

SB

1377

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: amel.s.chun@hawaii.gov
Subject: Submitted testimony for SB1377 on Feb 13, 2015 15:45PM
Date: Thursday, February 12, 2015 8:52:07 AM
Attachments: [SB1377_LNR_02-13-15_WTL.pdf](#)

SB1377

Submitted on: 2/12/2015

Testimony for WTL on Feb 13, 2015 15:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Carty S. Chang	DLNR	Oppose	Yes

Comments:

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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 Senate Committee on
WATER AND LAND**

**Friday, February 13, 2015
3:45 PM
State Capitol, Conference Room 224**

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

Senate Bill 1377 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
To: [WTLTestimony](#)
Cc: publicpolicy@oha.org
Subject: Submitted testimony for SB1377 on Feb 13, 2015 15:45PM
Date: Thursday, February 12, 2015 3:41:36 PM
Attachments: [SB1377 Waikiki Spearfishing Ban WTL Testimony 021315 FINAL.pdf](#)

SB1377

Submitted on: 2/12/2015

Testimony for WTL on Feb 13, 2015 15:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Office of Hawaiian Affairs	Office of Hawaiian Affairs	Comments Only	Yes

Comments: x

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SB1377

RELATING TO THE WAIKIKI-DIAMOND HEAD SHORELINE FISHERIES MANAGEMENT AREA

Senate Committee on Water and Land

February 13, 2015

3:45 p.m.

Room 224

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

OHA appreciates the intent of this measure, in seeking to restore impacted coral resources that are of significant cultural, ecological, and economic importance. OHA is unclear as to whether the decline of coral reefs in Waikīkī is caused by spearfishing, or if there may be other activities substantially contributing to the apparent deterioration. OHA does, however, recognize that the deteriorated health of our nearshore resources in a number of areas throughout the state may require drastic measures, to restore these resources for the benefit of our beneficiaries and the larger community, and for both present and future generations. OHA also notes that there still may be opportunities to prevent similar situations from occurring in other places, particularly in coastal areas that are critical to subsistence communities and their way of life.

However, the drastic decline in nearshore coral reef habitat and the resources they contain is not caused solely by resource harvesting activities such as spearfishing, nor is it limited to the waters of Waikīkī. Over the last century, Western open-access policies and the disempowerment of local communities to take responsibility for the nearshore resources of their area, in direct contradiction with traditional Hawaiian management approaches and values, have appeared instead to directly facilitate a “tragedy of the commons” phenomenon that has degraded our state’s marine environment through a broad range of human activity.ⁱ As highlighted by this bill, this outcome may be particularly visible in Waikīkī.

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 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 and guiding harvesting and other activities in 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 that have sustained our 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.

ⁱ 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.

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: cathyg@animalrightshawaii.org
Subject: *Submitted testimony for SB1377 on Feb 13, 2015 15:45PM*
Date: Tuesday, February 10, 2015 5:09:26 PM

SB1377

Submitted on: 2/10/2015

Testimony for WTL on Feb 13, 2015 15:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Cathy Goeggel	Animal Rights Hawai'i	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: kohatsu_ryan@hotmail.com
Subject: Submitted testimony for SB1377 on Feb 13, 2015 15:45PM
Date: Wednesday, February 11, 2015 9:56:36 AM
Attachments: [SB 1377 Spearfishing.pdf](#)

SB1377

Submitted on: 2/11/2015

Testimony for WTL on Feb 13, 2015 15:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Ryan Kohatsu	Hawaii Sportsmen's Alliance	Oppose	No

Comments:

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SB 1377

Senate Committee Water and Land
Friday, February 13, 2015 3:45PM
State Capitol, Conference Room 224



Hawaii sportsmen for tradition and conservation of public resources

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

As written, the bill seeks to indefinitely ban spearfishing until such time a subjectively determined research is completed and the reef is restored.

The Alliance feels that comprehensive resource management should have clear measures of determining sustainable take and impact. There are no explicitly proposed methods of measuring the actions the bill calls for. All human activities will impact the environment, it is impossible to assume an environment can be "restored" based on some subjective determination of what "restored" is. We feel this measure unfairly singles out spearfishers, among all other impacts, at the shortcomings of no comprehensive resource management.

This process also seeks to circumvent the administrative rulemaking process that governs fishing and in turn limits or eliminates the discussion around best available science, data, and resource stakeholders. Science and data are not discussed in detail through the halls of the legislature and are best left to the DLNR, BLNR, and Fish and Game Commission (if Hawaii actually had one like the rest of the country does.)

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

Mahalo,
Ryan Kohatsu
Board Member
Hawaii Sportsmen's Alliance

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: tony@pop-hawaii.com
Subject: Submitted testimony for SB1377 on Feb 13, 2015 15:45PM
Date: Wednesday, February 11, 2015 8:03:33 PM
Attachments: [TestimonySB1377 A posits that Spearfishing has caused.docx](#)

SB1377

Submitted on: 2/11/2015

Testimony for WTL on Feb 13, 2015 15:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Tony Costa	Hawaii Nearshore Fishermen	Oppose	No

Comments:

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Testimony in opposition
SB1377
TONY COSTA

THE SENATE
THE TWENTY-EIGHTH LEGISLATURE
REGULAR SESSION OF 2015

COMMITTEE ON WATER AND LAND

Senator Laura H. Thielen, Chair
Senator Brickwood Galuteria, Vice Chair

DATE: Friday, February 13, 2015
TIME: 3:45 PM
PLACE: Conference Room 224
State Capitol
415 South Beretania Street

From: Tony Costa, Hawaii Nearshore Fishermen –
Re: SB1377

Testimony in Opposition

Hawaii Nearshore Fishermen are opposed to 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?

Testimony in opposition

SB1377

TONY COSTA

* 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 this multitude of possible factors?

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

It seems this bill is surgically aimed to prohibit spearfishing indefinitely in Waikiki –it would do so without any legitimate merit.

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 opposed to this measure and strongly urge this committee not to move forward with the measure

Respectfully submitted,

Tony Costa

Hawaii Nearshore Fishermen

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: max.sword@outrigger.com
Subject: Submitted testimony for SB1377 on Feb 13, 2015 15:45PM
Date: Thursday, February 12, 2015 11:24:04 PM
Attachments: [SB 1377 2-13-15 Testimony.docx](#)

SB1377

Submitted on: 2/12/2015

Testimony for WTL on Feb 13, 2015 15:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Max Sword	Outrigger Hotels	Support	Yes

Comments:

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THE SENATE
THE TWENTY-EIGHTH LEGISLATURE
REGULAR SESSION OF 2015

COMMITTEE ON WATER & LAND
Senator Laura H Thielen, Chair

2/13/2015
Rm. 224, 3:45 PM

SB 1377

Relating to Waikiki-Diamond Head Shoreline Fisheries Management Area

Chair Thielen and Members of this Committee, my name is Max Sword, here on behalf of Outrigger Enterprises Group, to offer our support to SB 1377.

While the State, the City and the Tourism Industry have worked hard to make the landside of Waikiki a showcase to the world, we have not put the same effort in making the ocean side of Waikiki just as inviting.

While we have labored to make the beach and the ocean a great place to lie on and swim in, what is below the waves has not been attended to.

If one dove off of Kuhio Beach today, you will see coral heads are virtually non-existent and devoid of fish.

The best way of course to rejuvenate the coral and to allow the fish population to flourish is to make a total fishing ban. However, that is an option that is not palatable to some, so we therefore support the proposed position put forth in this bill.

Mahalo for allowing us to testify.

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: andreak@hawaii.edu
Subject: Submitted testimony for SB1377 on Feb 13, 2015 15:45PM
Date: Thursday, February 12, 2015 8:29:25 PM

SB1377

Submitted on: 2/12/2015

Testimony for WTL on Feb 13, 2015 15:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Andrea Kawabata	Individual	Oppose	No

Comments: Dear Committee, I am a local fisherwoman and spearfisherwoman who enjoys and respects the ocean that we all use around Hawaii. Yes, there is a need for rules and regulations to ensure that locals and tourist alike can experience what we do now, for years to come. However, this bill is based on nothing but unsubstantiated evidence. Closures and bans are not the answer to sustaining Hawaii's fisheries and public areas. I do not support this bill and ask that you consider other methods of management that include all user of the ocean versus black-balling those who are trying to feed their family and teach their children the sport, hobby and activity that keeps them healthy and engaged in the community. Sincerely, Andrea Kawabata

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From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: takoi808@gmail.com
Subject: Submitted testimony for SB1377 on Feb 13, 2015 15:45PM
Date: Wednesday, February 11, 2015 1:05:32 PM
Attachments: [SB1377.pdf](#)

SB1377

Submitted on: 2/11/2015

Testimony for WTL on Feb 13, 2015 15:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Arnel Data	Individual	Oppose	No

Comments:

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To Hawaii State Legislature,

I oppose SB1377. The bill itself, as appearing on paper, has no scientific backing and makes a presupposition that it is spear fishermen that are causing damage to the reef system in the Waikiki-Diamond Head Shoreline. With that said, there are thousands of people that gather in those places year round that could cause damage outside of spear fishermen. There is even articles and forums that discuss how "sunscreen" damages coral. To point fingers at the small community of spear fishermen is discriminatory and further implies an agenda to ban spearfishing from Hawaii.

I am spear fisherman and have dove the area of Waikiki-Diamondhead. Is it in bad shape? Depends who is asked, from observation, there are still an abundance of fish there and coral still exist. If there is a particular method of fishing that depletes the resource it is that of netting and bleaching. What one spear fisherman could catch in a year a net could catch in a day, how do I know, because I've seen netters come to harbors with coolers loaded with reef fish.

The latter part of the bill that indicates that research must be done to determine if the reef is in good condition is non-sensical. It is asking for scientific proof, when scientific proof wasn't provided that spear fishermen are the cause of reef damage. Furthermore, who ever proposed this bill has very little knowledge of coral life and the pertaining area. It takes years, decades even for coral to grow. With the development in the area perhaps even a longer duration. Also, the writer of the bill must not have any prior knowledge, given that the area in question is already closed off on ODD years. Who's doing the damage during those years? Certainly not the law abiding spear fishers.

My name is Arnel Data and I highly oppose SB1377

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: bjtcjtsoup@aol.com
Subject: Submitted testimony for SB1377 on Feb 13, 2015 15:45PM
Date: Wednesday, February 11, 2015 11:18:34 PM
Attachments: [Waikiki-Diamond Head FMA Testimony SB1377.pdf](#)

SB1377

Submitted on: 2/11/2015

Testimony for WTL on Feb 13, 2015 15:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Bobby-John Campbell	Individual	Oppose	No

Comments:

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SENATE COMMITTEE ON WATER AND LAND
Tuesday, February 13, 2015, 3:45 p.m.
State Capitol, Conference Room 224
in consideration of SB 1377
RELATING TO THE WAIKĪKĪ-DIAMOND HEAD SHORELINE FISHERIES
MANAGEMENT AREA.

Chair Thielen, Vice Chair Galuteria, and Members of the Committee:

I OPPOSE SB 1377, 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 to resources, it presents to DLNR an impossible or arbitrary mandate, and prevents Native Hawaiians from practicing their gathering practices within their ahupua'a and associated 'ili (smaller land divisions within ahupua'a).

First, this bill presents no evidence to validate the harm alleged. The language states that "there is widespread and serious damage to the coral reefs in the area." I have personally observed that the majority of the reef within the FMA is similar to the rest of the south-shore, being composed of a rock bottom with patches of coral here and there. The near-shore areas of the FMA have spots with much nicer coral than most of the south-shore.

Second, this bill singles out spearfishermen as causing disproportionate harm to our coral reefs. This can't be farther from the truth. Although the concern to protect existing coral within the FMA is important, spearfishermen are a negligible cause of coral damage. Spearfishermen generally operate in deeper water where issues as stepping on coral are not as likely. They are more educated on pono ocean practices and will avoid live coral when possible. Spearfishermen are also only a tiny minority of ocean users within the FMA and, unlike other users, are further limited by wind, wave, and tide conditions. There may be periods of months where weather conditions do not permit good spearfishing. 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). Overall, the damage to coral caused by spearfishing is negligible compared to the impacts of other threats like runoff, ocean warming, unethical fishing methods, invasive algae, and trampling by uneducated visitors.

As for the damage spearfishing could have to fish populations, there is once again no evidence to show spearfishing is having an unsustainable impact within the FMA. The alternation between open and closed fishing years seems to be keeping the fish populations sustainable. An indication of this is the presence of spearfishermen. If there were no fish, no one would fish here. I also commonly see sharks in the FMA, another great indication of healthy fish populations.

In an overall evaluation of fishing techniques, spearfishing is clearly the most sustainable option. It requires a skilled individual to select each fish they take, eliminates by-catch frequent in other fishing methods, and allows for the removal of invasive species and even trash from the water. As for quantity, in comparison to other methods, 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.

Third, the bill presents to DLNR an impossible or arbitrary mandate. The department is instructed to conduct research to determine that “the damage existing as of January 1, 2016, to the coral reefs has abated and the reefs are fully restored.” Since there is no scientific evidence of the alleged “damage,” or evidence of what a “fully restored” reef on south O‘ahu should look like, it would be impossible DLNR to determine whether the reef has recovered. If such a decision was made it would be completely arbitrary. If people believe there is a problem in the FMA, they should first urge the Division of Aquatic Resources or other reputable organization to survey the area to determine whether there is in fact an issue, before saying restoration is needed.

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 Kaimuki, these areas are the traditional fishing grounds of our ancestors who inhabited this ahupua‘a before us. It is our 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). Although this ban would not prevent Native Hawaiians from fishing elsewhere, it places an unnecessary burden on the practice of our rights while simultaneously harming the resource by concentrating fishers to other areas of the ahupua‘a.

For the stated reasons, I strongly oppose SB1377.

Mahalo,

‘Olu Campbell
808-753-5438

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: bfunai@hawaii.rr.com
Subject: *Submitted testimony for SB1377 on Feb 13, 2015 15:45PM*
Date: Tuesday, February 10, 2015 10:48:55 PM

SB1377

Submitted on: 2/10/2015

Testimony for WTL on Feb 13, 2015 15:45PM in Conference Room 224

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

Comments:

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To: [WTLTestimony](#)
Cc: msg@aloha.net
Subject: Submitted testimony for SB1377 on Feb 13, 2015 15:45PM
Date: Thursday, February 12, 2015 11:39:05 AM

SB1377

Submitted on: 2/12/2015

Testimony for WTL on Feb 13, 2015 15:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Brian M. Yoshikawa	Individual	Oppose	No

Comments: This is a very poorly worded bill without substantiated scientific data to support these claims being made. This is another example of our state not being able to competently manage and address our resources and issues pertaining to management. The state needs to stop blaming fishermen for the condition of our resources, and be honest about the true objectives of this bill, which seems to be to (AGAIN) displace fishermen in favor of tourism and economics.

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To: [WTLTestimony](#)
Cc: mjellings@hawaii.rr.com
Subject: Submitted testimony for SB1377 on Feb 13, 2015 15:45PM
Date: Wednesday, February 11, 2015 5:15:01 PM

SB1377

Submitted on: 2/11/2015

Testimony for WTL on Feb 13, 2015 15:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Carl M Jellings Sr	Individual	Oppose	No

Comments: Isn't the devastation to Coral cover (reefs) from seasonal sand shifts. From the importation of millions of yards of sand from all over this State to enhance Waikiki Beach for tourism. 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 etc. This is the poorest attempt I've seen to mitigate an ongoing problem similar to many other laws that have been created opposing fishers to stave off the truth. In many areas of Hawaii Sand naturally covers and kills Coral reefs usually during seasonal sand shifts, in this case the enormous amount of sand artificially dumped for the creation of beaches, so much so covering much of Waikiki's natural fish habitat's just offshore. this has changed the type of marine environment necessary to support a much more divers marine ecosystem (Herbivores etc). You do not identify or (fix)a problem in a marine environment protecting a few species of fish. You look at everything that is there and everything that is not and ask the question Why. Has The legislature even looked past the words of this bill I mean physically if not You should. Many areas of Hawaii are now stressed and dying threatened by man made Pollution that is slowly killing miles and miles of Coastline. The same beautiful waters that feed us and attract so many visitors to Our Islands. mark my words You are running out of time. and the best some of Our legislator's can do is point fingers at the last of two forms of fishing allowed within this area The other being hook and line. Carl Pao Jellings

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From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: hifish06@yahoo.com
Subject: Submitted testimony for SB1377 on Feb 13, 2015 15:45PM
Date: Wednesday, February 11, 2015 9:58:16 AM

SB1377

Submitted on: 2/11/2015

Testimony for WTL on Feb 13, 2015 15:45PM in Conference Room 224

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

Comments: I oppose SB1377 as spearfishing does not impact the reef physically. Those who walk on the reef such as tourist and others to access deeper waters have more physical impact. Divers swim over the reef not walk on the reef. Ancient Hawaiians have torched and dove on our reefs for centuries without impact. There is more impact to the coral reef from one heavy rain event creating run off than people using the reef. Uhu's continuously eating coral have more of a impact on the reefs than divers. This why I strongly oppose this Bill SB 1377.

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From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: sunshineorchids@gmail.com
Subject: Submitted testimony for SB1377 on Feb 13, 2015 15:45PM
Date: Wednesday, February 11, 2015 6:43:15 AM

SB1377

Submitted on: 2/11/2015

Testimony for WTL on Feb 13, 2015 15:45PM in Conference Room 224

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

Comments: This bill claims that spearfishing is the primary cause for closing down this area...if you pass this bill, it will set a precedent for banning spearing everywhere...spearing is the most selective type of fishing....just remember, with use, there is a reasonable expectation of minimal damage, despite how precious coral is, it does grow back.

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Date: Thursday, February 12, 2015 7:04:32 AM

SB1377

Submitted on: 2/12/2015

Testimony for WTL on Feb 13, 2015 15:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Dean Sensui	Individual	Oppose	No

Comments: I oppose this bill as fishing management should not be done through legislation, but instead through the DLNR's Division of Aquatic Resources. The content of this bill states that spearfishing has caused widespread damage to the reef along the Waikiki coastline. 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, 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? If the waters near Waikiki need additional management controls, then this is supposed to be done through the Administrative Rulemaking Process and carefully monitored by the Division of Aquatic Resources. The Hawaii State Legislature established the Administrative Rulemaking Process through which all fishery management processes are determined and can be thoroughly vetted. 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 procedure and can unnecessarily 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 can be applied toward flexible fishery management. Thank you for your consideration. Dean Sensui, executive producer, Hawaii Goes Fishing.

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SB1377

Submitted on: 2/11/2015

Testimony for WTL on Feb 13, 2015 15:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Edwin Watamura	Individual	Oppose	No

Comments: As I read it, this bill points the blame of reef destruction on spear fishermen. Reef destruction is much more attributable to environmental conditions especially in an area such as Waikiki. The heaviest users of this ocean area are the tourists and locals who are swimming. The spear fishers are a rare sight and the ones that I have witnessed are very selective in what they target. In addition, this area is already regulated under Hawaii Administrative rule. To pick on spear fishing as the culprit is not only shortsighted but extremely unjust and would not serve to solve a problem that is obviously based on environmental factors.

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SB1377

Submitted on: 2/12/2015

Testimony for WTL on Feb 13, 2015 15:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Eric Lane	Individual	Oppose	No

Comments: Hello my names Eric lane and as a vid diver for 10 plus years I oppose bill Sb 1377. To say spearfisherman damage reef and not say that snorkels and other tourist,kayakers,commercial fisherman,surfers and other people swimming don't damage the reef is absurd. I feel more and more from this bill that we are bein targets and discriminated as a group of selective harvesters. A spearfisherman may go out and shoot a few fish where a lay better goes out and wipes a whole reef out. Please I agree with conservation but target the true issue. Back your issue with scientific reasearch,not blatant accusations. I'll be happy to approve a said bill if it was correctly worded and back with more research. This area is already a conservation area only able to be used during off years. We as a small community of "spearos" have a group in which we speak and pass along knowledge we seek to educate and pass along knowledge and we to want to conserve but this bill isn't the right way. Thank you for your time Sincerely Eric Lane

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SB1377

Submitted on: 2/10/2015

Testimony for WTL on Feb 13, 2015 15:45PM in Conference Room 224

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

Comments:

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SB1377

Submitted on: 2/11/2015

Testimony for WTL on Feb 13, 2015 15:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
evan obrs	Individual	Oppose	No

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SB1377

Submitted on: 2/11/2015

Testimony for WTL on Feb 13, 2015 15:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
jason Hijirida	Individual	Oppose	No

Comments: I oppose this bill because it unjustly targets spear fishermen as the cause of the damage to the reefs in the designated area without any research what so ever. How can a group of people with access to this area every other year cause so much damage when there are other groups who use this area every day of every year. This is a bill with a private agenda to discriminate against one group of people.

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SB1377

Submitted on: 2/12/2015

Testimony for WTL on Feb 13, 2015 15:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Jason Sugibyashi	Individual	Oppose	No

Comments: I oppose this bill because it subjectively targets spearfishermen as the cause of the damage to the reefs without any scientific research. In contrast to the intent of the bill, it does not consider the effects that other beachgoers have on the reef, ie sunscreen, walking on the reef, or other chemicals, nor does it identify environmental causes such as warmer ocean waters, or pollution from neighboring areas such as runoff or dust. The bill unjustly points a finger at the spearfishing community, even though many in the community are stewards of the ocean & conservation.

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SB1377

Submitted on: 2/10/2015

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

Comments:

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SB1377

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Submitted By	Organization	Testifier Position	Present at Hearing
Kaialii Kahele	Individual	Support	No

Comments:

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SB1377

Submitted on: 2/11/2015

Testimony for WTL on Feb 13, 2015 15:45PM in Conference Room 224

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

Comments: I oppose this bill. This does not provide sufficient justification for the need of this law let alone significant proof that such a law would be needed in the first place.

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SB1377

Submitted on: 2/11/2015

Testimony for WTL on Feb 13, 2015 15:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Leslie Hata	Individual	Oppose	No

Comments: Aloha Chair Thielen, Vice Chair Galuteria and Members of the Senate Committee on WTL. There are already rules set by the DLNR through its Administrative Rule Making Procedures for the Waikiki-Diamond Head Shoreline FMA. It prohibits the take or injury to any marine life or to possess any fishing gear in the area during the closed to fishing period. Fishing is also not allowed in the Waikiki Marine Life Conservation District. This MLCD is between the Ewa edge of the Natatorium the Kapahulu groin. These rules were implemented after after public information meetings and public hearings. Please do not hold one user group (spear fishermen) responsible for the "destruction" of the nearshore reef. I'm 72 years old and have seen the changes in this area since I was 7 years old. I still dive! Spear fishermen do not take indiscriminately any thing that comes in front of them. We are very very selective. Most of the time I like many people, I just enjoy watching fish too. I feel the changes are caused by the population of humans who live above the waters surface. Aloha and mahalo for your consideration, Les Hata

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SB1377

Submitted on: 2/12/2015

Testimony for WTL on Feb 13, 2015 15:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Matthew Ross	Individual	Oppose	Yes

Comments: Please do not pass this bill. Waikiki is a very productive area for spearfishing, and is important to many people in the area. Closing the area permanently to spearfishing would deprive many local residents of an important source of food and recreation. On Oahu, good accessible fishing areas are limited and we can't afford to lose any more at this time.

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SB1377

Submitted on: 2/12/2015

Testimony for WTL on Feb 13, 2015 15:45PM in Conference Room 224

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

Comments: The claim that spearfishing is the cause of reef deterioration and that banning spearfishing is the solution is nothing short of completely ludicrous. If this was a law suit, it would be thrown out as frivolous and unfounded so quickly everybody's head would spin. The authors of this bill are trying to dupe the other members of the legislature into proclaiming spearfishing as THE cause of, "widespread and serious damage to the coral reefs," in the Waikiki-Diamond Head FMA. To make such a sweeping serious claim pointing the finger at one variable out of hundreds, you would think there would be lots of extremely solid, damning evidence to back up the claim but there isn't ANY such evidence. . . The simple fact is that with all the other serious and obvious stressors on our reef ecosystems, singling out spearfishing as THE most egregious cause would be naive at best. PLEASE FOLKS, read up just a little on all the actual causes of coral reef decline in Hawaii and across the world so you don't fall for this ruse of a bill. I honestly question the motive for targeting spearfishing as THE cause of reef destruction because it is SOOOOOO far off the mark. It would be fun for me to put masks, snorkels and fins on all the legislators and take you all on a short field trip. We would start snorkeling in the FMA this bill talks about, then cross over to the waikiki MCLD. Ladies and gentleman, you would be very hard pressed to tell the difference between the complete reserve (MCLD) and the FMA in terms of healthy coral reef. Counts of living coral species in similar depths and wave zones in the FMA and MCLD will be essentially identical. There is simply not a statistically significant difference in healthy coral reef of the complete reserve MCLD as compared to the FMA this bill targets. In other words, if there was a scientific, prioritized list of causes of coral reef depletion in Waikiki, spearfishing would be at or near the bottom of the list of hundreds of causes. Where are the authors of this bill even getting the information allowing them to make this claim? The fact is folks, the vast majority of living coral in Waikiki had already wiped out by the late1970's, maybe earlier. Any of you old enough to remember the raw sewage outfalls off of sand island and all of the ocean dredging and filling for the harbors and Reef Runway? The real boom in spearfishing for sport, where novices could find and buy high powered guns didn't really start until at least 20 years after our coral reef in Waikiki were already essentially gone. Please know your history folks! In other words, if you look at the actual history of decline of our coral reefs, there will be NO correlation to spearfishing whatsoever. So what might

actually be going on. . .??? Thermal stress, introduced micro and macro algae, various marine diseases, point and nonpoint pollution, ocean acidification, add infinitum. Not a single expert has EVER written in one of their scholarly articles that if you have a problem with your coral reefs, you should ban all spearfishing. . . I honestly think the problem is boats. We have way too many boats here in Hawaii. Big boats, little boats, tugs and barges, fishing boats, ski boats, scuba boats. You get the picture? Boats have got to be the actual problem don't you think? There is just so many of them and they go everywhere. Rich people are even allowed to park their boats right in the middle of the FMA this bill talks about (Sorry Outrigger CC members/Gold Coast owners. . .). These boats are stinky, they leak oil and fuel and god only knows what else. Foreign vessels bring in ten new invasive species per month not to mention they can use all the heavy metals that are banned here in the US. Boats even have bottom paint that by design have chemicals leaching into the water to kill living organisms. Boat captains even get drunk and run their boats up on to our reefs roughly 20 times per year for god's sake. Seriously, I think we should get rid of all boats here in Hawaii. . . Yeah, that will fix it. . . We'll allow boats back in Hawaii when DLNR says the reefs have fully recovered, as stated in this bill. As long as we are into introducing ridiculous legislation, lets write a bill to ban all boats here in Hawaii.

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SB1377

Submitted on: 2/11/2015

Testimony for WTL on Feb 13, 2015 15:45PM in Conference Room 224

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

Comments:

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SB1377

Submitted on: 2/11/2015

Testimony for WTL on Feb 13, 2015 15:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Nathan Abe	Individual	Oppose	No

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SB1377

Submitted on: 2/11/2015

Testimony for WTL on Feb 13, 2015 15:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Nick Morris	Individual	Oppose	No

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SB1377

Submitted on: 2/11/2015

Testimony for WTL on Feb 13, 2015 15:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Norton Chan	Individual	Oppose	No

Comments: Aloha, my name is Norton Chan and I am a marine biologist by training and trade. I oppose SB1377 as it has no scientific or research showing that spearfishing is the cause for a decline in reef health. No baseline studies have been done to determine what the reef was like to show that there has been a change for the worse. To arbitrarily shut down spearfishing while still allowing other forms of marine life harvesting seems to be a personal agenda of an individual or group. As stated, you need to prove with science and evidence that a closure is warranted. Until then SB1377 is an emotional reaction to someone's dislike of spearfishing. Mahalo for listening.

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SB1377

Submitted on: 2/11/2015

Testimony for WTL on Feb 13, 2015 15:45PM in Conference Room 224

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

Comments: Spearfishing should be the least of the Legislature's concern. The number of spearfishers is small. The greatest negative impacts to the coral reefs and coral fish are stormwater runoff and pollution. The department of land and natural resources manage the area well and they should be allowed to continue to manage the area without interference of the legislature.

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SB1377

Submitted on: 2/13/2015

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Submitted By	Organization	Testifier Position	Present at Hearing
Robin Hammerquist	Individual	Oppose	No

Comments:

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SB1377

Submitted on: 2/11/2015

Testimony for WTL on Feb 13, 2015 15:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Roy N Morioka	Individual	Oppose	No

Comments: Aloha and Mahalo Chair Thielen, Vice Chair Galuteria and Members of the Senate Committee on WTL. I strongly oppose SB1377 as it seeks to legislate away aquatic resource management that has been delegated to the DLNR through its Administrative Rulemaking Procedure and for 2015 reads in part: The Waikiki-Diamond Head Shoreline FMA is regulated by the department's administrative rule, Chapter 13-48. It is prohibited to fish for, take or injure any marine life (including eggs) or to possess in the water any fishing gear during the "closed to fishing" period. Fishing is also not allowed at any time in the adjoining Waikiki Marine Life Conservation District (MLCD) between the 'Ewa edge of the Natatorium and the 'Ewa edge of the Kapahulu groin (seawall). I strongly urge that your committee support the current procedure that allows for a greater inclusion of the affected community through public information meetings, public hearings and the processes provided within the Administrative Rules and not the truncated legislative process that does not afford the greatest inclusion of affected user groups. Additionally, to hold one user group hostage for the reef's health is objectionable as this area is heavily impacted by many other ocean activities and sources that negatively affect the fish habitat and ecology of the reef. Thank you for this opportunity to be heard in strong opposition to SB1377. Respectfully Yours, Roy N. Morioka

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SB1377

Submitted on: 2/13/2015

Testimony for WTL on Feb 13, 2015 15:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Scott Watanabe	Individual	Oppose	No

Comments: SB1377 Honorable Chair and Committee Members, I strongly oppose SB1377. As an avid recreational diver and fisherman, SB1377 makes no sense to me. The basis to close the Waikiki-Diamond Head shoreline is purported to be spearfishing damage to coral reefs. I would like to see the scientific research and analysis that came to that conclusion. SB1377 does not identify the source of that claim. In recent media regarding Kaneohe Bay (Honolulu Star Advertiser 2/13/2015), there are scientists and University researchers that have identified a specific coral disease that is killing the coral. Unlike SB1377, there are scientific studies to support their findings. Regarding the Waikiki-Diamond Head shoreline coral, there may be other sources that could have contributed to the reef damage – among them, sand replenishment activities, sunscreen/suntan oils, walking on reefs, restricted fresh water flows, etc. The point is that there may be other sources for the coral reef problem in Waikiki aside from spearfishing. It is wrong to identify only one cause and legislate a “fix” when the problem has not been scientifically proven or researched. This is a dangerous precedent for SB1377 to be enacted based on opinions and not scientific studies. I strongly oppose this bill. Thank you.

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SB1377

Submitted on: 2/10/2015

Testimony for WTL on Feb 13, 2015 15:45PM in Conference Room 224

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

Comments: (a) Spearfishing is prohibited at all hours of the day within the Waikiki-Diamond Head shoreline fisheries management area, as defined by the administrative rules of the department of land and natural resources, until such time as the department determines through research that the damage existing as of January 1, 2016, to the coral reefs has abated and the reefs are fully restored. What type of damage to the reef does this bill suggest? What kind of research are we talking about? I oppose this measure.

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SB1377

Submitted on: 2/12/2015

Testimony for WTL on Feb 13, 2015 15:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
William K.Chang	Individual	Oppose	No

Comments: I oppose this bill.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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