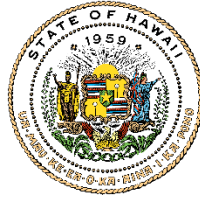


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SYLVIA LUKE
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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony of
DAWN N. S. CHANG
Chairperson

Before the Senate Committee on
WATER AND LAND

Wednesday, February 1, 2023
1:00 PM

State Capitol, Conference Room 229 & Videoconference

In consideration of
SENATE BILL 89
RELATING TO MARINE MANAGEMENT AREAS

Senate Bill 89 proposes to require the Department of Land and Natural Resources (Department) to comply with chapter 91, Hawaii Revised Statutes (HRS), when designating marine management areas. **The Department acknowledges the intent of this bill and offers the following comments.**

The Department currently complies with the Chapter 91, HRS, rulemaking process when designating all marine management areas. There are three statutes that authorize the Department to designate marine management areas (MMAs):

1. Section 190-3, HRS, authorizes the Department to designate Marine Life Conservation Districts (MLCDs) to further the state policy of conserving, supplementing, and increasing the State's marine resources.
2. Section 188-53, HRS, authorizes the Department to designate fishing reserves, refuges, and public fishing areas (collectively referred to as Fishery Management Areas or FMAs) for the purposes of managing, preserving, protecting, conserving, and propagating introduced freshwater fishes, and other freshwater or marine life.
3. Section 188-22.6, HRS, authorizes the Department to designate Community-Based Subsistence Fishing Areas (CBSFAs) for the purpose of reaffirming and protecting

fishing practices customarily and traditionally exercised for purposes of native Hawaiian subsistence, culture, and religion.

Both Sections 190-3 and 188-22.6, HRS, expressly require the Department to comply with the Chapter 91, HRS, administrative rulemaking process when designating MLCs and CBSFAs. Section 188-53, HRS, does not expressly require compliance with Chapter 91, HRS, when designating FMAs, but it is the Department's understanding and longstanding practice that compliance with the Chapter 91 process when designating MMAs is required by Chapter 91, HRS, itself ("prior to the adoption of any rule authorized by law, or the amendment or repeal thereof, the adopting agency shall [comply with the notice and hearing requirements set forth in Chapter 91, HRS.]") Section 91-3(a), HRS.

The Department recognizes that Chapter 91, HRS, is a valuable procedural requirement that ensures that agencies provide adequate notice and opportunity for public hearing in the development of rules. Regardless of whether this bill passes, the Department will continue to comply with the Chapter 91, HRS, rulemaking process when designating all marine management areas.

Thank you for the opportunity to comment on this measure.



Testimony Before The
Senate Committee on Water and Land
In OPPOSITION to SB 89
Wednesday, February 1, 2023, 1:00PM, Room 229
Via Zoom

My name is Kevin Chang and I am the Executive Director of [Kua'āina Ulu 'Auamo \(or KUA\)](#). KUA works to empower grassroots rural and Native Hawaiian mālama 'āina groups to celebrate their places and pass on their traditions to better Hawai'i and achieve 'āina momona— an abundant, productive ecological system that supports community well-being.

KUA employs a community-driven approach that currently supports a statewide network of 36 mālama 'āina community groups collectively referred to as E Alu Pū (moving forward together), 40 fishpond projects and practitioners called the Hui Mālama Loko I'a, and a growing group of over 60 Limu practitioners and supporters called the Limu Hui. Participants in our networks have had long term dreams of bringing fishponds, food fish and limu back to our shorelines and dinner tables.

KUA OPPOSES SB 89 as redundant.

This bill proposes to mandate what is already mandated by the rule it proposes to amend. Therefore it is redundant.

Mahalo for this opportunity to testify in support.

Aloha 'Āina Momona.

SB-89

Submitted on: 1/31/2023 11:32:15 AM

Testimony for WTL on 2/1/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kim Koch	Individual	Support	Remotely Via Zoom

Comments:

Support,

SB-89

Submitted on: 1/30/2023 5:26:01 PM

Testimony for WTL on 2/1/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Shauna Springer	Individual	Oppose	Written Testimony Only

Comments:

This bill proposes to mandate what is already mandated by the rule it proposes to amend. Therefore it is redundant.