

THE HOUSE

THE TWENTY-SIXTH LEGISLATURE
REGULAR SESSION OF 2011

COMMITTEE ON AGRICULTURE
Rep. Clift Tsuji, Chair
Rep. Mark J Hashem, Vice Chair

COMMITTEE ON WATER, LAND, & OCEAN RESOURCES
Rep. Jerry L. Chang, Chair
Representative Sharon E. Har, Vice Chair

DATE: Friday, February 2, 2010
TIME: 8:00am
PLACE: Conference Room 312, State Capitol
415 South Beretania Street

RE: Testimony in Opposition to HB 568 – Relating to Aquaculture

Aloha Chairs Tsuji and Chang, Vice Chairs Hashem and Har, and Committee Members,

Food & Water Watch thanks you for the opportunity to provide testimony and voice strong opposition to HB 568 as it is written. HB 568 would extend lease terms for all aquaculture options from 35 to 45 years, with the possibility of extension to 65 years for lessees in good standing after 10 years.

FWW is a national consumer advocacy group with over 1,800 supporters in Hawai'i. We are also a founding member of the Pono Aquaculture Alliance, which is comprised of over thirty Hawai'i-focused organizations advocating for responsible aquaculture practices. FWW advocates for safe, wholesome food produced in a humane and sustainable manner, and public rather than private control of water resources, including oceans, rivers and groundwater. We work with various community outreach groups around the world to create an economically and environmentally viable future. The FWW Fish Program works specifically to promote safe and sustainable seafood for consumers, while helping to protect the environment and support the long term well-being of coastal and fishing communities. We have worked in Hawai'i for the past three years to promote public control of ocean waters and prevent the reckless expansion of the open ocean aquaculture industry.

We support the expansion of a commercial aquaculture industry made up of responsible and culturally appropriate forms of fish farming such as land-based recirculating aquaculture systems, loko i'a (traditional fish ponds) aquaponics and shellfish culture. We have serious concerns, however, about expansion of the open ocean aquaculture industry, which has already proven to have negative environmental and social impacts at its present scale, discussed below. The cumulative impacts of these operations and the

Comment [LS1]: Is it okay to say it this way or is that too strong?

marine environments ability to deal with them are unknown. Currently, state agencies are not properly coordinated, funded and capable of carrying out oversight, nor are strong regulations in place for this experimental industry. Rather than further entrench this industry through lease extensions, the State should take a precautionary approach and maintain or decrease current lease lengths until these issues are adequately addressed.

To address the issue of lease term extensions without impeding development of sustainable forms of aquaculture, HB 568 should be amended to specifically exclude commercial finfish open ocean cage aquaculture operations from the general definition of “aquaculture” on page 3, line 15.

The following provides more information on community opposition to open ocean aquaculture, its environmental and social impacts, challenges in agency oversight, the need for more rigorous environmental review, and legislative efforts before in the 2011 regular session pertaining to OOA.

I. Abundant Demonstration of Community Opposition to Open Ocean Aquaculture

Since Hawai'i chose to allow leasing of ocean land for the purpose of commercial aquaculture, a number of companies have applied for or received leases, and all have faced community opposition. To date, five farms – Ahi Nui Tuna Farms LLC, Ahi Farms, and Pacific Ocean Venture, Maui Fresh Fish, and Indigo Seafood – have been unsuccessful in obtaining the needed community support, permits and/or financing for open ocean operations, though some are making a repeated attempt.^{1,2} In 2002, a Native Hawaiian Group filed a contested case against Ahi Nui Tuna Farms LLC. Two cases were also filed, though ultimately dismissed, against Hawaii Oceanic Technology, Inc.'s (HOTI) prospective ahi operation. Again, the cases were filed by Native Hawaiians, one on behalf of the Kanaka Council and another by Michael Lee, a cultural practitioner.^{3,4} Additionally, due to lack of opportunity for involvement earlier in the permitting process, hundreds of people petitioned the Army Corps of Engineers to hold a public hearing regarding HOTI's Department of Army permit application. These requests, however, were denied. After facing strong opposition from communities in Lanai, Maui Fresh

¹ Report to the Twenty-Fourth Legislature of Hawai'i 2008 Regular Session. Implementation of Chapter 190D, Hawai'i Revised Statutes Ocean and Submerged Lands Leasing. Prepared by Department of Agriculture and Department of Land and Natural Resources. November 2007. Page 9-10.

² Report to the Twenty-Sixth Legislature of Hawai'i 2011 Regular Session. Implementation of Chapter 190D, Hawai'i Revised Statutes Ocean and Submerged Lands Leasing. Prepared by Department of Agriculture and Department of Land and Natural Resources. December 2010. Page 6.

³ Petition for contested case hearing, filed by Mike Lee, cultural practitioner with Board of Land and Natural Resources for its decision to award a Conservation District Use Permit to Hawai'i Oceanic Technology for 90 acres off of the North Kohala Coast, Hawai'i Island for the purpose of an open ocean fish farm. Filed on 23 October 2009.

⁴ Petition for contested case hearing, filed by Kale Gumapac on behalf of Kanaka Council Moku 'O Keawe with Board of Land and Natural Resources for its decision to award a Conservation District Use Permit to Hawai'i Oceanic Technology for 90 acres off of the North Kohala Coast, Hawai'i Island for the purpose of an open ocean fish farm. Filed on 23 October 2009.



Hawaii Farm Bureau
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COMMITTEE ON AGRICULTURE
and
COMMITTEE ON WATER, LAND, AND OCEAN RESOURCES

February 2, 2011

Aquaculture Leases
HB 568

Aloha Chairs Tsuji and Chang and Members of the Committees:

The Hawaii Farm Bureau, on behalf of our commercial farm and ranch families and organizations across the State, is in **strong support** of HB 568, that will allow longer aquaculture leases and will allow lessees in good standing the right of first refusal.

Why is this bill necessary?

- **Food security and self-sufficiency for Hawaii**
- **Supports diversified agriculture**
- **Local people love fresh fish**
- **Fish consumption is up but wild stocks are not**
- **Allows lease renewal for successful farmers**
- **Opens financing options to farmers to invest the necessary time and money**
- **Allows BLNR to retain discretion to renew lease or not**
- **Diversifies job opportunities**
- **No cost to State in these difficult economic times!**

We hope you will help support local agriculture by passing this important bill.