DAVID Y. IGE GOVERNOR OF HAWAII





SUZANNE D. CASE CHAIRPERSON BOARD OF LAND AND NATURAL RESOURCES COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA

JEFFREY T. PEARSON P.E. DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES BOATING AND OCEAN RECREATION BUREAU OF CONVEYANCES COMMISSION ON WATER RESOURCE MANAGEMENT CONSERVATION AND RESOURCES ENFORCEMENT ENGINEERING FORESTRY AND WILDLIFE HISTORIC PRESERVE COMMISSION LAND STATE PARKS

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

POST OFFICE BOX 621 HONOLULU, HAWAII 96809

Testimony of SUZANNE D. CASE Chairperson

Before the House Committee on FINANCE

Friday, February 24, 2017 11:00 AM State Capitol, Conference Room 308

#### In consideration of HOUSE BILL 861, HOUSE DRAFT 1 RELATING TO COMMUNITY BASED SUBSISTENCE FISHING AREAS

House Bill 861, House Draft 1, proposes to establish a goal for the Department of Land and Natural Resources (Department) to designate and adopt rules for the management of no fewer than five community-based subsistence fishing areas by December 31, 2025. The measure also establishes a designation process and rule requirements. The Department appreciates the intent of this measure to support the concept of community-based co-management, but establishing five additional community based subsistence fishing areas (CBSFAs) in the next eight years is unpredictable. Indeed, setting any number would be a mistake as it is critically important that communities reach consensus on what they need and want before we begin the rule-making process. This is a community-lead process supported by the Department, not a process that should be forced.

Working cooperatively with communities to manage and restore our fisheries in Hawaii, including through the designation of CBSFAs and other types of designations, is a priority for the Department. Communities who steward their marine environments, who maintain generations of intimate knowledge about their natural and cultural marine resources, and who rely on them for sustenance, recreation and way of life, can be a great resource to the Department and to the public in our collective efforts to protect and restore our reefs.

For the Committee's consideration, the Department has made some progress since last year. The Ka'upulehu Marine Reserve on West Hawaii was established in 2016 to protect the reef fish stocks through a 10-year, "no take" period. This effort was community driven. The Department has also received and is in the process of reviewing the community proposal at Moomomi, Molokai. The

Department's Makai Watch Project involves communities in the conservation of the marine resources in their area as the Department looks to further expand these efforts.

However, designation is a lengthy process that takes considerably more time than most people expect. This slow process is due to the level of community consultation that must occur in order to gather input from all interested parties on a CBSFA proposal. The Department has chosen not to begin the formal rule-making process until the Department is satisfied that community discussions have occurred to sufficiently address the multitude of concerns. The speed of the process, then, is determined by the community and not necessarily by the Department.

Once the rule-making process has begun, the timetable is about a year and the process is methodical. The time consuming portion of the process is the community discussions and the rule development phase prior to the actual rule-making process. The proposed timetable in the bill is unrealistic from the Department's experience. Requiring communities to accept an artificial timetable before they are ready for designation may cause more conflicts and opposition to the proposal.

Thank you for the opportunity to provide comments on this measure.



# HB861 HD1 RELATING TO COMMUNITY-BASED SUBSISTENCE FISHING AREAS

Committee on Finance

February 24, 2017	11:00 a.m.	Room 308

The Office of Hawaiian Affairs (OHA) <u>SUPPORTS</u> HB861 HD1, which seeks to better empower kīpuka communities in the stewardship of nearshore resources that inform their cultural traditions, values, and way of life.

Community-based fisheries management can help restore and sustain Hawai'i's nearshore resources, and perpetuate the cultural lifestyles and values that rely upon their health. Community-based fisheries management has long been cited as critical to successfully restoring and sustaining our ocean resources, which are currently open to exploitation by the general public, and are typically managed under generic regulations. The effectiveness of a community-based management approach derives, in part, on subsistence, "kīpuka" communities' intimate familiarity with and concern for the nearshore resources in their area. Such communities may be best situated to guide the establishment of sustainable, place-specific harvesting practices and associated rules, consistent with time-tested values and traditional knowledge.

In recognition of the potential for community-based management to address the continuing decline of our nearshore resources, the Legislature authorized the Department of Land and Natural Resources (Department) to work with traditional subsistence communities in establishing "community-based subsistence fishing areas" (CBSFAs) and rules over 20 years ago. However, notwithstanding the authority given to the Department, as well as the diligent efforts of subsistence communities throughout the islands, an apparent lack of administrative support has left Hawai'i with rules for only one CBSFA, two decades after the CBSFA statute was enacted.

This measure may provide the legislative encouragement needed for the more timely and meaningful adoption of community-based fisheries management in our islands. With the looming impacts of climate change, population growth, and with the ever-mounting pressure on our limited nearshore resources, the need to more proactively explore alternative management approaches such as CBSFAs is greater now than ever. **The rulemaking goals described in HB861 HD1 may therefore be critical to maintaining and perpetuating the health of our nearshore resources, as well as the subsistence communities, traditional lifestyles, and cultural values that depend on them.** 

Accordingly, OHA urges the Committee to **PASS** HB861 HD1. Mahalo nui for the opportunity to testify on this measure.

From:	mailinglist@capitol.hawaii.gov
Sent:	Wednesday, February 22, 2017 8:44 PM
То:	FINTestimony
Cc:	shyla.moon@ymail.com
Subject:	*Submitted testimony for HB861 on Feb 24, 2017 11:00AM*

Submitted on: 2/22/2017 Testimony for FIN on Feb 24, 2017 11:00AM in Conference Room 308

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Shyla Moon	Hunting Farming and Fishing Association	Oppose	No

Comments:

Please note that testimony submitted <u>less than 24 hours prior to the hearing</u>, 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.

From:	mailinglist@capitol.hawaii.gov
Sent:	Wednesday, February 22, 2017 11:25 PM
То:	FINTestimony
Cc:	dean@HawaiiGoesFishing.com
Subject:	Submitted testimony for HB861 on Feb 24, 2017 11:00AM

#### HB861

Submitted on: 2/22/2017 Testimony for FIN on Feb 24, 2017 11:00AM in Conference Room 308

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Dean Sensui	Hawaii Goes Fishing	Oppose	No

Comments: Fisheries must be managed as an integrated whole, not in small and separate units. Breaking up our resources into small, individually managed chunks will create a confusing mix of rules which would be difficult to enforce. We should instead rely upon a blend of traditional knowledge and good science to create effective management strategies which benefit everyone. We also need take time to understand all the various factors, including fishing, that affect the health of our nearshore fisheries.

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Testimony Before The House Committee on Finance <u>IN SUPPORT OF HB 861 HD1</u> Friday February 24, 2017, 11:00am, Room 308

Aloha Chair Luke, Vice Chair Cullen and Committee Members:

My name is Kevin Chang, I am the Executive Director of Kua'āina Ulu 'Auamo (or KUA) and this is our testimony in support of HB 861 HD1 with comments.

KUA works to empower communities to improve their quality of life through caring for their environmental heritage together to better Hawai'i and achieve 'āina momona— an abundant, productive ecological system that supports community well-being. We employ a community-driven approach that currently supports three statewide networks: more than 31 mālama 'āina community groups collectively referred to as E Alu Pū (moving forward together), 38 fishpond projects and practitioners called the Hui Mālama Loko I'a, and a new and growing group of Limu practitioners called the Limu Hui.

This bill is heartening to read, especially after the long process that the first community in Hā'ena, Kaua'i went through. KUA supports the intent of HB 861 HD1 and views it as a very positive sign of progress in state policy to build better partnerships with communities who have been stewarding their areas for generations. Many communities around the state have desired and/or have worked extremely hard in a voluntary capacity to develop CBSFA designations and rules with the DLNR for some time now- over 20 years and 5 administrations- since HRS 188-22.6 came into effect.

KUA also supports our Governor 30x30 goals in so much as they support current progress in the exploration, development and implementation of community-based co-management of our near shore marine resources through other means such as, for example, the innovative ways communities participate in management of their fisheries in West Hawai'i or through the Community Fishery Enforcement Unit on Maui or the Makai Watch Program.

However, if the Legislature passes HB 861 HD1, we also urge that the DLNR receive sufficient permanent staff and resources to effectively support this work. Communities have learned it is also not enough to pass laws. We must enable our state and communities to do the actual work of making the law real and this requires adequate resources. This dual approval approach (required CBSFAs with resources) will contribute greatly to healthy governance and increased public trust.

Mahalo for your service to our community and this opportunity to testify.

Aloha 'Āina Momona.

From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, February 23, 2017 2:57 PM
То:	FINTestimony
Cc:	purebliss4all@icloud.com
Subject:	Submitted testimony for HB861 on Feb 24, 2017 11:00AM

Submitted on: 2/23/2017 Testimony for FIN on Feb 24, 2017 11:00AM in Conference Room 308

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Matthew Brittain, LCSW	Effective Change, LLC	Support	No

Comments: Molokai had the most intensive subsistence-farming fishpond system in all of Polynesia. There were hundreds of acres of fishponds along the south shore, and they produced hundreds of tons of fish per month. Other islands have done similar fishpond production. This bill moves in the right direction, and supports community-based revitalization of this very important food resource. I strongly support this bill.

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# Hui Ho'omalu i ka 'Āina

Post Office Box 1045 • Hanalei • Hawaii • 96714

February 23, 2017

Testimony in support of HB 861 HD1 with comments.

Hearing: February 24, 2017 11:10 am Conference Room 308

Aloha Chair Luke, Vice Chair Cullen and Committee Members:

Hui Ho'omalu i ka 'Āina strongly supports HB861 HD1 and urges its passage. Our organization has planned and worked on community based resource management for our lifetimes. We are committed to continuing this work.

We have partnered with other organizations and DLNR to malama our resources and believe this legislation will support our work.

We are concerned that the State must also provide enough people and money to do this work so if you pass this bill, please remember to fund the work.

Me ka pono,

iffy to ahadh

Jeffery Chandler Chair

Advocates for the natural and cultural resources of Kaua'i



# Hanalei Watershed Hui

February 23, 2017

Testimony in support of HB 861 HD1 with comments.

Hearing: February 24, 2017 11:10 am Conference Room 308

Aloha Chair Luke, Vice Chair Cullen and Committee Members:

The Hanalei Watershed Hui strongly supports HB861 HD1. Our organization has planned and worked on community based resource management for over a decade. We are committed to continuing this work. We currently serve at the Hanalei Makai Watch Coordinator as well.

We strongly support the Governor's 30X30 goals which include community based resource management, in fact, in our experience in Hanalei; this is the only method of resource management that succeeds for the long term.

We share others' concerns that the passage of this legislation requires sufficient staff and resources to effectively support the work. Otherwise, your and our effort is moot.

Me ka pono,

napada Kaano to

Maka'ala Ka'aumoana Executive Director

> E malama kumu wai ~ Protect the source 5299C Kuhio Hwy, P. O. Box 1285, Hanalei, Kaua'i, Hl 96714 Telephone/Facsimile (808) 826-1985 Email: hanaleiriver@hawaiian.net www.hanaleiwatershedhui.org The Hanalei Watershed Hui is an equal opportunity employer and provider.

From:	mailinglist@capitol.hawaii.gov
Sent:	Wednesday, February 22, 2017 7:46 PM
То:	FINTestimony
Cc:	bcsc@hawaii.rr.com
Subject:	*Submitted testimony for HB861 on Feb 24, 2017 11:00AM*

Submitted on: 2/22/2017 Testimony for FIN on Feb 24, 2017 11:00AM in Conference Room 308

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

Comments:

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From:	mailinglist@capitol.hawaii.gov
Sent:	Wednesday, February 22, 2017 8:50 PM
То:	FINTestimony
Cc:	DAMAGICJUICE@GMAIL.COM
Subject:	Submitted testimony for HB861 on Feb 24, 2017 11:00AM

Submitted on: 2/22/2017 Testimony for FIN on Feb 24, 2017 11:00AM in Conference Room 308

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
STANLEY RUIDAS	Individual	Support	No

Comments: Please ensure that this process is expedited between DLNR and the proposed COMMUNITY-BASED SUBSISTENCE FISHING AREAS. The fisheries will be depleted if this process historically repeats itself.

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From:	mailinglist@capitol.hawaii.gov
Sent:	Wednesday, February 22, 2017 8:47 PM
То:	FINTestimony
Cc:	mjellings@hawaii.rr.com
Subject:	Submitted testimony for HB861 on Feb 24, 2017 11:00AM

Submitted on: 2/22/2017 Testimony for FIN on Feb 24, 2017 11:00AM in Conference Room 308

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Carl M Jellings Sr	Individual	Oppose	No

Comments: (Strong Opposition) Mahalo Carl Paoo Jellings SR

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From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, February 23, 2017 10:37 AM
То:	FINTestimony
Cc:	Kapaakeahomestead@gmail.com
Subject:	*Submitted testimony for HB861 on Feb 24, 2017 11:00AM*

Submitted on: 2/23/2017 Testimony for FIN on Feb 24, 2017 11:00AM in Conference Room 308

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Doreen Gaspar	Individual	Support	No

Comments:

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From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, February 23, 2017 12:51 PM
То:	FINTestimony
Cc:	fishingready@gmail.com
Subject:	Submitted testimony for HB861 on Feb 24, 2017 11:00AM

#### HB861

Submitted on: 2/23/2017 Testimony for FIN on Feb 24, 2017 11:00AM in Conference Room 308

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
Ronald Tam	Individual	Oppose	No

Comments: Chair Luke, Vice Chair Cullen, Committee Members: I oppose the proposed legislation because it transforms current legislation which is permissive, to compelling, completely against the core of the standing statute. Moreover, "forcing" (my term) a community (which I believe to be more than geographic in nature with respect to the current legislation) is counter to the goal of achieving unity; i.e., it fosters divisiveness. A separate but related concern is the absence of funding to support what I consider to be an ambitious initiative. Thank you for the opportunity to testify.

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From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, February 23, 2017 1:17 PM
То:	FINTestimony
Cc:	fmcgilvray@gmail.com
Subject:	Submitted testimony for HB861 on Feb 24, 2017 11:00AM

Submitted on: 2/23/2017 Testimony for FIN on Feb 24, 2017 11:00AM in Conference Room 308

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
FRAZER MCGILVRAY	Individual	Support	No

Comments: I testify in support of this bill, and urge the committee to appropriate funds to DLNR-DAR to allow them to effectively deliver what is set out in the bill.

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#### **Opposed to HB 861**

#### Please do not pass this bill.

#### Legal Precedence

What is the legal precedence to the use of Hawaii's near shore fisheries? United Nations Conference on Environment and Development laws state the Oceans and their resources are the common heritage of man.

State of Hawaii regulates near shore waters within 3 miles. Outside that falls under Federal regulations. Following International and Federal law, The State of Hawaii has the responsibility to care for and share with all our Oceans resources.

No one group in Hawaii can make claim or shut out another group. Ecology groups cannot claim and close all to others for their preservation views. Fishermen cannot claim areas for their use only. International law states no one group can lay claim to the ocean or its resources.

One community should not be able to shut out another group of individuals.

U.S. laws are based on these UN resolutions. State law should follow this precedence.

Sound science should be the basis of management. A community of nonscientific leaders should not be managing fisheries.

From:	mailinglist@capitol.hawaii.gov
Sent:	Thursday, February 23, 2017 3:04 PM
То:	FINTestimony
Cc:	jim@jtltiming.com
Subject:	*Submitted testimony for HB861 on Feb 24, 2017 11:00AM*

Submitted on: 2/23/2017 Testimony for FIN on Feb 24, 2017 11:00AM in Conference Room 308

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
James T Lovell	Individual	Oppose	No

Comments:

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### FINTestimony

From:	mailinglist@capitol.hawaii.gov	
Sent:	Thursday, February 23, 2017 4:52 PM	
To:	FINTestimony	
Cc:	yamaguchd009@hawaii.rr.com	
Subject:	*Submitted testimony for HB861 on Feb 24, 2017 11:00AM*	



Submitted on: 2/23/2017 Testimony for FIN on Feb 24, 2017 11:00AM in Conference Room 308

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing	
Dennis Yamaguchi	Individual	Oppose	No	

**TE** 

Comments:

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#### finance8 - Joy

LATE

From:	mailinglist@capitol.hawaii.gov
Sent:	Friday, February 24, 2017 9:10 AM
To:	FINTestimony
Cc:	blawaiianlvr@icloud.com
Subject:	Submitted testimony for HB861 on Feb 24, 2017 11:00AM

#### <u>HB861</u>

Submitted on: 2/24/2017 Testimony for FIN on Feb 24, 2017 11:00AM in Conference Room 308

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing	
De MONT R. D. CONNER	Ho'omana Pono, LLC.	Support	Yes	

Comments: We continue to STRONGLY SUPPORT this bill. The Ahupua`a O Nanakuli Ned's this bill to preserve its waters for future generations to use as has been traditionally used by native Hawaiians.

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Kalama'ula Hou Homestead Association Po Box 126 Hoolehua, HI 96729 (808) 336-1587 Lopezs808@gmail.com



February 24, 2017

**House Representatives** 

RE: House Bill 861, RELATING TO COMMUNITY-BASED SUBSISTENCE FISHING AREAS

Establishes a goal for the DLNR to designate and adopt rules for the management of no fewer than five community-based subsistence fishing (CBSF) areas by December 31, 2025.

Aloha House of Representatives;

I am the President of Kalama'ula Hou Homestead Association and represent the *kupuna, aumakua, and beneficiaries* of the Hawaiian Home Lands Act of 1920 from the island of Molokai, Aina Ho'opulapula. We represent one of eight homestead associations on the island.

We are in **SUPPORT** of HB 861 because it will support the efforts of Uncle Mac Poepoe and Hui Malama 'o Mo'omomi, on the island of Molokai to create these rules for the management of our fishing areas. Time and time again we see people not from Molokai, come into our fishing area and rape our ocean, which leaves us, the people, with nothing left. We feed our children and our fishing area is our ice box which was learned and passed down from our Kupuna to sustain ourselves. Our kupuna has told us to only take what you can eat and only when it is in season. We also want to request for adequate resources to help support efforts of CBSF such as permanent staffing.

We want to take this opportunity to MAHALO you in advance for your endorsement of HB 861.

IMUA!!

Very Truly Yours;

Sybil K. Lopez, President of Kalama'ula Hou Homestead Association





# HOUSE COMMITTEE ON FINANCE

Friday, February 24, 2017 11AM Room 308

In SUPPORT HB861 HD1 Relating to Community-Based Subsistence Fishing Areas

Aloha Chairwoman Luke and members of the Finance Committee,

On behalf of our 20,000 members and supporters, the Sierra Club of Hawai'i supports H861 HD1, which requires the Department of Land and Natural Resources to designate and establish rules for community-based subsistence fishing areas (CBSFA) by December 31<sup>st</sup>, 2025.

Since 1968, the Sierra Club of Hawai'i has been working to protect the unique natural and cultural resources of our islands. CBSFAs represent this work in action. CBSFAs, such as the established Hā'ena Community Based Subsistence Fishing Area, create meaningful and effective collaboration between communities and state agencies and provide opportunity to release some of the burden of natural resource management from the Department of Land and Natural Resources while helping to protect and preserve Hawai'i's natural marine resources.

In previous testimony, some testifiers maintained that the timeline proposed in HB861 is unrealistic or otherwise unfeasible. However, several decades of hard work has been dedicated to establish existing CBSFA in Hawai'i, that have set not only a significant foundation for additional CBFSAs, but have produced a number of voluminous guidelines and procedures that would help to expedite this process. While it may be true that the first proposed CBSFA was established after a lengthy period, there appears to be 1) no evidence that additional CBSFAs would take this amount of time to designate and 2) that several of the administrative rule changes and processes that occurred over the creation of the first CBSFA are not likely to occur again.

There are several communities across all the islands who are prepared to submit applications for CBSFAs and are willing and able to do the work necessary to realize these projects.

CBSFAs empower communities and help to protect marine resources and the environment overall. The future of the environment does not have to be uncertain in Hawai'i. HB861 ensures that both the state and communities share in the responsibility of protecting our oceans and marine wildlife.

Thank you very much for this opportunity to provide testimony on this important issue.

Mahalo,

Marti Townsend Director



From:	mailinglist@capitol.hawaii.gov	
Sent:	Friday, February 24, 2017 9:54 AM	
То:	FINTestimony	
Cc:	lopezs808@gmail.com	
Subject:	*Submitted testimony for HB861 on Feb 24, 2017 11:0	0AM*

Submitted on: 2/24/2017 Testimony for FIN on Feb 24, 2017 11:00AM in Conference Room 308

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
SYBIL LOPEZ	Individual	Support	No

Comments:

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