

DAVID Y. IGE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the Senate Committee on
WATER AND LAND**

**Wednesday, January 29, 2020
1:15 PM
State Capitol, Conference Room 229**

**In consideration of
SENATE BILL 2267
RELATING TO HARASSMENT**

Senate Bill 2267 proposes to prohibit purposeful harassment with the intent to prevent the taking of fish from persons who are fishing. **The Department of Land and Natural Resources (“Department”) supports this bill and provides the following comments.**

State law currently protects fishers from harassment if they are taking fish pursuant to a freshwater game fishing license. The proposed measure would extend these protections to all persons fishing in state waters, including marine waters. The Department supports this measure, which would promote the safety and enjoyment of individuals engaged in fishing activities.

The Department supports the proposed language in subsection (c)(2) which clarifies that it is not a violation to engage in activities pursuant to the Department’s Makai Watch program. Makai Watch volunteers participate in two types of activities: observation and incident reporting and awareness raising and outreach. Volunteers are trained to conduct these activities in a manner that does not interfere with fishing activity.

Thank you for the opportunity to comment on this measure.

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

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
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

SB-2267

Submitted on: 1/24/2020 2:41:05 PM

Testimony for WTL on 1/29/2020 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Randy Fernley	Testifying for Coral Fish Hawaii	Support	No

Comments:

SB-2267

Submitted on: 1/28/2020 1:29:06 PM

Testimony for WTL on 1/29/2020 1:15:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Inga Gibson	Testifying for Pono Advocacy, For the Fishes	Oppose	Yes

Comments:

Honorable Chair Kahele and Members of the Senate Water & Land Committee,

STRONG OPPOSITION TO SB2267; Relating to Harassment

Harassment laws already exist in Hawaii and apply equally on land and water. Under HRS 711-1106 illegal harassment is described in a number of ways, and includes striking, shoving or kicking a person with intent to harass, and challenging or taunting in a manner likely to provoke an immediate violent response. Harassment is a petty misdemeanor, which is a crime.

SB2267 would essentially criminalize affecting the behavior of fish (which would be extremely difficult if not impossible to determine/enforce) and would serve to block public scrutiny of the aquarium trade's destructive activities and other illegal activities. Further, this bill conflicts with existing tipline and reward programs that ask the public to help law enforcement by reporting suspected illegal activity. The DLNR TIP APP and the most recent, 808-NO-POACH reward tipline, even has a feature for people to upload photos and videos of suspected illegal activity. No industry should be given carte blanche protection from scrutiny, especially when operating in public areas involving natural resources that are held in the public trust.

A similar bill (HB511) was introduced by the aquarium trade in 2015 and was rightfully deferred. Poachers and others who engage in illegal activity are well aware that photo and video documentation of their activities by swimmers, snorkelers and divers has determined that crimes were being committed. Investigations for coral destruction, illegal anchoring, illegal take, poaching, killing of endangered species, killing/mutilation of sharks and more have resulted from the public's ability to report potential illegal activity to law enforcement.

Please reject this measure in its entirety.

LATE

SB-2267

Submitted on: 1/28/2020 6:10:44 PM
Testimony for WTL on 1/29/2020 1:15:00 PM

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

Comments:

This ridiculous bill would violate both Federal law and the Hawai'i Constitution. Hewa!!!!

SB-2267

Submitted on: 1/27/2020 9:11:56 AM

Testimony for WTL on 1/29/2020 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Luke	Individual	Support	No

Comments:

SB-2267

Submitted on: 1/28/2020 7:54:52 AM

Testimony for WTL on 1/29/2020 1:15:00 PM

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

Comments:

SB-2267

Submitted on: 1/28/2020 11:33:09 AM

Testimony for WTL on 1/29/2020 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
DENNIS YAMAGUCHI	Individual	Support	No

Comments:

strongly support this bill.

SB-2267

Submitted on: 1/28/2020 11:45:49 AM

Testimony for WTL on 1/29/2020 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Alexander Peleholani Garcia	Individual	Support	No

Comments:

Aloha,

I support SB 2267 and its intent to protect the rights of fishermen and women from harassment. Not only does this bill protect fishermen rights, but it address much needed safety issues while operating in the hazardous and unforgiving ocean environment. This bill also promotes the Aloha spirit that fishermen embody, while still allowing legitimate conservation officers to manage our natural reosurces.

SB-2267

Submitted on: 1/28/2020 11:57:29 AM

Testimony for WTL on 1/29/2020 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Matthew Ross	Individual	Support	No

Comments:

Please pass this bill. Harassment of fishermen is a serious issue and can be life threatening.

SB-2267

Submitted on: 1/28/2020 12:57:55 PM

Testimony for WTL on 1/29/2020 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
daniel	Individual	Support	No

Comments:

I Daniel Cottrell support SB 2267.

This bill supports the safety for myself and other mariners on the ocean.