUA employs a community-driven approach that currently supports a statewide network of 36 mālama 'āina community groups collectively referred to as E Alu Pū (moving forward together), 40 fishpond projects and practitioners called the Hui Mālama Loko l'a, and a growing group of over 60 limu (seaweed) practitioners and supporters called the Limu Hui. Participants in our networks have had long term dreams of bringing fishponds, food fish, and limu back to our shorelines and dinner tables.

**KUA strongly opposes HB1948 (and its companion SB3268) as a dangerous attempt to allow for no fishing gear restrictions for anyone who has lived in Hawai'i for one year and claiming to be a "subsistence" fisher.** Most concerning, these bills would allow any one-year Hawai'i resident to fish using explosives, chemicals, poisons, and intoxicants. Fishing gear restrictions, including prohibitions on explosives, chemicals, poisons, and intoxicants, have been carefully developed to protect, and counteract the continuing depletion of, our precious nearshore resources. As such, KUA questions whether these measures have been vetted and supported by the state's Division of Aquatic Resources. Evenso, we do not see the benefit of allowing for more ways to harm our already dwindling and overfished marine life, including the use of explosives and chemicals that would likely cause serious harm to not only the animals themselves, but also the surrounding fragile ecosystems. **This measure works directly against achieving 'āina momona and ensuring healthy and thriving biocultural resources for generations to come.**

Mahalo for this opportunity to submit testimony in strong opposition. **Please hold HB1948.**

**Aloha 'Āina Momona no nā kau ā kau.**



January 28, 2024

To: Chair Ichiyama, Vice Chair Poepoe, and the House Committee on Water & Land

Re: **STRONG OPPOSITION** to HB1948: Relating to Aquatic Resources

Aloha Chair Ichiyama, Vice Chair Poepoe, and the House Committee on Water & Land,

Mālama Pūpūkea-Waimea (MPW) is a grassroots, community non-profit that actively works to care for, educate about, and protect our fragile, near-shore marine ecosystems. Our mission is "working to replenish and sustain the natural and cultural resources of the Pūpūkea and Waimea ahupua'a for present and future generations through active community stewardship, education, and partnerships."

We respectfully write in STRONG OPPOSITION to HB1948 which would repeal all gear restrictions for anyone claiming to be engaged in subsistence fishing. Native Hawaiian traditional and customary fishing practices incorporate rules (including gear restrictions) that protect our natural resources. Exempting everyone who has lived in Hawai'i for one year from these rules would have a catastrophic, negative impact on our already threatened resources.

Currently, gear restrictions include the use of explosives, poisons (such as bleach), chemicals, electrofishing devices, firearms, small eye gill nets, drones, longlines with hundreds of hooks, drift gill nets, and more. Under this measure, these would all be legal and used by any number of individuals who fish or who would claim to be fishing for "subsistence." This in turn would compromise present and future generations' cultural, ecological, recreational, scientific, and economic interests in our ocean environment.

Additionally, this bill seems to aim to exempt individuals from having to follow the rules of protected fishing areas such as in Community Based Subsistence Fishing Areas where additional gear restrictions are in place. Examples include no spear guns or size limits on he'e sticks. As a reminder, the rules in these designated areas have been thoroughly vetted by the community through the Chapter 91 process and are successfully in place to ensure abundant resources for future generations.

Respectfully, MPW **STRONGLY OPPOSES HB1948**: Relating to Aquatic Resources and hopes this bill will not advance.

Mahalo for the opportunity to provide testimony,

*Jenny Yagodich*

Jenny Yagodich  
Director of Educational Programs &  
Makai Watch Coordinator

**Mālama Pūpūkea-Waimea**  
Post Office Box 188  
Hale'iwa, HI 96712

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*Jenny Yagodich, Director of  
Educational Programs &  
Makai Watch Coordinator*

**Federal Nonprofit Organization**  
501(c)(3) FEIN 27-0855937  
[www.pupukeawaimea.org](http://www.pupukeawaimea.org)

**HB-1948**

Submitted on: 1/29/2024 8:56:20 AM

Testimony for WAL on 1/30/2024 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Ted Bohlen	Hawaii Reef and Ocean Coalition	Oppose	Written Testimony Only

Comments:

Oppose as overbroad and unnecessary law.





Testimony Before The  
House Committee on Water and Land  
**IN OPPOSITION TO HB1948**  
January 30, 2024, 9:00 AM, Room 430  
Via Zoom

We are Tiani Cook and Tate Keli'iho'omalū, Maui Nui Makai Network Chair and Coordinator, respectively, testifying on behalf of the [Maui Nui Makai Network](#) (MNMN). MNMN is a Network encompassing 9 community nonprofits and organizations across Maui Nui (Maui, Lāna'i and Moloka'i) who exert our kuleana (responsibility) to care for the ocean in a way that honors our kūpuna (ancestors), and the traditional and cultural practices of our places. We work to protect and restore healthy coastal and marine ecosystems for the people of Maui Nui. MNMN employs a community-driven approach that currently supports CBSFAs with Kīpahulu 'Ōhana and community-led marine management efforts across Maui Nui.

**MNMN strongly opposes HB1948 (and its companion SB3268) as a dangerous attempt to allow for no fishing gear restrictions for anyone who has lived in Hawai'i for one year and claiming to be a "subsistence" fisher.** Most concerning, these bills would allow any one-year Hawai'i resident to fish using explosives, chemicals, poisons, and intoxicants. Fishing gear restrictions, including prohibitions on explosives, chemicals, poisons, and intoxicants, have been carefully developed to protect, and counteract the continuing depletion of, our precious nearshore resources. As such, MNMN questions whether these measures have been vetted and supported by the state's Division of Aquatic Resources. Even so, we do not see the benefit of allowing for more ways to harm our already dwindling and overfished marine life, including the use of explosives and chemicals that would likely cause serious harm to not only the animals themselves, but also the surrounding fragile ecosystems. **This measure works directly against achieving healthy and thriving biocultural resources for our future generations.**

Mahalo for this opportunity to submit testimony in strong opposition. **Please hold HB1948.**

**He ali'i ka 'āina, he kauwā ke kanaka.**

**HB-1948**

Submitted on: 1/29/2024 10:00:15 AM

Testimony for WAL on 1/30/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Inga Gibson	For the Fishes	Oppose	Remotely Via Zoom

Comments:

Dear Chair Ichiyama and Water & Land Committee Members,

For the Fishes opposes HB1948, which would exempt any resident fishing for unsubstantiated and self-proclaimed "subsistence purposes" from ANY rule, ordinance or law. This bill would take any and all progress Hawaii has made in protecting our marine environment back more than 50 years.

This bill would allow for the use of some of the most locally, nationally and internationally recognized destructive fishing practices to occur, not only harming the individual animal and other non-target animals, but potentially destroying our fragile ocean and reef environments.

Examples of destructive fishing practices that would be completely legal under this bill include the use of drones, shooting/firearms, gaffing, slurp-guns, explosives, gill-netting, trawling, slip-netting, and many more.

This all leads to:

- Direct overexploitation of fish, invertebrates, and algae
- Removal of a species or group of species impacting multiple trophic levels
- By-catch and mortality of non-target species
- Changes from coral to algal dominance due to reduction in herbivores
- Physical impacts to reef environments from both fishing methods and tge vessels used

All of these mpacts would be exacerbated given they are combined with other threats such as climate change, coral bleaching, coral disease, overfishing, and land-based sources of pollution.

We urge the Committee to reject this bill in its entirety

Thank you,

Inga Gibson

For the Fishes

Inga Gibson, Policy Director  
Pono Advocacy LLC  
808.922.9910



Testimony Before The  
House Committee on Water and Land  
IN OPPOSITION TO HB1948  
January 30, 2024, 9:00 AM, Room 430  
Via Zoom

The Kīpahulu 'Ōhana is a grassroots Hawaiian 501(c)(3) nonprofit organization founded in 1995 dedicated to the cultural sustainability of the Kīpahulu moku in East Maui through educational programs that incorporate local, national and international partnerships and projects. We envision families working in harmony together to preserve and enhance the traditional cultural practices of the Hawaiian people. To this end, we conduct culturally-based agricultural and resource management projects from mauka to makai. On January 12, 2024, the Kīpahulu Community Based Subsistence Fishing Area was approved by the Board of Land & Natural Resources after many years of hard work putting together our proposal, gathering community input, conducting public outreach, and navigating through the Chapter 91 process. We now await Governor Green's signature for the rules to become effective.

**Kīpahulu 'Ōhana strongly opposes HB1948 (and its companion SB3268) as a dangerous endeavor to allow for no fishing gear restrictions for anyone who has lived in Hawai'i for one year and claiming to be a "subsistence" fisher.** These proposed bills jeopardize our right to Native Hawaiian traditional and customary fishing practices, by which gear restrictions are proposed, to protect our customary, cultural practices and natural resources. Furthermore, it indubitably undermines the years of and in some cases, lifetime commitment and efforts by our steadfast kūpuna and communities that have gone into establishing place-based rules that include gear restrictions. While recognizing the importance of supporting genuine subsistence fishing practices, we believe that such a blanket prohibition on gear restrictions will have detrimental effects on the sustainability of our fisheries and the long-term health of our marine environment. Prohibiting gear restrictions will open the door to exploitation by those who may not genuinely rely on subsistence fishing for their livelihoods, including for-profit commercial fishers. This will result in increased pressure on our fish stocks, leading to further drastic depletion and negatively impacting the livelihoods of **legitimate** subsistence fishers.

Moreover, these bills will allow for anyone living in Hawai'i for one year to utilize methods of fishing, including poisons, explosives, electrofishing devices, small eye gill nets, drones, longlines consisting of hundreds of hooks, which could all be permitted under this measure, and used by any individual claiming to be fishing for "subsistence" purposes. Existing gear restrictions have been carefully crafted to **prevent** continual resource depletion, **protect** vulnerable species, and **maintain** the ecological balance of our waters. By allowing more ways to harm our already diminishing marine resources, the consequences associated with prohibiting gear restrictions will likely result in serious damage to our stream and nearshore fisheries, causing negative cultural, biological, ecological impacts.

This measure does not align with pono fishing practices and counteracts all efforts by communities to restore abundance for current and future generations to follow.

Mahalo for this opportunity to testify in strong opposition. **Please hold HB1948.**



The Nature Conservancy, Hawai'i and Palmyra  
923 Nu'uuanu Avenue  
Honolulu, HI 96817

Tel (808) 537-4508  
Fax (808) 545-2019  
nature.org/HawaiiPalmyra

**Testimony of The Nature Conservancy  
Opposing HB 1948, Relating to Aquatic Resources**

**House Committee on Water & Land  
January 30, 2024, 9:00 a.m.  
Conference Room 430 and via Videoconference**

Aloha Chair Ichiyama, Vice Chair Poepoe, and Members of the Committee:

The Nature Conservancy (TNC) opposes HB 1948, Relating to Aquatic Resources, which prohibits any law, ordinance, or rule from establishing restrictions on the type of gear used for subsistence fishing.

We strongly support the protection of biodiversity, climate change adaptation, water management, soil management, and conservation. Subsistence fishing *can* complement efforts to promote natural resource protection, restoration and management and exemplify mālama 'āina. However, subsistence fishing must be conducted in a manner that is consistent with -- and with gear that is appropriate to -- long-term sustainability and natural resource management. Restrictions are intended to conserve and improve fish populations.

Fishing laws are meant to protect fish and make sure there is fishing to be shared by everyone. Prohibiting all laws and regulations from restricting gear will prevent sound public policies from being implemented that are necessary and proper for the protection of species and the viability of ecosystems for present and future generations.

For over 40 years, TNC has actively managed nature preserves throughout Hawai'i. We currently manage 40,000 acres in preserves on Hawai'i Island, Maui, Moloka'i, Lāna'i, and Kaua'i. We also work with over 30 coastal communities through networks and partnerships to help protect and restore the nearshore reefs and fisheries of the main Hawaiian Islands. Over our decades of experience of forest management and marine conservation, TNC has worked with partners to implement many conservation actions that promote biodiversity and it is these experiences which underpin our opposition to this measure.

Mahalo for the opportunity to share our opposition to HB 1948.

Respectfully,

Ulalia Woodside Lee  
Executive Director

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January 30, 2024

House Committee on Water & Land  
Conference Room 430, 9:00AM  
Testimony in Opposition to HB1948

Me ka ha'aha'a,

The Ka'ūpūlehu Marine Life Advisory Committee (KMLAC) **strongly opposes HB1948** (and its companion SB3268).

The KMLAC and the many 'ohana that represent it have spent decades and generations stewarding the biocultural resources of Ka'ūpūlehu, and supporting other communities doing the same for their coasts. In 1998, Act 306 became law, which established the West Hawai'i regional fisheries management area, and mandated the implementation of marine reserves within it, with the intent to properly and successfully manage the coast of West Hawai'i.

In 2016, KMLAC fulfilled the mandate set by Act 306 by designating the first marine reserve in West Hawai'i. Currently, no person may take or attempt to take any specimen of aquatic life while within the Ka'ūpūlehu Marine Reserve (§13-60.4-5(d)(1)). As a result of this decades long effort, we have witnessed the increase in fish populations and the subsequent revitalized health of our nearshore resulting from our community-led management and rulemaking.

HB1948 is a dangerous bill that directly goes against decades of legislation, and community-led management in Ka'ūpūlehu and across the pae'āina. The repealing of gear restrictions would have incredibly far-reaching impacts with the potential to undo decades of hard-earned ecological resilience.

KMLAC strongly opposes HB1948 and urges Chair Ichiyama, Vice Chair Poepoe, and members of the Water & Land Committee to **hold** this measure.

'O mākou nō me ka 'oia'i'o,

Hannah Kihalani Springer,

Kaikea Nakachi,

For the Ka'ūpūlehu Marine Life Advisory Committee

**HB-1948**

Submitted on: 1/27/2024 3:13:59 PM

Testimony for WAL on 1/30/2024 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Cora Schnackenberg	Individual	Support	Written Testimony Only

Comments:

I support HB1948.

**HB-1948**

Submitted on: 1/27/2024 5:35:43 PM

Testimony for WAL on 1/30/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
MATTHIAS ASANO	Individual	Support	Written Testimony Only

Comments:

Aloha Kakou,

I, Matthias Asano strongly support Bill HB1948 and Bill SB3268. Born & Raised here on the island of Moloka'i - we have been taught to malama our Aina and turn to her when in need. She provides us with Food, Plants, Water, etc - which allows us to keep our cultural practices going. Living off the land is something we Hawaiian's cherish deeply. Restricting us is wrong on all levels. We were born to protect our Hawaiian Culture and our Customary Practices.

Mahalo

Matthias Asano



**HB-1948**

Submitted on: 1/27/2024 9:36:16 PM

Testimony for WAL on 1/30/2024 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kelden Yagin	Individual	Support	Written Testimony Only

Comments:

I support the Hb1948.. I fish in all forms of gathering , and it is vital to my family the we be able to continue to do so. I am born and raised in Hawaii. My children is of Hawaiian descent and are gatherers also along side of our ohana. We gather respectfully as our ancestors did before us and feed our families in these fishing traditions.

Aloha!

**HB-1948**

Submitted on: 1/27/2024 10:24:46 PM

Testimony for WAL on 1/30/2024 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
JODEAN KM AKAKA	Individual	Support	Written Testimony Only

Comments:

I support this bill to protect my native Hawaiian gathering rights, my human rights, and my ability to gather food for myself and my family.

Respectfully,

JoDean KM Akaka

**HB-1948**

Submitted on: 1/28/2024 4:18:34 PM

Testimony for WAL on 1/30/2024 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Monika Kalicinska	Individual	Support	Written Testimony Only

Comments:

I hereby support this bill and the citizens of Hawaii rights to freely gather fish unless its endangered kind. I believe that putting restrictions on the type of gear they use for fishing is restraining Hawaii citizens rights.

**HB-1948**

Submitted on: 1/28/2024 7:19:24 PM

Testimony for WAL on 1/30/2024 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Arriel Peters	Individual	Support	Written Testimony Only

Comments:

I support this bill. My ohana grew up gathering to feed our family. My family gathered from when they were raised from Waipio. That's how we fed our families. We carried the tradition on throughout our generations till today.

**HB-1948**

Submitted on: 1/28/2024 9:41:01 PM

Testimony for WAL on 1/30/2024 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Mark Pokini	Individual	Support	Written Testimony Only

Comments:

I support the bill HB1948, I'm 50% Hawaiian and currently active with gathering fish, opihi and He'e for family members and gatherings. It's part of my culture and Hawaiian rights to provide for my family.

The state already stole our land, please don't take away our ocean resources.

Mark Pokini

La'a Poepoe, native Molokai resident practitioner of lawai'a (fishing) tradition & custom, providing testimony in opposition. The proposed bill undermines actual subsistence exercise by legalizing abusive methods of taking from our shared public source fisheries as codified by Hawai'i's public trust doctrine. This is a poorly vetted bill that is difficult to defend. thank you.

**HB-1948**

Submitted on: 1/28/2024 7:17:24 PM

Testimony for WAL on 1/30/2024 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Uilani Naipo	Individual	Oppose	Written Testimony Only

Comments:

I firmly **OPPOSE** this measure, both in its intent and specifics. This measure redefines Community-Based Subsistence Fishing Area HRS §188-22.6, contradicts Native Hawaiian traditional & customary fishing practices whereby in specifying gear restrictions allows us to maintain our traditional and customary practices and natural resources. I absolutely resent the intent to displace Native Hawaiian cultural practice in the introduced language of this measure and its impact to our traditional subsistence fishing practices.

Do NOT move this measure any further.

U'ilani Naipo

Miloli'i CBSFA Administrator

**HB-1948**

Submitted on: 1/29/2024 12:48:15 AM

Testimony for WAL on 1/30/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Dawn Morais Webster Ph.D.	Individual	Oppose	Written Testimony Only

Comments:

I respectfully oppose this bill. This bill will have the insidious effect of undermining Native Hawaiian traditional and customary fishing practices. Grassroots communities have come up with rules that recommend gear restrictions to protect Native Hawaiian cultural practices and natural resources and prevent over-fishing and the depletion of nearshore fisheries. By effectively repealing all gear restrictions for anyone **claiming** to be engaged in subsistence fishing, this measure would eliminate critical legal mechanisms that prevent the use of a variety of fishing methods that would rapidly deplete our streams and nearshore fisheries. This is not good marine stewardship and reflects a disregard for the well-being of future generations whose ability to feed their families from these fisheries is being seriously compromised. Please stop this bill from moving forward. It would be a disservice to the community and an affront to the effort of so many to preserve Hawaiian fishing practices.



**HB-1948**

Submitted on: 1/29/2024 6:10:36 AM

Testimony for WAL on 1/30/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Maki Morinoue	Individual	Oppose	Written Testimony Only

Comments:

Aloha

I OPPOSITION bill HB1948.

I am a multi-generational kama'aina of Hōlualoa, Hawai'i, after uplifting and listening to the long-standing ike Hawai'i from our kupunas in Kealakekua, Kauhakō, Miloli'i, and other nearby and neighbor island bays and observing the celebration of CBSFA grantees in our island community and listening to their rule-making process and reasonings creating pono practices in other surrounding bays. This bill directly disrespects traditional practices and will harm revitalizing, restoring, and sustaining our protected bays.

HB1948 is introducing sneaky wording to *redefine* CBSFA HRS§188-22.6 Designation of community-based subsistence fishing area *by removing any gear restriction for subsistence fishing*. The CBSFA community has clearly and strongly recommended gear restrictions to be able to malama and regenerate life within the bays due to the direct negative impact that the gears have on the ecosystem. **This bill REMOVES THE VERY RIGHT for Native Hawaiian traditional and customary fishing practices in the rules that protect cultural practices and will ruin their natural resources.**

This bill must be stopped TODAY. It is *unconstitutional* by its very intention and existence.

Mahalo  
Maki Morinoue  
Hōlualoa

**HB-1948**

Submitted on: 1/29/2024 6:53:41 AM

Testimony for WAL on 1/30/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Motter Anne Snell	Individual	Oppose	Written Testimony Only

Comments:

Aloha

I OPPOSE HB 1948

I am a coffee farmer on the Big Island. This bill directly disrespects traditional practices and will harm revitalizing, restoring, and sustaining our protected bays.

HB1948 is introducing sneaky wording to *redefine* CBSFA HRS§188-22.6 Designation of community-based subsistence fishing area *by removing any gear restriction for subsistence fishing*. The CBSFA community has clearly and strongly recommended gear restrictions to be able to malama and regenerate life within the bays due to the direct negative impact that the gears have on the ecosystem. **This bill REMOVES THE VERY RIGHT for Native Hawaiian traditional and customary fishing practices in the rules that protect cultural practices and will ruin their natural resources.**

This bill must be stopped TODAY. It is *unconstitutional* by its very intention and existence.

Mahalo

Motter Snell 96725

**HB-1948**

Submitted on: 1/29/2024 7:39:41 AM

Testimony for WAL on 1/30/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Robert Douglas	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I oppose bill HB1948.

I am related to multi-generational kama'aina of Miloli'i, Hawai'i, after uplifting and listening to the long-standing ike Hawai'i from our kupunas in Kealakekua, Kauhakō, Miloli'i, and other nearby and neighbor island bays and observing the celebration of CBSFA grantees in our island community and listening to their rule-making process and reasonings creating pono practices in other surrounding bays. This bill directly disrespects traditional practices and will harm revitalizing, restoring, and sustaining our protected bays.

HB1948 is introducing sneaky wording to *redefine* CBSFA HRS§188-22.6 Designation of community-based subsistence fishing area *by removing any gear restriction for subsistence fishing*. The CBSFA community has clearly and strongly recommended gear restrictions to be able to malama and regenerate life within the bays due to the direct negative impact that the gears have on the ecosystem. **This bill REMOVES THE VERY RIGHT for Native Hawaiian traditional and customary fishing practices in the rules that protect cultural practices and will ruin their natural resources.**

This bill must be stopped.

Mahalo,

Robert Douglas

Hilo, HI 96720

**HB-1948**

Submitted on: 1/29/2024 7:47:36 AM

Testimony for WAL on 1/30/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Mary True	Individual	Oppose	Written Testimony Only

Comments:

Aloha, I oppose HB1948 because it's introducing sneaky wording to *redefine* CBSFA HRS§188-22.6 Designation of community-based subsistence fishing area *by removing any gear restriction for subsistence fishing*. The CBSFA community has clearly and strongly recommended gear restrictions to be able to malama and regenerate life within the bays due to the direct negative impact that the gears have on the ecosystem. **This bill REMOVES THE VERY RIGHT for Native Hawaiian traditional and customary fishing practices in the rules that protect cultural practices and will ruin their natural resources.**

Mahalo for your time and attention,

Mary True, Pepekeo, 96783

**HB-1948**

Submitted on: 1/29/2024 7:48:26 AM

Testimony for WAL on 1/30/2024 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Robert Culbertson	Big Island Reef Keepers hui (member)	Oppose	Written Testimony Only

Comments:

Aloha members of the committee reviewing HB 1948,

I and many fellow members of our 'hui' must **oppose** this bill, well intended though it may be. In particular, "CBSFA" participants see this bill as a threat to the newly won authority they may have to regulate fishing practices in their own areas of control.

Thank you for conducting this hearing and understanding our position.

R A Culbertson

Honokaa

**HB-1948**

Submitted on: 1/29/2024 7:54:29 AM

Testimony for WAL on 1/30/2024 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Cynthia Punihaole Kennedy	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Linda Ichiyama, Vice Chair Mahina Poepoe, and members of the House Committee on Water and Land

I am a kamaaina residing in Kalaoa, North Kona, on Hawaii Island. I am opposed to HB1948. The CBSFA communities are known for their efforts in preserving and protecting traditional and customary native Hawaiian fishing practices. It would not be pono to remove gear restrictions for subsistence fishing, as some gear can have a negative impact on the environment. Therefore, I respectfully request you to vote in opposition to this bill."

Mahalo

Cynthia Punihaole Kennedy

808 895-1010

**HB-1948**

Submitted on: 1/29/2024 8:32:06 AM

Testimony for WAL on 1/30/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Cydney Yamamoto	Individual	Oppose	Written Testimony Only

Comments:

Aloha

I OPPOSE bill HB1948.

This bill disrespects traditional practices and will harm revitalizing, restoring, and sustaining our protected bays.

The CBSFA community has clearly and strongly recommended gear restrictions to be able to malama and regenerate life within the bays due to the negative impact that the gears have on the ecosystem. **This bill removes the right for Native Hawaiian traditional and customary fishing practices in the rules that protect cultural practices and will ruin their natural resources.** This bill must be stopped.

Mahalo,  
Cydney Yamamoto

**HB-1948**

Submitted on: 1/29/2024 8:44:01 AM

Testimony for WAL on 1/30/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Monica Stone	Individual	Oppose	Written Testimony Only

Comments:

Aloha and mahalo for receiving my testimony in OPPOSITION to bill HB1948.

I am a resident of Hōlualoa, Hawai'i, and I echo the voice of those uplifting and listening to the long-standing ike Hawai'i from our kupunas in Kealakekua, Kauhakō, Miloli'i, and other nearby and neighbor island bays and observing the celebration of CBSFA grantees in our island community and listening to their rule-making process and reasonings creating pono practices in other surrounding bays. This bill directly disrespects traditional practices and will harm revitalizing, restoring, and sustaining our protected bays.

HB1948 is introducing sneaky wording to *redefine* CBSFA HRS§188-22.6 Designation of community-based subsistence fishing area *by removing any gear restriction for subsistence fishing*. The CBSFA community has clearly and strongly recommended gear restrictions to be able to malama and regenerate life within the bays due to the direct negative impact that the gears have on the ecosystem. **This bill REMOVES THE VERY RIGHT for Native Hawaiian traditional and customary fishing practices in the rules that protect cultural practices and will ruin their natural resources.**

This bill must be stopped TODAY. It is *unconstitutional* by its very intention and existence.

Mahalo

Monica Stone, 96740



**HB-1948**

Submitted on: 1/29/2024 9:16:19 AM

Testimony for WAL on 1/30/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Setsuko Morinoue	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I **OPPOSITION** bill HB1948.

This bill directly disrespects traditional practices and will harm revitalizing, restoring, and sustaining our protected bays.

HB1948 is introducing sneaky wording to *redefine* CBSFA HRS§188-22.6 Designation of community-based subsistence fishing area *by removing any gear restriction for subsistence fishing*. The CBSFA community has clearly and strongly recommended gear restrictions to be able to "MALAMA" and regenerate life within the bays due to the direct negative impact that the gears have on the ecosystem. **This bill REMOVES THE VERY RIGHT for Native Hawaiian traditional and customary fishing practices in the rules that protect cultural practices and will ruin their natural resources.**

This bill must be stopped TODAY. It is *unconstitutional* by its very intention and existence.

It is time for all to stand for AINA, our land to secure for our future generations, that is PRODUCTIVE thinking, not Destructive thinking and action we should take. Enough is enough for benefiting a few and only people, but we are living in the greater time and place of NATURE. The ancient people knew better without any greed but "RIGHTUSNESS" to practice daily.

Mahalo Nui Loa!

Setsuko Morinoue / Holualoa 96725

**HB-1948**

Submitted on: 1/29/2024 10:46:56 AM

Testimony for WAL on 1/30/2024 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Chad Wiggins	Individual	Oppose	Written Testimony Only

Comments:

Oppose because the definition of subsistence fisher is inconsistent with those who depend on oceans to feed family and definition of gear could permit use of gear that is illegal everywhere or gear that is incompatible with legitimate subsistence fishing as identified by native Hawaiian lineal descendents of coastal communities who have promulgated rules through a transparent and open public Chapter 91 process.

**HB-1948**

Submitted on: 1/29/2024 11:31:06 AM

Testimony for WAL on 1/30/2024 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Will Morris	Individual	Oppose	Written Testimony Only

Comments:

This bill is neither forward thinking regarding food security and not in alignment with konohiki law and lawa'ia pono practices.

**HB-1948**

Submitted on: 1/29/2024 1:40:17 PM

Testimony for WAL on 1/30/2024 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Keomailani Hanapi Hirata	Individual	Oppose	Remotely Via Zoom

Comments:

Aloha 'aina kakou!

Mahalo to the Water and Land Committee for providing and facilitating this space for community engagement through public testimony.

My name is Keomailani Hanapi Hirata, a keiki o ka 'aina o Molokai and I am requesting to testify remotely via ZOOM in opposition of HB1948 relating to aquatic resources.

Please email me the ZOOM link for me to participate and give my testimony remotely.

Email: kahenawai3@yahoo.com

Mahalo,

Keomailani Hanapi Hirata

HOUSE OF REPRESENTATIVES  
THE THIRTY-SECOND LEGISLATURE  
REGULAR SESSION OF 2024

COMMITTEE ON WATER & LAND  
Rep. Linda Ichiyama, Chair  
Rep. Mahina Poepoe, Vice  
Rep. Cory M. Chun Rep. Dee Morikawa  
Rep. Sonny Ganaden Rep. Gregg Takayama  
Rep. Mark J. Hashem Rep. Kanani Souza  
Rep. May Besario Mizuno

NOTICE OF HEARING DATE: Tuesday, January 30, 2024

TIME: 9:00 AM

PLACE: VIA VIDEOCONFERENCE

Conference Room

430 State Capitol

415 South Beretania Street

RE: HB 1948 RELATING TO AQUATIC RESOURCES

Testimony in Support of HB1948

Aloha Chair Ichiyama, V-Chair Poepoe and Members of the House Committee on Water Land:

I am Roy Morioka, fisherman and strong supporter of sustainable fisheries for the State of Hawaii and thank you for this opportunity to testify in SUPPORT of this measure as it provides fairness to ALL of Hawaii's residents access to State resources.

Over the years, the DLNR and the Legislature has failed the broader community through the initiation of statutes and rules that deny free and open access to our State's fisheries through measures such as the Community-Based Subsistence Fishing Areas and more recently yet to be codified herbivore rules following the recent Land Board hearings. Alienating and dividing communities fails the ALOHA smell test embraced by the Hawaiian culture. I strongly ask that we all reassess the process of natural resource management and return to embracing the tried and true practices that the indigenous community left for us to follow that begins with the wa'i.

Our failed kuleana to do the right things right has resulted in a myriad of regulations and rules that has failed to ensure the conservation and sustainability of our finite natural resources. Additionally, I strongly believe that our deviation from HRS226 that was left for us after Statehood has led to our collective failure to keep Hawaii, Hawaii by failing to treasure our precious resources and living within the limited carrying capacities of island communities.

Thank you again for allowing my testimony in SUPPORT and your indulgence of my heartfelt concern as an aging kupuna of our Hawaii.

Respectfully,  
Roy N. Morioka

**HB-1948**

Submitted on: 1/29/2024 6:01:58 PM

Testimony for WAL on 1/30/2024 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Nick Croft	Individual	Support	In Person

Comments:

Aloha

I support this bill hb1948 for providing a sustainable source for people to feed their families. How can you deny a resource that's right in our backyard vs buying it from a store with high prices and a huge carbon footprint from half way around the world. Keep locals eating local.

**HB-1948**

Submitted on: 1/29/2024 6:03:56 PM

Testimony for WAL on 1/30/2024 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Tadashi Muratake	Individual	Support	In Person

Comments:

Aloha, good morning. My name is Tadashi Muratake I am from the island of Kauai, and I support this Bill. As a born and raised fisherman I believe this will benefit local fishermen to help them feed their families.

thank you,

Tadashi Muratake

**HB-1948**

Submitted on: 1/29/2024 6:08:05 PM

Testimony for WAL on 1/30/2024 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jose San Austin, Jr.	Individual	Support	In Person

Comments:

I support this bill,.this bill will help myself and family as the price of food is so high so please pass it ! ! ! !



**HB-1948**

Submitted on: 1/29/2024 6:21:01 PM

Testimony for WAL on 1/30/2024 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Carly Powell	Individual	Support	In Person

Comments:

I support this bill HB1948. I am an avid fisherman that uses the water of Kaua'i' to feed myself and my family. Being able to use the proper equipment allows me to do so. This allows me to avoid grocery stores that have high priced meats that are full of toxins that are shipped over to our remote islands creating more of a carbon footprint.

Allowing us to use the equipment that we need provides a sustainable resource for our families. Thank you for your time.

**HB-1948**

Submitted on: 1/29/2024 6:22:47 PM

Testimony for WAL on 1/30/2024 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jessie croft	Individual	Support	In Person

Comments:

Thank you chair and members of the committee for giving me the opportunity to testify before you today.

I support bill hb1948.

When it comes to providing local food/fish for your family, you should first look locally rather than foreign imports.

Being able to use whatever equipment necessary allows me to harvest efficiently

Thank you for your time