

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

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



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

P.O. BOX 621
HONOLULU, HAWAII 96809

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

RYAN K.P. KANAKA'OLE
FIRST DEPUTY

CIARA W.K. KAHAHANE
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES
ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony of
DAWN N. S. CHANG
Chairperson

Before the House Committees on
ENERGY & ENVIRONMENTAL PROTECTION
and
WATER & LAND

Tuesday, February 11, 2025
9:15 A.M.

State Capitol, VIA VIDEOCONFERENCE, Conference Room 325

In consideration of
HOUSE BILL 123
RELATING TO FISHERIES

House Bill 123 proposes to amend [chapter 343, Hawaii Revised Statutes \(HRS\)](#), also known as the Hawai'i Environmental Policy Act (HEPA), to provide an exemption for “actions involving the operation and management of all fisheries in the State.” **The Department of Land and Natural Resources (Department) supports the intent of this bill and offers the following comments and suggested amendment.**

To provide a little context for this bill:

The aquarium trade, within recent years, has been the topic of contentious legal battles that have resulted in potentially problematic interpretations of HEPA by Hawai'i courts. On September 6, 2017, the Hawai'i Supreme Court ruled in Umberger, et al. v. DLNR, 140 Hawai'i 500 (2017), that all permits issued pursuant to section 188-31, HRS, (or “Aquarium Fish Permits”) are subject to HEPA. Subsequently, on November 27, 2020, the First Circuit Court ruled in Kaupiko et al. v. DLNR, Case No. 1CCV-20-0000125, that HEPA also applies to the taking of aquatic life for commercial aquarium purposes under licenses issued pursuant to section 189-2, HRS (or “Commercial Marine Licenses” or “CMLs”). As a result of this ruling, the Department continues to issue CMLs for the commercial harvest of marine resources for food and other non-aquarium purposes but does not issue CMLs for commercial aquarium purposes. Most recently, on November 12, 2024, a group of aquarium fishers filed a lawsuit seeking, among other things, 1) a

declaratory ruling that all CMLs should be treated the same and 2) a declaratory ruling that either all CMLs are not subject to HEPA, or that all CMLs are subject to HEPA.

The Department recognizes the court's intent to ensure proper environmental review of fishing practices that have the potential for substantial environmental impacts. However, the Department has serious concerns that applying HEPA to the issuance and usage of all CMLs would have far-reaching impacts on government functions and the local economy. If HEPA were to apply to all CMLs, all commercial fishing would come to a screeching halt: Local commercial fishers would be out of a job, fishing charter businesses would cease to operate, and local seafood, such as opelu, akule, and ahi, would be unavailable in markets until HEPA is complied with. The HEPA process could take well over a year to complete.¹

Although the Department believes that the intent of this bill is well placed, the Department has concerns that the current language is vague and overbroad. For example, the "operation and management of all fisheries" could include the installation of artificial reef structures to improve fisheries, which is a type of action that the Department believes is appropriate for HEPA review. The Department suggests that the language be narrowed to address the specific concern about HEPA's applicability to CMLs rather than a blanket exemption for all "actions involving the operation and management of all fisheries in the State." The Department suggests amending the bill to specifically exempt the issuance and usage of CMLs from HEPA as follows (changes highlighted in yellow):

"§343- Fisheries; exemption. Actions involving the
[operation and management of all fisheries in the State]
issuance of commercial marine licenses pursuant to section 189-2
and any activity conducted under a commercial marine license
shall be exempt from the requirements of this chapter."

Mahalo for the opportunity to comment on this measure.

¹ The HEPA process for the issuance of aquarium permits for West Hawai'i took six years to complete.



**TESTIMONY IN OPPOSITION TO HB123
RELATING TO FISHERIES.**

House Committee Water and Land
House Committee on Energy and Environmental Protection
Hawai'i State Capitol

February 11, 2025

9:15 a.m.

Rm. 325

Aloha e Chairs Hashem and Lowen, Vice Chairs Perruso and Lamosao, and Members of the House Committees on Water and Land and Energy and Environmental Protection:

The Office of Hawaiian Affairs (OHA) submits this testimony in **OPPOSITION** to HB123, which proposes to exempt operation and management of State fisheries from environmental review under Hawai'i Revised Statutes (HRS) Chapter 343, the Hawai'i Environmental Policy Act (HEPA). This measure is vague as to the scope and intent of the exemption and would lead to diminishing protections for Native Hawaiian practices and Hawai'i's fisheries. Further, it would increase the risk of ecosystem degradation which disproportionately harms Native Hawaiians and local communities.

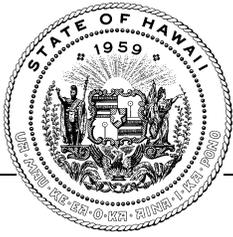
All fisheries in Hawai'i are significant to the health and well-being of local families and Native Hawaiian communities that depend on ocean resources for subsistence and other non-commercial uses. HB123 would have serious impacts and negative implications for Native Hawaiians for the following reasons:

1. **Potential Overfishing and Resource Depletion:** Without proper environmental review, the management of fisheries could prioritize short-term economic gains over long-term sustainability, which can lead to overfishing and depletion of our natural resources. Because many Native Hawaiian communities rely on fishing as a primary source of sustenance, any harm to fish stock abundance can and will disproportionately affect them. OHA notes that it does not appear from publicly available information that the Department of Land and Natural Resources, Division of Aquatic Resources, has completed the type of data-driven, ecosystem management plan alluded to in Section 1 of HB123, other than for the federally co-managed fisheries. In the absence of such planning, HEPA is a backstop to ensure proper resource management.

2. **Cultural and Environmental Connection:** For many Native Hawaiians, the ocean and its resources are integral to cultural identity and traditional practices. Fisheries are not just a commercial resource but are also deeply tied to ancestral knowledge, spiritual beliefs, and community practices. Exempting fisheries from environmental review will make it harder to assess the impact of fishery operations on these vital cultural and spiritual connections. Often, HEPA review—which facilitates public review and comment—is the primary means by which agencies comply with their duties under the Hawai'i Constitution to assess how their actions impact Native Hawaiian traditional and customary practices and the feasibility of measures to mitigate such impacts.¹ Eliminating HEPA review makes it even less likely that the State's management of fisheries will comply with constitutional mandates. .
3. **Environmental Justice:** The removal of environmental review could mean that the environmental risks associated with fishery operations (like pollution, habitat destruction, and the introduction of invasive species) are not adequately addressed. Historically, marginalized communities, including Native Hawaiians, bear a disproportionate burden of environmental harm, and are more likely to be excluded from consultation on important decisions affecting their communities. Exempting these actions from review could further exacerbate environmental injustice in Hawai'i.

In conclusion, the exemption from environmental review provisions in HB123 will diminish protections for Native Hawaiian cultural practices, the sustainability of fishery resources, and the ability of Native Hawaiians to participate in decision-making about their ancestral lands and waters. Accordingly, OHA respectfully requests that the Committees **HOLD** this measure.

¹ See *Ka Pa'akai O Ka 'Āina*, 94 Hawai'i 31, 47, 7 P.3d 1068, 1084 (2000); Hawai'i Administrative Rules § 11-200.1-18(d)(7), (8).



**STATE OF HAWAII
OFFICE OF PLANNING
& SUSTAINABLE DEVELOPMENT**

JOSH GREEN, M.D.
GOVERNOR

MARY ALICE EVANS
DIRECTOR

235 South Beretania Street, 6th Floor, Honolulu, Hawaii'i 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii'i 96804

Telephone: (808) 587-2846
Fax: (808) 587-2824
Web: <https://planning.hawaii.gov/>

Statement of
MARY ALICE EVANS, Director

before the
HOUSE COMMITTEES ON ENERGY AND ENVIRONMENTAL PROTECTION
and
WATER AND LAND

Tuesday, February 11, 2025, 9:15 AM
State Capitol, Conference Room 325

in consideration of
HB 123
RELATING TO FISHERIES

Chairs Lowen and Hashem, Vice Chairs Perruso and Lamosao, and Members of the House Committees on Energy & Environmental Protection and Water & Land.

The Office of Planning and Sustainable Development (OPSD) offers the following **comments with concerns** on HB 123, which would exempt actions involving the operation and management of all fisheries on the State from the requirements of HRS Chapter 343.

We note the term “exempt” has a defined meaning in HAR 11.200.1-15 –17. These rules spell out the Hawaii’s environmental review process (aka HEPA) and direct agencies to undertake an analysis applying criteria to make a determination that a specific action is eligible for an exemption from preparing an environmental assessment. To ensure public awareness, the agency must create an exemption notice and transmit it to the Environmental Review Program in OPSD to be published in The Environmental Notice, a public document. The use of the word, “exempt”, as offered in this bill is not consistent with the current statutory meaning and thus would lead to confusion or misunderstanding.

We also note the bill does not provide a definition for “fisheries,” which could lead to uncertainty as to what actions are intended to be covered by this bill.

The findings section of this bill highlights the need for careful fisheries and ecosystem analysis to ensure sustainable harvesting practices, along with the protection of environmental and cultural resources. The HEPA process established by HRS Chapter 343 has long been recognized as the appropriate vehicle for undertaking such an analysis in a way that provides transparency and public participation.

We support the fundamental purpose of HEPA that provides the ability for agencies to make specific determinations on proposed actions as to whether an Exemption, Environmental Assessment (EA) or Environmental Impact Statement (EIS) is appropriate. By broadly exempting all fisheries operation and management actions from HEPA, this bill would remove that important agency management tool, along with transparency and public participation.

Thank you for the opportunity to testify on this measure



REPRESENTATIVE NICOLE E. LOWEN, CHAIR
REPRESENTATIVE AMY A. PERUSO, VICE CHAIR
HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

REPRESENTATIVE MARK J. HASHEM, CHAIR
REPRESENTATIVE RACHELE F. LAMOSAO, VICE CHAIR
HOUSE COMMITTEE ON WATER & LAND

TESTIMONY IN **STRONG OPPOSITION** TO HOUSE BILL 123,
RELATING TO FISHERIES

February 11, 2025, 9:15 a.m.
Conference Room 325
State Capitol
415 South Beretania Street

Dear Chairs Lowen and Hashem, Vice-Chairs Peruso and Lamosao, and members of the House Committees on Energy & Environmental Protection and Water & Land:

Earthjustice **strongly opposes HB 123**, which, if passed, would make the Hawai'i Environmental Policy Act ("HEPA") completely ineffective and meaningless for *all state fisheries*, which are public trust resources protected for public use. Please reject and hold this bill.

HEPA has long been one of Hawai'i's bedrock environmental laws and gives the public and local and scientific communities a voice in formally assessing the environmental impacts of a proposed action. The legislature established HEPA over 50 years ago to mandate the disclosure and analysis of environmental impacts and "ensure that *environmental concerns* are given appropriate consideration in decision making" so that "environmental consciousness is enhanced, cooperation and coordination are encouraged, and *public participation* during the review process benefits all parties involved and society as a whole." Hawai'i Revised Statutes ("HRS") § 343-1 (emphases added). These purposes are just as or even more important today as when the law was originally passed.

HEPA is, moreover, a "law[] relating to environmental quality" and, as such, helps to define and protect every Hawai'i citizen's constitutional "right to a clean and healthful environment." Haw. Const. art. XI § 9; *In re Maui Elec. Co.*, 141 Hawai'i 249, 264, 408 P.3d 1, 16 (2017). Marine and other aquatic resources, including Hawai'i's fisheries, also comprise a key component of the "public natural resources . . . held in trust by the State for the benefit of the people." Haw. Const. art. XI § 1. HEPA provides the means for citizens to raise "environmental

concerns” and ensure that agencies have the best information possible in issuing approvals for activities that affect Hawai‘i’s natural resources.

HB 123 runs in the opposite direction from these statutory and constitutional mandates and proposes to allow the Department of Land and Natural Resources (“DLNR”) to *sidestep HEPA altogether* regarding “all fisheries in the State,” which encompass virtually all state waters. It further seeks carte blanche for private and commercial permittees and applicants to avoid HEPA review by exempting the “operation” of “all fisheries” from environmental review. HB 123’s preamble attempts to justify this heavy-handed and exclusive carve-out by leaning on DLNR’s “analysis of data on the fishery and its ecosystem,” but unspoken in this bill is that, if passed, it would serve to directly silence the “public participation” regarding “environmental concerns” that the legislature determined is necessary to fully inform agency decision-making. See HRS § 343-1.

HEPA also serves to protect the public’s interests over the long term. DLNR, as an administrative agency, undergoes regular changes in leadership and staffing, and its priorities and focuses shift with the political leanings of the executive branch. The legislature should not sacrifice HEPA’s important public safeguards just so that today’s DLNR and commercial permittees can write their own tickets to public fisheries. Fully informed decision-making regarding our ocean resources is all the more important in the face of a shifting changes in ocean conditions fueled by climate change. Now perhaps more than ever, DLNR’s decision-making should be based on comprehensive information, and should involve input from the concerned public (including the larger scientific community) as HEPA requires, and not just the information assembled by DLNR staff and private interests.

HEPA’s process, and the public’s ability to enforce it, are essential long-term safeguards that should be kept in place for all environmental concerns; DLNR’s management of fisheries, in particular, has at times required and benefited from public input through the environmental review process. HB 123 baldly attempts to silence community voices and pull a curtain over DLNR’s disposition of marine resources, directly contrary to HEPA’s core purposes of ensuring transparency, cooperation, and public participation.

For these reasons, Earthjustice strongly opposes HB 123 and respectfully requests that it be held. Mahalo nui for this opportunity to testify. Please do not hesitate to contact us with any further questions or for further information.

Mahesh Cleveland



Senior Associate Attorney
Earthjustice, Mid-Pacific Office



SIERRA CLUB OF HAWAI'I

HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION HOUSE COMMITTEE ON WATER & LAND

February 11, 2025

9:15 AM

CR325

In **OPPOSITION** to **HB123**: Relating to Fisheries

Aloha Chairs Lowen and Hashem, Vice Chairs Perruso and Lamosao, and Members of the Committees,

On behalf of our over 20,000 members and supporters, the Sierra Club of Hawai'i **OPPOSES HB123**, which could result in significant and unnecessary environmental, cultural, socioeconomic, and economic impacts to the public interest, from fisheries decisions that it would exempt from our environmental review law.

Our ocean waters are a foundation of life on these islands. With our limited and fragile nearshore environment, fisheries decisions may therefore have significant, generations-long impacts to our islands' environmental and cultural integrity, food security, climate resilience, recreational opportunities, economy, and overall quality of life. Notably, decades of management decisions that utilized a Western, top-down approach heavily favoring commercial fisheries development have left us with severely depleted reefs, discontinued traditions - including constitutionally protected Native Hawaiian traditional and customary fishing practices - and an ever-growing vulnerability to food and climate insecurity. **With the current, fragile state of our ocean ecosystems, more, not less, thoughtfulness and care in fisheries decisionmaking is critically needed.**

Accordingly, exempting all fisheries decisionmaking from environmental review, as proposed in this bill, is a dangerous step in the wrong direction. **The Sierra Club emphasizes that a broad exemption from our environmental review law may result in significant, unnecessary, and irreversible impacts to a range of public interests in our limited aquatic resources.** Our environmental review law has, for 40 years, played a critical role in ensuring that certain decisions potentially impacting our islands' environmental, cultural, and socioeconomic integrity are carefully and transparently assessed by government decisionmakers. The environmental review law also helps to ensure that decisionmakers explicitly consider ways to avoid such impacts, to the extent feasible. Notably, the environmental review process includes opportunities for decisionmakers with limited experiences to be informed by those with a wide range of expertise, insight, and perspectives - including Native Hawaiian cultural practitioners and fishers with intimate knowledge of and deep care for the health of our marine areas. Without environmental review, fisheries managers and the public alike will have no meaningful and structured opportunity to assess or mitigate any number of issues regarding unintended and



SIERRA CLUB OF HAWAI‘I

avoidable consequences of fisheries decisions - including but not limited to the issuance of permits for the unlimited take of ecologically vital marine species for the aquarium trade, or other commercial purposes.

Accordingly, the Sierra Club respectfully urges the Committees to **HOLD** HB123. Thank you very much for this opportunity to testify.



To: The Honorable Chairs Nicole Lowen and Mark Hashem, the Honorable Vice Chairs Amy Perruso and Rachele Lamosao, and Members of the Committees on Energy and Environmental Protection and Water and Land.

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

Re: **Hearing HB123 RELATING TO FISHERIES**

Hearing: Tuesday February 11, 2025, 9:15 a.m., room 325

Aloha Chairs Lowen and Hashem, Vice Chairs Perruso and Rachele Lamosao, and Members of the Committees on Energy and Environmental Protection and Water and Land!

The Hawai'i Reef and Ocean Coalition respectfully OPPOSES HB123!

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. We support environmental review of ocean and fisheries actions, projects, and programs.

The Hawai'i Reef and Ocean Coalition **appreciates the bill's intent** to avoid duplicative review. The bill would exempt DLNR actions involving the operation and management of all fisheries in the State from environmental review requirements under chapter 343, Hawaii Revised Statutes.

Hawai'i Reef and Ocean Coalition has concerns with this bill. It seeks to exempt entire huge ecosystems and a large industry (fisheries) from environmental review on the grounds that they and it are already regulated by DLNR. The preamble to the bill notes that DLNR manages fisheries, analyses data, and determines if the fishery can be sustainably harvested. The fact that DLNR does these things does not make it unique; many of our regulatory agencies perform similar functions.

The environmental review requirements that DLNR would be exempt from are not actually duplicative with DLNR's functions. I served for fourteen years as the Deputy Attorney General representing the State's environmental review agencies, the Office of Environmental Quality

Engineering and the Environmental Council, as well as several permitting branches of the Department of Health. I can state definitively based on my experience that **environmental reviews serve a wholly different function than permitting and program management.**

Environmental review under HRS c. 343 is just a disclosure requirement. It does not decide issues the way DLNR does on permitting and sustainable fisheries issues.

Environmental reviews can have the following benefits:

- ensure that decisionmakers and the public have full information up front on environmental impacts and risks of proposed activities before those activities and their impacts are allowed to proceed;
- provide policymakers with essential information about the potential environmental consequences of proposed actions, enabling more informed decisions;
- require projects to assess their potential impacts on the environment, including air and water quality, wildlife, ecosystems, and cultural resources;
- help identify measures to mitigate negative effects, ensuring that projects are designed to minimize harm to the environment;
- include opportunities for public comment and participation, allowing community members to express concerns and provide input on proposed projects;
- promote transparency and accountability in decision making;
- help balance economic development with environmental protection, ensuring that the benefits of projects are weighed against their potential harms;
- help protect critical habitats, endangered species, and other natural resources by identifying potential impacts and recommending protective measures;
- encourage sustainable practices that protect resources for future generations;
- help ensure that projects comply with existing environmental regulations and standards, reducing the risk of legal challenges and penalties;
- by requiring assessments and mitigation plans, these laws aim to prevent environmental degradation and promote responsible resource management;
- require the evaluation of alternative project designs or locations that may have less environmental impact, promoting innovative and sustainable solution;
- facilitate better project design. As project proponents explore alternatives, they may discover less harmful ways to achieve their goals, leading to better overall outcomes;
- involve multiple governmental agencies, thereby possibly fostering communication and collaboration among different levels of government and sectors;
- may include provisions for long-term monitoring of environmental impacts, ensuring that any unforeseen effects can be addressed promptly;
- allow for adaptive management strategies, where project operations can be adjusted based on observed environmental changes;
- ensure that decisionmakers have full information so they can balance and mitigate potential long-term impacts to the public interest from certain proposed activities; and
- ensure prudent planning while reducing conflict, minimizing adverse outcomes, and safeguarding the health and well-being of present and future generations.

This bill would prevent the public and decision makers from having complete information on environmental impacts during planning. The benefits listed above would be lost. Alternatives and possible mitigation measures would not be fleshed out. The lack of full information if fisheries are exempt from environmental review is likely to lead to less informed decision making, potentially yielding irreparable harms to our marine life and the vast public interest in our ocean environment.

Please defer this bill! Mahalo!

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



February 10, 2025

Testimony in Support HB123

Aloha Chair, Vice Chair and Committee Members,

The Hawaii Longline Association (HLA) supports HB123. HLA's membership is comprised of 150 active longline vessels operating out of Honolulu Harbor, the United Fishing Agency (Honolulu Fish Auction) and associated businesses. The Hawaii longline fleet is the largest food producer in Hawaii, landing approximately 30 million pounds fish annually worth around \$120 million in dockside value. The Hawaii longline fleet, which primarily targets tuna and other highly migratory species, is also Hawaii's largest fishery, comprising over 85% of Hawaii's commercial marine landings. Approximately 80% of our fleet's landings stay in Hawaii, with the remainder sold in US mainland markets.

Because the Hawaii longline fishery does not operate in state waters (0-3 nautical miles (nm) from shore), it is solely managed and regulated by the federal government. In fact, under the federal regulations that govern the fleet, it does not fish within 75 nm of the Main Hawaii Islands. Approximately 85 % of fleet's fishing effort is in international waters (beyond 200 nm from shore), with the remainder in the US Exclusive Economic Zone.

Even though the Hawaii longline fleet does not fish in state waters, Hawaii longline captains and crew obtain CMLs¹. Collectively, Hawaii longline captains and crew pay nearly \$200,000 annually to the Hawaii Division of Aquatic Resources (DAR) for CML issuances and renewals.

HEPA applies to activities that propose to use "state or county lands." Because the Hawaii longline fleet operates outside of state lands and waters, HLA does not believe HEPA applies to CMLs (or vessel CMLs) issued to Hawaii longline captains and crew. Still, HLA supports HB123 because it provides an important and express clarification that DAR's continued issuance of CMLs is exempt from HEPA. This will provide welcome regulatory clarity for Hawaii's commercial fisheries as well as stem potential unnecessary and costly litigation directed towards Hawaii commercial fisheries. Hawaii's fisheries provide important contributions to Hawaii's food self-sufficiency and resiliency while generating significant economic activity – and to ensure continued benefits Hawaii's fisheries provide, the legislature needs to resolve this matter.²

Mahalo,

A handwritten signature in blue ink, appearing to read "E.K.K.", is written over a light blue horizontal line.

Eric K. Kingma, Ph.D.
Executive Director

¹ Individuals or vessels engaged in taking, selling or offering for sale any marine life for commercial purposes (including charter fishing services), whether the marine life is caught or taken within or outside of the State, must obtain a Commercial Marine License. HRS 189-2.

² Hawaii's commercial fishing and seafood industry has been estimated by the US Department of Commerce to annually generate around \$867 million in sales impacts, \$269 million in income impacts, \$392 million in value-added impacts, and 9,900 full-and part-time jobs. National Marine Fisheries Service. 2018. Fisheries Economics of the United States, 2016. U.S. Dept. of Commerce, NOAA Tech. Memo. NMFS-F/SPO-187a, 243 p



February 11, 2025

House Environmental Protection Committee

RE: STRONG OPPOSITION to HB123; Exempts fisheries from Environmental Review (Hawaii Environmental Policy Act)

Dear Chair Lowen and Committee Members,

For the Fishes, a Maui-based non-profit organization dedicated to the protection of coral reef wildlife **STRONGLY OPPOSES HB123**, to exempt an entire industry from the formal Environmental Review process per HRS Chapter 343, as outlined below:

1. HB 123 is **Fear not Fact-driven**: this bill is intended to reverse a 2017 HSC decision that determined that commercial aquarium collecting must undergo environmental review given its high probability of negatively impacting **essential coral reef ecosystems** as a result of decades of unbridled extraction that in some years approached 1 million coral reef fishes and invertebrates. Fear of the slippery slope, that a future court *might* similarly determine another commercial fishery could be subject to legitimate environmental review, is driving this effort.

2. **DLNR-DAR analyses of the environmental, social, cultural, and economic impacts of their proposed actions are grossly insufficient.** This bill suggests that DAR staff analysis of a fishery is comparable to formal environmental analysis, however, nothing could be further from the truth. DAR lacks the resources to conduct comprehensive analyses that are comparable to those required by HRS Chapter 343. Case in point: according to a new DAR report to the legislature on the West Hawaii Fishery Management Area, the division lacks social science/socioeconomic expertise to “better understand the motivations, drivers, and sentiments surrounding resource uses and ensure proposed management actions are both aligned with resources uses and likely to achieve their stated goals.” Notably, there is also not a single mention of culture in the entire 130-page report. In additional documents, DAR “analyses” of social and cultural concerns amount to mere single sentence acknowledgements that those are important parts of the decision-making process but that they are unable to undertake that.

Further, DAR data is often lacking which should require application of the precautionary principle. However, DAR instead prioritizes commercial activities over the protection of natural and cultural resources as well as public (versus private) access to the resource which contradicts the hierarchy of priorities mandate of the Board of Land and Natural Resources. This is demonstrated by **DAR staff repeatedly supporting environmental impact statements**

proposed by the aquarium pet trade that were overwhelmingly opposed by the public and repeatedly rejected by the Board of Land and Natural Resources for being grossly inadequate.

3. Sets a dangerous precedent by exempting an entire industry from environmental review.

No other industry (e.g. development, military, tourism) has a blanket exemption from environmental review as is what is proposed here for fisheries. This sets a dangerous precedent where other industries could similarly be exempt from environmental review, and where state agencies would become even more beholden to commercial interests and the environmental, social, cultural and economic impacts of actions are given even less consideration. This bill **ignores a main purpose of Chapter 343—providing for public participation—which the legislature found “benefits all parties involved and society as a whole”** (see excerpt below). In the environmental review process, substantive public comments *require a response*. However, there is no equivalent in agency management and rulemaking (e.g. public comments receive no agency response; they are simply tallied). Public interests lose.

Chapter 343-1 Findings and Purpose:

*"[t]he legislature finds that the quality of humanity's environment is critical to humanity's wellbeing, that humanity's activities have broad and profound effects upon the interrelations of all components of the environment, and that an environmental review process will integrate the review of environmental concerns with existing planning processes of the State and Counties and alert decision makers to significant environmental effects which may result from the implementation of certain actions. **The legislature further finds that the process of reviewing environmental effects is desirable because environmental consciousness is enhanced, cooperation and coordination are encouraged, and public participation during the review process benefits all parties involved and society as a whole.**"*

We urge the Committee to defer this measure in its entirety.

HB-123

Submitted on: 2/1/2025 10:21:33 AM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Cathy Goeggel	Animal Rights Hawai'i	Oppose	Written Testimony Only

Comments:

Strongly oppose!

HB-123

Submitted on: 2/8/2025 8:53:02 AM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Susan B Roberts Emery	Green Party of Hawai'i	Oppose	Written Testimony Only

Comments:

Aloha Chair Lowen, Chair Hashem, Vice Chair Perruso, Vice Chair Lamosao, and Members of the Committees,

*My name is Susan RobertsEmery, I am Co Chair of the Green Party of Hawai'i. On behalf of the Green Party of Hawai'i we **strongly oppose HB123**, which would allow the Department of Land and Natural Resources to evade any assessment of the environmental impacts of its fishery management decisions - including opening up our ocean resources to unmitigated commercial exploitation.*

Our environmental review law allows decisionmakers and the public to make more fully-informed decisions , full disclosure , full transparency, before decisions are made!

This bill would turn our environmental review process into an afterthought, legitimizing illegal agency practices that have inflicted and that will continue to inflict potentially irreparable harms to our marine life and the vast public interest in our ocean environment.

*On behalf of the Green Party of Hawai'i we urge you to **HOLD HB123**.*

Mahalo nui,

Susan RobertsEmery
Co Chair GPH
Green Party of Hawai'i
Paauilo

HB-123

Submitted on: 2/10/2025 7:34:05 AM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Robert Culbertson	Big Island Reef Keepers hui	Oppose	Written Testimony Only

Comments:

Aloha Chair Lowen, Chair Hashem, Vice Chair Perruso, Vice Chair Lamosao, and Members of the Committees,

My name is Robert Culbertson, speaking as a member of the 'Big Island Reef Keepers hui', and **I strongly oppose HB123**, which would allow the Department of Land and Natural Resources to evade any assessment of the environmental impacts of its fishery management decisions - including decisions that may open up our ocean resources to unmitigated commercial exploitation.

Please HOLD HB 123

Mahalo!

HB-123

Submitted on: 2/9/2025 7:35:07 PM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
HN Warrington	Kupuna for the Moopuna	Oppose	Written Testimony Only

Comments:

Kupuna for the Moopuna is in **STRONG OPPOSITION to HB123**, which would allow the Department of Land and Natural Resources to evade any assessment of the environmental impacts of its fishery management decisions - including decisions that may open up our ocean resources to unmitigated commercial exploitation.

HB123 would turn our environmental review process into an afterthought, legitimizing illegal agency practices that have inflicted and that will continue to inflict potentially irreparable harms to our marine life and the vast public interest in our ocean environment now and for the next generations to come. **Please HOLD HB123.** Mahalo.

HB-123

Submitted on: 2/10/2025 11:55:10 AM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Godfrey Akaka	The Native Hawaiian Gathering Rights Association	Support	Written Testimony Only

Comments:

We support this bill with the following amendments.

RELATING TO FISHERIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The legislature finds that fisheries management in state waters is the responsibility of the department of land and natural resources. In carrying out this responsibility, the department, through the Division of Aquatic Resources, must conduct careful analysis of data on the fishery and its ecosystem to determine if the fishery can be sustainably harvested while ensuring the protection of the environmental and cultural values of the ecosystem of which it is a part. For these reasons, the legislature finds a) that it is not necessary for the department or those engaged in operating or managing the fishery to also prepare documentation to comply with chapter 343, Hawaii Revised Statutes, and b) that the department of land and natural resources' Division of Aquatic Resources should be responsible for the active management, conservation and restoration of the state's aquatic resources, including administering the commercial take of marine wildlife and other resources.

Accordingly, the purpose of this Act is to exempt actions involving the operation and management of all fisheries in the State from environmental review requirements under chapter 343, Hawaii Revised Statutes, and to ensure that the Division of Aquatic Resources is responsible for issuance and administration of licenses and permits for commercial take of marine wildlife and other resources.

SECTION 2. Chapter 343, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§343- Fisheries; exemption. Actions involving the operation and management of all fisheries in the State shall be exempt from the requirements of this chapter.

"§343- Fisheries; licenses and permits. Notwithstanding the provisions of any other statute or provision of state law, the issuance, renewal and administration of all licenses and/or permits for the commercial take of any marine wildlife or other marine resources is the responsibility of the Department of Land and Natural Resources' Division of Aquatic Resources, based on the best available scientific data, and subject to the limits and guidelines set forth by statute and rulemaking pursuant to Chapter 91, Hawaii Revised Statutes."

SECTION 3. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

Mahalo



February 10, 2025

COMMITTEE OF WATER LAND

Representative Mark J. Hashem, Chair, Representative Rachele F. Lamosao Vice Chair

COMMITTEE ON ENERGY AND ENVIRONMENT

Representative Nicole E. Lowen, Chair, Representative Amy A. Perruso, Vice Chair

Date: February 11, 2025

Time: 9:15 am

HB 123 Relating to Fisheries

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.

The reason for the need to pass HB 123 is complicated and involves court cases that go back several years. Certain parties object to fishing and rather than managing fisheries through government regulators, fisheries managers, and use of science have determined that barriers such as onerous environmental impact statements can be used to slow down fishermen. Regular day-to-day commercial fishermen do not have the economic wherewithal or technical knowledge to develop complicated environmental impact statements.

HFACT presents the following information to inform the legislature on how Hawai'i Revised Statutes ("HRS") 343 Environmental Impact Statements have been weaponized against commercial fishing.

(1) Commercial fishing is a highly regulated activity that is based on sound scientific analysis of the ecological condition of key species that are under management by the Department of Land and Natural Resources (DLNR). Hawai'i's commercial fishers have been highly compliant to fishing rules. To wit:

Fishing, including commercial fishing of all kinds, is an endemic part of life in Hawai'i. Commercial fishing is practiced in Hawai'i for decades, and is recognized by the legislature as an approved, permissible activity. HRS § 189.

Any person taking marine life for commercial purposes must first obtain a commercial marine license under HRS § 189-2. However, HRS Chapter 189 does not include

***Hawai'i Fishermen's Alliance for Conservation and Tradition, Inc.
2015 Leiloke Drive, Honolulu, HI.96822***

substantive regulations on where, how, or when commercial fishing may be conducted. All such regulations come from other sources.

(2) Issuance of Commercial Marine Licenses is mandatory, ministerial act of the Department of Land and Natural Resources, exercising no discretion in the issuance of CML. However, DLNR has the right to regulate and exercise control of fish caught by CML holders. To wit:

The Department of Land and Natural Resources and its governing Board of Land and Natural Resources, are responsible for managing, administering, and exercising control over the State's water resources, ocean waters, and coastal areas, including the State's aquatic life and aquatic resources. HRS §§ 171-3, 187A-2(1), 187A-5. DLNR has the authority and responsibility to issue and renew commercial marine licenses for commercial harvest and sale of marine resources, and to make rules concerning the use of such licenses. HRS § 189-2; see also Haw. Admin. R. ("HAR") §§ 13-74-2(4), 13-74-20.

The right to fish in the sea is a constitutional right in Hawai'i. Article XI, Section 6 of the Hawai'i Constitution states that "All fisheries in the sea waters of the State not included in any fish pond, artificial enclosure or state-licensed mariculture operation shall be free to the public, subject to vested rights and the right of the State to regulate the same."

The DLNR has always treated, and continues to treat, the issuance of HRS § 189-2 Commercial Marine Licenses as a mandatory, ministerial act of the Department, exercising no discretion in the issuance of CMLs.

Any person taking marine life for commercial purposes must first obtain a commercial marine license. HRS § 189-2 requires any person who "take[s] marine life for commercial purposes whether the marine life is caught or taken within or outside of the State" to first obtain either a commercial marine license ("CML"), or commercial marine vessel license ("CMVL"). However, HRS Chapter 189 includes only very limited provisions concerning who may obtain CML or where, how, or when commercial fishing may be conducted. All other such regulations come from sources other than HRS Chapter 189.

(3) If CMLs are mandatory and DLNR has no discretion in the issuance of a CML then why is this bill needed? The following relates to court cases regarding the aquarium collection fishery and how the court orders regarding aquarium collection fishery affect all CMLs and Environmental Impact Statements under HRS Chapter 343.

In 2012, a group of plaintiffs sued the DLNR, seeking to force the DLNR to conduct or require environmental review under HRS Chapter 343 before issuing HRS § 188-31 permits. That case was *Umberger v. DLNR*, Case No. 12-1-2325-10, filed October 24, 2012. The Circuit Court granted the DLNR's motion for summary judgment, holding that environmental review was not required, and the plaintiffs appealed.

In September 2017, the Hawai'i Supreme Court issued its ruling in *Umberger v. Department of Land and Natural Resources*, 140 Hawai'i 500, 403 P.3d 277 (2017). In *Umberger*, the Supreme Court held that the issuance of aquarium fish permits under

***Hawai'i Fishermen's Alliance for Conservation and Tradition, Inc.*
2015 Leiloke Drive, Honolulu, HI 96822**

HRS § 188- 31 was discretionary and that environmental review under HEPA - HRS Chapter 343 - was required.

Certain parties filed suit against the DLNR, seeking a declaration that the DLNR's practice of allowing commercial aquarium collection under HRS § 189-2 was illegal. *Kaupiko v. DLNR*, Case No. 1CCV-20-0000125. The Circuit Court therein ruled partly in favor of the plaintiffs in that action, finding that a) aquarium collection under HRS § 189-2 was independently authorized without an HRS §188-31 permit, and b) that collection with the HRS § 189-2 commercial marine license required compliance with HEPA. The court stated "In other words, obtaining, renewing, or suspending a CML is clearly not a ministerial function as simple as sending in the required fee along with a return envelope. Rather, DLNR has discretion in issuing and in renewing CMLs, and therefore the discretionary consent required for HEPA review is present." (Emphasis added) See, memorandum ruling on Plaintiffs' Motion for Summary Judgment, Docket No. 113, November 27, 2020 and Order Granting in Part and Denying in Part Plaintiffs' Motion for Summary Judgment Filed May 5, 2020, Docket No. 119, December 8, 2020.

As of now, DLNR continues to issue CMLs, but there is severe confusion as to the future of license issuance. The exemption requested under this bill will once-and-for-all clarify and re-establish that CML license issuance authority under HRS § 189-2 is a ministerial and mandatory act of DLNR.

If CML licenses become subject to HRS343, fish wholesale dealers will not be able to buy fish from fishermen, fishermen will not be able to go fishing nor sell fish in Hawaii. This means no fresh ahi, no opakapaka, no mahimahi, no ono, no fresh caught fish of any kind will be available to the public to buy. Individual fishermen will not be able to produce an EIS which must be specific to where they fish, what species they target, which gear type they use, etc. Every fisherman is different thus each fisherman must write an EIS that needs to be compliant to HRS343. This is an impossible task for fishermen to comply with. The Judge Crabtree in *Kaupiko I* stated that application of his ruling would be absurd to implement, but his job is not to worry about the absurdity of the result of this ruling, but his job is to interpret the law however absurd in its implication.

HFACT thanks the chair, vice-chair, and committee members for this opportunity to provide comment and to assist in providing food to the people of Hawaii and to assist in the conservation of Hawaii's natural resources.

Sincerely and Aloha,



Edwin Watamura
Executive Director.
watafishing @ gmail.com



Native Hawaiian LEGAL CORPORATION

1164 Bishop Street, Suite 1205 • Honolulu, Hawai'i 96813
Phone (808) 521-2302 • www.nativehawaiianlegalcorp.org



HB123 RELATING TO FISHERIES

HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION &
HOUSE COMMITTEE ON WATER & LAND

February 11, 2025

9:15 a.m.

Room 325 & Videoconference

Aloha e Chairs Lowen and Hashem, Vice-Chairs Peruso and Lamosao, and members of the House Committees on Energy & Environmental Protection and Water & Land:

The Native Hawaiian Legal Corporation **opposes HB123**, because it would “exempt actions involving the operation and management of all fisheries in the state from environmental review requirements” under the Hawai‘i Environmental Policy Act (“HEPA”), Hawai‘i Revised Statutes (“HRS”) Chapter 343, in conflict with the State’s duties under the Hawai‘i Constitution.

Article XI, § 1 of Hawai‘i’s Constitution establishes that “all public natural resources are held in trust by the State for the benefit of the people[.]” As trustee, the State has a duty to protect and maintain public trust resources, including marine and aquatic resources.¹ Additionally, Article XI § 9 declares that “[e]ach person has the right to a clean and healthful environment.” Finally, Article XII, § 7 directs that the State “shall protect” Native Hawaiian traditional and customary practices.

¹ See, e.g., *State v. Zimring*, 58 Haw. 106, 121, 566 P.2d 725, 735 (1977) (“Under public trust principles, the State as a trustee has the duty to protect and maintain the property and regulate its use.”); *Ching v. Case*, 145 Hawai‘i 148, 152, 449 P.3d 1146, 1150 (2019) (recognizing “an obligation to protect and preserve the resources however they are utilized”); see also *In re Water Use Permit Applications*, 94 Hawai‘i 97, 143, 9 P.3d 409, 455 (2000) (holding that the State “must not relegate itself to the role of a mere umpire passively calling balls and strikes for adversaries appearing before it, but instead must take the initiative in considering, protecting, and advancing public rights in the resource at every stage of the planning and decisionmaking process[.]”).

HEPA furthers these constitutional mandates with “an environmental review process [that] will integrate the review of environmental concerns with existing planning processes of the State and counties and alert decision makers to significant environmental effects which may result from the implementation of certain actions.” HRS § 343-1. It also requires an assessment of cultural impacts in determining the significance of a proposed action.

In enacting HEPA almost five decades ago, the legislature declared that “the process of reviewing environmental effects is desirable because environmental consciousness is enhanced, cooperation and coordination are encouraged, and public participation during the review process benefits all parties involved and society as a whole.” Since that time, this statute has been an important vehicle for communities across the pae ‘āina to come to the table as part of the formal process to assess environmental impacts of proposed actions and provide agencies with the most comprehensive information to guide its decisionmaking.

HB123 upends these important policies and constitutional protections by eliminating environmental review of the operation and management of all fisheries. It also disregards the state’s kuleana to protect and preserve traditional Native Hawaiian practices, which would benefit from the information gathered during the environmental review process.² Ultimately, HB123 would allow DLNR to make decisions about marine and aquatic resources without the critical information necessary to uphold its duties as trustee to protect our public natural resources and cultural practices or to ensure a clean and healthful environment. The result could be catastrophic – both to the public natural resources involved and the subsistence communities and traditional and customary practices that rely on them. Indeed, these outcomes could also form the basis of a legal claim against the state for failure to meet its constitutional duties. To declare, as HB123 does in its preamble, that it is not “necessary” for DLNR or those engaged in the business of operating/maintaining fisheries to comply with a fundamental Hawai‘i law is disturbing.

² See Haw. Const. Art. XII § 7; *Ka Paakai O Ka ‘Āina v. Land Use Comm’n*, 94 Hawai‘i 31, 47, 7 P.3d 1068, 1084 (2000) (requiring the state and its agencies independently identify, analyze, and mitigate impacts on traditional and customary practices whenever it makes a decision).

The State must make decisions based on relevant, comprehensive data and informed by scientific and cultural expertise and perspectives that embrace its kuleana to mālama Hawai‘i’s resources. In light of the constitutional protections and environmental interests at stake, **NHLC OPPOSES HB123** and requests that it be held.

Mahalo for the opportunity to testify.

A handwritten signature in black ink, appearing to read 'A. Obrey', with a stylized flourish at the end.

Ashley K. Obrey
Senior Staff Attorney
Native Hawaiian Legal Corporation

Testimony

[COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION](#)

And [COMMITTEE ON WATER & LAND](#) Tuesday, Feb 11th 2025 9:15 AM

In Strong Support of HB123 passage.

Meta-Analysis Hawaii & Pacific Fisheries, Environmental Review, and Global Warming 2025 Report

Sustainability is Key to Hawaii's future. As the most isolated island in the world, Hawaii is too dependent on tourism, the military, and other non-sustainable, unreliable economic sources.

Marine fish are Hawaii's most renewable resource. Opah Moon Fish produces 300 million eggs a year per pair. Tuna produce 5 million to 15 million fry per female per spawn. Reef fish produce tens of thousands to millions of fry per spawn per female. Fish can renew and sustain current fishing practices if appropriately managed. We must support a managed sustainable fishery to create a more sustainable society, especially in isolated Hawaii.

Since the introduction of the first men to Hawaii in 400 A.D., land-based species have resulted in over 100 endemic plant species, 30 bird species, 74 insect species, and 41 tree snails becoming endangered or extinct. Insects, Birds, snails, and many others are listed as Hawaii IUCN red species of concern. In 2023 8 more birds were removed from the Federal Lists of Endangered and Threatened Wildlife and Plants due to their confirmed extinction.

Marine Fish are more immune to global warming impacts, and No Pacific marine fish species have become extinct over the past historical period. Looking at the marine species extinctions of the past five global extinction-level events, marine fish are more immune to global impacts and will out-survive land-based species. It should be noted, however, that marine mammals and their low, long reproductive cycles make them more vulnerable than broadcast-spawning highly reproductive marine fish species.

Marine fish's vast geographical distribution, due to broadcast breeding and larval distribution over as much as five thousand miles and even other oceans like the Atlantic and Indian Ocean from and to Hawaii, makes them much less vulnerable to fishing and environmental impacts. Marine fish are more resistant to global warming temperature changes, pH changes, salinity changes, and

other ecological changes than land-based species. Ocean Depth habitat range, the latitude of the Hawaiian Islands chain from 19 degrees to 28 degrees latitude, and 1500 miles of 132 atolls, reefs, and shoals create a vast, unique habitat range protecting Hawaii's ocean biodiversity. Seventy percent of the earth is ocean, making marine fish in Hawaii less vulnerable to point-source pollution and global warming.

Along with agriculture, **Managed Marine Fishing** and Mariculture could be very valuable and sustainable resources for Hawaii's increased sustainability. Pisciculture is a type of aquaculture that consists of fish farming to obtain fish products as food, and this could greatly lessen our dependence on imported foods and the carbon footprint imports create.

Reports show global aquaculture production (including aquatic plants) in 2016 was 110.2 million tonnes, with the first sale value estimated at US\$244 billion. Three years later, in 2019, the reported output from global aquaculture operations was over 120 million tonnes, valued at US\$274 billion. Increased Aquafarming and managed fisheries should be Hawaii's "Blue Revolution" sustainable future.

The value of Hawaii's nearshore oceans is worth 15.3 billion dollars in highly renewable resources in 2024, with a current 50% estimated increase every 20 years, which means one of The state of Hawaii's most valuable resources is our Ocean. *Tourism impacts are Hawaii's biggest ocean ecological offender and the largest source of Carbon Footprint and is not sustainable.*

Reports show global aquaculture production (including aquatic plants) in 2016 was 110.2 million tonnes, with the first sale value estimated at US\$244 billion. Three years later, in 2019 the reported output from global aquaculture operations was over 120 million tonnes valued at US\$274 billion. Managing fisheries to their safest environmental output, improved ocean marine management science, and Aquafarming should be Hawaii's "Blue Revolution" to ensure a sustainable future.

University of Hawai'i Economic Research Organization report in 2024 by UHERO. "Hawai'i's economy depends heavily on tourism and is therefore vulnerable to sudden drops in visitor numbers and inconsistent and slow growth in tourism revenue for the past 30 years".

A new report, 2024, by the University of Hawai'i Economic Research Organization (UHERO) analyzes the variety of industries across counties in the U.S. and Hawai'i to identify potential opportunities to diversify the state's economy.

Based on industries already in Hawai'i, the study shows Hawai'i has great potential for ocean- based industries—such as *fishing*, *fish farming* and hatcheries, boat building, port and harbor operations, and seafood packaging. Diversifying into these industries can create long-term stability and support growth beyond tourism.”

With science supporting the sustainability of fisheries, an HEPA EIS exemption of fishery permits could aid the state in its shift toward sustainable renewable resource use.

Please pass HB123.

Thanks, Ron Tubbs B.S. N.D. UHM

rtubbs@hawaii.rr.com

HB-123

Submitted on: 2/10/2025 8:18:12 AM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Kim	Individual	Oppose	Remotely Via Zoom

Comments:

As written I oppose this bill, more direction is needed and I offer the attached amendments.

removing environmental review without proper guidance on scientific analysis, management and permitting to the division could be problematic

RELATING TO FISHERIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The legislature finds that fisheries management in state waters is the responsibility of the department of land and natural resources. In carrying out this responsibility, the department, through the Division of Aquatic Resources, must conduct careful analysis of data on the fishery and its ecosystem to determine if the fishery can be sustainably harvested while ensuring the protection of the environmental and cultural values of the ecosystem of which it is a part. For these reasons, the legislature finds a) that it is not necessary for the department or those engaged in operating or managing the fishery to also prepare documentation to comply with chapter 343, Hawaii Revised Statutes, and b) that the department of land and natural resources' Division of Aquatic Resources should be responsible for the active management, conservation and restoration of the state's aquatic resources, including administering the commercial take of marine wildlife and other resources.

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SECTION 3. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

HB-123

Submitted on: 2/10/2025 8:46:41 AM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Randy Cates	Individual	Support	In Person

Comments:

I am in full support of HB 123, without passage of this legislation Hawaii's supply of fresh fish is at risk. DLNR - DAR is entrusted with the management of Hawaii's Ocean resources and the requirement of HEPA 343 is not only redundant, it could be harmful to the resource, this legislator has in the past adopted laws for "adaptive management" which is a far better system of managing Hawaii's fisheries. The requirement of HEPA 343 EIS will also cost the taxpayers significant \$ for no real benefit to the resource.

If this bill is not passed, Hawaii will experience a total shutdown of fresh fish including Hawaii's tuna supply as longline vessels require a CML license, if any of you have doubts, please reach out to the AG office. Please support Hawaii's fishers and consumers as well.

HB-123

Submitted on: 2/10/2025 7:36:18 AM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Stephanie Fried	Individual	Oppose	Remotely Via Zoom

Comments:

Aloha,

I am writing to strongly oppose HB 123.

Fisheries in state waters have been substantially mismanaged – this includes shocking mismanagement of the former lobster fishery in state waters of Papahānaumokuākea where lobster fishers the crashed lobster populations – which have never recovered - contributing to the starvation of highly endangered Hawaiian monk seals.

In Papahānaumokuākea, before they were banned as a result of public outrage over the damage they caused to our resources, fishing vessels damaged corals and released thousands of gallons of fuel, hydraulic and motor oil, fishing gear and other contaminants into the marine environment. The state waters of the Main Hawaiian Islands have been similarly abused.

This is NOT the time to weaken protections for state waters, which is what this bill will do, if passed. Under no circumstances should fisheries be exempted from HEPA which requires a publicly accountable and transparent process of impact assessment, including for cumulative impacts.

We are counting on you to protect our nearshore waters, using the best available science, in a transparent manner, allowing public comment and input by independent experts – as mandated under HEPA.

Please oppose HB 123.

Mahalo nui loa,

Stephanie Fried, Ph.D

Northwestern Hawaiian Islands hui co-founder

Former NWHI Coral Reef Ecosystem Reserve Advisory Council Alternate Member

HB-123

Submitted on: 2/10/2025 9:01:19 AM

Testimony for EEP on 2/11/2025 9:15:00 AM

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

Comments:

Support with these amendments

RELATING TO FISHERIES.

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SECTION 3. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

Aloha Chair Lowen, Chair Hashem, Vice Chair Perruso, Vice Chair Lamosao, and Members of the Committees,

I **strongly oppose HB123**, which, if passed, would make the Hawai'i Environmental Policy Act ("HEPA") completely ineffective and meaningless for **all state fisheries**, which are public trust resources protected for public use. Please reject and hold this bill.

Our environmental review law allows decision makers and the public to make more fully-informed decisions that can balance and mitigate potential long-term impacts to the public interest from certain proposed activities, before those activities and their impacts are allowed to proceed. This ensures prudent planning while reducing conflict, minimizing adverse outcomes, and safeguarding the health and well-being of present and future generations.

HEPA has long been one of Hawai'i's bedrock environmental laws and gives the public and local and scientific communities a voice in formally assessing the environmental impacts of a proposed action. The legislature established HEPA over 50 years ago to mandate the disclosure and analysis of environmental impacts and "ensure that **environmental concerns** are given appropriate consideration in decision making" so that "environmental consciousness is enhanced, cooperation and coordination are encouraged, and **public participation** during the review process benefits all parties involved and society as a whole." Hawai'i Revised Statutes ("HRS") § 343-1 (emphases added). These purposes are just as or even more important today as when the law was originally passed.

HEPA provides the means for citizens to raise "environmental concerns" and ensure that agencies have the best information possible in issuing approvals for activities that affect Hawai'i's natural resources.

HB123 runs in the opposite direction from these statutory and constitutional mandates and proposes to allow the Department of Land and Natural Resources ("DLNR") to **sidestep HEPA altogether** regarding "all fisheries in the State," which encompass virtually all state waters. It further seeks carte blanche for private and commercial permittees and applicants to avoid HEPA review by exempting the "operation" of "all fisheries" from environmental review. HB 123's preamble attempts to justify this heavy-handed and exclusive carve-out by leaning on DLNR's "analysis of data on the fishery and its ecosystem," but unspoken in this bill is that, if passed, it would serve to directly silence the "public participation" regarding "environmental concerns" that the legislature determined is necessary to fully inform agency decision-making. See HRS § 343-1.

HEPA also serves to protect the public's interests over the long term. DLNR, as an administrative agency, undergoes regular changes in leadership and staffing, and its priorities and focuses shift with the political leanings of the executive branch. The legislature should not sacrifice HEPA's important public safeguards just so that today's DLNR and commercial permittees can write their own tickets to public fisheries. Fully informed decision-making regarding our ocean resources is all the more important in the face of a shifting changes in ocean conditions fueled by climate change. Now perhaps more than ever, DLNR's decision-making should be based on comprehensive information, and should involve input from the concerned public (including the larger scientific community) as HEPA requires, and not just the information assembled by DLNR staff and private interests.

HEPA's process, and the public's ability to enforce it, are essential long-term safeguards that should be kept in place for all environmental concerns; DLNR's management of fisheries, in particular, has at times required and benefited from public input through the environmental review process. HB123 baldly attempts to silence community voices and pull a curtain over DLNR's disposition of marine resources, directly contrary to HEPA's core purposes of ensuring transparency, cooperation, and public participation.

Please **HOLD HB123**.

Mahalo,
U'ilani Naipo

HB-123

Submitted on: 2/10/2025 10:41:46 AM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
James T Lovell	Individual	Oppose	Remotely Via Zoom

Comments:

I am opposed to this bill.

Enviromental review is a good thing. We should not throw out 7 years of work and go back to no review.

Thank You,

Jim Lovell

HB-123

Submitted on: 2/1/2025 10:55:50 AM

Testimony for EEP on 2/11/2025 9:15:00 AM

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

Comments:

HB123 appears to have been written specifically to assist the revival of the commercial aquarium fishery, an industry which is opposed by a majority of Hawaii residents, and which has been provisionally halted by its failure to produce an adequate environmental review. This bill proposes that adherence to HRS chapter 343 is not necessary because DLNR manages fisheries. However DLNR has failed to impartially manage this fishery, and others, in a way that does not degrade the resource. The result of passing HB123 would be to enable a poorly-managed, unsustainable, and unpopular fishery, which is presently not employing anyone, to start up again, generating more conflict, to the detriment of our reefs and reef fish, nearly half of which occur nowhere else in the world. It would also likely put existing aquaculture operations growing ornamental fish in Hawaii out of business, and inhibit new ones from starting up. And it would set a very poor precedent for exempting certain industries from the protections of our environmental laws. I strongly urge you to defeat HB123. Mahalo.

[COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION](#)

And [COMMITTEE ON WATER & LAND](#) Tuesday, Feb 11th 2025 9:15 AM

In Support of HB 661 and HB123 passage.

I Al Giansanti, Support Both Bills HB661, HB658 and HB 123, which exempt fishermen from HEPA Act 343 laws because Small Nearshore fisheries are worth 16 million annually, the aquarium fishery, when in business, generated 53 million annually, and the Tuna Fishery is worth 100 million annually.

If you read Act 343, it was never intended to apply to DLNR, DAR, or DOBOR well-regulated Ocean-related permits, which are public undersea lands.

What do the Super Ferry, Thirty Meter Telescope, Aquarium Fishery, and now all Commercial Fisheries and All Ocean-based Tourism Permits have in common?

Act 343 is shutting them down solely because of user conflict, Hawaiian Rights conflict; not because of environmental concerns.

HRS Chapter 343 1-7 Is Viewable by pressing the “next results” at the top of the page to scroll through. Link:

<https://search.capitol.hawaii.gov/HRS/isysquery/995ea4a7-9608-41ab-a7f4-7446f84626bd/1/doc/>

Whereas chapter 343 HRS does not imply anywhere in its statutes that ocean-based permits apply. This law was intended for land-based construction.

Recent Kā’anapali Court decision: Hundred without Jobs After many of them Lost Their Homes to the Lahaina Wildfire, permits are likely to be removed before expiring. The Lahaina harbor still needs 34 million in renovations before tourist companies can use it for their business, leaving these businesses shut down!

Act 343 Supreme Court Interpretation Flawed; all DLNR-issued ocean permits now apply to 343 environmental laws, and the pro-Hawaiian BLNR biased decisions will not likely allow permits for some even if HEPA laws are adhered to (for example, the aquarium fishery was denied permits even with Act 343 HEPA EIS passage).

NEWS:

Court injunction blocks commercial ocean permitting in Kā’anapali

<https://mauinow.com/2024/12/06/court-injunction-blocks-commercial-ocean-permitting-in-ka%CA%BBanapali/>

In addition, another current lawsuit will affect all Commercial Marine License permit holders.

Lawsuit 1CCV-24-0001625 is before the First Circuit Court. A ruling will likely require all commercial fishing permits to undergo environmental reviews. All commercial fishing permits could face the immediate requirement to have their permits revoked and do EIS reviews at great expense to unemployed businesses! Small Nearshore fisheries are worth 16 million annually, and the Tuna Fishery is worth 100 million annually.

The Legislative Goal Should be to exempt all ocean use permits; DLNR effectively manages to be exempt from HEPA EIS laws by clarifying the meaning of Act 343 regarding ocean use permits.

Whereas it was just ruled that commercial ocean user permits in Kā'anapali require environmental reviews. Hundreds of Jobs will be affected in an already devastated location. Environmental Court Judge Peter Cahill has ordered the Department of Land and Natural Resources not to issue or renew commercial use permits for state waters in Kā'anapali until it can complete environmental assessments for their use or determine such permits are exempt from environmental review under Hawai'i law. We would expect this precedence to apply to all Commercial Ocean tourism permits. We expect these permits, despite being given time to continue until permits expire, to be taken before then, as was done regarding the aquarium fishery. I support the passage of HB661 for this reason.

Whereas lawsuit 1CCV-24-0001625 will likely very soon result in a similar ruling for all commercial Fishing permits. Ensuring a resulting HEPA law precedence requirement for all fishery DLNR-issued permits. The Hawaii seafood industry generates around \$867 million in annual sales impacts, making it a significant contributor to the state's economy, with the majority of this value coming from the high-value, low-volume longline fishery that is considered the largest food-producing industry in Hawaii.

Whereas 80% of all visitors to Hawaii participate in Ocean activities, and invalidating ocean user permits would be devastating to the 20 billion dollar a year tourist industry. In 2019, the visitor industry supported 216,000 jobs statewide, yielded nearly \$17.8 billion in visitor spending, and contributed more than \$2 billion in tax revenue to state coffers.

Whereas Despite the acceptance of the RFEIS in July 2021, the DLNR has not issued a law, in numerous respects. The Circuit Court, however, found that the RFEIS was sufficient as a matter of law, and entered judgment on September 12, 2022.

The Plaintiffs in that action appealed, and the Supreme Court issued its ruling affirming the Circuit Court on August 28, 2024. In that opinion, the Supreme Court discussed each of the complaints concerning the sufficiency of the RFEIS and, in every case, found the RFEIS to comply with the requirements of HRS Chapter 343 and Hawai'i Administrative Rule

("HAR") § 11-200. Still, HEPA laws in Act 343 have failed the sustainable Aquarium Fishery and they still have not been issued permits.

Whereas BLNR has shown bias against the fishery and favoritism toward Hawaiians who oppose it while ignoring Hawaiians who support it.

Therefore, please pass HB661 and HB123!

Thanks,

Al Giansanti

HB-123

Submitted on: 2/4/2025 10:43:34 AM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Keynin kretz	Individual	Support	Written Testimony Only

Comments:

I support hb123

HB123

2/11/25 9:15A

325 VIA VIDEO CONFERENCE

He Mele komo a he mele aloha no na kupuna o ke au i hala Aloha mai kakou.

Aloha,

My name is Cindy Freitas and I'm a Native Hawaiian descended of the native inhabitants of Hawai'i prior to 1778 and born and raised in Hawai'i.

I am also a practitioner who still practice the cultural traditional customary practices that was instill in me by my grandparents at a young age from mauka (MOUNTAIN TO SEA) to makai in many areas.

I'm in OPPOSITION for HB123

Native Hawaiian the broad exemption from environmental review requirements for fisheries management and operations. While I recognize the need to streamline processes and remove unnecessary bureaucratic barriers—particularly for Native Hawaiian traditional and customary fishing practices—I urge the committee to refine this proposal to ensure it does not undermine environmental stewardship, cultural rights, and the sustainability of our marine resources.

I. The Risk of a Broad Exemption

A blanket exemption from environmental review could open the door for large-scale commercial operations to exploit fisheries without oversight, leading to:

- Overfishing and depletion of key species essential to subsistence and cultural practices.
- Habitat destruction, including damage to coral reefs and spawning areas.
- Disruption of community-based resource management systems grounded in traditional Native Hawaiian knowledge.

Hawai'i's marine resources are already under immense pressure from climate change, pollution, and development. Exempting fisheries from environmental review without proper safeguards would risk further harm to an ecosystem that has sustained our people for generations.

II. Supporting Traditional and Customary Fishing Without Compromising Sustainability

Rather than a broad exemption, I urge the committee to adopt a **pono** approach—one that protects Native Hawaiian fishing rights while maintaining environmental safeguards. I respectfully recommend the following:

1. Limit Exemptions to Traditional and Community-Based Fisheries

Any exemption should apply **only** to:

Traditional and customary subsistence fishing as recognized under Article XII, Section 7 of the Hawai'i State Constitution.

Community-Based Subsistence Fishing Areas (CBSFAs) under HRS §188-22.6, which integrate Native Hawaiian management principles.

Loko i'a (fishponds) and other recognized traditional fisheries.

Large-scale commercial fishing and industrial operations must not be granted the same exemptions, as their impact on marine ecosystems is far greater.

2. Strengthen Community-Based Management

Rather than removing oversight, the policy should **empower Native Hawaiian communities** to manage resources through:

Aha Moku and ‘Aha Kiōle Advisory Councils playing a formal role in fisheries decision-making.
Recognition of traditional kapu (seasonal closures) and kīpuka lawai‘a (place-based fishing management).

Co-management agreements between communities and the Department of Land and Natural Resources (DLNR).

3. Replace Standard Environmental Reviews with Indigenous Knowledge-Based Assessments

Instead of eliminating review altogether, replace it with a process that:

Centers **Native Hawaiian traditional ecological knowledge (TEK)** in decision-making.

Requires **consultation with cultural practitioners and local fishers** instead of relying solely on Western scientific models.

Evaluates the **health of the nearshore ecosystem**, rather than just fish stock numbers.

4. Implement Safeguards Against Overexploitation

To prevent misuse, the policy should:

Cap exemptions at a certain scale—prioritizing small-scale, subsistence, and community-managed fisheries.

Require sustainable harvesting plans that follow customary practices.

Maintain bans on destructive fishing methods, such as bottom trawling and excessive netting.

5. Strengthen Enforcement Through Native Hawaiian Stewardship

To ensure responsible management, enforcement should:

Empower local fishers as resource stewards, following konohiki-style management.

Increase funding for community-based monitoring programs.

Use cultural protocols for enforcement, such as restorative justice and education, rather than only punitive measures.

6. Require Periodic Review & Adaptive Management

Rather than a permanent exemption, establish:

Regular evaluations (e.g., every 5 years) to assess sustainability and adjust policies accordingly.

A feedback loop with Native Hawaiian practitioners to ensure management strategies remain culturally and environmentally appropriate.

III. Conclusion: A Pono Path Forward

By refining this exemption to **prioritize Native Hawaiian fishing rights while maintaining responsible stewardship**, we can **honor our ancestral knowledge, protect our marine resources, and ensure that future generations can continue to practice subsistence fishing.**

I strongly urge the committee to **reject a broad exemption** and instead adopt a culturally appropriate, community-driven alternative that integrates Native Hawaiian resource management principles. **Let us move forward with a policy that reflects our shared kuleana to mālama i ke kai.**

Mahalo,

_____/s/____

Cindy Freitas

Testimony in Strong Support of HB 123

[Water & Land](#) Committee 2-11-25 10:15 AM

Extremely Important Read!

Scorched Earth Prevention; Proposed Bill for an Act

Court injunction blocks commercial ocean permitting in Kā'anapali hundreds to lose jobs!

What do the Super Ferry, Thirty Meter Telescope, Aquarium Fishery, and now all Commercial Fisheries and All Ocean-based Tourism Permits have in common?

Act 343 is shutting them down solely because of user conflict, not because of environmental concerns.

HRS Chapter 343 1-7 Is Viewable by pressing the "next results" at the top of the page to scroll through. Link:

<https://search.capitol.hawaii.gov/HRS/isysquery/995ea4a7-9608-41ab-a7f4-7446f84626bd/1/doc/>

Whereas chapter 343 HRS does not imply anywhere in its statutes that ocean-based permits apply. This law was intended for land-based construction.

Recent Kā'anapali Court decision: Hundred without Jobs After many of them Lost Their Homes to the Lahaina Wildfire, permits are likely to be removed before expiring. The Lahaina harbor still needs 34 million in renovations before tourist companies can use it for their business, leaving these businesses shut down!

Act 343 Supreme Court Interpretation Flawed; all DLNR-issued ocean permits now apply to 343 environmental laws, and the pro-Hawaiian BLNR biased decisions will not likely allow permits for some even if HEPA laws are adhered to (for example, the aquarium fishery was denied permits even with Act 343 HEPA EIS passage).

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Whereas 80% of all visitors to Hawaii participate in Ocean activities, and invalidating ocean user permits would be devastating to the 20 billion dollar a year tourist industry. In 2019, the visitor industry supported 216,000 jobs statewide, yielded nearly \$17.8 billion in visitor spending, and contributed more than \$2 billion in tax revenue to state coffers.

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Whereas BLNR has shown bias against the fishery and favoritism in favor of Hawaiians who are opposed to the fishery while ignoring Hawaiians who are in support of the fishery. BLNR members also showed favoritism against the fishery enough that several

board members were legally prevented from voting in decision-making meetings regarding the fishery.

BLNR has not given out permits after 7 years and \$750,000 in fishers' efforts while unemployed in the fishery even though researchers have already considered the fishery sustainable. Therefore, they cannot be trusted concerning the issuance of aquarium fishing, commercial fisheries, tourism permits, or EIS passage for these groups.

Whereas Act 343 was intended upon passage to only apply to land-based activities because DLNR, with a team of marine biologists, had already shown to be effective in ocean management. The legislature gave DLNR the power to implement emergency rules in case of any marine species endangerment, banning their take as needed. And BLNR was given a path to create new laws to protect the environment. Every 5 years, SWAP reviews all Marine species and determines if further regulations or studies are needed.

Whereas Marine fish are the most efficient breeders on the planet, and during the past five extinction-level events, they have had a greater survival rate than land-based species. No Marine fish are currently threatened or on the verge of extinction, unlike over 100 land-based species. All Marine fish species historically and legally under current take laws are considered IUCN species of "Least Concern".

Whereas Current Laws limit the take of marine fish by permit with daily limits, size limits, protected areas, white list of approved fish, and many other laws already and was deemed sustainable by a group review of 21 of the world's leading marine biologists in the "We expected better letter".

Whereas Ka'anapali tour businesses were just devastated by the Lahina fires, and the closure of these groups will result in even more job losses and a reduction in Maui tourism. Lahina Harbor is still closed and requires 34 million in restoration before it can open and the only location for these business to exist effectively is Kā'anapali.

Whereas the Kā'anapali. The lawsuit allowed Hawaiian groups to blackmail this business over a parking conflict. User conflict was also the basis of the aquarium fish lawsuit, which resulted in the loss of the Hawaii model, the most sustainable and valuable fishery.

Whereas with over 15,000 Hawaiians moving away from Hawaii Annually, the loss of more jobs without reasonable environmental causes, just user conflict, is unacceptable. Ten percent of aquarium fish participants were of Hawaiian ancestry and were part of those 15,000 displaced Hawaiians.

Whereas Current HRS 343 11-200.1-9 laws put an undue burden on filers, are excessive in demand, and effectively shut down those required to do them. This means changes must be made, or Hawaii's economy will significantly suffer.

Act 343 (read the link below) clearly was not intended to apply to well-managed DLNR ocean permits and extended far beyond 343's intended legislative mandate due to biased Judicial Supreme Court decisions, which were decided not based in science or in fact but on a broad interpretation of actual meaning given false testimony from Petitioners.

Thanks

Mary Tubbs

HB-123

Submitted on: 2/7/2025 4:42:50 PM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Patricia Blair	Individual	Oppose	Written Testimony Only

Comments:

DNLR must not evade any assessment of environmental impacts of its fishery management decisions.Hold HB123

HB-123

Submitted on: 2/7/2025 5:54:33 PM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Sarah Biggs	Individual	Oppose	Written Testimony Only

Comments:

Don't allow the Department of Land and Natural Resources to evade any assessment of the environmental impacts of its fishery management decisions. Thank you.

HB-123

Submitted on: 2/9/2025 1:26:25 PM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Philip Fernandez	Individual	Support	Written Testimony Only

Comments:

STRONG SUPPORT

HB123 has very deep implications for food security and availability of the supply of fresh fish in Hawaii. Certain groups have been using HRS343 (Environmental Impact Statements) as a way to block commercial ocean activities.

First the aquarium fish collection business was sued and the courts ordered the aquarium collection fishermen to provide environmental impact statements prior to obtaining their permits to collect fish. This commercial activity came to a complete halt and many fishers went out of business.

Second, in December 2024, a judge on Maui approved an injunction to halts the issuance of new and annual renewal of commercial ocean recreation activities at Kaanapali, Maui, until the licensees produce an environmental impact statement.

With these actions, it is clear than permits and licenses issued by the Department of Land and Natural Resouces are in jeopardy of going down the same path.

If commercial fishing licenses are blocked from issuance, then fishermen cannot fish and thus the supply of fresh fish will cease.

Please support this bill. Without an exemption from HRS343, the harvest of fish will cease.

Mahalo,
Phil Fernandez

Fisherman, Hawaii Commercial Marine License #22380

HB-123

Submitted on: 2/8/2025 10:58:08 PM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Patrice Choy	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose HB123. Please hold the bill.

HB-123

Submitted on: 2/9/2025 5:10:06 PM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Callister Gayadeen	Individual	Support	Written Testimony Only

Comments:

Act 343 is removing well-managed long-term permits based on biased user groups' one-sided, inaccurate legal challenges without permit owners' legal representation. I know the courts want to protect the environment, but all affected user groups do, too.

Relying only on false testimony without representation of those affected is injustice!

If the legislature cannot fix this, we need a class action lawyer to appeal these, overreaching lawmaking court decisions! All effected user groups wronged by these decisions need to get together and fund a new case against the State of Hawaii and Act 343 decisions regarding the Superferry, TMT, Aquarium Fishery, Tourist Ocean user permits Ka'anapali and others. Soon all commercial fishermen and all commercial ocean permits may apply due to standing lawsuits!

The logical next step is to take this to the Federal Supreme Court.

We can only hope the Hawaii State legislature decides to pass SB22, SB1171, HB123, HB658, and HB661 to solve this injustice. Management, not closure, is the State of Hawaii's constitutional role! The state's sustainability, ecology, and management are not being served under Act 343 interpretation.

Thanks, please pass HB 123

Callister Gayadeen

The Reef Collector

HB-123

Submitted on: 2/8/2025 4:02:15 PM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
scott folsom	Individual	Support	Written Testimony Only

Comments:

Testimony in Strong Support of HB 123

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Thanks, please pass HB 123

Scott Folsom

HB-123

Submitted on: 2/8/2025 6:49:31 PM

Testimony for EEP on 2/11/2025 9:15:00 AM

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

Comments:

Aloha Committee Members,

Please support HB 123

As a long time commercial fisherman, I believe that our fisheries are the life blood of Hawaii-
However, All fisheries are now in danger.

HEPA has the potential to disrupt all commercial and recreational fishing in Hawaii by requiring costly environmental reviews or EIS's. Recent lawsuits have proven this to be real and extremely dangerous.

Please allow exemptions from actions involving the operation and management of fisheries in the State from environmental reviews **by passing HB 123**

Thank you for your time

HB-123

Submitted on: 2/9/2025 5:53:33 PM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Sherry Pollack	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose HB123. This bill would turn our environmental review process into an afterthought, legitimizing illegal agency practices (affirmed as illegal by our court system), that have inflicted and that will continue to inflict potentially irreparable harms to the vast and varied public interests in our ocean environment.

I urge you to **HOLD HB123**

HB-123

Submitted on: 2/8/2025 9:26:42 PM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Laa Poepoe	Individual	Oppose	Written Testimony Only

Comments:

please oppose this measure. the EA/EIS review process is designed to be a safeguard for compliance with safety measures aligned with the precautionary principles applied to publicly shared sources to protect the public from overextraction by commercial users. commercial folks will show up to oppose something that interferes with their ability to profit disproportionately from a shared public source without invoking the ka pa‘akai analysis, hierarchy of uses, or a definition of subsistence/sustainability. thank you.

HB-123

Submitted on: 2/9/2025 12:24:54 PM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Lynn Voorhies	Individual	Oppose	Written Testimony Only

Comments:

STRONG OPPOSITION to HB123 to exempt actions involving the operation and management of all fisheries in the State from environmental review requirements under chapter 343, Hawai'i Revised Statutes.

There should be NO EXEMPTION to the chapter 343 process which is in place to protect our environment, especially our fragile marine environment. The legislature has already determined that environmental review requirements through the chapter 343 process ensure environmental concerns/threats are given appropriate consideration in decision making.

*"§343-1 Findings and purpose. The legislature finds that the quality of humanity's environment is critical to humanity's well being, that humanity's activities have broad and profound effects upon the interrelations of all components of the environment, and that an environmental review process will integrate the review of environmental concerns with existing planning processes of the State and counties and alert decision makers to significant environmental effects which may result from the implementation of certain actions. **The legislature further finds that the process of reviewing environmental effects is desirable because environmental consciousness is enhanced, cooperation and coordination are encouraged, and public participation during the review process benefits all parties involved and society as a whole.***

It is the purpose of this chapter to establish a system of environmental review which will ensure that environmental concerns are given appropriate consideration in decision making along with economic and technical considerations."

HB123 says that since DLNR "must conduct careful analysis of data on the fishery and its ecosystem to determine if the fishery can be sustainably harvested while ensuring the protection of the environmental and cultural values of the ecosystem of which it is a part.", the legislature finds that it is "not necessary for the department or those engaged in operating or managing the fishery to also prepare documentation to comply with chapter."

However, their analysis is internal and not a public process as it should be.

Our resources are worth the process. No to this bill.

HB-123

Submitted on: 2/9/2025 12:38:49 PM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Seyna M	Individual	Oppose	Written Testimony Only

Comments:

No

HB-123

Submitted on: 2/9/2025 12:49:37 PM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Laura Gray	Individual	Oppose	Written Testimony Only

Comments:

Please vote no on HB 123 I am against any weakening of our already weak environmental laws.
Mahalo, Laura Gray

HB-123

Submitted on: 2/9/2025 9:21:21 PM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
spencer vanderkamp	Individual	Support	Written Testimony Only

Comments:

SUPPORT

Aloha, I am writing in strong SUPPORT of SB22 and HB123. As without it, small-scale, local and eco-friendly fishers will be essentially put out of business. As stated in the bill, it is the responsibility of the DLNR to issue Commercial marine licenses based on the health of the fisheries.

Failure to support this bill would take income opportunities away from local families, while forcing consumers to buy fish from foreign, and less eco-friendly methods of fishing. Not supporting this bill would kill small businesses and hurt many local families and ethical consumers.

Thank you for your time, please SUPPORT this bill.

HB-123

Submitted on: 2/9/2025 10:30:37 PM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Carmela Resuma	Individual	Oppose	Written Testimony Only

Comments:

I oppose this measure

HB-123

Submitted on: 2/10/2025 10:48:49 AM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Sierra Dew	Individual	Oppose	Written Testimony Only

Comments:

Dear Committee Members,

I am writing in **strong opposition to HB123.**

This bill seeks to undermine recent Hawai'i court rulings that held the **Department of Land and Natural Resources (DLNR) accountable** for failing to comply with our state's environmental review laws. By doing so, **HB 661 would allow the continued rubber-stamping of commercial and other activities without properly considering their environmental impacts.**

Hawai'i's natural and cultural resources deserve **rigorous environmental oversight, not weakened protections.** I urge you to **reject HB 661** and uphold the integrity of our environmental laws to ensure responsible stewardship of our land and waters.

Mahalo for your time and consideration.

Sierra Dew

HB-123

Submitted on: 2/7/2025 3:34:54 PM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Leah Kocher	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Lowen, Chair Hashem, Vice Chair Perruso, Vice Chair Lamosao, and Members of the Committees,

My name is Leah Kocher and I **strongly oppose HB123**, which would allow the Department of Land and Natural Resources to evade assessment of the environmental impacts of its fishery management decisions - including decisions that may open up our ocean resources to unmitigated commercial exploitation.

Our environmental review law allows decision-makers and the public to look in potential outcomes from proposed activities, before those activities and their impacts are allowed to proceed. This ensures prudent planning while reducing conflict, minimizing adverse outcomes, and safeguarding the health and well-being of present and future generations.

Unfortunately, the Department of Land and Natural Resources does not have a good track record in its supposed effort to its critical statutory and public trust responsibilities, such as by authorizing a fishery program that permits the use of otherwise unlawful gear to take an unlimited amount of marine life for aquarium purposes, without any environmental review. This measure would not only legitimize this longstanding practice that has been affirmed as illegal by the Hawai'i Supreme Court, but excuse the department from its environmental review responsibilities for similar fisheries-related actions with potentially deleterious ecological, cultural, recreational, climate resilience, and economic impacts.

This bill would turn our environmental review process into an afterthought, legitimizing illegal agency practices that have inflicted and that will continue to inflict potentially irreparable harms to our marine life and the vast public interest in our ocean environment.

I urge you to **HOLD HB123**.

Sincerely,
Leah Kocher

HB-123

Submitted on: 2/7/2025 5:06:58 PM

Testimony for EEP on 2/11/2025 9:15:00 AM

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

Comments:

Aloha Chair Lowen, Chair Hashem, Vice Chair Perruso, Vice Chair Lamosao, and Members of the Committees,

*My name is Mary True and I **strongly oppose HB123**, which would allow the Department of Land and Natural Resources to evade any assessment of the environmental impacts of its fishery management decisions - including decisions that may open up our ocean resources to unmitigated commercial exploitation.*

Our environmental review law allows decisionmakers and the public to make more fully-informed decisions that can balance and mitigate potential long-term impacts to the public interest from certain proposed activities, before those activities and their impacts are allowed to proceed. This ensures prudent planning while reducing conflict, minimizing adverse outcomes, and safeguarding the health and well-being of present and future generations.

Unfortunately, the Department of Land and Natural Resources has a long and notorious history of turning a blind eye to its critical statutory and public trust responsibilities, such as by authorizing a fishery program that permits the use of otherwise unlawful gear to take an unlimited amount of marine life for aquarium purposes, without any environmental review. This measure would not only legitimize this longstanding practice that has been affirmed as illegal by the Hawai'i Supreme Court, but excuse the department from its environmental review responsibilities for similar fisheries-related actions with potentially deleterious ecological, cultural, recreational, climate resilience, and economic impacts.

This bill would turn our environmental review process into an afterthought, legitimizing illegal agency practices that have inflicted and that will continue to inflict potentially irreparable harms to our marine life and the vast public interest in our ocean environment.

*I urge you to **HOLD HB123**.*

*Sincerely,
Mary True*

HB-123

Submitted on: 2/10/2025 8:12:15 AM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
George Patterson	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Lowen, Chair Hashem, Vice Chair Perruso, Vice Chair Lamosao, and Members of the Committees,

My name is George Patterson and I strongly oppose HB123, which would allow the Department of Land and Natural Resources to evade any assessment of the environmental impacts of its fishery management decisions - including decisions that may open up our ocean resources to unmitigated commercial exploitation.

Our environmental review law allows decisionmakers and the public to make more fully-informed decisions that can balance and mitigate potential long-term impacts to the public interest from certain proposed activities, before those activities and their impacts are allowed to proceed. This ensures prudent planning while reducing conflict, minimizing adverse outcomes, and safeguarding the health and well-being of present and future generations.

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I urge you to HOLD HB123.

Sincerely,
George Patterson

HB-123

Submitted on: 2/8/2025 4:53:39 AM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Jodi Rodar	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Lowen, Chair Hashem, Vice Chair Perruso, Vice Chair Lamosao, and Members of the Committees,

*My name is Jodi Rodar and I **strongly oppose HB123**, which would allow the Department of Land and Natural Resources to evade any assessment of the environmental impacts of its fishery management decisions - including decisions that may open up our ocean resources to unmitigated commercial exploitation.*

Our environmental review law allows decisionmakers and the public to make more fully-informed decisions that can balance and mitigate potential long-term impacts to the public interest from certain proposed activities, before those activities and their impacts are allowed to proceed. This ensures prudent planning while reducing conflict, minimizing adverse outcomes, and safeguarding the health and well-being of present and future generations.

Unfortunately, the Department of Land and Natural Resources has a long and notorious history of turning a blind eye to its critical statutory and public trust responsibilities, such as by authorizing a fishery program that permits the use of otherwise unlawful gear to take an unlimited amount of marine life for aquarium purposes, without any environmental review. This measure would not only legitimize this longstanding practice that has been affirmed as illegal by the Hawai'i Supreme Court, but excuse the department from its environmental review responsibilities for similar fisheries-related actions with potentially deleterious ecological, cultural, recreational, climate resilience, and economic impacts.

This bill would turn our environmental review process into an afterthought, legitimizing illegal agency practices that have inflicted and that will continue to inflict potentially irreparable harms to our marine life and the vast public interest in our ocean environment.

*I urge you to **HOLD HB123**.*

Sincerely,

Dr. Jodi Rodar

HB-123

Submitted on: 2/8/2025 9:07:30 AM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Peter Wilson	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Lowen, Chair Hashem, Vice Chair Perruso, Vice Chair Lamosao, and Members of the Committees,

*My name is Peter Wilson and I **strongly oppose HB123**, which would allow the Department of Land and Natural Resources to evade any assessment of the environmental impacts of its fishery management decisions - including decisions that may open up our ocean resources to unmitigated commercial exploitation.*

Our environmental review law allows decisionmakers and the public to make more fully-informed decisions that can balance and mitigate potential long-term impacts to the public interest from certain proposed activities, before those activities and their impacts are allowed to proceed. This ensures prudent planning while reducing conflict, minimizing adverse outcomes, and safeguarding the health and well-being of present and future generations.

Unfortunately, the Department of Land and Natural Resources has a long and notorious history of turning a blind eye to its critical statutory and public trust responsibilities, such as by authorizing a fishery program that permits the use of otherwise unlawful gear to take an unlimited amount of marine life for aquarium purposes, without any environmental review. This measure would not only legitimize this longstanding practice that has been affirmed as illegal by the Hawai'i Supreme Court, but excuse the department from its environmental review responsibilities for similar fisheries-related actions with potentially deleterious ecological, cultural, recreational, climate resilience, and economic impacts.

This bill would turn our environmental review process into an afterthought, legitimizing illegal agency practices that have inflicted and that will continue to inflict potentially irreparable harms to our marine life and the vast public interest in our ocean environment.

*I urge you to **HOLD HB123**.*

*Sincerely,
Peter Wilson*

HB-123

Submitted on: 2/8/2025 9:27:47 AM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Bo Breda	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Lowen, Chair Hashem, Vice Chair Perruso, Vice Chair Lamosao, and Members of the Committees,

*My name is Bo Breda and I **strongly oppose HB123**, which would allow the Department of Land and Natural Resources to evade any assessment of the environmental impacts of its fishery management decisions - including decisions that may open up our ocean resources to unmitigated commercial exploitation.*

Our environmental review law allows decisionmakers and the public to make more fully-informed decisions that can balance and mitigate potential long-term impacts to the public interest from certain proposed activities, before those activities and their impacts are allowed to proceed. This ensures prudent planning while reducing conflict, minimizing adverse outcomes, and safeguarding the health and well-being of present and future generations.

Unfortunately, the Department of Land and Natural Resources has a long and notorious history of turning a blind eye to its critical statutory and public trust responsibilities, such as by authorizing a fishery program that permits the use of otherwise unlawful gear to take an unlimited amount of marine life for aquarium purposes, without any environmental review. This measure would not only legitimize this longstanding practice that has been affirmed as illegal by the Hawai'i Supreme Court, but excuse the department from its environmental review responsibilities for similar fisheries-related actions with potentially deleterious ecological, cultural, recreational, climate resilience, and economic impacts.

This bill would turn our environmental review process into an afterthought, legitimizing illegal agency practices that have inflicted and that will continue to inflict potentially irreparable harms to our marine life and the vast public interest in our ocean environment.

*I urge you to **HOLD HB123**.*

*Sincerely,
Bo Breda*

HB-123

Submitted on: 2/8/2025 9:39:07 AM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Shay Chan Hodges	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Lowen, Chair Hashem, Vice Chair Perruso, Vice Chair Lamosao, and Members of the Committees,

*My name is Shay Chan Hodges and I **strongly oppose HB123**, which would allow the Department of Land and Natural Resources to evade any assessment of the environmental impacts of its fishery management decisions - including decisions that may open up our ocean resources to unmitigated commercial exploitation.*

Our environmental review law allows decisionmakers and the public to make more fully-informed decisions that can balance and mitigate potential long-term impacts to the public interest from certain proposed activities, before those activities and their impacts are allowed to proceed. This ensures prudent planning while reducing conflict, minimizing adverse outcomes, and safeguarding the health and well-being of present and future generations.

Unfortunately, the Department of Land and Natural Resources has a long and notorious history of turning a blind eye to its critical statutory and public trust responsibilities, such as by authorizing a fishery program that permits the use of otherwise unlawful gear to take an unlimited amount of marine life for aquarium purposes, without any environmental review. This measure would not only legitimize this longstanding practice that has been affirmed as illegal by the Hawai'i Supreme Court, but excuse the department from its environmental review responsibilities for similar fisheries-related actions with potentially deleterious ecological, cultural, recreational, climate resilience, and economic impacts.

This bill would turn our environmental review process into an afterthought, legitimizing illegal agency practices that have inflicted and that will continue to inflict potentially irreparable harms to our marine life and the vast public interest in our ocean environment.

*I urge you to **HOLD HB123**.*

Sincerely,

Shay Chan Hodges

Haiku, Maui

HB-123

Submitted on: 2/8/2025 11:14:39 AM

Testimony for EEP on 2/11/2025 9:15:00 AM

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

Comments:

Aloha Chair Lowen, Chair Hashem, Vice Chair Perruso, Vice Chair Lamosao, and Members of the Committees,

*My name is Diane Ware and I **strongly oppose HB123**, which would allow the Department of Land and Natural Resources to evade any assessment of the environmental impacts of its fishery management decisions - including decisions that may open up our ocean resources to unmitigated commercial exploitation which the Pet Industry wants for extraction of our reef fishes.*

Our environmental review law allows decisionmakers and the public to make more fully-informed decisions that can balance and mitigate potential long-term impacts to the public interest from certain proposed activities, before those activities and their impacts are allowed to proceed. This ensures prudent planning while reducing conflict, minimizing adverse outcomes, and safeguarding the health and well-being of present and future generations.

Unfortunately, the Department of Land and Natural Resources has a long and notorious history of turning a blind eye to its critical statutory and public trust responsibilities, such as by authorizing a fishery program that permits the use of otherwise unlawful gear to take an unlimited amount of marine life for aquarium purposes, without any environmental review. This measure would not only legitimize this longstanding practice that has been affirmed as illegal by the Hawai'i Supreme Court, but excuse the department from its environmental review responsibilities for similar fisheries-related actions with potentially deleterious ecological, cultural, recreational, climate resilience, and economic impacts.

This bill would turn our environmental review process into an afterthought, legitimizing illegal agency practices that have inflicted and that will continue to inflict potentially irreparable harms to our marine life and the vast public interest in our ocean environment.

*I urge you to **HOLD HB123**.*

Sincerely,

Diane Ware

Moku o Ka'u, 96785

HB-123

Submitted on: 2/10/2025 8:09:50 AM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Susie Davis	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Lowen, Chair Hashem, Vice Chair Perruso, Vice Chair Lamosao, and Members of the Committees,

My name is Susie Davis and I **strongly oppose HB123.**

This bill would allow the Department of Land and Natural Resources to evade any assessment of the environmental impacts of its fishery management decisions - including decisions that may open up our ocean resources to unmitigated commercial exploitation.

Unfortunately, DLNR has a long and notorious history of turning a blind eye to its public trust responsibilities, for example by authorizing a fishery program that permits the use of otherwise unlawful gear to take an unlimited amount of marine life for aquarium purposes, without any environmental review. This measure would not only legitimize this longstanding practice that has been affirmed as illegal by the Hawai'i Supreme Court, but excuse the department from its environmental review responsibilities for similar fisheries-related actions with potentially terrible consequences ecological, cultural, recreational, climate resilience, and economic assets.

Our environmental review law allows decisionmakers and the public to make more fully-informed decisions that can balance and mitigate potential long-term impacts to the public interest from certain proposed activities, before those activities and their impacts are allowed to proceed. This ensures prudent planning while reducing conflict, minimizing adverse outcomes, and safeguarding the health and well-being of present and future generations.

Unfortunately, the DLNR has a long and notorious history of turning a blind eye to its critical statutory and public trust responsibilities, such as by authorizing a fishery program that permits the use of otherwise unlawful gear to take an unlimited amount of marine life for aquarium purposes, without any environmental review. This measure would not only legitimize this longstanding practice that has been affirmed as illegal by the Hawai'i Supreme Court, but excuse the department from its environmental review responsibilities for similar fisheries-related actions with potentially deleterious ecological, cultural, recreational, climate resilience, and economic impacts.

This bill would turn our environmental review process into an afterthought, legitimizing illegal agency practices that have inflicted and that will continue to inflict potentially irreparable harms to our marine life and the vast public interest in our ocean environment.

I urge you to **HOLD HB123.**

HB-123

Submitted on: 2/8/2025 7:30:14 PM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
ANDREW ISODA	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Lowen, Chair Hashem, Vice Chair Perruso, Vice Chair Lamosao, and Members of the Committees,

*My name is [Your name] and I **strongly oppose HB123**, which would allow the Department of Land and Natural Resources to evade any assessment of the environmental impacts of its fishery management decisions - including decisions that may open up our ocean resources to unmitigated commercial exploitation.*

Our environmental review law allows decisionmakers and the public to make more fully-informed decisions that can balance and mitigate potential long-term impacts to the public interest from certain proposed activities, before those activities and their impacts are allowed to proceed. This ensures prudent planning while reducing conflict, minimizing adverse outcomes, and safeguarding the health and well-being of present and future generations.

Unfortunately, the Department of Land and Natural Resources has a long and notorious history of turning a blind eye to its critical statutory and public trust responsibilities, such as by authorizing a fishery program that permits the use of otherwise unlawful gear to take an unlimited amount of marine life for aquarium purposes, without any environmental review. This measure would not only legitimize this longstanding practice that has been affirmed as illegal by the Hawai'i Supreme Court, but excuse the department from its environmental review responsibilities for similar fisheries-related actions with potentially deleterious ecological, cultural, recreational, climate resilience, and economic impacts.

This bill would turn our environmental review process into an afterthought, legitimizing illegal agency practices that have inflicted and that will continue to inflict potentially irreparable harms to our marine life and the vast public interest in our ocean environment.

*I urge you to **HOLD HB123**.*

*Sincerely,
Andrew Isoda
Lahaina, Mau'i*

HB-123

Submitted on: 2/10/2025 12:32:30 PM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Kimmer Horsen	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Lowen, Chair Chair Hashem, Vice Chair Perruso, Vice Chair Lamosao, and Members of the Committees,

My name is Kimmer Horsen and I **strongly oppose HB661**, which would allow a vast range of illegally authorized activities to continue, potentially indefinitely, without a required consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.

Our environmental review law allows decisionmakers and the public to make more fully-informed decisions that can balance and mitigate potential long-term impacts to the public interest from certain proposed activities, before those activities and their impacts are allowed to proceed. This ensures prudent planning while reducing conflict, minimizing adverse outcomes, and safeguarding the health and well-being of present and future generations.

Unfortunately, the failure of certain departments to comply with this law before authorizing certain actions - such as in the take of an unlimited number of of ecologically critical marine specimens for the aquarium trade, or the decades-long dewatering of streams in East Maui - has resulted in severe and in some cases irreparable ecological, cultural, social, and economic harms that could and should have been avoided through the prudent planning embodied in our environmental review law.

By allowing illegally authorized activities to continue while environmental review challenges are resolved - something that has taken literal decades in the dewatering of East Maui's streams - this bill would turn our environmental review process into an afterthought, legitimizing unlawful and irresponsible agency practices that have inflicted and that will continue to inflict tremendous generational harms and injustices upon our islands and communities.

I urge you to **HOLD HB661**.

Sincerely,
Kimmer Nahonu Horsen

HB-123

Submitted on: 2/10/2025 1:22:52 PM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Eileen Cain	Individual	Oppose	Written Testimony Only

Comments:

This bill would turn our environmental review process into an afterthought, legitimizing illegal agency practices that have inflicted and that will continue to inflict potentially irreparable harms to our marine life and the vast public interest in our ocean environment.

HB-123

Submitted on: 2/10/2025 7:27:53 PM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Lei Fisher	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Lowen, Chair Hashem, Vice Chair Perruso, Vice Chair Lamosao, and Members of the Committees,

I am a Native Hawaiian Hawai'i resident and I **strongly oppose HB123**, which would allow the Department of Land and Natural Resources to evade any assessment of the environmental impacts of its fishery management decisions - including decisions that may open up our ocean resources to unmitigated commercial exploitation.

Our environmental review law allows decisionmakers and the public to make more fully-informed decisions that can balance and mitigate potential long-term impacts to the public interest from certain proposed activities, before those activities and their impacts are allowed to proceed. This ensures prudent planning while reducing conflict, minimizing adverse outcomes, and safeguarding the health and well-being of present and future generations.

Unfortunately, the Department of Land and Natural Resources has a long and notorious history of turning a blind eye to its critical statutory and public trust responsibilities, such as by authorizing a fishery program that permits the take of an unlimited amount of marine life for aquarium purposes, without any environmental review. This measure would not only legitimize this longstanding practice that has been affirmed as illegal by the Hawai'i Supreme Court, but excuse the department from its environmental review responsibilities for similar fisheries-related actions with potentially deleterious ecological, cultural, recreational, climate resilience, and economic impacts.

This bill would turn our environmental review process into an afterthought, legitimizing illegal agency practices that have inflicted and that will continue to inflict potentially irreparable harms to our marine life and the vast public interest in our ocean environment.

I urge you to **HOLD HB123**.

Me ke aloha,

Lei Fisher

HB-123

Submitted on: 2/11/2025 5:20:18 AM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Denise Boisvert	Individual	Oppose	Written Testimony Only

Comments:

I STRONGLY OPPOSE this bill.

HB-123

Submitted on: 2/11/2025 5:22:25 AM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Kim Jorgensen	Individual	Oppose	Written Testimony Only

Comments:

Please DO NOT pass this bill.

HB-123

Submitted on: 2/11/2025 7:01:50 AM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Breanne Fong	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Lowen, Chair Hashem, Vice Chair Perruso, Vice Chair Lamosao, and Members of the Committees,

My name is Breanne Fong, and I **strongly oppose HB123**, which would allow the Department of Land and Natural Resources to evade any assessment of the environmental impacts of its fishery management decisions - including decisions that may open up our ocean resources to unmitigated commercial exploitation.

Our environmental review law allows decisionmakers and the public to make more fully-informed decisions that can balance and mitigate potential long-term impacts to the public interest from certain proposed activities, before those activities and their impacts are allowed to proceed. This ensures prudent planning while reducing conflict, minimizing adverse outcomes, and safeguarding the health and well-being of present and future generations.

Unfortunately, the Department of Land and Natural Resources has a long and notorious history of turning a blind eye to its critical statutory and public trust responsibilities, such as by authorizing a fishery program that permits the take of an unlimited amount of marine life for aquarium purposes, without any environmental review. This measure would not only legitimize this longstanding practice that has been affirmed as illegal by the Hawai'i Supreme Court, but excuse the department from its environmental review responsibilities for similar fisheries-related actions with potentially deleterious ecological, cultural, recreational, climate resilience, and economic impacts.

This bill would turn our environmental review process into an afterthought, legitimizing illegal agency practices that have inflicted and that will continue to inflict potentially irreparable harms to our marine life and the vast public interest in our ocean environment.

I urge you to **HOLD HB123**.

Sincerely,
Breanne Fong

HB-123

Submitted on: 2/11/2025 8:27:21 AM

Testimony for EEP on 2/11/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Tara Rojas	Individual	Oppose	Written Testimony Only

Comments:

I strongly OPPOSE the exemption of actions involving the operation and management of fisheries in the State from environmental review requirements.

The health of our oceans, fisheries, and marine ecosystems is critical not only for the biodiversity of Hawai'i but for the sustenance and cultural practices of our people. By exempting fisheries from environmental review, we are neglecting our responsibility to assess and mitigate the potential harm to these vital resources before they are exploited.

Fisheries management is not just an economic issue—it is an environmental and cultural issue. Many communities across Hawai'i depend on healthy, sustainable marine ecosystems for their livelihoods, cultural practices, and food security. Without environmental review, there is no oversight to ensure that fishing practices do not lead to overfishing, habitat destruction, or other long-term ecological damage.

Our oceans are not infinite. The impacts of human activity on marine life are real, and we are already witnessing the consequences of unsustainable practices. Removing environmental review for fisheries management actions will only increase the risk of irreversible harm to our marine ecosystems and put future generations at a disadvantage.

Environmental review is a critical safeguard to ensure that any actions, particularly those that impact our oceans, are not only legal but responsible, sustainable, and in line with the values of stewardship that we, as a community, uphold.

I urge you to reconsider this exemption and ensure that all actions related to the operation and management of fisheries are subject to rigorous environmental review. This is not only an environmental necessity—it is a moral obligation to protect the resources that sustain our people, culture, and future.

Thank you for your attention and consideration.

Tara Rojas