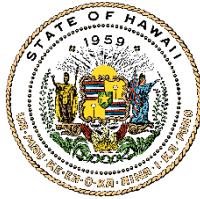


JOSH GREEN, M.D.  
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE  
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAI'I | KA MOKU'ĀINA 'O HAWAI'I  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621  
HONOLULU, HAWAII 96809

Testimony of  
DAWN N. S. CHANG  
Chairperson

Before the Senate Committee on  
WATER AND LAND

Monday, February 12, 2024  
1:00 PM

State Capitol, Conference Room 229 & Videoconference

In consideration of  
SENATE BILL 3268  
RELATING TO AQUATIC RESOURCES

Senate Bill 3268 proposes to prohibit any law, ordinance, or rule from establishing restrictions on the type of gear used for subsistence fishing. **The Department of Land and Natural Resources (Department) acknowledges the intent of this bill and offers the following comments.**

The Department works diligently to consider the interests of Hawai'i fishers in fulfilling its obligation to manage, conserve, and restore the state's unique aquatic resources and ecosystems for present and future generations. While the Department understands the importance of preserving subsistence fishing rights and practices, this bill, as written, would undermine the Department's ability to effectively manage fisheries resources. The language of this bill is also vague and unclear, as explained below.

The proposed new section, entitled "§187A-\_\_ Subsistence fishing; gear restrictions", states that "no law, ordinance, or rule shall prohibit the type of fishing gear used for subsistence fishing by residents of the State." This appears to mean that Hawai'i residents engaging in subsistence fishing may use any type of fishing gear they choose. A person would even be allowed to use destructive or harmful gear, such as dynamite or chlorine, to catch marine life, as long as it was for subsistence fishing. While the Department understands that this bill was not intended to undo existing fishing gear restrictions, the way the bill is written would have this unintended effect. This is because the bill's definition of "subsistence fishing" is so broad that it renders the term practically meaningless. Most Hawai'i fishers, including recreational and commercial fishers, consume a portion of their catch or share it with family or friends. It would be virtually

DAWN N. S. CHANG  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT  
RYAN K.P. KANAKA'OLE  
FIRST DEPUTY  
DEAN D. UYENO  
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

impossible for enforcement officers to distinguish between a subsistence and non-subsistence fisher for the purposes of enforcing a gear regulation.

The bill also states that “any prohibitions on the time, place, and manner of the use of fishing gear shall continue to apply.” This appears to mean that existing gear regulations (restrictions on the time, place, and manner of use of certain gear) will continue to apply if the gear is not completely prohibited. However, the bill does not clarify whether the Department would be authorized to adopt new regulations on the time, place, and manner of use of certain gear types. It is also unclear what would be considered a prohibition of a type of fishing gear (which would not be authorized) versus a prohibition on the manner of use of a certain type of fishing gear (which appears to be authorized).

For example, a spear is a type of fishing gear. This bill would clearly prohibit the Department from adopting a rule that completely prohibits spearfishing for subsistence. This bill would not have an impact on existing laws prohibiting or regulating spearfishing in certain areas, prohibiting the spearing of crustaceans, and prohibiting the spearing of fish under a certain size. However, it is unclear whether this bill would allow the Department to adopt new rules prohibiting spearfishing with SCUBA gear or spearfishing at night, either in certain areas or statewide. The Department is not advocating for these measures; these examples are simply meant to show that this bill is unclear.

The Department has devoted significant time and effort toward improving and refining fisheries rules through outreach campaigns, informational briefings, stakeholder scoping meetings, and the formal administrative rulemaking process. Staff spend considerable time and effort gathering community input and incorporating comments and concerns in drafting fishing rules. A blanket removal of gear restrictions for subsistence fishers would frustrate the Department’s management efforts, especially given this bill’s very broad definition of subsistence fishing.

The Department is an advocate for subsistence fishers and believes it is our responsibility to promote conditions favorable to subsistence fishing, provided that proper management and conservation measures are considered and implemented for long-term well-being of the state’s fisheries. This is demonstrated in one way by our commitment to Community-Based Subsistence Fishing Areas (CBSFAs), a unique community-led management method that we hope will spread to more communities in Hawai‘i.

Mahalo for the opportunity to comment on this measure.



Testimony Before The  
Senate Committee on Water and Land (WTL)  
**IN OPPOSITION TO SB3268**  
February 12, 2024, 1:00 PM, Room 229  
Via Zoom

We are Olan Leimomi Fisher and Kevin Chang, Kua'āina Advocate and Executive Director, respectively, testifying on behalf of [Kua'āina Ulu 'Auamo \(or KUA\)](#). "Kua'āina Ulu 'Auamo" stands for "grassroots growing through shared responsibility," and our acronym "KUA" means "backbone." **Our mission is to connect and empower communities to improve their quality of life through the collective care for their biocultural (natural and cultural) heritage, serving as a "backbone organization" that supports creative and community-driven solutions to problems stemming from environmental degradation.** Hawai'i's biocultural resources continue to be negatively impacted by political, economic, and social changes, and the increasing dangers of climate change make fostering and empowering resilient communities acutely critical.

Currently KUA supports three major networks of: (1) almost 40 mālama 'āina (caring for our 'āina or "that which feeds") community groups collectively referred to as E Alu Pū (moving forward together); (2) over 60 loko i'a (fishpond aquaculture systems unique to Hawai'i) and wai 'ōpae (anchialine pool systems) sites in varying stages of restoration and development, with numerous caretakers, stakeholders, and volunteers known as the Hui Mālama Loko I'a ("caretakers of fishponds"); and (3) the Limu Hui made up of over 50 loea (traditional experts) and practitioners in all things "limu" or locally-grown "seaweed." Our shared vision is to once again experience what our kūpuna (ancestors) referred to as 'āina momona – abundant and healthy ecological systems that sustain our community resilience and well-being.

**KUA strongly opposes SB3268, as a dangerous attempt to allow for no fishing gear restrictions for anyone who has lived in Hawai'i for one year and claims to be a "subsistence" fisher.** We also opposed its companion, HB1948, which was deferred in its first hearing by the House Committee on Water and Land, and for good reason. Most concerning, these bills would allow any one-year Hawai'i resident to fish using explosives, chemicals, poisons, and intoxicants. Fishing gear restrictions, including prohibitions on explosives, chemicals, poisons, and intoxicants, have been carefully developed to protect, and counteract the continuing depletion of, our precious nearshore resources. As such, KUA questions whether these measures have been vetted and supported by the state's Division of Aquatic Resources. Evenso, we do not see the benefit of allowing for more ways to harm our already dwindling and overfished marine life, including the use of explosives and chemicals that would likely cause serious harm to not only the animals themselves, but also the surrounding fragile ecosystems. **This measure is far too broad and works directly against achieving 'āina momona to ensure healthy and thriving biocultural resources for our generations to come.**

Mahalo for this opportunity to submit testimony in strong opposition. **Please hold SB3268.**  
**Aloha 'Āina Momona no nā kau ā kau.**



# SIERRA CLUB OF HAWAI'I

## SENATE COMMITTEE ON WATER AND LAND

February 12, 2024

1:00 PM

Conference Room 229

### In **OPPOSITION** to **SB3268**: Relating to Aquatic Resources

---

Aloha Chair Inouye, Vice Chair Elefante, and Members of the Committee,

On behalf of our 20,000 members and supporters, the Sierra Club of Hawai'i **OPPOSES** SB3268, which would jeopardize the sustainability of our Hawai'i's invaluable aquatic and marine public trust resources.

By effectively repealing and/or prohibiting all gear restrictions for anyone claiming to be engaged in subsistence fishing, this measure would eliminate critical legal mechanisms that prevent highly efficient and/or highly harmful fishing methods from rapidly depleting our stream and nearshore fisheries. The use of poisons, electrofishing devices, small eye gill nets, drones, longlines with hundreds of hooks, and more could all be legalized under this measure, and used by any number of individuals who fish or who would claim to be fishing for "subsistence."<sup>1</sup> This in turn would compromise present and future generations' cultural, ecological, recreational, scientific, and economic interests in our ocean environment.

The legalization of highly efficient fishing gear could also result in a "Tragedy of the Commons" scenario, wherein a large proportion of fishers would be motivated to use such gear before others do so, and fisheries decline. This would result in the widespread use of such gear, and a resulting "tragic" decimation of our shared fishery resources. Notably, even a small group of individuals claiming "subsistence" and deploying cheap, thousand-plus foot monofilament laynet(s), as would be legalized under this measure, could wreak significant and long-term damage to our public trust ocean resources.

In addition, the inability of enforcement officers to determine in the field whether a person or group is actually fishing for their personal freezers, or for the commercial market, could also allow profit-motivated commercial fishers to use any and all gear with impunity, simply by claiming that they are fishing for "subsistence."

Finally, the removal of gear restrictions as a management tool and the relative unenforceability and/or nonexistence of current bag limits may force the DLNR to resort to area closures as its

---

<sup>1</sup> In 2011, the Hawai'i Department of Land and Natural Resources Hawai'i Recreational Fishing Survey estimated that there was approximately 157,000 recreational and subsistence fishers over the age of 16 in the islands. See Hawai'i Marine Recreational Fishing Survey, <https://dlnr.hawaii.gov/dar/fishing/hmrfs/> (last accessed Jan. 28, 2024).

only management option. This in turn could entirely foreclose subsistence fishing opportunities in closed areas.

In light of the profound negative ecological, cultural, recreational, food security, and economic impacts on our public trust resources that would result under the proposed bill, the Sierra Club respectfully urges the Committee to **HOLD** this measure.

Mahalo nui for the opportunity to testify.



February 11, 2024

COMMITTEE ON WATER AND LAND  
Senator Lorraine R. Inouye, Chair  
Senator Brandon J.C. Elefante, Vice Chair

DATE: Monday, February 12, 2024  
TIME: 1:00 PM  
PLACE: Conference Room 229 & Videoconference

**Strong Support**

HFACT **STRONGLY SUPPORTS** the proposed amendments as submitted by the Fishers Working Group.

The original bill, as written, was vague and confusing. It was poorly written. We believe the intent of the bill, that is, to recognize subsistence fishing as an important category of fishers is important as a consideration during fisheries management rulemaking.

Therefore, HFACT requests that the committee adopt the amendments as repeated below from the testimony of the Fishers Working Group. Please incorporate the following into the proposed bill:

- (1) Subsistence fishing is an important purpose for many residents of Hawaii. Many residents depend on the ocean as a food source.
- (2) Fishers subject to the rules of this bill intend to follow rules that currently exist, including rules that designate and manage marine managed areas throughout the state,
- (3) Fishers intend to follow all bag and size limits that currently exist and are published by the Division of Aquatic Resources,
- (4) Subsistence fishers will not use gear, manner of use, or harvest methods that would damage any fishery, future gear types that are deemed to be usable sustainably shall be allowed,
- (5) Identification of who specifically are considered subsistence fishers would be defined by the department of land and natural resources via a public process (Chapter 91 rulemaking) and may require a state registration or permitting system of identified subsistence fishers,
- (6) Directs DLNR to identify fish stocks that support subsistence fisheries and, if there is a harvestable surplus of these stocks, adopt regulations that provide reasonable opportunities for these subsistence uses to take place. Whenever it is necessary to restrict

***Hawai'i Fishermen's Alliance for Conservation and Tradition, Inc.***  
***1317 Moanalualani Way, Unit B, Honolulu HI 96819***

harvests, subsistence fisheries have a preference over other uses of the stock, but shall not be unreasonably withheld over other uses,

- (7) Directs DLNR to give preference to subsistence fishers on the use of permitted gear types and the manner of use and limitations of such gear types. Under no circumstance shall DLNR permit the use of gear types or harvest methods that are currently banned for harvesting food fish.

We thank Chair Inouye, Vice-Chair Elefante and the committee members for the opportunity to provide testimony to this important bill.

Mahalo and Aloha,

A handwritten signature in blue ink, appearing to read "Phil Fernandez", written over a light blue rectangular background.

Phil Fernandez  
President

[philferna@gmail.com](mailto:philferna@gmail.com)

**SB-3268**

Submitted on: 2/7/2024 12:57:31 PM

Testimony for WTL on 2/12/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Uilani Naipo	Testifying for Miloli'i CBSFA Administration (Kalanihale)	Oppose	Written Testimony Only

Comments:

I firmly **OPPOSE** this measure, both in its intent and specifics. This measure redefines Community-Based Subsistence Fishing Area HRS §188-22.6, contradicts Native Hawaiian traditional & customary fishing practices whereby in specifying gear restrictions allows us to maintain our traditional and customary practices and natural resources. CBSFA Co-managers, such as Hā'ena, Kīpahulu, and Miloli'i have codify our traditional and customary practices into the rules for our respective CBSFAs.

Gear restrictions are one of the basic tools used for marine resource management utilized by DAR. Allowing this to be overridden is taking away their powers to manage the fisheries they are responsible for.

As a state-recognized co-manager for Miloli'i CBSFA, our traditional and customary practices have been codified into our rule reflecting lawai'a practices of our place and who also maintain the stewardship of our waters. These rules have been worked through a laborious process of outreach and public hearing with nearby communities. Rules for each of our CBSFAs, MLCDS, FRAs are placed based and specify gear restrictions in order to manage NOT the fish, but manage fishers and their behavior (to include use of certain gear).

Please DEFER this measure.

U'ilani Naipo

Miloli'i CBSFA Administrator



**SB-3268**

Submitted on: 2/8/2024 12:36:58 PM

Testimony for WTL on 2/12/2024 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Laila Kaupu	Testifying for Miloli'i CBSFA Outreach & Biological Marine Monitoring Coordinator	Oppose	Written Testimony Only

Comments:

I strongly **OPPOSE** this measure.

Gear restrictions is a form of management, and should stay as form of management no matter subsistence or commercial.

With Kipahulu, Miloli'i and Ha'ena obtaing their CBSFA that has established rules utilizing gear limitations and restrictions, this measure fully contradicts subsistence fishing with gear restrictions under the CBSFA rule along with other marine managed areas like MLCDs, FRAs.

Don't contradict one of the only ways to better manage fishing and our marine resources period. Please DEFER this measure.

Laila Kaupu

Miloli'i CBSFA Outreach & Biological Marine Monitoring Coordinator, Kalanihale



February 8, 2024

To: Chair Inouye, Vice Chair Elefante, and the Senate Committee on Water & Land

Re: **STRONG OPPOSITION** to SB3268: Relating to Aquatic Resources

Aloha Chair Inouye, Vice Chair Elefante, and the Senate Committee on Water & Land,

We respectfully write in **STRONG OPPOSITION** to SB3268 which would repeal all gear restrictions for anyone claiming to be engaged in subsistence fishing.

Native Hawaiian traditional and customary fishing practices incorporate rules (including gear restrictions) that protect our natural resources. Exempting everyone who has lived in Hawai'i for one year from these rules would have a catastrophic, negative impact on our already threatened resources.

Currently, gear restrictions include the use of explosives, poisons (such as bleach), chemicals, electrofishing devices, firearms, small eye gill nets, drones, longlines with hundreds of hooks, drift gill nets, and more. Under this measure, intended or not, these would all be legal and could be used by any number of individuals who fish or who would claim to be fishing for "subsistence."

Additionally, this bill seems to aim to exempt individuals from having to follow the rules of protected fishing areas such as in Community Based Subsistence Fishing Areas (CBSFA's) where additional gear restrictions are in place. Examples of gear restrictions in CBSFA's include size limits on he'e sticks and using three-prong spears instead of spear guns. As a reminder, the rules in these designated areas have been thoroughly vetted by the community through the Chapter 91 process and are successfully in place to ensure abundant resources for future generations.

Our marine resources are fragile and it is up to all of us to ensure their abundance is protected and maintained for future generations. Respectfully, MPW **STRONGLY OPPOSES SB3268** and hopes this bill will not advance.

*Mālama Pūpūkea-Waimea (MPW) is a grassroots, community non-profit that actively works to care for, educate about, and protect our fragile, near-shore marine ecosystems. Our mission is "working to replenish and sustain the natural and cultural resources of the Pūpūkea and Waimea ahupua'a for present and future generations through active community stewardship, education, and partnerships."*

Mahalo for the opportunity to provide testimony,

*Jenny Yagodich*

Jenny Yagodich  
Director of Educational Programs &  
Makai Watch Coordinator

**Mālama Pūpūkea-Waimea**  
Post Office Box 188  
Hale'iwa, HI 96712

**Board of Directors**

*Denise Antolini  
Keelan Barcina  
Anne Chung  
Olan Leimomi Fisher  
Bob Leinau  
Jacqueline Leinau*

**Advisory Council**

*Athline Clark  
John Cutting  
Dr. Alan Friedlander  
Debbie Gowensmith  
Maxx E. Phillips  
Bill Quinlan  
Palakiko Yagodich*

**Staff**

*Jenny Yagodich, Director of  
Educational Programs &  
Makai Watch Coordinator*

**Federal Nonprofit Organization**  
501(c)(3) FEIN 27-0855937  
[www.pupukeawaimea.org](http://www.pupukeawaimea.org)

**SB-3268**

Submitted on: 2/10/2024 3:07:10 PM

Testimony for WTL on 2/12/2024 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Inga Gibson	Testifying for For the Fishes	Oppose	Written Testimony Only

Comments:

Dear Chair Inouye and Water & Land Committee Members,

For the Fishes opposes SB3268 which would exempt any resident fishing for unsubstantiated and self-proclaimed "subsistence purposes" from ANY rule, ordinance or law. This bill would take any and all progress Hawai'i has made in protecting our marine environment back more than 50 years.

This bill would allow for the use of some of the most locally, nationally and internationally recognized destructive fishing practices to occur, not only harming the individual animal and other non-target animals, but potentially destroying our fragile ocean and reef environments.

Examples of destructive fishing practices that would be completely legal under this bill include the use of drones, shooting/firearms, gaffing, slurp-guns, explosives, gill-netting, trawling, slip-netting, and many more.

This all leads to:

- Direct overexploitation of fish, invertebrates, and algae
- Removal of a species or group of species impacting multiple trophic levels
- By-catch and mortality of non-target species
- Changes from coral to algal dominance due to reduction in herbivores
- Physical impacts to reef environments from both fishing methods and tge vessels used

All of these mpacts would be exacerbated given they are combined with other threats such as climate change, coral bleaching, coral disease, overfishing, and land-based sources of pollution.

No person should be above the law and exempt from any and all rules, current or in the future. We urge the Committee to reject this bill in its entirety

Thank you,

Inga Gibson

For the Fishes



**SB-3268**

Submitted on: 2/11/2024 3:37:25 AM

Testimony for WTL on 2/12/2024 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Cora Schnackenberg	Testifying for DHHL Waitlisters under AHHL and Ahonui Association (waitlisters).	Support	Written Testimony Only

Comments:

SUPPORT SB3268

Association of Hawaiian Homestead Lands and Ahonui are DHHL waitlisters. These beneficiaries should be given free choice in ways they can afford (what to use, where to go, and how much need) to gather food for their ohana without restrictions as their Hawaiian rights intended them to do so.

Mahalo, Cora Schnackenberg

**SB-3268**

Submitted on: 2/11/2024 9:35:40 AM

Testimony for WTL on 2/12/2024 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Robert Culbertson	Testifying for Big Island Reef Keepers hui	Oppose	Written Testimony Only

Comments:

Aloha Senators!

This is bad legislation at its core. It flies in the face of the overarching principles and policy designs that the State has been trying to implement with the values of our communities at heart.

And as a community, we won't be welcoming back the return of 'bleach bottle' fishing practices any time soon!

Please kill this bill...not our reefs!

R A Culbertson,

member Big Island Reef Keepers hui

Honokaa

**SB-3268**

Submitted on: 2/11/2024 10:40:03 AM

Testimony for WTL on 2/12/2024 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Phil Fernandez	Testifying for Fishers Working Group	Support	Written Testimony Only

Comments:

The following members of the Fishers Working Group reviewed and discussed SB3268. The members in attendance were:

**Mike Sur**

**Godfrey Akaka**

**Randy Cates**

**Phil Fernandez**

**Klayton Kubo**

**Gil Kualii**

**Steve Kaiser**

**Spencer VanDerKamp**

**Kapono Gaughen**

Not in attendance were members Darrell Tanaka and Ed Watamura, both excused absences.

The group concluded that the intent of the bill includes the following and the group suggests amendments that reflect the following:

1. Subsistence fishing is an important purpose for many residents of Hawaii. Many residents depend on the ocean as a food source.
2. Fishers subject to the rules of this bill intend to follow rules that currently exist, including rules that designate and manage marine managed areas throughout the state,
3. Fishers intend to follow all bag and size limits that currently exist and are published by the Division of Aquatic Resources,
4. Subsistence fishers will not use gear, manner of use, or harvest methods that would damage any fishery, future gear types that are deemed to be usable sustainably shall be allowed,

5. Identification of who specifically are considered subsistence fishers would be defined by the department of land and natural resources via a public process (Chapter 91 rulemaking) and may require a state registration or permitting system of identified subsistence fishers,
6. Directs DLNR to identify fish stocks that support subsistence fisheries and, if there is a harvestable surplus of these stocks, adopt regulations that provide reasonable opportunities for these subsistence uses to take place. Whenever it is necessary to restrict harvests, subsistence fisheries have a preference over other uses of the stock, but shall not be unreasonably withheld over other uses,
7. Directs DLNR to give preference to subsistence fishers on the use of permitted gear types and the manner of use and limitations of such gear types. Under no circumstance shall DLNR permit the use of currently banned gear types or harvest methods.

The members of the group in attendance **strongly support** the bill with the inclusion of these amendments.

We thank the chair, vice-chair, and members of the committee for allowing us to provide comments on this important matter.





Feb 12, 2024

House Committee on Water & Land  
Conference Room 430, 9:00AM  
Testimony in Opposition to HB1948

**LATE**

Me ka ha'aha'a,

The Ka'ūpūlehu Marine Life Advisory Committee (KMLAC) **strongly opposes SB3268** (and its companion H1948).

The KMLAC and the many 'ohana that represent it have spent decades and generations stewarding the biocultural resources of Ka'ūpūlehu, and supporting other communities doing the same for their coasts. In 1998, Act 306 became law, which established the West Hawai'i regional fisheries management area, and mandated the implementation of marine reserves within it, with the intent to properly and successfully manage the coast of West Hawai'i.

In 2016, KMLAC fulfilled the mandate set by Act 306 by designating the first marine reserve in West Hawai'i. Currently, no person may take or attempt to take any specimen of aquatic life while within the Ka'ūpūlehu Marine Reserve (§13-60.4-5(d)(1)). As a result of this decades long effort, we have witnessed the increase in fish populations and the subsequent revitalized health of our nearshore resulting from our community-led management and rulemaking.

SB3268 is a dangerous bill that directly goes against decades of legislation, and community-led management in Ka'ūpūlehu and across the pae'āina. The repealing of gear restrictions would have incredibly far-reaching impacts with the potential to undo decades of hard-earned ecological resilience.

KMLAC strongly opposes SB3268 and urges Chair Inouye, Vice Chair Elefante, and members of the Water & Land Committee to **hold** this measure.

'O mākou nō me ka 'oia'i'o,

Hannah Kihalani Springer,

Kaikea Nakachi,

For the Ka'ūpūlehu Marine Life Advisory Committee

**SB-3268**

Submitted on: 2/11/2024 8:24:56 AM

Testimony for WTL on 2/12/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Maki Morinoue	Individual	Oppose	Remotely Via Zoom

Comments:

Aloha

**I STRONGLY OPPOSE SB3268**

This is *unconstitutional* and *removes the strong recommendations made by our Native Hawai'i subsistence fishing practitioners' gear restriction rules* that have been put forward to reaffirm and protect fishing practices customarily and traditionally exercised for purposes of Native Hawaiian subsistence, culture, and religion!

The right to Native Hawaiian traditional and customary fishing practices in rules, whereby they recommend gear restrictions based on 100s of years of practice and observation and critical reasoning for restoration, regeneration, and sustaining a thriving life in our bays and oceans.

Please OPPOSE this bill that continues to be misaligned with our Native Hawaiian practitioners, the Hawai'i State Constitution, and our Hawai'i State motto to perpetuate life in balance. This would bring life out of balance and impinge on the very traditions put forward.

We are at critical over capacity on tourism, overfishing for commercial profits as ike Hawai'i and western scientists continue to warn our legislative leaders that coral collapse IS AT STAKE. With that, ALL life in the ocean is at stake. Phytoplankton that provide 70% of Earth's oxygen is at stake! Stop introducing and passing backward-thinking bills that support money-hungry industries. Repair, repair, repair our ecosystem, which is endangered by the greed of human profit margins fishing beyond our capacity on each island by any means, like lifting gear restrictions. This gear lifting is threatening to the well-being of our bays.

Please oppose this bill.

Maki Morinoue  
Holualoa, Hawai'i Island

**SB-3268**

Submitted on: 2/7/2024 10:41:49 AM

Testimony for WTL on 2/12/2024 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kelden Yagin	Individual	Support	Written Testimony Only

Comments:

I support, sb3268. My ohana and friends gather using different methods and accordingly to rules and regulations in place. We do not need or want any new restrictions hindering our gathering rights and practices.

Efforts should be going after invasive species ,Roi,ta'ape,toau so on, and lifting restrictions on some invasive species such and Samoan crab that has size limit and male only take. Why control invasive?

**SB-3268**

Submitted on: 2/8/2024 11:38:21 AM

Testimony for WTL on 2/12/2024 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Laa Poepoe	Individual	Oppose	Written Testimony Only

Comments:

La'a Poepoe from molokai submitting testimony in OPPOSITION

-i'm a native hawaiian who catches fish to supplement my household food supply.

-i have no difficulty catching more than enough fish with the rules and regulations that we have in place now.

-the content of this bill allows abusive fishing practices, regardless of if it was not the intent of the bill, the actual words used in this bill clearly deregulates abuse.

-this bill will negatively impact my ability to exercise traditional & customary practices.

**SB-3268**

Submitted on: 2/8/2024 8:52:15 PM

Testimony for WTL on 2/12/2024 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Joseph Wat	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill. Please take into consideration the following testimony of Kua‘āina Ulu ‘Auamo (KUA). Long term health of our oceans and reefs to feed the people of Hawai‘i long into the future MUST be a priority.

KUA strongly opposes SB3268, as a dangerous attempt to allow for no fishing gear restrictions for anyone who has lived in Hawai‘i for one year and claims to be a “subsistence” fisher. We also opposed its companion, HB1948, which was deferred in its first hearing by the House Committee on Water and Land, and for good reason. Most concerning, these bills would allow any one-year Hawai‘i resident to fish using explosives, chemicals, poisons, and intoxicants. Fishing gear restrictions, including prohibitions on explosives, chemicals, poisons, and intoxicants, have been carefully developed to protect, and counteract the continuing depletion of, our precious nearshore resources. As such, KUA questions whether these measures have been vetted and supported by the state’s Division of Aquatic Resources. Even so, we do not see the benefit of allowing for more ways to harm our already dwindling and overfished marine life, including the use of explosives and chemicals that would likely cause serious harm to not only the animals themselves, but also the surrounding fragile ecosystems. This measure is far too broad and works directly against achieving ‘āina momona to ensure healthy and thriving biocultural resources for our generations to come.

Aloha,

- joe

**SB-3268**

Submitted on: 2/8/2024 9:35:20 PM

Testimony for WTL on 2/12/2024 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Shantell SanAgustin	Individual	Support	Written Testimony Only

Comments:

I support this bill and hope this goes thru

Testimony Before The  
Senate Committee on Water and Land (WTL)  
**IN OPPOSITION TO SB3268**  
February 12, 2024, 1:00 PM, Room 229  
Via Zoom

I am Amanda Millin from Mānoa representing myself as a loko i‘a practitioner. I have worked as a program manager at both Mālama Loko Ea (a loko i‘a in Haleiwa) and Mālama Pu‘uloa (a loko i‘a in ‘Ewa.) Currently, I help mālama Huilua loko i‘a in Kahana Bay and Pāhonu loko i‘a in Waimānalo, while being an active member in the Cross-Pacific Indigenous Aquaculture Collaborative. I also am co-founder and director of Pacific Hashulap—an organization that connects seafarers and fishpond practitioners from across the Pacific.

**I strongly oppose SB3268, as a dangerous attempt to allow for no fishing gear restrictions for anyone who has lived in Hawai‘i for one year and claims to be a “subsistence” fisher.** I also opposed its companion, HB1948, which was deferred in its first hearing by the House Committee on Water and Land, and for good reason. Most concerning, these bills would allow any one-year Hawai‘i resident to fish using explosives, chemicals, poisons, and intoxicants. Fishing gear restrictions, including prohibitions on explosives, chemicals, poisons, and intoxicants, have been carefully developed to protect, and counteract the continuing depletion of, our precious nearshore resources. As such, I question whether these measures have been vetted and supported by the state’s Division of Aquatic Resources. Evenso, I do not see the benefit of allowing for more ways to harm our already dwindling and overfished marine life, including the use of explosives and chemicals that would likely cause serious harm to not only the animals themselves, but also the surrounding fragile ecosystems. **This measure is far too broad and works directly against achieving ‘āina momona to ensure healthy and thriving biocultural resources for our generations to come.**

Mahalo for this opportunity to submit testimony in strong opposition. **Please hold SB3268.**

**Aloha ‘Āina Momona no nā kau ā kau.**

**SB-3268**

Submitted on: 2/9/2024 8:00:16 AM

Testimony for WTL on 2/12/2024 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Clemens Mayer	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I am Clemens Mayer of Kaimuki.

I strongly OPPOSE bill SB3268 and urge the senate to not pass this bill.

Mahalo a nui



**SB-3268**

Submitted on: 2/10/2024 12:19:52 PM

Testimony for WTL on 2/12/2024 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Godfrey Akaka	Individual	Support	Remotely Via Zoom

Comments:

Aloha, my name is Godfrey Akaka Jr. I am Kanaka Maoli, a cultural practitioner, hunter, fisher, gatherer. I am also the President for The Native Hawaiian Gathering Rights Association and I am speaking and representing not all, but many families across the State.

We support this bill in the spirit of Article 12 Section 7 of the Hawaii State Constitution. Hawaiian culture customary practices for many generations is eating fish that we gather from our ocean. These customary practices are being infringed upon and attacked by globalists who believe that to save the environment, they need to stop people from catching fish. The way our customary practices and gathering rights are being infringed on and taken away are through heavy handed gear restrictions.

Throughout history our cultural practices have included many diverse forms of gathering all the way into the 20th century which includes innovative types of gear. Some of the types of gear used for gathering fish include: Laynet, throw net, bagnet, dive gear, 3 prong sling, spear gun, pole fishing, etc. We also include night diving and night fishing as forms of gathering. Even power driven boats with GPS and Sonar technology are used to efficiently and effectively catch fish to support and sustain our diets.

The argument our opposition has should not be how we as a people gather to eat, as long as it is environmentally safe, but the argument should be if our resources we are gathering are sustainable. And if studies show that our resources are sustainable, then there should be no argument. Further, the studies done should be consistent, non-biased, and tested for integrity.

We do not support forms of gathering that damage our environment such as use of chemicals and explosives. We support amendments to this bill to clarify if that is an issue. We also do not support abuse of current gear used in a way that damages the environment. Those issues should

have rules in place to allow the gear, but, consequences should the gear be neglected in a way that damages the environment or poses safety hazards.

We respectfully urge you to move this Bill forward as this is a vital part of not only our cultural and customary practices, but our way of life as human beings.

Mahalo for your time and attention to this matter,

Respectfully,

Godfrey Akaka Jr. (NHGRA President)

**SB-3268**

Submitted on: 2/10/2024 3:24:23 PM

Testimony for WTL on 2/12/2024 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Joey Jenks	Individual	Support	Written Testimony Only

Comments:

As a native Hawaiian I feel I should not be regulated more than I already am to provide for my Ohana.

**SB-3268**

Submitted on: 2/10/2024 8:59:05 PM

Testimony for WTL on 2/12/2024 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
JODEAN KM AKAKA	Individual	Support	Written Testimony Only

Comments:

I support SB3268 to protect our native Hawaiian gathering rights and our subsistence fishing practices. Our cultural and traditional practices are innovative and effective practices to catch fish. Our traditional and customary practices are that we catch our own fish from our own ocean to eat and feed and family. My name is JoDean Mawae Akaka. I grew up in a hunting, fishing, farming, gathering family. Subsistence is our way of life handed down to us from our Kupuna. I'm a 4th generation subsistence gatherer, my adult children are 5th generation gatherers and we are raising our grandchildren to be subsistence gatherers who are 6th generation. My dad is 100% Hawaiian and my mom is 50% Hawaiian. Please help us stop anti fishers from taking away our tools that provide for our family.

MAHALO!

**SB-3268**

Submitted on: 2/11/2024 7:00:19 AM

Testimony for WTL on 2/12/2024 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
MATTHIAS ASANO	Individual	Support	Written Testimony Only

Comments:

Let the Hawaiians do what we have been taught by our ancestors. Here on Moloka'i we know how to survive and to live off our land. This is our Native Gathering Right  and Noone has the authority to take it away, stop us, or manage it.

**SB-3268**

Submitted on: 2/11/2024 8:16:39 AM

Testimony for WTL on 2/12/2024 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kaulanarose	Individual	Support	Written Testimony Only

Comments:

I support the SB3268 relating to aquatic resources. I come from a fishing 'ohana and was born and raised on Moloka'i. There are too many non profits trying to stop subsistence fishing families from gathering and providing for their families.

**SB-3268**

Submitted on: 2/11/2024 8:36:20 AM

Testimony for WTL on 2/12/2024 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Layson Hoewaa	Individual	Support	Written Testimony Only

Comments:

I support 3268 SB. I live on Moloka'i and support this bill because there are too many non profits trying to prevent traditional lawai'a from fishing.

THE SENATE  
KA 'AHA KENEKOA

THE THIRTY-SECOND LEGISLATURE  
REGULAR SESSION OF 2024



COMMITTEE ON WATER AND LAND  
Senator Lorraine R. Inouye, Chair  
Senator Brandon J.C. Elefante, Vice Chair

NOTICE OF HEARING

DATE: Monday, February 12, 2024  
TIME: 1:00 PM  
PLACE: Conference Room 229 & Videoconference  
State Capitol  
415 South Beretania Street

RE: SB3268 RELATING TO AQUATIC RESOURCES

Testimony in Support of SB3268

Aloha Chair Inouye, V-Chair Elefante and Members of the Committee on Water and Land:

I am Roy Morioka, a fisherman and strong supporter of sustainable fisheries that provides nutritious food for the State of Hawaii and thank you for this opportunity to testify in SUPPORT of this measure that provides a fair access to ALL of Hawaii's residents to our State's natural resources.

Over the years, the DLNR has failed the broader community through the implementation of statutes and rules that deny free and open access to our State's aquatic resources through divisive measures such as the Community-Based Subsistence Fishing Management Areas and more recently yet to be codified herbivore rules. Alienating and dividing communities fails the ALOHA spirit embraced by the indigenous Hawaiian culture that is Hawaii. I strongly urge that we reassess the process of natural resource management and return to embracing the tried and true practices that the indigenous community left for us to follow that begins with the wise use of the wa'i.

Our failed kuleana to effectively manage the wa'i, the life blood of our island communities has resulted in a myriad of regulations and rules that fail to ensure the conservation and sustainability of this most precious and finite natural resource. We have shrunk the water table that has dried our streams, destroyed or filled the ponds and muli'wai that provided the much needed habitat for the pua and settling basin for the surface runoff of rainwater effectively destroying a critical element of island ecosystems. In addition, I strongly believe that our failure to adhere to HRS226 that was enacted soon after Statehood has led to our collective failure to ensure the future sustainability of our islands by ignoring and addressing the limited carrying capacity of each island.

Mahalo a nui loa for hearing my testimony in SUPPORT of this bill and for your consideration of my deep concern of the current practice of promulgating regulations and rules that fail to promote equity for all concerned, fails to address the root cause of our diminishing natural resources and to ensure a sustainable future for Hawaii.

Respectfully,  
Roy N. Morioka