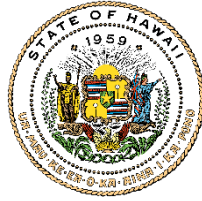


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

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

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M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
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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 66
RELATING TO FISHING SAFETY**

Senate Bill 66 proposes to prohibit purposeful harassment with the intent to prevent the taking of fish by persons who are fishing in state waters. **The Department of Land and Natural Resources (Department) supports this bill.**

State law currently protects fishers from harassment if they are taking fish pursuant to a freshwater game fishing license. The proposed measure would extend these protections to all persons fishing in state waters, including marine waters. The Department supports this measure, which would promote the safety and enjoyment of individuals engaged in fishing activities.

The Department supports the proposed language in subsection (c)(2) which clarifies that it is not a violation to engage in activities pursuant to the Department's Makai Watch program. Makai Watch volunteers participate in two types of activities: observation and incident reporting, and awareness raising and outreach. Volunteers are trained to conduct these activities in a manner that does not interfere with fishing activity.

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



February 13, 1230pm, WTL Committee

Dear Chair Inouye and Members of the Senate Committee on Water and Land

STRONG OPPOSITION TO SB66; Relating to Fisher Safety-Fisher Harassment

We urge the Committee to reject this bill in its entirety for the numerous reasons listed below:

- Harassment laws already exist in Hawaii and apply equally on land and water, to all persons. Under HRS 711-1106 illegal harassment is described in a number of ways, and includes striking, shoving or kicking a person with intent to harass, and challenging or taunting in a manner likely to provoke an immediate violent response. Harassment is a petty misdemeanor, which is already a crime.
- This bill attempts to provide protection from public scrutiny that is afforded to no other group, even the police, when operating in plain view, in public areas, such as our beaches and oceans. If anything, activities involving the take of natural resources need more, not less scrutiny, given that they are held in the public trust for all the peoples of Hawaii.
- This bill directly conflicts with what DOCARE, NOAA, USFWS and other law enforcement agencies ask of the public; to report suspected illegal fishing or other marine related violations, including by submitting photos and videos, and in the case of DLNR, via their DLNRTip App (see attached).
- The “fisher” provision of this bill was originally introduced in 2015, and resurfaced many times since then, to protect aquarium collectors from public scrutiny following their attack on a diver with a camera, and a separate incident where a diver recorded their anchor causing coral damage. Please see below attached articles and the numerous failed attempts by aquarium collectors to have individuals who documented their activity, charged with harassment of a fisher.
- This bill is likely unconstitutional, violating the First Amendment. See more below from Reporters Committee for Freedom of the Press.

The legislature has rightfully, repeatedly, deferred this bill due to the above-noted concerns, among many others. We hope the Committee will do the same.

Thank you for the opportunity to testify.

Inga Gibson

For the Fishes, 808.922.9910

<https://www.rcfp.org/reporters-recording-guide/hawaii/>

The U.S. Court of Appeals for the Ninth Circuit, which includes Hawai‘i, has held that there is a **First Amendment right to record matters of public interest in public places**, which “includes the right to record law enforcement officers engaged in the exercise of their official duties in public places.” *Askins v. Dep’t of Homeland Sec.*, 899 F.3d 1035, 1044 (9th Cir. 2018); see also *Fordyce v. City of Seattle*, 55 F.3d 436 (9th Cir. 1995).



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Fish collector drops anchor on live coral, not cited

September 23, 2011 - 11:09pm

BY ERIN MILLER | WEST HAWAII TODAY

Hawaii's Land and Natural Resources' enforcement division refused to cite a Big Island aquarium fish collector for dropping anchor on live coral, despite being presented with photos showing the violation.

The West Hawaii dive instructor who took the photos is now facing harassment charges, creating what a state biologist calls a "chilling effect" on people considering reporting potential violations.

William Walsh, aquatic biologist with the Department of Land and Natural Resources' Division of Aquatic Resources, told West Hawaii Today Friday his office forwarded Brooke Landt's photos to the Division of Conservation and Resources Enforcement in February. DOCARE officers investigated the complaint, which also included an allegation that the fish collector failed to tie his boat to a day use mooring less than 100 yards away, Walsh said. DOCARE reported back to Walsh's division they could not cite the collector, Jim Lovell.

"The officer's justification for not enforcing (it) was they couldn't be sure whether the mooring was legal or not," Walsh said.

Attempts to reach DOCARE Friday were unsuccessful.

DLNR Chairman William Aila issued a written statement Friday saying enforcement officers returned the case to the aquatic resources office. He declined further comment until he and DOCARE staff looked up the case's specifics.

That reasoning is often cited, Walsh said, with DOCARE officers claiming they cannot verify whether day use moorings not specifically named in boating division rules are legal. A number of day use moorings have been added over the years, Walsh said, but not all have been incorporated into the division's rules.

Division of Boating and Ocean Recreation Administrator Ed Underwood said the Malama Kai Foundation, working with his division, maintains an extensive, comprehensive and updated day using mooring list. The administrative rule change process is lengthy, making incorporating each new mooring cumbersome, he added.

Both Walsh and Underwood noted that an anchor dropped in live coral is a clear violation of state law.

"Anchoring elsewhere (more than 100 yards from a day use mooring) is permitted in sand, rock, rubble or other areas in which no live coral exists," Walsh said, referring to the department's administrative rules. "(DOCARE) didn't pursue that."

Walsh noted the fish collecting itself was legal.

Landt, who has been a diving instructor since 2000, was diving off the North Kohala coast in February when she saw a man, later identified as Lovell, collecting fish. It was the first time she'd ever witnessed fish collection. She saw the anchor in the coral and took pictures as she and several other divers swam past.

"We didn't touch anything," Landt said. "We just took pictures. When he saw us, he got extremely angry. He started to grab all his equipment."

Lovell declined to comment Friday.

Landt said she saw Lovell return to his boat, then drive back and forth to collect the anchor and chain,

Click the image to view gallery



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DUI Conviction List 10-02 (429)

Editor's note: This log of driving under the influence convictions is a regul

Sweet Treat (426)

KOHALA COUNTRY FAIR LIFTS SPIRITS

Ka Makani conquest (407)

HPA CLAIMS THRILLER OVER KS-HAWAII

dragging the anchor across the coral. He then moved the boat a few hundred yards down shore and dropped anchor again. She sent her pictures to the aquatic resources office in Kona, hoping to see Lovell cited.

She also posted the photos on Facebook. A DOCARE officer came by Kohala Divers, where Landt works, ordered her to take down the photos and told her Lovell wanted to press harassment charges. She didn't hear anything until last week, when she received a summons to go to the Kona Police Station. She did and learned she was being charged with harassment of a fisherman and was ordered to appear in District Court Wednesday. She faces a maximum fine of \$500 and up to 30 days in jail. No one else who took pictures that day was charged, she said.

Landt said she didn't harass Lovell.

"I wonder if I'm going to be made an example of," Landt said, adding that she acted in the way divers and other marine users are instructed to act if they see what they believe to be a marine violation. "It seems like it was kind of discouraging people from reporting (violations)."

Walsh agreed. The charge may have a "chilling effect" on people making such reports. And he noted that the charge doesn't apply to Landt's situation.

The charge, that she harassed Lovell by "placing (her)self in a location in which human presence may affect the behavior of the fish to be taken," according to Hawaii Revised Statutes, refers specifically to anyone with a license to fish in the state's freshwater rivers and reservoirs.

The deputy prosecuting attorney in charge of Landt's arraignment did not respond to a message seeking comment on the case.

emiller@westhawaii.com

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Comments

[Permalink](#) Submitted by [angkoldoy](#) on September 25, 2011 - 8:59am

Obbyscuba: In Hawaii, all department heads are NOT neutral: They are political appointees. DLNR needs to be headed by an elected, non-partisan candidate with a 6 year term, 2 term limit.

TO all that comment on this article, please reference the specific section of the law you to which you are referring (i.e. HRS 200-4, HAR 13-257-2, etc) so we can be sure you are informing us of the facts and not baffling us with...

[Permalink](#) Submitted by [Kalahuipuaa](#) on September 25, 2011 - 8:46am

We need protection here from the DLNR, before our reef fish get decimated. Time for a kapu.

Sandalwood was practically wiped out before King Kamehameha III put a kapu on cutting it. Will we have to wait until our reef has been hammered like that on Oahu before a kapu is put on commercial aquarium collecting and export?

[Permalink](#) Submitted by [wahineilikea](#) on September 25, 2011 - 7:49am

koralbeauty, the fact that a number of people may be accustomed to breaking any given law is no reason not to prosecute someone who is caught red-handed in the act. The traffic officer that clocks one speeder going 60 in a 45 zone is very unlikely to be moved by that driver's complaint that everyone else was doing it too! In any case, this guy's illegal act of dropping his anchor on the coral is not the entire focus of the story, it's also the lack of follow-up from the DLNR in the face of irrefutable evidence, along with the bizarre act of a DOCARE officer threatening a citizen watchdog over Facebook photos.

[Jim Rizzuto's Big-Fish... \(342\)](#)
[Big-Fish List](#)

[Senior Night a resounding... \(272\)](#)
BY JOE FERRARO | WEST HAWAII TODAY

[The right mix -- Roboticist... \(272\)](#)
THREE HUMANOID ROBOTS WILL
CHALLENGE IRONMAN COURSE

[In Brief | Big Island and... \(236\)](#)
Military convoys scheduled this week

[Wauke was indispensable to... \(172\)](#)
BY DIANA DUFF | SPECIAL TO WEST
HAWAII TODAY



Polls



A How-To Guide for Reporting Potential Marine Wildlife Harassment in Hawai'i

August 12, 2021

Learn how you help protect Hawai'i marine wildlife through reporting.



An endangered Hawaiian monk seal takes a nap on the beach on the south coast of Kaua'i, Hawai'i. The sign in the foreground instructs people not to approach the seal.

Imagine you're scrolling through social media and a video pops up of a Hawaiian monk seal

resting on the beach. The first few seconds of video capture the natural beauty of the wild seal, peacefully slumbering on the sand. But suddenly, someone appears from the side of the frame and starts to mischievously tiptoe toward the sleeping seal. You shout through the screen and try to stop this person from what is inevitably going to happen. But despite your efforts, another one of our Hawaiian monk seals is touched and disturbed.

Reports of people disturbing protected marine wildlife have significantly increased over the last decade. And over the past few years, multiple incidents involving potentially illegal encounters with protected marine species have gone viral on social media, including two recent videos of people touching and disturbing monk seals. These concerning and disrespectful images and videos have, understandably, upset many people in Hawai'i and across the country. Incidents like these should be reported to NOAA Fisheries or the Hawai'i Department of Land and Natural Resources.

Here's what you need to know about reporting potentially illegal marine wildlife interactions, how NOAA responds to reports, and what the laws are regarding protected marine wildlife.

What Should I Do if I See Someone Interacting with Marine Wildlife in Hawai'i?

At the federal level, all marine mammals, including Hawaiian monk seals, dolphins, and whales, are protected by the [Marine Mammal Protection Act](#). All species of sea turtles, as well as some marine mammals, such as monk seals, insular false killer whales, and sperm whales, are protected by the [Endangered Species Act](#).

If you see someone closely interacting with marine wildlife—such as by touching or chasing them—in person or on social media, you may be witnessing a violation of the MMPA or ESA. The best way you can help is to report the incident and submit videos or photos of potentially illegal encounters with monk seals, dolphins, whales, and sea turtles.

For NOAA Fisheries to take action, it is important to provide the right information. Videos are much better for documenting an encounter. The most useful videos clearly show the behavior of both the people and the animals involved in the incident. Also, it can be very difficult to take appropriate action without knowing the identity of the people involved. Photos can help law enforcement identify people, vessels, or vehicles.

To submit a report, you can call:

- NOAA Marine Wildlife Hotline: (888) 256-9840 (best number for all protected marine wildlife emergencies, enforcement is option 6)
- NOAA Office of Law Enforcement: (800) 853-1964

- DLNR DOCARE: (808) 643-DLNR (3567)

You can also send videos, photos, and social media links to RespectWildlife@noaa.gov or download and submit a report through the [DLNRTip app](#).

What Happens After I Submit a Report?


NOAA Fisheries' Pacific Islands Regional Office in Honolulu looks into every report of potential illegal activity involving protected marine wildlife in the Pacific Islands Region. Our response to these reports can range from documenting the incident in our database, to conducting outreach to those involved, to referring the incident to NOAA's Office of Law Enforcement for investigation.

The most appropriate response depends on the circumstances surrounding each incident. Wildlife managers and enforcement officials continue to fine-tune a process that balances conservation benefits, available resources, and legal authorities.

Enforcement agencies are limited by the language in laws and regulations. We determine whether a penalty can be assessed based on if there is a legal violation. Even if we receive a report of discouraged or disrespectful behavior around protected marine wildlife, we cannot issue a citation if the activity does not constitute a violation under the law. For the majority of reports, the human activities depicted are not illegal.

Many other reports do not contain enough evidence to determine if an illegal activity occurred.

For every report, we make a concerted effort to educate the people involved on how to safely and respectfully behave around marine wildlife. We also have a proactive initiative to work with the community and our partners to educate the public on safely interacting with marine wildlife. With these efforts, we hope to promote coexistence with protected marine wildlife on the beach and in the ocean.

This [StoryMap](#)  shows some of the enforcement actions we have taken to protect and conserve protected marine wildlife.

Understanding the differences between laws, regulations, and guidelines is critical to knowing what behaviors around protected marine wildlife are considered illegal. Laws are the foundation of our legal system and determine what is legal and illegal. They also provide government agencies, like NOAA Fisheries, the authority to take action to implement and enforce laws, such as by implementing regulations.

Regulations, or rules, specify how a law will be implemented. They spell out how the public must comply with the law, so they are also legally enforceable.

Guidelines, on the other hand, are voluntary standards that are sometimes issued to promote best practices, but they are not legally enforceable. They can aid the public in understanding the best way to be in compliance with laws and regulations.

Laws, Regulations, and Guidelines for Protected Marine Wildlife in Hawai'i

Marine Mammal Protection Act

Under the Marine Mammal Protection Act, “take” is defined as: *to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal*. It specifically defines harassment as any act of pursuit, torment, or annoyance, which has the potential to either:

- *Injure a marine mammal* (Level A harassment) or
- *Disturb a marine mammal by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering* (Level B harassment)

NOAA Fisheries regulations implementing the Marine Mammal Protection Act further define “take” to include:

- *Negligent or intentional operation of an aircraft or vessel*
- *Any other negligent or intentional act which results in disturbing or molesting a marine mammal*
- *Feeding or attempting to feed a marine mammal in the wild*

Endangered Species Act

Under the Endangered Species Act, “take” is defined as: *to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct*.

Although some of these actions, like *hunt, capture, or kill*, are pretty straightforward, the public’s understanding of the term *harass* may not always be consistent. To minimize *harassment*, NOAA Fisheries established [responsible marine wildlife viewing guidelines and regulations in Hawai'i](#). These guidelines and regulations help you understand the best way to view protected marine wildlife safely and legally and avoid harassment.

The general purpose of these guidelines and regulations is to promote safe and responsible marine wildlife viewing from a respectful distance. The guidelines and regulations vary based on the species and geographic area. For Hawai'i and the Pacific Islands, they include:

- 10 feet for sea turtles (guideline)

- 50 feet for monk seals (guideline)
- 50 yards for dolphins and small whales (guideline)
- 100 yards for most large whales (e.g. sperm whales) (guideline)
- 100 yards for humpback whales (regulation)

The recommended viewing distances established under our **guidelines**, are not legal, enforceable boundaries. Someone standing close to a turtle may not be violating the law, depending on the specific circumstances. However, approaching closer than these recommended distances puts you in a situation where illegal harassment is more likely to occur.

In contrast, the distances established under our regulations are indeed legally enforceable boundaries. For example, in Hawai'i the [viewing distance regulation for humpback whales](#) prohibits approaching a humpback whale within 100 yards by any means, including by boat, kayak, drone, while swimming, or by any other vessel or object.

Please help us turn disrespectful (and potentially illegal) interactions into positive change by getting the word out about respectful viewing of protected marine wildlife and keeping a safe distance away!

Last updated by [Pacific Islands Regional Office](#) on August 20, 2021



State of Hawaii
 Division of Conservation and Resources
 Enforcement

[Home](#) » [Announcements](#), [slider](#) » Enforcement Division Launches New DLNRTip App

ENFORCEMENT DIVISION LAUNCHES NEW DLNRTIP APP

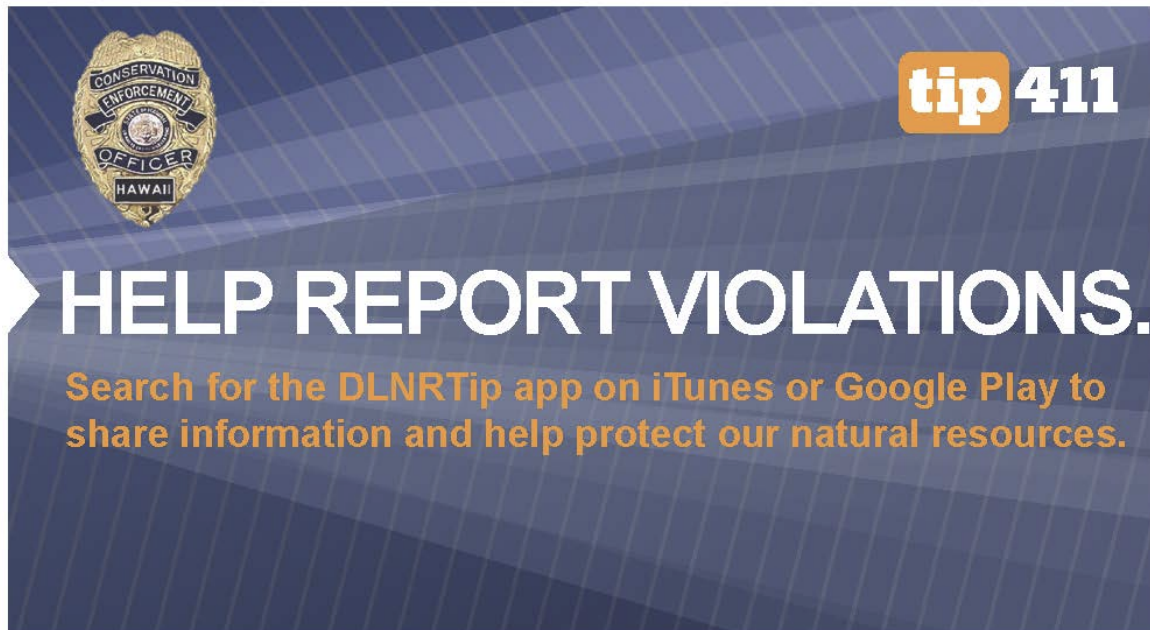
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DEPARTMENT OF LAND AND NATURAL RESOURCES News Release

DAVID Y. IGE
 GOVERNOR

SUZANNE D. CASE
 CHAIRPERSON

For Immediate News Release June 14, 2017



ENFORCEMENT DIVISION LAUNCHES NEW DLNRTip APP

DOCARE Sets Up Application to Get Anonymous Information on Resource Violations

(Honolulu) – Last weekend a man sent DLNR Chair Suzanne Case photographs of two hammerhead sharks, left dead near the He'eia Small Boat Harbor on Windward O'ahu. It's impossible to determine how they died. Were they hooked and discarded? Were they caught up in a

net? Did someone kill them illegally? This is exactly the kind of situation the DLNR hopes people will report immediately using its new **DLNRTip** app.

The DLNR Division of Conservation and Resources Enforcement (DOCARE) launched the new app to help people connect directly with conservation officers, view alerts, and submit anonymous tips from smartphones. It is an important extension of the agencies *DLNR & You* brand.

Developed by tip411, the **DLNRTip** app is an innovative program that encourages people to provide DOCARE with factual information leading to the arrest of anyone who poaches or harasses protected wildlife species, pollutes, or violates any State conservation resources rules. 1400 communities around the country are currently using the application developed by and managed by tip411. **DLNRTip** is available for download for free via the Google Play Store, iTunes App Store, or by visiting the DOCARE website at dlnr.hawaii.gov/docare.

“Our stated mission is to serve to protect, conserve and manage Hawai‘i’s unique and limited natural, cultural and historic resources held in public trust for current and future generations of visitors and the people of Hawai‘i nei,” said Robert Farrell, DOCARE Enforcement Chief. DLNR Chair Suzanne Case commented, “We think **DLNRTip** is a natural extension of the *DLNR & You* brand and furthers our belief that we can’t protect our state’s natural and cultural resources without the thousands of eyes and ears of concerned citizens who can serve as proxies for DOCARE officers who clearly cannot be everywhere, all the time. **DLNRTip** will better connect our officers to people and expedite receipt of tips of wrongdoing and our subsequent responses.”

“We’re proud to partner with agencies like DLNR/DOCARE to help better connect members of the public with law enforcement to share information,” said tip411 President Terry Halsch.

“**DLNRTip** powered by tip411Mobile will greatly improve the public’s access to agency alerts, social media channels, important information, and more, to help protect natural and cultural resources in Hawai‘i.”

The **DLNRTip app** and tip411 are completely anonymous, as the technology removes all identifying information before officers see tips so there is no way to identify senders. People without a smartphone will be able to send an anonymous text tip via their cell phone to DOCARE by texting keyword **DLNRTIP** and their message/tip to **847411** (tip411). Anonymous web tips can also be submitted through the DOCARE website noted above. DOCARE will also continue to take calls and tips on its Statewide Hotline, 643-DLNR or 643-3567



###

Media Contact:



Making Hawai'i a Great Place to Live!
Department of Land and Natural Resources
Ka 'Oihana Kumuwaiwai 'Āina

Home » [DOCARE](#), [Main](#), [News Releases](#), [slider](#), [slider](#) » 07/09/2020-DLNRTIP APP UPGRADE INCREASES REPORTING CAPABILITIES

07/09/2020-DLNRTIP APP UPGRADE INCREASES REPORTING CAPABILITIES

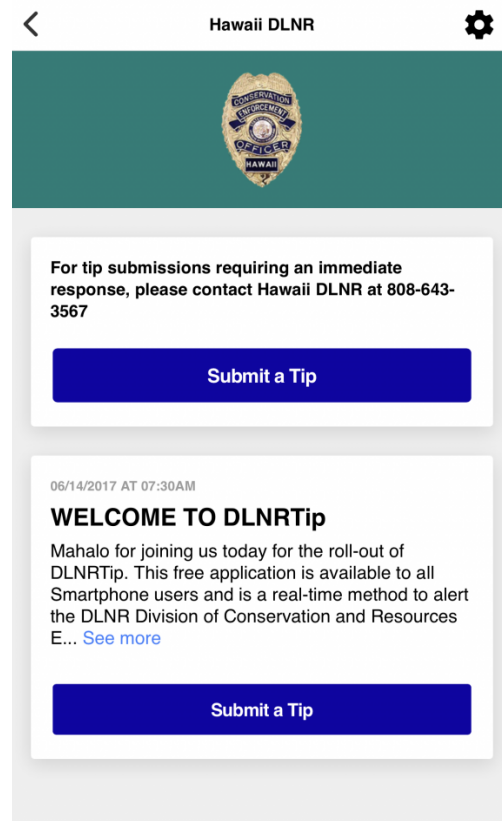
Posted on Jul 9, 2020 in [DOCARE](#), [Main](#), [News Releases](#), [slider](#), [slider](#)

DEPARTMENT OF LAND AND NATURAL RESOURCES News Release

<p>DAVID Y. IGE GOVERNOR</p>	<p>SUZANNE D. CASE CHAIRPERSON</p>
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For Immediate News Release: July 9, 2020

DLNRTIP APP UPGRADE INCREASES REPORTING CAPABILITIES





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My Tips



More

(Honolulu) – Hawai‘i’s official application for reporting natural resource violations is receiving a major update. The DLNRTip App now includes new features that allow users to choose an island when submitting a tip. This sends the tip directly to the appropriate DLNR Division of Conservation and Resources Enforcement (DOCARE) branch.

Another upgrade is the “Use My Location” button, which more accurately pinpoint a user’s location. DOCARE Chief Jason Redulla said, “It is important to use as much detail when describing and reporting a suspected natural or cultural resource violation. We ask users to be sure to include the island where the violation is occurring. Since its introduction several years ago, the application has been valuable in helping people immediately report violations, which allows us to dispatch DOCARE officers quickly to a scene.”

Download the free DLNRTip app from the Apple App Store for iPhones or Google Play Store for Android devices.

###

RESOURCES

Downloaded the app here:

Android: <https://play.google.com/store/apps/details?id=com.citizenobserver.dlnrtip>

Apple: <https://apps.apple.com/us/app/dlnrtip/id1235692976?ls=1>

Media Contact:

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Communications Specialist

Hawaii Department of Land and Natural Resources

dlnr.comms@hawaii.gov

808-587-0396 (Communications Office)

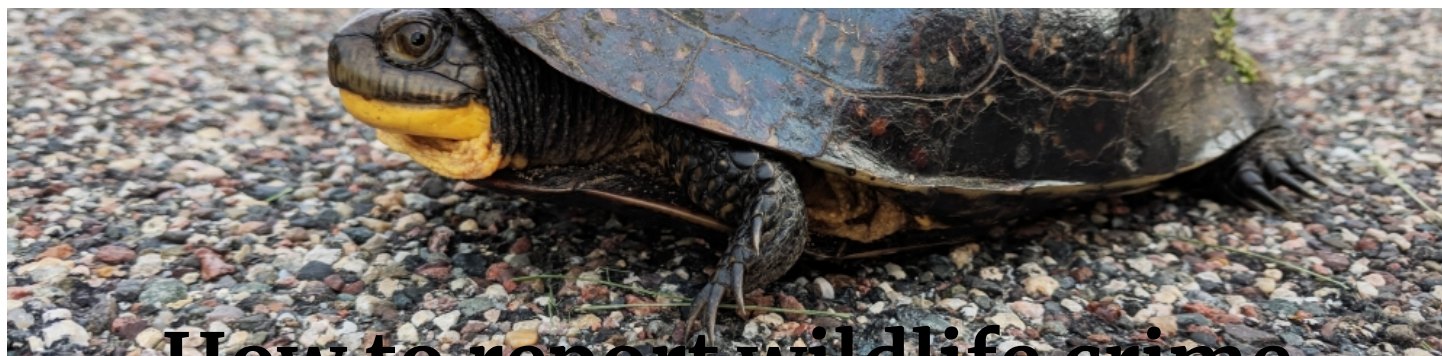


Image Detail (https://www.fws.gov/story/how-report-wildlife-crime)

How to report wildlife crime

Speaking up for wildlife: How to report wildlife crime

Written By



Tina Shaw (/staff-profile/tina-shaw)

The U.S. Fish and Wildlife Service is responsible for protecting America's wildlife from poaching, illegal commercialization and other kinds of wildlife crime. While our special agents and wildlife inspectors within the Office of Law Enforcement work with our federal, state and tribal conservation partners across the country to investigate these crimes, we also depend on tips from concerned citizens. People just like you step up and share information that helps us protect everything from native turtles and pallid sturgeon to bald eagles and white-tailed deer. Help us close the next case and you may be eligible for a monetary reward.

Wildlife crime is much more than elephant ivory and rhino horns. America's native plants and animals need your help across the country. While it's true that we are actively fighting illegal commercialization, commonly referred to as wildlife trafficking, wildlife crime is far more domestic than you may realize. It can happen in your local parks, wildlife refuges and even on your own land. Many of our law enforcement investigations are solved because people who see

unlawful activities reach out to us or their local game warden. In tandem to this community effort, we established the use of financial rewards to people who provide critical information. This program allows us to thank everyday people who help us investigate and stop these crimes, all while protecting their anonymity in the process.

Be situationally aware and trust your gut

One way that you can help is to stay situationally aware. Trust your gut to know when things just don't seem right. This happened to a woman in Minnesota while she was on a bike ride and saw someone putting Blanding's turtles in their trunk. She knew that these mild mannered turtles are protected and extremely vulnerable during breeding season as they move to nesting habitat to lay eggs. She reported the vehicle's license plate number and other identifiable information to an officer with the Minnesota Department of Natural Resources and her tip ultimately helped to uncover a multistate, illegal trafficking scheme based in Wisconsin. The man involved pleaded guilty to a felony Lacey Act violation, served time in prison and paid heavy fines. During the investigation, officers recovered an incubator with 120 native map, painted and softshell turtle eggs that he had illegally collected in the wild. This wildlife trafficker also left an incriminating digital footprint, using online retailers to traffick additional wild reptile and amphibian species. Just one person speaking for a couple of turtles made a positive impact on local wildlife. In this case, we were able to recognize her contributions with a \$1,500 reward through the Lacey Act Reward Account, all while maintaining her anonymity. You can remain anonymous when reporting.

Know the law

Another way you can help is by knowing the laws that protect wildlife. Migratory birds native to the U.S., including their nests and eggs, are protected under the Migratory Bird Treaty Act, which dates back to 1918. Knowing what's in season under state and tribal law is important too, because poaching isn't the only wildlife crime, hunting out of season and falsifying records are also criminal offenses. Ethical hunters and anglers respect the biological reasoning behind bag limits and speak up when something doesn't seem right.

Do you have a wildlife crime to report?

If you believe you have information related to a wildlife crime, email or call us with information about where and when it occurred, along with what you witnessed. Include any photos or videos you may have.

How to report a wildlife crime

If you think you're witnessing a crime in progress, maintain a safe distance and protect yourself

Make use of your cell phone and take photos or videos, if you can do so safely

Write down any information about the person committing the crime, including any vehicle information, what you witnessed and where the event took place

If you suspect that someone is trafficking in wildlife online, include the full website URL and take screen captures of the potentially illegal sale

[Submit a law enforcement tip online \(https://www.fws.gov/form/refuge-law-enforcement\)](https://www.fws.gov/form/refuge-law-enforcement) or call us using the FWS TIPS line at 1-844-FWS-TIPS ([1-844-397-8477](tel:1-844-397-8477))

Please discuss the possibility of a reward with the special agent receiving your information

Together, we can make a positive difference in the health of America's fish, wildlife and iconic habitats.

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Written By

[Tina Shaw \(/staff-profile/tina-shaw\)](/staff-profile/tina-shaw)[Wildlife Crime \(/news/wildlife-crime\)](/news/wildlife-crime)

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To: The Honorable Chair Inouye and Vice-chair Elefante, and members of the Senate Committee on Water and Land

From: Hawai'i Reef and Ocean Coalition (by Ted Bohlen)

Re: Hearing SB66 **RELATING TO FISHING SAFETY**

Hearing: Monday, February 13, 2023, 12:30 p.m.

Aloha Chair Inouye, Vice Chair Elefante, and members of the Committee:

The Hawai'i Reef and Ocean Coalition (HIROC) is a group of scientists, educators, filmmakers and environmental advocates who have been working since 2017 to protect Hawaii's coral reefs and ocean.

The Hawai'i Reef and Ocean Coalition respectfully but STRONGLY OPPOSES SB66!

HIROC questions the need for this bill. Of course, we value the safety of fishers and of bystanders. But, the law that would be amended (HRS Section 188-71) already provides penalties, including possible imprisonment, for intentionally preventing or attempting to prevent the lawful taking of freshwater game fish, from intentional harassment, theft of property, interference or obstruction. Is there a safety issue that isn't covered by existing law that requires restricting the freedoms of others?

This bill raises numerous legal concerns:

- This bill is against existing public policy on reporting violations as implemented by State and federal authorities, DOCARE, NOAA, and USFWS. If a fisher is acting in a way that harms our reefs and ocean, the public should be free to report it.
- This bill would deter the public who are not in the Makai Watch program from providing evidence to DOCARE, contrary to public policy.
- A State law prohibiting taking of photographs or videos in a public area unless you are more than 100 feet away appears to be inconsistent with the First Amendment to the Constitution.
- This bill would set a terrible precedent by restricting the freedom of people.

We thank the committee for the opportunity to raise serious concerns about this measure! Please hold SB66!

Mahalo!

Hawai'i Reef and Ocean Coalition (by Ted Bohlen)



RESCUE OF ANIMAL RIGHTS

to. Aloha Chair, Vice Chair & the WTL Committee,
the Senate
Committees ROAR testifies to provide comments for SB 66.
WTL

The Hawaii State
Legislature

The State law protects fishermen from harassment if they are taking fish pursuant to a freshwater game fishing license. The Makai Watch Program is an official program from DLNR to enhance protection of the shores & coastal resources by giving members the opportunity to work with and interact with a resource manager and enforcement officer in their community. MWP is the eyes & ears for division of conservation and resources enforcement. It's duties are to observe & report and to raise awareness about its efforts through outreach. Volunteers are trained to conduct activities in matter which does not interfere with fishing activities. The purpose of this act is designate the responsibility of prohibiting harassment to the Makai Watch Program volunteers. To balance this out, there should also be consideration that if a fisherman is overfishing or fishing protected species, it should be the due diligence of the program volunteer to prevent such activities from happening.

from
Zhizi Xiong
(Angela
Melody
Young)
Creator

ROAR's proposed amendment is: "It shall not be a violation of this chapter to warn fisherman about overfishing pursuant to §187A-5.5 (2b) Consistency of state and federal fisheries regulations. The board shall annually establish a fishing season, a total fishing quota, or individual fishing quotas, or adopt rules

808-724-0047
alohadivinedesign@gmail.com



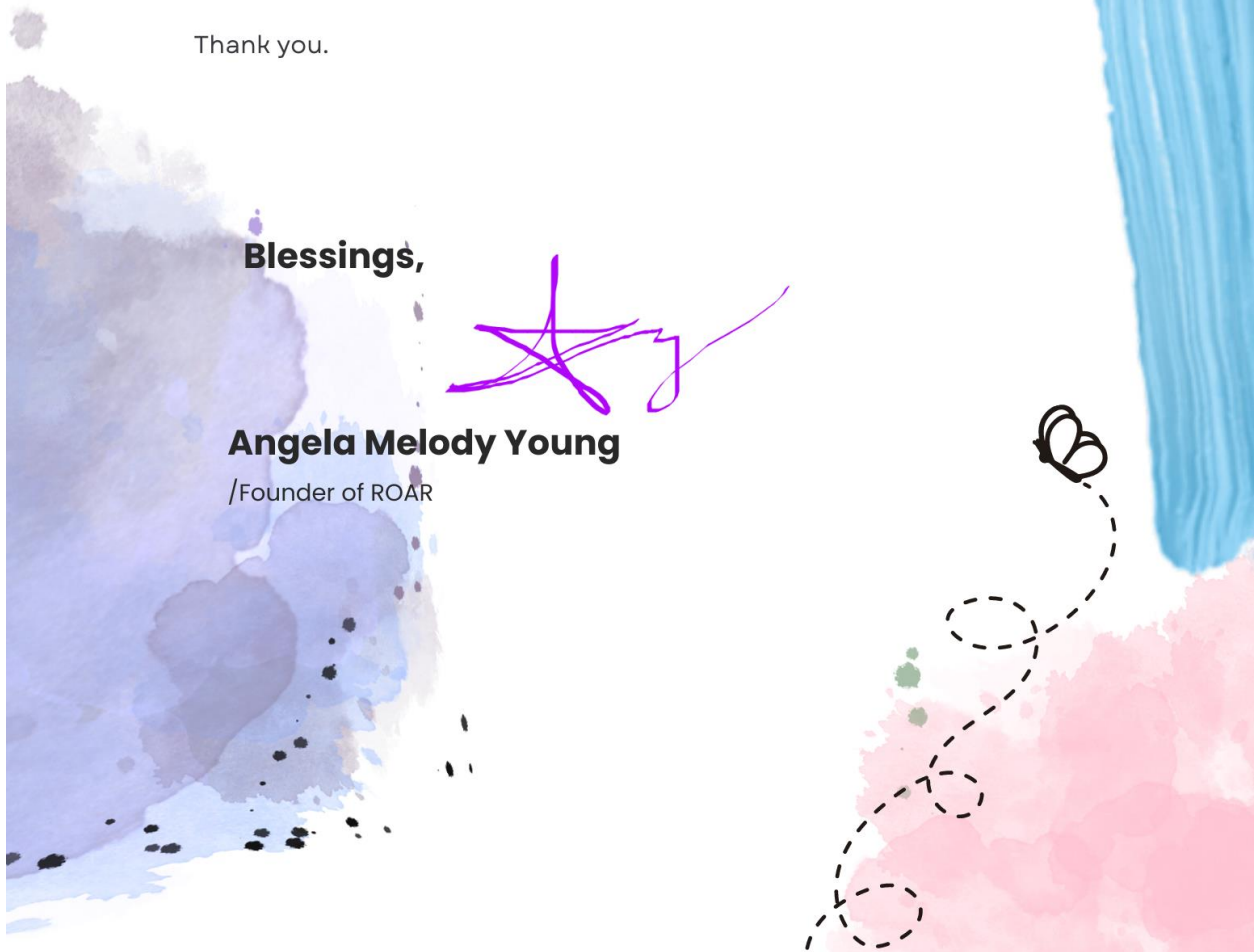
pursuant to chapter 91 relating to bag, size, and gear limits, consistent with federal fisheries regulations that are adopted or declared by the federal government to prevent overfishing and with similar state rules adopted under subsection 1(a). This applies to the fishery that occurs in both state and federal marine waters. Repeated warnings for wrongful activities should not be seen as harassment.

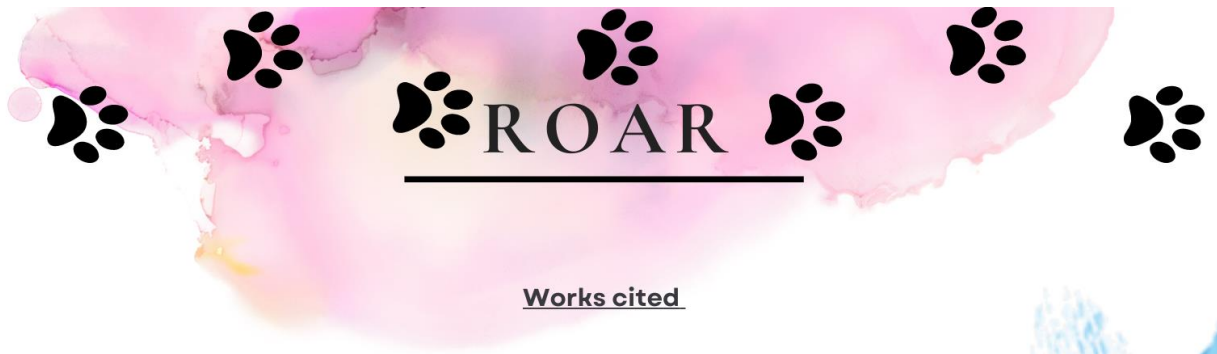
Thank you.

Blessings,

Angela Melody Young

/Founder of ROAR





Works cited

“2012 Hawaii Revised Statutes :: TITLE 12. CONSERVATION and RESOURCES :: 187A. Aquatic Resources.” Justia Law, law.justia.com/codes/hawaii/2012/title-12/chapter-187a. Accessed 13 Feb. 2023.



SB-66

Submitted on: 2/11/2023 11:52:27 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 from Waianae and support Sb66 I just want to point out this is what a good bill looks like it helps to manage fisheries and our Lands not completely banning them.

mahalo!

Jerry Isham

SB-66

Submitted on: 2/11/2023 10:39:43 AM

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

Submitted By	Organization	Testifier Position	Testify
R A Culbertson	Testifying for Big Island Reef Keepers hui	Oppose	Written Testimony Only

Comments:

Aloha Senators!

This being the fourth year in a row this stealthy and unconstitutional bill is being submitted, you should know better!

- this bill directly conflicts with what DOCARE, NOAA, USFWS asks of the public; to report suspected illegal fishing or other marine related violations, including by submitting photos and videos, including via DLNR's own Tip App
- this sets a dangerous precedent. No other group, not even the police, are protected from public scrutiny when *operating in plain view in public areas, such as our beaches and oceans*. This likely violates the First Amendment.
- existing anti-harrassment laws already provide adequate protection to lawful fishers, or any person, from intentional harrassment, interference, obstruction, harm, or theft of property.
- this bill was originally drafted to protect aquarium collectors from public scrutiny following their attack on a diver with a camera, and a separate incident where a diver recorded an aquarium collector's anchor causing coral damage
- this bill provides cover to those who would do harm to our precious marine life and reefs, held in the public trust

Please hold this bill!



Testimony Before The
Senate Committee on Water and Land
COMMENTS ON SB 66
Monday, February 13, 2023, 12:30PM, Room 229

My name is Kevin Chang and I am the Executive Director 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 I'a, and a growing group of over 60 Limu practitioners and supporters called the Limu Hui. A number of the communities we serve, and KUA itself have played a role in the development of the Makai Watch program and supported DOCARE's growth and capacity to better work with citizens, especially our practitioners in rural and Native Hawaiian communities.

KUA has comments and concerns about SB 66.

We are concerned the bills vagueness and existing laws on harassment that should apply to all citizens creates a number of problems not to mention the chilling affect it could have on reasonable citizen desires to support or collaborate with their government. This bill could put a chill on the kind of public support and cooperation DOCARE and DLNR -in programs like Makai Watch and their TIP App- hope to engender in working with community.

As an example, the following suggested clauses have problems due to vagueness and enforceability:

- 1) "Placing the person's self in a location in which human presence may affect the behavior of fish to be taken or the feasibility of taking such fish;" and
- 2) "Creating a visual, aural, olfactory, or physical stimulus to affect the behavior of fish to be taken."

#1 could easily compromise non-fishers for presence in the area of a fisher because they "may affect" a fisher's ability to catch a fish. #2 compounds this should they accidentally fart – an aural olfactory stimulant- and scatter the fish. What would be the purpose of making fishers a specially protected class? It sounds as if anyone, say walking up to a fisher to ask about their catch (a common shoreline activity as niele as some might be) and disturbs fish behavior in the presence of a fisher is walking into a gray zone of criminal stigma or liability.

Mahalo for this opportunity.

Aloha 'Āina Momona.



*Dedicated to the conservation of coastal and marine environments,
emphasizing stewardship of the natural resources of Hanauma Bay*

Committee on Water and Land (WTL)
Senator Lorraine R. Inouye, Chair
Senator Brandon J.C. Elefante, Vice Chair

DATE:	Monday, February 13, 2023
TIME:	12:30 PM
PLACE:	Conference Room 229 & Videoconference

Re: **Strong Opposition to SB66**

Aloha WTL Chair Senator Inouye, Vice Chair Elephante, and WTL Committee Members,

Thank you for allowing Friends of Hanauma Bay to testify in Strong Opposition to SB66. Our reasons include the following:

- SB66 directly conflicts with DOCARE, NOAA, and USFWS requests to the public to report suspected illegal fishing or other marine related violations by submitting photos and videos to include via DLNR's own Tip App.
- SB66 sets a dangerous precedent. No other group, not even the police, are protected from public scrutiny when operating in plain view in public areas, such as our beaches and oceans.
- Existing anti-harrassment laws already provide adequate protection to lawful fishers, or any person, from intentional harassment, interference, obstruction, harm, or theft of property.
- SB66 was originally drafted to protect aquarium collectors from public scrutiny following their attack on a diver with a camera, and a separate incident where a diver recorded an aquarium collector's anchor causing coral damage.



*Dedicated to the conservation of coastal and marine environments,
emphasizing stewardship of the natural resources of Hanauma Bay*

- SB66 provides cover to those who would do harm to our precious marine life and reefs, which are held in public trust.

Therefore, **please do not pass SB66!**

With Aloha,

Lisa Bishop
President
Friends of Hanauma Bay

I am submitting this testimony in opposition to SB66.

Our families depend on the ocean for cultural practices and food. Protecting our marine resources from illegal, inappropriate harvesting is critical to the perpetuation of a lifestyle that identifies us as Hawaiians and as the hoʻāina of our home – Hoʻokena. Teaching our keiki to harvest opihi, wana, limu, and lʻa in a pono way is important to us.

The Department of Land and Natural Resources has the kuleana to make sure that people follow the rules regulating fishing to ensure the sustainability of our lʻa, and they have empowered us to help them carry out their responsibilities. Providing us with a tool to report illegal fishing and harvesting has enhanced the achievement of our shared goals.

The DLNR tip app is a valuable means for pono lawaiʻa to send violations to DOCARE using photographic evidence. The report is sent instantaneously and the response is prompt leaving us with a sense of respect for the reliability of the Department of Land and Natural Resources.

The ability to document unlawful fishing in this manner will help to prevent physical confrontations and provide us with a safe way to address illegal, inappropriate fishing.

The provision in SB66 denying the public the ability to photograph a person or vessel who is illegally fishing is detrimental to the safety and welfare of our communities and will negatively impact the mission of the DLNR. Please do not pass this measure for the reasons stated above.

Mahalo nui,

Damien Kenison

Kauhakō Ohana Association

11 February 2023

I am a scientist and kama‘aina community member who has worked in Hawai‘i’s forests and oceans and with its people for the last 20 years. I work closely with County, State, and federal agencies, the University of Hawai‘i, and several other universities, as well as numerous non-profit (including native Hawaiian) organizations across the State to support natural resource management and community involvement. Today, I submit this testimony as the current coordinator of the Miloli‘i Makai Watch and as the president of the Hawaii Marine Education and Research Center which was created to support communities and their natural resources.

I submit this testimony in strong opposition of SB66 because:

- SB66 directly conflicts with the assistance DOCARE, NOAA, US Fish and Wildlife Service and the National Parks Service asks of the public which is to report suspected illegal fishing or other marine related violations, including by submitting photos and videos, via telephone hotlines and digital tip apps.
- The statutes laid out in this bill are counter to federal law that protects the ability of a citizen to observe and report possible illegal activity in public areas, which includes all State of Hawai‘i coastal zones and waters out to 3 nautical miles from shore.
- The demarcation of 100 ft creates a particular obstacle to interaction needed for education on marine regulations even by those with training such as Makai Watch.
- Current laws provide protection to lawful fishers, or any person, from intentional harassment, interference, obstruction, harm, or theft of property.

Respectfully,



Robin Martin PhD
Coordinator, Miloli‘i Makai Watch
President, Hawaii Marine Education and Research Center



February 12, 2023

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

DATE: Monday, February 13, 2023

TIME: 12:30PM

Regarding: SB 66 RELATING TO FISHING SAFETY

Strong support

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 66.

As a lifelong fisher, I have had personal and direct experience of harassment by tourists and well as from a shoreline homeowner, and even by a security guard. As a resident of the west-side of the Big Island, I have experienced the following:

- Fishing at Keauhou Harbor, tourist approached and asked “Why are you fishing for the pretty fish, you should not do that.” Then she tried to grab my bucket.
- Fishing in front of the Kona by the Sea condominiums on Alii Drive, a condo owner yelled “You cannot fish here, it is private property. If you don’t leave I will call the police.”
- Fishing at Kukio Bay, prior to the ten-year closure of the area, a security guard told me that the area is reserved for swimmer and fishing is prohibited.

I am very cognizant of all the fishing rules around West Hawaii and everything I was doing was legal. I have been told by reliable fishers that they have experienced similar issues. A fisher was taking a young son fishing, and was confronted by a home owner. Rather than stand his ground and argue with the homeowner, he decided to leave so that his son would not witness an argument. A single mother was trying to teach her children how to fish at Makalawena, West Hawaii, and was told by a security guard that fishing is not permitted at that area, which is untrue.

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

Fishers on Oahu and Kauai have reported very similar incidents. There are YouTube videos taken by fishers who are being harassed by tourists. SB66 will help fishers enjoy their time fishing without fear of illegal harassment. Please vote in support of SB66.

HFACT thanks the chair, vice-chair, and committee members for this opportunity to provide comment and to assist fishers of Hawaii, 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-66

Submitted on: 2/12/2023 4:15:01 PM

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

Submitted By	Organization	Testifier Position	Testify
Lauren Blickley	Testifying for Surfrider Foundation	Oppose	Written Testimony Only

Comments:

Surfrider Foundation **STRONGLY OPPOSES SB66, Fisherman "Safety"**, that would, among other provisions, criminalize the taking of photos or video of potential illegal fishing or marine related violations unless a person is at least 100 feet away from the subject.

- This bill directly conflicts with what DOCARE, NOAA, USFWS asks of the public; to report suspected illegal fishing or other marine related violations, including by submitting photos and videos, including via DLNR's own Tip App
- This bill sets a dangerous precedent. No other group, not even the police, are protected from public scrutiny when operating in plain view in public areas, such as our beaches and oceans. This likely violates the First Amendment.
- Existing anti-harrassment laws already provide adequate protection to lawful fishers, or any person, from intentional harrassment, interference, obstruction, harm, or theft of property.
- This bill was originally drafted to protect aquarium collectors from public scrutiny following their attack on a diver with a camera, and a separate incident where a diver recorded an aquarium collector's anchor causing coral damage
- This bill provides cover to those who would do harm to our precious marine life and reefs, held in the public trust

Mahalo for OPPOSING this bill.

SB-66

Submitted on: 2/11/2023 2:37:06 PM

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

Submitted By	Organization	Testifier Position	Testify
Kevin Chang	Individual	Oppose	Remotely Via Zoom

Comments:

I oppose this bill. This is the farting on or near fishers, fish or fishes bill. As offensive as farting on or near fishers, fish or fishes might be it is my understanding that fishers, fish and fishes also fart. The line between fishers, fish, fishes and farters is a thin line. Further on that line is where intent lies. Intent I believe is an important aspect of harassment law. Some farters, fishers, fish and fishes fart facetiously or in some cases reflexively. That is they emanate ipso facto farts. How would this legislature treat ipso facto facetious farting?

Lastly general laws concerning harassment would seem to apply and a law such as this would seem unnecessary.

SB-66

Submitted on: 2/12/2023 9:12:04 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:

Fully support this bill.

SB-66

Submitted on: 2/9/2023 5:59:23 PM

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

Submitted By	Organization	Testifier Position	Testify
Klayton Kubo	Individual	Support	Written Testimony Only

Comments:

Support

11 February 2023

I am a kama'aina science veteran of Hawai'i, with more than 800 scientific publications and a professional record indicating decades of research on Hawai'i's land and ocean resources and its people. I work closely with County, State, and federal agencies, the University of Hawai'i and several other universities, as well as numerous non-profit organizations across the State. I also work closely with DLNR Division of Conservation and Resource Enforcement (DOCARE) as well as NOAA Office of Law Enforcement (OLE), and I assist communities with their Makai Watches.

I submit this testimony in strong opposition to SB66 because:

- SB66 directly conflicts with the needs and guidance of DOCARE, NOAA, US Fish and Wildlife Service, and the National Park Service, which is to report suspected illegal fishing or other marine related violations, including by submitting photos and videos via telephone hotlines and digital tip apps.
- This bill is counter to federal law that protects the ability of a citizen to observe and report possible illegal activity in public areas, which includes all State of Hawai'i coastal zones and waters out to 3 nautical miles from shore.
- Current anti-harassment laws provide excellent protection to lawful fishers, or any person, from intentional harassment, interference, obstruction, harm, or theft of property.

Very respectfully,

Greg Asner PhD

Hilo HI 96720

SB-66

Submitted on: 2/11/2023 11:28:51 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 definately strongly support this bill.

Randy Fernley

SB-66

Submitted on: 2/11/2023 1:45:00 PM

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

Submitted By	Organization	Testifier Position	Testify
Barbara Kaaumoana	Individual	Oppose	Written Testimony Only

Comments:

The Hanalei Watershed Hui coordinates the Hanalei Makai Watch Program and **STRONGLY OPPOSES** this bill. Enforcement of resource management, including our critical fisheries, is the foundation of providing sustenance and resilience in Hawaii.

Please kill this bill, once and for all.

Mahalo

SB-66

Submitted on: 2/11/2023 4:01:45 PM

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

Submitted By	Organization	Testifier Position	Testify
Uilani Naipo	Individual	Oppose	Written Testimony Only

Comments:

Chair, Vice Chair, and Members of the Committee

SB66 imposes limitation to community volunteers of Makai Watch to provide local "watch" in their waters. Clear observations of activities or water visibility can not be guaranteed from a distance of 100 ft. or greater.

Furthermore,

- this bill directly conflicts with what DOCARE, NOAA, USFWS asks of the public; to report suspected illegal fishing or other marine related violations, including by submitting photos and videos, including via DLNR's own Tip App

- this sets a dangerous precedent. No other group, not even the police, are protected from public scrutiny when operating in plain view in public areas, such as our beaches and oceans. This likely violates the First Amendment.

- existing anti-harrasment laws already provide adequate protection to lawful fishers, or any person, from intentional harrasment, interference, obstruction, harm, or theft of property.

- this bill was originally drafted to protect aquarium collectors from public scrutiny following their attack on a diver with a camera, and a separate incident where a diver recorded an aquarium collector's anchor causing coral damage

- this bill provides cover to those who would do harm to our precious marine life and reefs, held in the public trust

Mahalo,

U'ilani Naipo

SB-66

Submitted on: 2/11/2023 5:35:10 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 SB66.

SB-66

Submitted on: 2/12/2023 9:21:31 AM

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

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

Comments:

Aloha Chair Inouye & fellow committee members,

I am submitting this written testimony today in support of SB 66. It's about to time a common sense measure like this should be adopted and implemented into law. Fishing is a long standing tradition in Hawaii and only in recent times have we seen environmental movements and their radical agitators who mean to disrupt and interfere with fishing activity. You don't have the right to seek out fishermen doing their job and causing problems for them. It's rude, disrespectful, and not akamai. Allowing bad behavior will only bring about conflict which could lead to someone getting hurt. In Hawaii, we should be respectful towards each other, especially lawai'a. Personally, I would go further in this bill but this is a step in the right direction. Please pass this bill as written. Aloha and mahalo

SB-66

Submitted on: 2/12/2023 6:46:22 PM

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

Submitted By	Organization	Testifier Position	Testify
Lisa Nichols	Individual	Support	Written Testimony Only

Comments:

I

write in strong support of SB677, which authorizes and establishes procedures and criteria for prescriptive authority for licensed psychologists who meet specific education, training, and registration requirements.

Our communities are suffering because of the lack of access to comprehensive mental health care. Our most vulnerable citizens are unable to obtain the care needed to live healthy and functional lives. According to NAMI (2021), 187,000 adults in Hawai`i suffer from a mental health condition and 41,000 of our citizens experience a serious mental illness. Almost 70 percent of Hawai`i's youth ages 6-17 who have depression did not receive any care in the past year. According to recent research on the federal level, psychiatrists can only fill 18% of the need.

The numbers are simple. There are not enough psychiatrists to care for the people of Hawai`i, especially on neighbor islands. Prescribing Psychologists receive more psychopharmacology training than primary care physicians. They receive integrative medical training from physicians, psychiatrists, nurse practitioners and pharmacists. Prescribing Psychologists have provided safe and effective mental health care including pharmacotherapy for over twenty years. They already prescribe for the Army and Navy in Hawai`i. They can provide care at Pearl Harbor, just not across the street to HI citizens.

Hawai`i's Governor Josh Green and the entire legislative body has made mental health a top priority in 2023 and SB677 helps address this issue. Psychologists with Prescriptive Authority will help provide safe and appropriate care for those individuals who are without homes and who suffer from serious mental illness. We already provide more access to care to Medicaid and Medicare patients than other prescribing mental health professionals and are part of the coalition to address homelessness and provide care alongside our colleagues and community partners.

Prescriptive authority for specially trained doctors of psychology is a safe and already utilized option in Louisiana, New Mexico, Illinois, Iowa and Idaho, in Federally Qualified Health Centers, in Native American-Indian Health Centers and in the military.

It is time for Hawai`i to take every step towards a better mental health care solution for our citizens. Please vote **YES** on SB677 to allow greater access to care for those most in need.

Respectfully submitted,

Lisa Nichols

SB-66

Submitted on: 2/12/2023 10:00:09 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 SB66.

Hawaii's commercial fishermen need laws that protect their rights to fish. SB66 will make it possible to punish criminals for their crimes against commercial fishermen. The crimes against fishermen occur often and go unreported because the crimes will not be prosecuted by the existing laws. Also, more people are willing to commit these acts when there is no law criminalizing acts that prevent catching fish for commercial purposes. Crimes against fishermen include sabotage of fishing equipment, blocking vehicle or vessel movements on land and water, physical assault, and different forms of nonphysical threats. All of these crimes create dangerous situations that could cause people to be injured.

Nick R.

Kailua-Kona, Hawaii

SB-66

Submitted on: 2/13/2023 5:51:11 AM

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

LATE

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

Comments:

I support sb66

this protection for fishermen is long overdue.

sincerely Jay lovell

SB-66

Submitted on: 2/13/2023 6:10:22 AM

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

LATE

Submitted By	Organization	Testifier Position	Testify
Mike Nakachi	Testifying for Moana Ohana	Oppose	Written Testimony Only

Comments:

Why, Strongly oppose. Shame on bills trying to make Hewa...

- this bill directly conflicts with what DOCARE, NOAA, USFWS asks of the public; to report suspected illegal fishing or other marine related violations, including by submitting photos and videos, including via DLNR's own Tip App

- this sets a dangerous precedent. No other group, not even the police, are protected from public scrutiny when operating in plain view in public areas, such as our beaches and oceans. This likely violates the First Amendment.

- existing anti-harrassment laws already provide adequate protection to lawful fishers, or any person, from intentional harrassment, interference, obstruction, harm, or theft of property.

- this bill was originally drafted to protect aquarium collectors from public scrutiny following their attack on a diver with a camera, and a separate incident where a diver recorded an aquarium collector's anchor causing coral damage

- this bill provides cover to those who would do harm to our precious marine life and reefs, held in the public trust

LATE

SB-66

Submitted on: 2/13/2023 7:37:55 AM

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

Submitted By	Organization	Testifier Position	Testify
Diane Ware	Individual	Oppose	Written Testimony Only

Comments:

Dear Chair and Committee Members,

This bill directly conflicts with what DOCARE, NOAA, USFWS asks of the public; to report suspected illegal fishing or other marine related violations, including by submitting photos and videos, including via DLNR's own Tip App

- this sets a dangerous precedent. No other group, not even the police, are protected from public scrutiny when operating in plain view in public areas, such as our beaches and oceans. This likely violates the First Amendment.

- existing anti-harassment laws already provide adequate protection to lawful fishers, or any person, from intentional harassment, interference, obstruction, harm, or theft of property.

- this bill was originally drafted to protect aquarium collectors from public scrutiny following their attack on a diver with a camera, and a separate incident where a diver recorded an aquarium collector's anchor causing coral damage

- this bill provides cover to those who would do harm to our precious marine life and reefs, held in the public trust

Please hold this bill!

Sincerely commenting 🙏

LATE

SB-66

Submitted on: 2/13/2023 8:45:09 AM

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

Submitted By	Organization	Testifier Position	Testify
Keith Neal	Individual	Oppose	Written Testimony Only

Comments:

SB66

Oppose

This bill is in conflicts with DOCARE, NOAA, USFWS which asks of the public to report suspected illegal fishing or other marine related violations, such as submitting photos and videos, including DLNR's own Tip App. This is a bad bill in intent and conflicts policy of many governing departments.

Keith Neal

Waimea

LATE

12 February 2023

I am an ocean scientist with five years of experience researching coral reef systems in Hawai'i, and recently earned a doctorate for my research on coral and fish biology in South Kona. I have worked closely with numerous nonprofits including Native Hawaiian community groups across the state and conducted scientific research with Arizona State University, the University of Hawai'i, and Stanford University.

I strongly oppose SB66 for numerous reasons:

- It is a right and responsibility of all citizens to report suspected illegal fishing or other marine violations, and photographic evidence is a key aspect of this reporting. No other group, not even the police, are protected from public scrutiny when operating in plain view in public areas, such as our beaches and oceans.
- Effective enforcement against illegal activity depends on citizen reports where photographs provide extremely valuable evidence. Citizen reports greatly expand the capacity of government agencies to protect public safety and precious marine life. As a result, several agencies have asked the public to report suspected illegal fishing through submitting photos and videos, for example, on DLNR's own Tip App.
- This bill was originally drafted to protect aquarium collectors from public scrutiny.
- Marine resources in Hawai'i have suffered greatly from illegal activity, which compromises the long-term survival of marine organisms that Hawaiian communities depend on. Marine degradation is occurring at a rapid pace, and marine violations harm all for the benefit of a few. In this context, citizen reporting on illegal activity is extremely urgent.
- Lawful fishers are adequately protected from harassment – for example, laws against intentional harassment, interference, obstruction, harm, or theft of property.

Yours respectfully,
Rachel Carlson, PhD
Hilo, HI 96720