

DAVID Y. IGE  
GOVERNOR OF HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of  
CARTY S. CHANG  
Interim Chairperson**

**Before the House Committees on  
OCEAN, MARINE RESOURCES, & HAWAIIAN AFFAIRS  
and  
WATER AND LAND**

**Monday, March 23, 2015  
11:00 AM  
State Capitol, Conference Room 325**

**In consideration of  
SENATE BILL 1377, SENATE DRAFT 1  
RELATING TO THE WAIKIKI-DIAMOND HEAD  
SHORELINE FISHERIES MANAGEMENT AREA**

Senate Bill 1377, Senate Draft 1 proposes to prohibit spearfishing within the Waikiki-Diamond Head Shoreline Fisheries Management Area at all times. **The Department of Land and Natural Resources (“Department”) opposes this measure.**

The Department currently regulates spearfishing and other methods of fishing within the Waikiki-Diamond Head Shoreline Fisheries Management Area (FMA) through Chapter 13-48, Hawaii Administrative Rules. The Legislature has established a process for amending rules through the public hearing process prescribed in Chapter 91, Hawaii Revised Statutes. The Department prefers to consider any rule amendments using this existing mechanism as it provides for greater public discussion.

The Department is currently reviewing the Waikiki-Diamond Head Shoreline FMA regulations and considering a number of changes to improve management of resources in the area. Because of the large number and diversity of users that would potentially be affected by any amendments, the value of going through the public hearing process is even greater.

**CARTY S. CHANG**  
INTERIM CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**DAN S. QUINN**  
INTERIM FIRST DEPUTY

**W. ROY HARDY**  
ACTING DEPUTY DIRECTOR - WATER

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

From: mailinglist@capitol.hawaii.gov  
Sent: Sunday, March 22, 2015 11:49 AM  
To: omhtestimony  
Cc: Leimana.K.Damate@hawaii.gov  
Subject: Submitted testimony for SB1377 on Mar 23, 2015 11:00AM

**SB1377**

Submitted on: 3/22/2015

Testimony for OMH/WAL on Mar 23, 2015 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Leimana DaMate	Aha Moku Advisory Committee	Comments Only	Yes

Comments: Testimony of Leimana DaMate Executive Director – Aha Moku Advisory Committee Before the House Committees on Water and Land Ocean, Marine Resources & Hawaiian Affairs Monday, March 23, 2015 11:00 A.M. State Capitol, Conference Room 325 In Consideration of Senate Bill 1377, SD1 Relating to the Waikiki-Diamond Head Shoreline Fisheries Management Area Senate Bill 1377 SD 1 proposes to prohibit spearfishing within the Waikiki- Diamond Head Shoreline Fisheries Management Area at all times. The Aha Moku Advisory Committee (AMAC) appreciates the intent of this measure and offers comments. The Aha Moku System encompasses the Moku of Kona on Kakuhihewa (Island of O’ahu) and includes the Ahupua’a of Waikiki. This area was once known for its plentiful fish and was significant to Native Hawaiians for subsistence and gathering. However, once the Ala Wai Canal was built and the wetlands of Waikiki gave way to urban development and tourism, the fish count drastically declined. AMAC is attached to The Department of Land and Natural Resources (DLNR) and is aware that the Department is in the process of reviewing the Waikiki-Diamond Head Shoreline FMA regulations. They are currently considering changes that will improve the management of resources in the area. We agree with DLNR in their belief that now, in modern times, users of the area are comprised of many different kinds of groups including tourists and residents who are not originally from Waikiki. At this point, the public hearing process would have great value as native Hawaiian generational practitioners who are originally from Waikiki can bring their own experiences with fishing and knowledge of site-specific marine resources forward. We also believe that prohibiting spear-fishing in the Waikiki-Diamond Head District will not fully address the problem of declining fish stock in the area. There are many contributing factors some as simply as enormous amounts of suntan oil that impact the health of the limu that fish feed on. There are many other factors as well.

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**SB1377 SD1**

**RELATING TO THE WAIKIKI-DIAMOND HEAD SHORELINE FISHERIES MANAGEMENT AREA**

House Committee on Water & Land

House Committee on Ocean, Marine Resources & Hawaiian Affairs

March 23, 2015

11:00 a.m.

Room 325

The Office of Hawaiian Affairs (OHA) offers the following **COMMENTS** on SB1377 SD1, which seeks to mitigate alleged spearfishing-related impacts to the fisheries of Waikīkī.

OHA appreciates the intent of this measure, in seeking to mitigate impacts to fishery resources that are of significant cultural, ecological, and economic importance. OHA notes that it is unclear as to whether spearfishing or fishing in general is a primary cause of the reported decline in the fisheries of Waikīkī and adjacent areas, a substantial portion of which is highly urbanized and apparently subject to a range of anthropogenic impacts. Accordingly, it is unclear whether this measure will result in the desired sustainability of these fisheries.

OHA does, however, recognize that the deteriorated health of the nearshore resources in areas throughout our islands may require drastic measures, to restore such resources for the benefit of our beneficiaries and the larger community, and for both present and future generations. Over the last century, Western open-access policies and the disempowerment of local communities to take responsibility for their nearshore areas, in direct contradiction with traditional Hawaiian management approaches and values, have appeared to directly facilitate a “tragedy of the commons” phenomenon that has degraded much of our state’s marine environment through a broad range of human activity.<sup>1</sup> As highlighted by this bill, this outcome may be particularly visible in Waikīkī.

OHA notes that there still may be opportunities to prevent similar situations from occurring in our few remaining places of abundance, particularly in coastal areas that are critical to subsistence communities and their way of life. Fortunately, the state and its partners, including OHA, have taken the first steps to reverse and prevent such declines in nearshore areas that are of particular significance to such subsistence communities, many of which continue to observe traditional Hawaiian harvesting practices and values developed around the concepts of sustainability and mālama ‘āina. By supporting and empowering such communities to take responsibility over managing their local waters, such as through the implementation of Community Based Subsistence Fishing Area (CBSFA) proposals, the state and its partners are helping to restore once again the traditional management approaches and philosophies that have sustained our

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<sup>1</sup> See, e.g., Wayne Tanaka, *Ho’ohana aku a Ho’ōla aku: First steps to averting the tragedy of the commons in Hawai’i’s nearshore fisheries*, 10 ASIAN PACIFIC LAW AND POLICY J. 235 (2008) available at [http://blog.hawaii.edu/aplpj/files/2011/11/APLPJ\\_10.1\\_tanaka.pdf](http://blog.hawaii.edu/aplpj/files/2011/11/APLPJ_10.1_tanaka.pdf)

islands' people and environment since time immemorial. While such approaches may no longer be practicable in all areas, OHA urges the state and its policymakers to continue supporting such community efforts, before conditions warrant the need to take drastic measures such as that proposed in this bill.

Mahalo for the opportunity to testify on this measure.

omhtestimony

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From: mailinglist@capitol.hawaii.gov  
Sent: Sunday, March 22, 2015 1:42 AM  
To: omhtestimony  
Cc: makani.christensen@gmail.com  
Subject: Submitted testimony for SB1377 on Mar 23, 2015 11:00AM

**SB1377**

Submitted on: 3/22/2015

Testimony for OMH/WAL on Mar 23, 2015 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
makani	Hunting Farming and Fishing Association	Oppose	Yes

Comments: -why was this bill introduced? -no evidence to support bill -strongly oppose bill as per last testimony

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From: mailinglist@capitol.hawaii.gov  
Sent: Saturday, March 21, 2015 8:46 PM  
To: omhtestimony  
Cc: dean@HawaiiGoesFishing.com  
Subject: Submitted testimony for SB1377 on Mar 23, 2015 11:00AM

**SB1377**

Submitted on: 3/21/2015

Testimony for OMH/WAL on Mar 23, 2015 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Dean Sensui	Hawaii Goes Fishing	Oppose	No

Comments: SB1377, which intends to ban spearfishing in the waters of Waikiki, should not be passed for several reasons. All fishery management is supposed to be done through the DLNR's Division of Aquatic Resources and the Administrative rulemaking process as established by the Hawaii State Legislature, HRS Chapter 91. It is through this process that all fishery management rules are determined through properly vetted studies and hearings. While management controls can be requested based on individual observations, the actual rules are supposed to be determined through carefully conducted scientific studies. Legislating fishing rules bypasses that critical review process, and can needlessly deprive our local fishermen of access to the resources upon which they depend. Only the DAR has the necessary expertise to conduct proper scientific studies to ensure the right set of rules are applied toward flexible fishery management. The content of this bill states that spearfishing has caused widespread damage to the reef along the Waikiki coastline. Some questions need to be raised: What qualified agency determined this, and how was it measured? How was the alleged damage specifically linked to spearfishing and not some other cause such as pollution from runoff? Could it be due to sand introduced onto the beaches eroding and burying corals? Perhaps visitors trampling on reef in the shallows, or increased predation from invasive species? Over what time frame was this noted, and how was it quantified? Has the recent bloom in fish population, that's been observed statewide, also been observed in Waikiki? SB1377 sidesteps the administrative rulemaking process and makes assumptions without documented evidence nor expert knowledge. We entrusted the DAR with the authority to do the right thing. Let's keep that authority intact. Thank you for your consideration. Dean Sensui, executive producer. Hawaii Goes Fishing.

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***To Protect & Promote Sustainable  
Public Hunting in Hawaii***

March 17, 2015

To the Ocean, Marine, and Hawaiian Affairs Committee,  
Senate Bill 1377 SD1  
STRONGLY OPPOSE

Dear Chair Kaniela Ing, Vice Chair Nicole Lowen, and Respected Committee members,

Senate Bill 1377 SD1 bans spear fishing along the entire Waikiki Coastline without any supporting science to warrant such an action. Why don't you do the science first, then follow that up with a mission statement for the area, involve the spearfishing community in what your goals are for the area and get their input and RECOMMENDATIONS as to how to proceed.

Find out what the facts are first. Spearfishing doesn't damage coral, so already your premise for this bill is flawed. The idea of waiting to see if there will be full recovery of the coral before allowing spear fishing again is a strawman argument, for the coral, if it is in fact damaged, wasn't damaged by swimmers, and so may never recover.

I'd offer that you consider along with managing this area with buy in from your users of the area, considering improving the habitat for the marine life in the areas as well with input from Community. They are the ones that know what is going on in the ocean and the history of what's going on in it.

Kill this bill and do a House and Senate Concurrent Resolution directing DLNR to create a user group to manage the area comprised of local spearfishermen and

maybe someone from the University Marine Biology to work with them to document the successes of letting fishermen resolve their own need once the objectives are defined. A moratorium is silly. There is NO SCIENCE to warrant it. Give this to the user groups, get the history of the area, and work with them to provide a long term sustainable future in the area.

Thank you for allowing me to testify on this issue.

Much Aloha,

Tom Lodge  
hawaiihuntingassociation@hawaiiantel.net





**HAWAI'I LODGING & TOURISM**  
**A S S O C I A T I O N**

Testimony of George Szigeti  
President & CEO

HAWAI'I LODGING & TOURISM ASSOCIATION  
House Committees OMH/WAL

Hearing on March 23, 2015, 11:00 a.m.

SB 1377 Relating to the Waikiki-Diamond Head Shoreline Fisheries Management Area

Dear Chairs, Vice Chairs, and Members of the Committees. My name is George Szigeti and I am the President and CEO of the Hawai'i Lodging & Tourism Association.

The Hawai'i Lodging & Tourism Association (HLTA) is a statewide association of hotels, condominiums, timeshare companies, management firms, suppliers, and other related firms that benefit from and strengthen Hawai'i's visitor industry. Our membership includes over 150 lodging properties, representing over 50,000 rooms, and over 400 other Allied members. The visitor industry was responsible for generating \$14.9 billion in visitor spending in 2014 and supported 170,000 jobs statewide – we represent one of Hawai'i's largest industries and a critical sector of the economy.

On behalf of HLTA, permit me to offer this testimony regarding SB 1377 to the Waikiki-Diamond Head Shoreline Fisheries Management Area, which prohibits spearfishing in the aforementioned area at all hours of the day.

The Hawai'i Lodging & Tourism Association supports Senate Bill 1377 which will prohibit spearfishing in the Waikiki-Diamond Head Shoreline Fisheries Management Area. With a gradual increase in our urban population it is easy to conceive a potential threat to the overfishing in popular areas such as the Waikiki-Diamond head Shoreline. This would ultimately take away from the sustainability of this ocean area, something we do not wish to see happen.

Thank you for this opportunity to testify.

SB1377 SD1  
Tony Costa  
03-23-2015

To:

COMMITTEE ON WATER & LAND

Rep. Ryan I. Yamane, Chair  
Rep. Ty J.K. Cullen, Vice Chair

COMMITTEE ON OCEAN, MARINE RESOURCES, & HAWAIIAN AFFAIRS

Rep. Kaniela Ing, Chair  
Rep. Nicole E. Lowen, Vice Chair

From: Tony Costa  
Hawaii Nearshore Fishermen

DATE: Monday, March 23, 2015  
TIME: 11:00 am  
PLACE: Conference Room 325  
State Capitol  
415 South Beretania

Testimony in opposition

HNF are opposed to SB1377 SD1

SB1377 SD1 will ban Spearfishing for ever in the Waikiki, Diamond Head shoreline fisheries management area -

The assumptive statements in the preamble that are to persuade you and posit justification for the ban are unfounded, and in my opinion reckless.

Furthermore, the difference between the original SB1377 and the SD1 version of the bill which was drafted subsequent to the bills initial hearing expose an alarming lack of transparency as to the genuine intent and motive of the bill

– intent of 1<sup>st</sup> SB1377 was to mitigate a purported “coral reef damage “ impact from spears, while the latest intent of SB1377 SD1 touts elastic and pneumatic superguns as impacting fish populations (not coral) disproportionately to other forms of fishing.

Not only is this a disingenuous example of motive for legislation, it is simply not true and, further, it singles out only one form of fishing with no basis for fact. The fiction and spin found in the preamble should not be taken seriously.

Whether it is coral depletion or fish stock issue as a justifying motive for SB1377 SD1, Hawaii Nearshore Fishermen remain steadfast in opposition. As such, for the record, I attach my earlier testimony which concentrated on the original SB1377.

HNF have opposed legislative proposals for resource management measures which should be decided upon by the chapter 91 rulemaking process. – this proposal is a good example of such.

SB1377 SD1  
Tony Costa  
03-23-2015

Hawaii Nearshore Fishermen sustainably rely on Spearfishing and it is an integral method of our harvesting food fish for local island communities – SB 1377 SD1 will negatively affect our ability to continue to do so.

There for we are strongly opposed to HB1377SD1 and urge you not to pass it.

Respectfully submitted,

Tony Costa

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Original testimony for SB1377:

SB1377 posits that Spearfishing has caused “widespread and serious damage” to coral reefs and that Spearfishing shall be prohibited in the Waikiki area because of it – until such time as the department can prove that “reef damage” has abated and the reefs are fully restored.

To pin blame an assumptive concept of reef damage and causes solely on Spearfishing is not only inane but false and out of line.

The Department will never be able to prove through research *reef damage abatement* to a level of *fully restored condition* – because no baseline “condition” has ever been established.

Furthermore, where is the study or evidence to affirm that “reef health” is in jeopardy and that it is specific to Spearfishing?

There are other questions:

- How has it been determined that the reefs are damaged?
- How has it been determined that Spearfishing is damaging the reef?
- How do we determine that the reefs are fully restored?
- Where is the baseline of the condition of the reef?
- Where is the causal relationship between Spearfishing and “damage” to the reef?

Most importantly:

- Have other major factors such as runoff, siltation, ocean acidification, sea level rise, coral bleaching due to temperature rise been considered as impacts to the health of the reef?

And how would you restore a reef given these multitude of possible factors?

Based on these questions, and the difficulty addressing these questions, how would Spearfishing ever be allowed again in the area?

SB1377 SD1  
Tony Costa  
03-23-2015

It seems this bill is surgically aimed to prohibit Spearfishing indefinitely in Waikiki.

If there was a direct correlation between Spearfishing and the health of the reef, and the current assumption is that the reef is in poor condition, we would see a problem with fish stocks right now – and this is not the case.

Hawaii Nearshore Fishermen are fully opposed to this measure and strongly urge this committee not to move forward with SB1377

Respectfully submitted,  
Tony Costa  
Hawaii Nearshore Fishermen



CONSERVATION | TRADITION | SUSTAINABILITY

House Committee on  
WATER & LAND  
OCEAN, MARINE RESOURCES, & HAWAIIAN AFFAIRS

Monday, March 23, 2015  
Room 325  
11:00AM  
**Senate Bill 1377**

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The Hawaii Sportsmen's Alliance **OPPOSES SB 1377.**

The Department of Land and Natural Resources (DLNR) currently regulates fishing practices through Hawaii Administrative Rules which undergoes a public process and presents best available science and data.

This bill, as written, undermines the management structure of the DLNR and sets a poor precedent of management without presenting pertinent science and data. The legislature should provide the science and data that supports their claim that spearfishing is independently and unsustainably reducing fish populations in this area among all other impacts like imported sand smothering reefs, modifying habitat, shoreline development, etc.

This bill unfairly targets spearfishing among all other methods of take based on nothing more than conjecture and undermines science based conservation support by all stakeholders.

Of high priority should always be the public process of further discussions on matters that affect such diverse users, as in this area. The DLNR should be the entity holding these discussions whether it be for administrative rule or future considerations.

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For the above reasons and more, the Hawaii Sportsmen's Alliance opposes SB 1377.

*Mahalo,  
Ryan Kohatsu  
Board Member | Hawaii Sportsmen's Alliance  
Hilo, Hawaii  
EMAIL : ryankohatsu@gmail.com  
<https://www.facebook.com/groups/hawaiisportsmensalliance/>*



HOUSE OF REPRESENTATIVES  
THE TWENTY-EIGHTH LEGISLATURE  
REGULAR SESSION OF 2015

COMMITTEE ON WATER & LAND  
Representative Ryan Yamane, Chair

COMMITTEE ON OCEAN, MARINE & HAWAIIAN AFFAIRS  
Representative Kaniela Ing, Chair

3/23/2014  
Rm. 325, 11:00 AM

SB 1377, SD 1  
Relating to Waikiki-Diamond Head Shoreline

Chair Yamane, Chair Ing and Members of both Committees, my name is Max Sword, here on behalf of Outrigger Hotels Hawaii, in support of SB 1377.

While we understand the wants and needs of the divers who go spearfishing, we have to also at least address the wants and needs of the casual diver who just wants to dive for the enjoyment of it all.

The proposed ban would affect less than 2 miles of the 220 plus miles of shoreline on Oahu. This area would only be the third area, with Coconut Island & Hanauma Bay being the other two, with restrictions.

All three areas put together totals up to less than 5 miles of shoreline.

Mahalo for allowing me to testify.

From: mailinglist@capitol.hawaii.gov  
Sent: Sunday, March 22, 2015 7:03 AM  
To: omhtestimony  
Cc: ilojerry@gmail.com  
Subject: Submitted testimony for SB1377 on Mar 23, 2015 11:00AM

**SB1377**

Submitted on: 3/22/2015

Testimony for OMH/WAL on Mar 23, 2015 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Jerry Ilo	Babooze Bowstrings	Oppose	No

Comments: I strongly oppose this bill. With zero input from the resource users and zero scientific facts There is no good or logical reason for this.

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omhtestimony

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From: mailinglist@capitol.hawaii.gov  
Sent: Friday, March 20, 2015 4:52 PM  
To: omhtestimony  
Cc: etvuong@hotmail.com  
Subject: \*Submitted testimony for SB1377 on Mar 23, 2015 11:00AM\*

**SB1377**

Submitted on: 3/20/2015

Testimony for OMH/WAL on Mar 23, 2015 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Erik Vuong	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov  
Sent: Sunday, March 22, 2015 11:51 AM  
To: omhtestimony  
Cc: Leimana.K.Damate@hawaii.gov  
Subject: Submitted testimony for SB1377 on Mar 23, 2015 11:00AM

**SB1377**

Submitted on: 3/22/2015

Testimony for OMH/WAL on Mar 23, 2015 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Leimana DaMate	Individual	Comments Only	Yes

Comments: Aloha Chair Yamane and Members of the Water & Land Committee; and Chair Ing and Members of the Ocean, Marine Resources & Hawaiian Affairs Committee, My name is Leimana DaMate, and I am a generational descendant of the Waikiki Ahupua'a, Kona Moku, Kakuhihewa (Island of O'ahu). My ancestors lived in Waikiki, specifically in the area now known as the Honolulu Zoo and Kapiolani Park. My father, who is now 87 years old, was the last one in his generation who was born in the family home originally in the area now known as Lemon Road. They were all generational lawai'a (fishermen) who took their sustenance from the coastal areas of Waikiki. I offer comments on this bill because I agree with the intent of this measure, but after speaking to my father and other kupuna who are from Waikiki, prohibiting spearfishing will not solve the problem of over-use, nor restore the resources to what they once were. Marine resources were plentiful and rich during the lifetime of my grandparents because there were many spawning areas along the Waikiki coastline fed by the fresh water continuously flowing into the ocean. The wetlands of Waikiki were important to the balance of the many fish species and other marine life that the native Hawaiians relied on. But urban development and the dependence of Hawaii on tourism were the true causes of the decline of the Waikiki fishery. I remember as a child, watching my father and uncles throw unihi (net) right off Kuhio Beach and feeding many families who still lived in what is now known as the "Waikiki Jungle". As a girl, we still picked opihi in Waikiki. My grandmother would fondly reminisce about the "ball of manini" usually located right off the shore of Kuhio Beach during certain seasons. This ball was larger than a house and everyone would spear fish, but take only what they needed, then share with all. Those days will never come again. But, our faith is in the DLNR now. They can restore as much as possible with the removal of invasive limu species and their efforts to understand and improve the management of the resources that are so important to the natural balance of the area. We can never go back, but we can try to sustain what is left by participating in public processes and hearings and sharing our stories of what Waikiki used to be. It is still very special and has a magic that pulls people to it. A large part of that magic is within the coastline. We can keep that magic, if we continue with our efforts to sustain the resources there.

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To the Committee on Water and Land and Committee of Ocean, Marine Resources and Hawaiian Affairs,

My name is Arnel Data I am a spear fisherman who stands in opposition of SB1377, SD1.

As read on Section 1 on SB1377, SD1 “The legislature finds that the Waikiki-Diamond Head shoreline is a popular area for fishing. However, as the population in urban Honolulu has grown, the increased spearfishing has had a negative impact on the fish population. The legislature is concerned that unless spearfishing is curbed, the area will not be sustainable for other forms of fishing.” Ladies and gentlemen this is why I am concerned.

You see, I live in Ewa Beach so I should have no concern for an area that I have very little interaction with.

Yet again as most, if not all of us here are aware that this bill was being proposed by a Senator of Hawaii Island who should have NO CONCERN whatsoever in a district that he does not stand as a representative for. Unless, there is an agenda at hand. Which brings me back to Section 1 of SB1377, SD1. How do you go from Waikiki-Diamond Head shoreline being a popular area for “fishing” to spearfishing is the reason of fish population depletion? There in lies the agenda of this bill. How is it that only spearfishing, not any other form of fishing a cause to the problem? Granted that the fish population depletion is due to fishing altogether. Which may I add there is no scientific data that show that fishing is the problem. We have marine biologist and employees of YOUR Department of Land and Natural Resources who would stand beside me and argue this point.

Since there is no scientific backing that point to a depletion due to spearfishing we must argue that the basis of SB1377, SD1 is opinion.

And that is where I as a spear fisherman of Ewa Beach become concerned. Though I am not directly affected by the ban of spearfishing in this particular area, I am affected by the repercussions of what this bill can do. Who’s to say that this same language presented to us today to shut down a certain area to spearfishing will not be used on others. Again I ask “Why does a Senator of Big Island or his constituents want to ban spearfishing in an area on Oahu?” Really ask yourselves that as I continue.

The recent opposition of Carlton Ching is a vast indicator of how a group of people feel when they're lifestyle is being threatened. Once again we rally, but this time as a smaller piece of the larger picture. The spearfishing/fishing community is a microcosm of Hawaiian style living. We learn, we provide, we teach. I'm not one of Hawaiian ancestry, but I am one who has lived here long enough and have enjoyed the privileges of living on these beautiful islands.

Spearfishing is not just about shooting fish for game, to many of us this is not a sport, it truly is a lifestyle. Many of us take part in your lives and you might not even know it. That stuffed fish that you had at your last party guess who shot that. How about the squid luau you had at the recent “Keiki’s 1st Birthday” you went to tasted good didn't it, guess who caught that? Or how about the Ono sashimi that left you craving for more, guess who shot that.

You see us spearfishers are very behind the scene when it comes to a larger part of this beautiful place we call Hawaii, but trust me we are still a part of it. Many of us are not full-time fishers, although most of us would want to be, we have jobs that require us to work 40 hours a week sometimes more. The passing of this bill takes away from the people you work for, this is no

threat, but a reality, not only are fishermen affected, there are some in the community that are doctors, lawyers, scientist, store owners, first-responders, military. You will affect a greater whole down the line whether you realize it or not. You will rob everyday citizens of Hawaii from a positive lifestyle.

We aren't going out to murder fish. We eat what we catch and are very selective of what we shoot, as stated numerous times, spearfishing is the most selective form of fishing. Some of us in this room buy fish from stores, while the other some have the privilege of catching it. Regardless, someone put your fish, on your table.

Let's call a spade a spade and say what SB1377, SD1 is, a seed to ban spearfishing altogether. Again "What reason does a Senator from Big Island have to ban spearfishing in Waikiki-Diamond." The only logical thing to reduce is that there are future measures to ban spearfishing elsewhere if not altogether. There is no candor in this bill. Only lines being drawn, some of us just see it finer than others.

Help us "govern" a resource, not rob us of one. If over fishing is your concern for this particular area, place a limit. To aid that, fund the sources that will enforce this rule. Perhaps look at other sources that affect this area. How about netters? There's a huge problem there. A netter could catch in one day what a spearfisher would catch in a year or two. Go to the harbors and see for yourselves. There are numerous reasons for fish depletion to point at, but pointing at the MOST SELECTIVE form of fishing is just unfair.

Ladies and gentlemen, you will not just take away a sport or leisure from people, you will infringe upon a lifestyle. A lifestyle that belongs to people who give you your positions today. The life of the land is perpetuated in its righteousness and you can't love the land more than loving the people. Again I say "you can't love the land more than loving the people." Righteousness is only upheld by those doing right. What good are laws if they do not serve the people, and how does a bill introduced by a Senator from Big Island to ban spearfishing from Oahu serve his people, it doesn't. In a court of law, the defendant is innocent until proven guilty, there are no hard facts that show that the spearfishing community is the culprit to depletion of Waikiki-Diamondhead area, much less anywhere else, please see this for what it is. Do what is right to a bill that is infringing upon our rights as citizens of Hawaii, put an end to SB1377.

HOUSE COMMITTEE ON WATER AND LAND  
HOUSE COMMITTEE ON OCEAN, MARINE RESOURCES, & HAWAIIAN AFFAIRS  
Monday, March 23, 2015, 11:00 a.m.  
State Capitol, Conference Room 325

Testimony in OPPOSITION to SB 1377, SD1  
RELATING TO THE WAIKĪKĪ-DIAMOND HEAD SHORELINE FISHERIES  
MANAGEMENT AREA.

Aloha Chair Yamane, Chair Ing, and Members of the Committee:

I OPPOSE SB 1377, SD1, which is intended to prohibit spearfishing in the Waikīkī-Diamond Head shoreline fisheries management area (FMA). I oppose this bill because it alleges damages which are not shown, either scientifically or otherwise, it singles out spearfishermen and the practice of spearfishing as a disproportionate harm, and prevents Native Hawaiians from practicing their gathering practices within their ahupua'a and associated 'ili (smaller land divisions within ahupua'a).

This bill presents no evidence to validate the alleged harm nor the suggested remedy. There is no evidence showing that the fish population within the FMA is any lower than the fish populations outside its boundaries. As one who has dove nearly every stretch of reef on the entire south-shore of O'ahu, I can say fairly certainly that there are more fish in shallower water in the FMA than most other areas. I personally believe that, although not ideal, the open/closed year system is successfully sustaining a greater than average fish population within the FMA in compared to the rest of the south-shore. A good indication of a healthy fish population is the presence of spearfishermen. If there were no fish in the FMA, no one would be there fishing! I also commonly see sharks in the FMA, another great indication of healthy fish populations.

Further, the remedy suggested is completely ironic, as it claims banning spearfishing, which is in fact the most sustainable form fishing, will instead create more sustainable fishing for other less sustainable methods. Spearfishing requires a skilled individual to select each fish they take. The spearfisherman can select fish by species and size, nearly eliminating by-catch, which is frequent in other fishing methods. Things like catching a turtle in a net or accidentally hooking a seabird do not happen in spearfishing. Spearfishermen also don't leave line and lead in the water, which is common when a fisherman's line gets stuck, nor do they drag a net over live coral, damaging the reef. Instead, spearfishing allows for the targeting and removal of invasive species and many even make the effort to remove trash from the water.

In addition, spearfishermen are a tiny minority of ocean users within the FMA because it is extremely physically demanding and, unlike other users, spearfishing is very limited by wind, wave, and tidal conditions. There may be periods of months where weather conditions do not permit good spearfishing. The normally strong trade winds that wrap around Diamond Head constantly prevent spearfishing in the majority of the FMA. Due to this, during the 2014 open

season, I observed on average less than one diver ever time I was in the FMA (I am there on a nearly day-to-day basis). As for quantity of fish harvested, a single spearfisherman can not catch in a year what a single surround net fisherman can catch in a few hours.

In consideration of these facts, it becomes clear that it is impossible for this minority group of ocean users to have the great negative impact this bill suggests as justification to ban a traditional practice from the FMA. Overall, the damage to fish populations and reef health in general caused by spearfishing is negligible compared to the impacts of other threats like runoff, unethical fishing methods, invasive algae, trampling, and even ocean warming.

Last, this bill hinders myself and other Native Hawaiians from practicing our traditional and customary gathering rights guaranteed in the Hawai'i State Constitution, Article XII, Section 7, and codified in Hawai'i Revised Statutes §§ 1-1 & 7-1. As residents of the ahupua'a of Waikīkī, myself residing in the 'ili of Kaimukī, these areas are the traditional fishing grounds of our ancestors who inhabited this ahupua'a before us. It is our constitutional right to continue the traditional and customary practice of diving for fish for subsistence purposes from those waters within our ahupua'a, especially in those areas which have been historically used for such purposes. See Kalipi v. Hawaiian Trust Co., 66 Haw. at 10 (1982) (recognizing the right of Native Hawaiians to gather within their ahupua'a); See Pele Defense Fund v. Paty, 73 Haw. 578, 620 (1992) (demonstrating the importance of historical usage by extending the rights of Native Hawaiians to even gather outside of the ahupua'a in which they reside if those rights had been traditionally and customarily exercised in that manner).

This bill would ban a traditional and customary practice from the entire area traditionally used by the people of my 'ili for that practice. Although Native Hawaiian rights are subject to regulation and protecting our fisheries is indeed a compelling governmental interest, the lack of evidence supporting this bill would deny practitioners their right to harvest fish by spear without justification.

For the stated reasons, I strongly oppose SB1377.

Mahalo,  
'Olu Campbell  
808-753-5438

From: mailinglist@capitol.hawaii.gov  
Sent: Saturday, March 21, 2015 12:00 AM  
To: omhtestimony  
Cc: branbarnes@gmail.com  
Subject: Submitted testimony for SB1377 on Mar 23, 2015 11:00AM

**SB1377**

Submitted on: 3/20/2015

Testimony for OMH/WAL on Mar 23, 2015 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Branden Barnes	Individual	Oppose	No

Comments: I oppose Bill SB1377, which aims to ban spearfishing in the Waikiki-Diamond Head shoreline fisheries management area. The bill lays blame to spearfishermen as the sole cause of damaged coral reefs in this area and provides no scientific or any other kind of supporting facts or evidence that spearfishing practices cause this or any damage at all. As a diver and spearfisher, I know that most of us are educated on proper knowledge and respect for the ocean. We are selective fishers and care about the ocean because it provides us with fish and the enjoyment of our sport. This area is already off limits every other year and during the year it is open, we are still limited by conditions and weather. I believe that this bill singles out spearfishing because it doesn't and can't provide the supporting evidence that it is the cause of the damage. There are many other factors that play into coral reef damage such as development, tourism, pollution, environmental changes, overfishing and bad fishing practices. I strongly oppose this bill and recommend it not be passed. Thank you.

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**SB1377**

Submitted on: 3/22/2015

Testimony for OMH/WAL on Mar 23, 2015 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Brandon Soong	Individual	Oppose	No

Comments:

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**SB1377**

Submitted on: 3/22/2015

Testimony for OMH/WAL on Mar 23, 2015 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Brian W. Mabry	Individual	Oppose	No

Comments:

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**SB1377**

Submitted on: 3/21/2015

Testimony for OMH/WAL on Mar 23, 2015 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Brian F. Funai	Individual	Oppose	No

Comments: I am in opposition to this bill because 1. DLNR, the agency tasked with creating regulations, opposes this bill 2. Regulations should be done through the Chapter 91 process (gathering of data/fact finding by the Division of Aquatic Resources, public input via public hearings, etc.) that was mandated by the legislature itself. 3. The basis of this bill that spearfishing is the cause of reef degradation is unsubstantiated and based on opinion and not scientific study or fact finding. Some additional thoughts: If there were no fish, divers would not go there. The Division of Aquatic resources monitoring of the area does not indicate that spearfishing or any other type of fishing is unsustainable. The area of Waikiki that all hotels sit on today used to be a giant wetland that served as a filter for everything emptying into the ocean. The impact of water quality, ocean acidification, disease and other environmental impacts, natural and man-made need to be considered. Tons of sand dumped to create and replenish man-made beaches for the very same hotels has shifted and continues to move onto and cover reefs. This bill seems more to be about the creation of an exclusive beach than about restoration or conservation.

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Cc: mjellings@hawaii.rr.com  
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**SB1377**

Submitted on: 3/22/2015

Testimony for OMH/WAL on Mar 23, 2015 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Carl M Jellings Sr	Individual	<del>Comments Only</del>	No

Oppose

Comments: In Strong Opposition Waikiki's Coral cover (reefs) has been in slow decline for the last 50 years From the importation of millions of yards of sand from different areas of this State to enhance Waikiki Beach for tourism. seasonal sand shifts to near just off shore areas have slowly smothered coral's and changed this marine environment. How is the local free diver who target a few specific species of fish responsible for the absence of an entire once thriving diverse ecosystem off Waikiki Beach. an ecosystem made up of thousands of varieties of fish shellfish invertebrate's etc . This action removing spear fishers ( likely Forever) will NOT mitigate or help to mitigate this ongoing problem "detriment to coral reef habitats". In many areas of Hawaii Sand shifts naturally covers low lying sections of coral reefs killing or temporarily smothering Coral. usually during (winter and summer sand shifts or the winter north west swells and the summers southerly swell , The enormous amount of sand artificially placed for the creation of beaches has permanently or temporarily covered much of Waikiki's natural fish habitat's . this has changed the type of marine environment necessary to support a much more diverse marine ecosystem. You do not identify a problem in this marine environment protecting a few species of fish ( Free divers target a few specific species of fish). You look at everything that is there then! ask the question "Why"? and If it is a safety issue why hasn't surfing been proposed as part of this ban. > Many areas of Hawaii miles of Near shore Coastal marine environments are being stressed to the detriment of coral reefs (That have nothing to do with fishing). Kawaihae Kona to South Puako West Hawaii 4 or 5 miles of coastal waters is a prime example. > > We Cannot continue on this path of self destruction keeping using fisherman as primary culprits and allow the other 100 negative impacts to go unchecked. > > How many people from West Hawaii would submit to spending thousands of dollars eliminating their cesspools and installing septic tanks if they knew it would be for the betterment of their reefs. > How many in the tourism industry would pull weeds instead of using herbicides that are in close proximity to near shore marine environments if they knew it would improve the condition of our reefs, > How many in the construction industry would sacrifice jobs and development so that important fresh water resources could actually make it into our near shore marine ecosystem's, The list is endless. I do not say this with sarcasm. but for Everyone who has sent in testimony for or against including this bills introducers who care very deeply for our marine environment these are the hard choices we need to consider. You might say He's just another fishermen with a conflicting interest Yes I am. I am a Full time Fishermen with a family totally dependent on the sea for our livelihood and survival. and it behooves me to participate in these such matters. Thank You for allowing me this opportunity Carl Pao Jellings Sr

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Cc: damizu@me.com  
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**SB1377**

Submitted on: 3/21/2015

Testimony for OMH/WAL on Mar 23, 2015 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Cheryl Mizusawa	Individual	Oppose	No

Comments:

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**SB1377**

Submitted on: 3/21/2015

Testimony for OMH/WAL on Mar 23, 2015 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Cheryl Ebisui	Individual	Oppose	No

Comments:

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**SB1377**

Submitted on: 3/22/2015

Testimony for OMH/WAL on Mar 23, 2015 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
D'Armand Cook	Individual	Oppose	No

Comments:

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To: omhtestimony  
Cc: sunshineorchids@gmail.com  
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**SB1377**

Submitted on: 3/21/2015

Testimony for OMH/WAL on Mar 23, 2015 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Darrell Tanaka	Individual	Oppose	No

Comments: You are setting a bad precedent if you close this area....because diving is the most selective form of fishing we have.

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Sent: Sunday, March 22, 2015 8:46 AM  
To: omhtestimony  
Cc: davidnorris@me.com  
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**SB1377**

Submitted on: 3/22/2015

Testimony for OMH/WAL on Mar 23, 2015 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
David Norris	Individual	Oppose	No

Comments:

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# **House Committee on Ocean, Marine Resources, & Hawaiian Affairs**

## **Testimony in Opposition to Bill SB1377 SD1**

**March 23, 2015**

Chair Ing and Committee Members,

My name is Dennis Yamaguchi and I am opposed to SB1377. Though well intentioned, this bill unfairly singles out the user group "spearfishers", as the sole cause of the negative impact on the fish population in the Waikiki-Diamond Head area. There are many factors that determine fish populations. Seasonality, environmental changes, as well as different ocean user groups, all play a role in determining which fish ends up living in what area. Until there is scientific data confirming that spearfishing is the single most important factor of fishing sustainability in this area, I cannot support this measure. Please do not pass SB1377 SD1. Thank you.

Dennis Yamaguchi

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From: mailinglist@capitol.hawaii.gov  
Sent: Saturday, March 21, 2015 8:26 PM  
To: omhtestimony  
Cc: eod1989@aol.com  
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**SB1377**

Submitted on: 3/21/2015

Testimony for OMH/WAL on Mar 23, 2015 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Donald Haley	Individual	Oppose	No

Comments: I stand in strong opposition of Senate Bill 1377. Spearfishing is necessary and crucial to the sustenance of all Hawaii families.

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**SB1377**

Submitted on: 3/21/2015

Testimony for OMH/WAL on Mar 23, 2015 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Dusten Dudoit	Individual	Oppose	No

Comments:

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Sent: Saturday, March 21, 2015 11:22 AM  
To: omhtestimony  
Cc: keokechung@gmail.com  
Subject: \*Submitted testimony for SB1377 on Mar 23, 2015 11:00AM\*

**SB1377**

Submitted on: 3/21/2015

Testimony for OMH/WAL on Mar 23, 2015 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
George Y. W. Chung Jr	Individual	Oppose	No

Comments:

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I oppose this measure vehemently. There is no scientific research proving that spearfishermen are the cause of the decline of the reef in this area, hence, there is no factual basis or purpose to this bill. The sponsors of this bill wrongly target spearfishermen as the blanket cause for the decline in the reef, whereas, the decline in the reef ecosystem could be due to a number of factors. These could be the warming of ocean waters, or the sunscreen that beachgoers use (most avid spearfishers do not use sunscreen), or runoff from upland areas which can carry pollutants from construction activities, not to mention windblown pollutants from land, and another possibility, the contaminants from fertilizers and pesticides used in the nearby community. Most spearfishermen are stewards of the ocean and this bill seeks to place blame solely on us. Why then are traditional rod & reel fishermen or other types of fishermen not targeted? Their trash on the reef causes more than a significant amount of damage to the reef, not to mention bycatch and waste. I also notice this bill only has a start date and no end date. Taken aside from more traditional forms of fishing the sponsor's of this bill seek to blatantly and effectively ban spearfishing in all state waters. This bill will potentially set precedent for all state waters. STOP SB 1377 and stop the persecution of spearfishermen.

Jason Sugibayashi

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To: omhtestimony  
Cc: hawaiibookmark@gmail.com  
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**SB1377**

Submitted on: 3/21/2015

Testimony for OMH/WAL on Mar 23, 2015 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Jeffrey Gomes	Individual	Oppose	No

Comments: What evidence is there to prove spear fishing is bad in this area? Have any scientific studies been done to show the need for this bill? Studies have been done to show that swimmers wearing sun tan lotion damage the waters off any shoreline, will they be banned as well? In all my 40 plus years of spear fishing I have never heard of any spear fisherman going unchecked by fellow spear fisherman after not following codes and local customs. Spear fishing is a special group of people who police our own because we understand the resource we use and are responsible for. I strongly oppose this bill and ask you all do the same.

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**SB1377**

Submitted on: 3/21/2015

Testimony for OMH/WAL on Mar 23, 2015 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Joni Kamiya	Individual	Oppose	No

Comments: This bill purports that fisheries need to be managed better however it is banning one type of fishing then allowing other types. There is no scientific evidence or logical reasoning as to why this bill is really needed. Bills need tone grounded in evidence and science and not just arbitrary reasons.

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**SB1377**

Submitted on: 3/21/2015

Testimony for OMH/WAL on Mar 23, 2015 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Kirby Kester	Individual	Oppose	No

Comments: There is not sufficient cause to create this law.

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**SB1377**

Submitted on: 3/22/2015

Testimony for OMH/WAL on Mar 23, 2015 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
KT	Individual	Oppose	Yes

Comments: I oppose this bill two fold. It's unconstitutional and there is ZERO supporting evidence. 1. Unconstitutional because the bill proposes taking away citizens rights. Rights that are protected and I'm sure will be held up in a court of law. (There will be law suits if this bill is passed I'm sure of it). 2. There is no scientific data, no studies and no proof that the impact of spearfishing is harming this area.

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**SB1377**

Submitted on: 3/21/2015

Testimony for OMH/WAL on Mar 23, 2015 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Kurt Kawamoto	Individual	Oppose	No

Comments: Oppose because it has not been shown that spearfishing has had a negative impact on the environment. Further there is no proof that curbing spearfishing will make other forms of fishing unsustainable. Spearfishing is a very sustainable fishery and it is very selective as well. Pole and line as well as throw net fishing target different species from spearfishermen. There is some overlap of target species but no friction between fishing groups that I have heard. It more likely as the legislature has surmised "the population of urban honolulu has grown" and the resultant urban non fishing environmental pressures as well as the hardened Waikiki shoreline is affecting the nearshore area. Long term monitoring the nearshore environmental and water quality conditions would be a start.

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**SB1377**

Submitted on: 3/21/2015

Testimony for OMH/WAL on Mar 23, 2015 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Kurt Taguma	Individual	Oppose	Yes

Comments: This bill was first written to protect the reef from spearfishing, now it has change stating that fish taken by spearfishermen are the sole cause of depleted stocks. How can you even bring this to a vote if you have not even studied fish habitat and stocks? I really think the Senators need to be educated as to why even single out spearfishing as the main culprit. I have been spearfishing for 35 years and Yes I have seen a decline in fish, but it is not related to only recreational spearfishing catches. Spearfishing is the most effective way to have no by catch of anything you do not want to consume. We are also the main group that does invasive eradication of Roi. Please take the time to understand that this bill does not have the basis to stop spearfishing in the Waikiki area. Kurt Taguma

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**SB1377**

Submitted on: 3/22/2015

Testimony for OMH/WAL on Mar 23, 2015 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Lance Kimura	Individual	Oppose	No

Comments: Aloha members of the senate committe, I am writing in my firm OPPOSITION to SB 1377. There is not scientific basis for this bill. The area in question is already designated as a Fisheries Management Area. This decision you're about to make belongs within the purview of DLNR. I have read previously submitted testimony such as from Mr. Sword from Outrigger Hotels. I completely disagree with his grounds for argument as hotels though they bring in economic gain to the state, the dramatic impact of the millions of tourists and the waste created by Waikiki's built tourism industry has a clear impact around the waters in question. The state and this legislature has been vilified as being anti-business. If you allow this bill to pass, you will also be labeled as anti-local as this ban will be another held up example of allowing local people the right to hunt/gather from in Hawaii. Please consider the long-term impacts this will have on the local population. If you are seriously considering doing something impactful and meaningful, please do not use this single-minded route toward a complete ban. Involve the local fishing and user community to find a workable solution that all parties can agree to.

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**SB1377**

Submitted on: 3/22/2015

Testimony for OMH/WAL on Mar 23, 2015 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Leo A Millan	Individual	Oppose	No

Comments: KILL THIS BILL and modify it... First of all rather than outlawing spearfishing in general they need to take the commercial guys out of the picture (if anyone actually does commercial spearfishing in Waikiki) This will theoretically have less pressure on the resource and thus allow spearfishing for personal use only. I believe in outlawing the commercial take of ANY marine organisms in ALL areas. We in this country do not (for obvious reasons) allow commercial hunting of game species, why on Earth do we believe that our ocean resources can handle the pressure of commercial fishing? Especially in a place like Hawaii... SUBSISTENCE ONLY and no money involved! When money is at stake people get greedy! If you're looking to get dinner... its not such a big deal and you will only harvest what you can use, thus leaving recruitment and plenty for other subsistence users.

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**SB1377**

Submitted on: 3/21/2015

Testimony for OMH/WAL on Mar 23, 2015 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Lois Brown	Individual	Oppose	No

Comments: Aloha, my name is Lois Brown and I am fully opposed to Senate Bill 1377, for the following reasons: 1. having read a lot of the testimonies supporting this bill, I've not seen ONE written testimony that has an actual study that correlates spearfishing with a "decline" of the reef or marine life. All they are, are a lot of opinions and motives possibly fueled by big money in the hotel industry. 2. I have a HUGE problem with the fact that a Senator from ANOTHER ISLAND is introducing legislation that will affect those of us on Oahu. I find that highly suspect, and seriously question Senator Kahele's motivations for this particular piece of legislation that will have NO EFFECT on the constituents in HIS district, whatsoever. Thank you for the opportunity to submit testimony.

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**SB1377**

Submitted on: 3/22/2015

Testimony for OMH/WAL on Mar 23, 2015 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Matthew Varney	Individual	Oppose	No

Comments: I oppose this bill for many reasons. I'll speak of just a few. . . 1) Let the DLNR do their job! Why are bills of this sort being introduced when you have a whole state agency full of "experts" being paid to handle this kind of regulation. If you do not think they are doing their job well enough, give them the resources they need to do it better. Please don't attempt to do their job for them. 2) If you have solid evidence to back up your claim that spearfishing IS the problem, please present your evidence to the public. If you do not have really solid evidence, you MUST vote to acquit spearfishing as THE culprit. This is a complete witch hunt. Little bits of anecdotal evidence here and there doesn't come close to even meeting the standard of having a preponderance of evidence. 3) There are MANY factors seemingly equally responsible for the decline in fish population in the area. If however, you are going to ignore these facts and vote for this spearfishing ban anyway, please re-write the bill one more time and ban ALL FORMS OF FISHING in the area. While you are at it, please also get rid of Outrigger's little boat marina. Their boats are leaking oil and gas, and are leaching toxic bottom paint chemicals specifically designed to kill marine life. . . Make the whole area from Kapahulu to Diamond Head buoy an MCLD. PLEASE do not make spearfishing the scapegoat!

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**SB1377**

Submitted on: 3/22/2015

Testimony for OMH/WAL on Mar 23, 2015 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Max Renigado	Individual	Oppose	No

Comments: I opposed SB1377. The legislation should NOT be doing the work that DLNR are tasked to do and maintain.

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**SB1377**

Submitted on: 3/22/2015

Testimony for OMH/WAL on Mar 23, 2015 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Norton Chan	Individual	Oppose	Yes

Comments: Again, I would like to oppose this bill primarily on the grounds that there has been no scientific process or evidence to prove that a selective form of fishing (spearfishing) has severely impacted coral reefs in the Waikiki Fishery Management Area (FMA). Another is the fact that the DLNR is tasked to manage our resources through many means, one being rule making based on science. This should never ever be the legislature's job. I oppose SB 1377.

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**SB1377**

Submitted on: 3/21/2015

Testimony for OMH/WAL on Mar 23, 2015 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Pamela Funai	Individual	<del>Comments Only</del>	No

Oppose

Comments: I oppose bill SB1377. Here's why: 1. DLNR, the agency tasked with creating regulations, opposes this bill 2. Regulations should be done through the Chapter 91 process (gathering of data/fact finding by the Division of Aquatic Resources, public input via public hearings, etc.) that was mandated by the legislature itself. 3. The basis of this bill states that spearfishing is the cause of reef degradation is unsubstantiated and based on opinion and not scientific study or fact finding. Clearly, if there were no fish, divers would not go there. The Division of Aquatic resources monitoring of the area does not indicate that spearfishing or any other type is unsustainable. The area of Waikiki that all hotels sit on today used to be a giant wetland that served as a filter for everything emptying into the ocean. The impact of water quality, ocean acidification, disease and other environmental impacts, natural and man-made need to be considered. Tons of sand dumped to create and replenish man-made beaches shifts onto reefs and cause damage. It seems short sighted to ban spear fishing when there are other variables and factors contributing to the degradation of the reef, the wildlife that live there, and the ocean ecosystem. Not the least of which are the tremendous amount of people who use Waikiki Beach, the hotels, watersports vehicles, storm and water runoff, all of which should be considered BEFORE banning spearfishing and other types of fishing. Please do not pass SB1377.

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**SB1377**

Submitted on: 3/22/2015

Testimony for OMH/WAL on Mar 23, 2015 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Philip Heilesen	Individual	Oppose	No

Comments: I strongly oppose this bill. The job of the DLNR is to manage out resorces and this is not management but rather exclusion. Our resources should be managed for ALL not some. If there is a problem with certain fish populations they need to limit the take of fish to all who consume them not just ban a certain group. These problems are a shortcoming of the DLNR and are a lazy way to deal with the problem. These types of bills are all to common and soon there will be public resources for only an elite few to enjoy rather than the general public. Because of these reasons I humbly ask that this bill is not passed. Thank you for your time.

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### **SB1377**

Submitted on: 3/21/2015

Testimony for OMH/WAL on Mar 23, 2015 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Renee Kester	Individual	Oppose	No

Comments: I can not support legislation not based on evidence and scientific data. The eroding away of local customs and ways without any evidence is unacceptable. I strongly oppose this bill and urge you to vote no. Mahalo.

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**SB1377**

Submitted on: 3/22/2015

Testimony for OMH/WAL on Mar 23, 2015 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Ronald Tam	Individual	Oppose	No

Comments: SB1377 Testimony Ronald Tam THE TWENTY-EIGHTH LEGISLATURE REGULAR SESSION OF 2015 HOUSE COMMITTEES on OCEAN, MARINE RESOURCES & HAWAIIAN AFFAIRS and WATER & LAND Re. SB3177 as amended by WTL: RELATING TO THE WAIKIKI-DIAMOND HEAD SHORELINE FISHERIES MANAGEMENT AREA Chair Ing, Chair Yamane, Committee Members: This is to testify in opposition of SB3177, as amended, for the reasons that follow: 1. There is an absence of data that provides reason and support for the proposed legislation. My understanding of and experience relating to fisheries management persuade me that placing limitations on fishing efforts need to be based on scientific study that is peer reviewed. Where is the data that reflects that continued spear fishing in the selected Fisheries Management Area (FMA) is not sustainable; that the solution is to limit spear fishing? 2. The initiative is properly a matter for the Department of Land and Natural Resources, not the Legislature. Frankly, SB1377 should be held in committee. 3. SB1377 ignores the impact of habitat change within the selected Fisheries Management Area. Nothing speaks to growth in Honolulu's urban population and the commensurate impact on the fish habitat within the FMA. Perhaps fish have moved because the habitat has changed due to changes directly attributable to population growth and increased introduction of people and attendant intrusions into the ocean? Perhaps, natural causes? 4. Fish is food. Fishermen fish responsibly. By its method, spear fishermen are able to select the fish speared. It is incorrect to believe that fishermen, particularly spear fishermen, would intentionally over fish and thereby eliminate a source of food. 5. Funding: Is the Legislature willing to take from other existing money/budget requirements to provide requisite resources in support of enforcement of the proposed legislation? Enforcement of the proposed legislation will be costly. Enforcement officers are already tasked to the extreme. Bottom line: SB1377 is without scientific or statistical merit and does not pass the "common sense" test.

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**SB1377**

Submitted on: 3/22/2015

Testimony for OMH/WAL on Mar 23, 2015 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Scot Yamashita	Individual	Oppose	Yes

Comments: My 10 and 12 year old sons and I spearfish to eat and provide food for our family. We do not throw net or pole fish, this is our only means of catching fish to eat. Because of big waves and strong currents at other beaches, sometimes waikiki is the only place that is safe for my son and I to spearfish. this ban would prevent us from eating fish at these times. Also spearfishing is a much more controlled form of fishing and more sustainable than other forms because we are selective in what we catch, not just catching whatever gets caught in the net or on the hook. Thank you

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**SB1377**

Submitted on: 3/21/2015

Testimony for OMH/WAL on Mar 23, 2015 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
shantelle ordonio	Individual	Oppose	No

Comments:

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**SB1377**

Submitted on: 3/23/2015

Testimony for OMH/WAL on Mar 23, 2015 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Shyla Moon	Individual	Oppose	No

Comments:

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**SB1377**

Submitted on: 3/22/2015

Testimony for OMH/WAL on Mar 23, 2015 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Stanley Mendes	Individual	Oppose	No

Comments:

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**SB1377**

Submitted on: 3/22/2015

Testimony for OMH/WAL on Mar 23, 2015 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
taylor sumida	Individual	Oppose	No

Comments: my family and I oppose this bill.

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**SB1377**

Submitted on: 3/22/2015

Testimony for OMH/WAL on Mar 23, 2015 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Tom Lodge	Individual	Oppose	No

Comments: STRONGLY OPPOSE Senate Bill 1377 SD1 bans spear fishing along the entire Waikiki Coastline without any supporting science to warrant such an action. Why don't you do the science first, then follow that up with a mission statement for the area, involve the spearfishing community in what your goals are for the area and get their input and RECOMMENDATIONS as to how to proceed. Find out what the facts are first. Spearfishing doesn't damage coral, so already your premise for this bill is flawed. The idea of waiting to see if there will be full recovery of the coral before allowing spear fishing again is a strawman argument, for the coral, if it is in fact damaged, wasn't damaged by swimmers, and so may never recover. I'd offer that you consider along with managing this area with buy in from your users of the area, considering improving the habitat for the marine life in the areas as well with input from Community. They are the ones that know what is going on in the ocean and the history of what's going on in it. Kill this bill and do a House and Senate Concurrent Resolution directing DLNR to create a user group to manage the area comprised of local spearfishermen and maybe someone from the University Marine Biology to work with them to document the successes of letting fishermen resolve their own need once the objectives are defined. A moratorium is silly. There is NO SCIENCE to warrant it. Give this to the user groups, get the history of the area, and work with them to provide a long term sustainable future in the area. Thank you for allowing me to testify on this issue.

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**SB1377**

Submitted on: 3/21/2015

Testimony for OMH/WAL on Mar 23, 2015 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Tony Sylvester	Individual	Oppose	No

Comments: I am very interested in the data from DLNR DAR that determines what fish species is being threatened and what will the result be if spearfishing is banned. What is the take? What other environmental factors are at play that is contributing to the effects that you are seeing? It is hard to believe that you are willing to exclude a fish take method based on what data? Who is and who will continue to monitoring fish populations? First this bill was about the reef, now its just about the spearfisherman.

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## **Testimony in Opposition to SB1377**

In response to the proposed bill, SB1377, I would like to voice my opposition to it. If the legislature seeks to find a solution to what they believe is a problem that exists in the Waikiki-Diamond Head Shoreline Fisheries Management Area (WDHSFMA), as a user of the resource myself, I believe that they should give any changes in the use of that area to the appropriate state agency. In this case, that particular agency would be the Department of Land and Natural Resources (DLNR). The legislature should not intrude into the governing of an agency that has already been tasked by the state to take care of the islands' natural resources from the land to the sea. If there are to be any changes made to the WDHSFMA, it should be introduced and spearheaded by the DLNR.

Also, there exists no concrete data linking the decline of the fisheries in the WDHSFMA exclusively to spearfishing. Any sort of negative impact on the fisheries in that area could be the cause of any kind of harvesting method or otherwise. For all the state knows, the current position that the fisheries are in right now could be the cause of things such as runoff or excess amounts of sunscreen leaching off from resource users over the entire stretch of that particular coastline.

In conclusion, it is because of these two main reasons that I oppose the adoption of the bill, SB1377.

Troy Maeda

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**SB1377**

Submitted on: 3/21/2015

Testimony for OMH/WAL on Mar 23, 2015 11:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Troy A. Ogasawara	Individual	Oppose	No

Comments: I strongly oppose this bill as there is no scientific evidence that suggests spear fishers impact the reef more than other users (non-fishermen and tourists). Furthermore, this area is already protected by prohibiting spearfishing every other year. It unfairly singles out a small single user group. There are many other NON-FISHER users of this resource with greater impact. This bill attempts to shut down a resource and circumvents the administrative rule making process and does not consider best available science and stakeholder involvement.

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